

THE STATE OF NEW HAMPSHIRE

CHAIRMAN
Thomas B. Getz

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Clifton C. Below

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AND SECRETARY
Debra A. Howland



PUBLIC UTILITIES COMMISSION

21 S. Fruit Street, Suite 10
Concord, N.H. 03301-2429

Tel. (603) 271-2431

FAX (603) 271-3878

TDD Access: Relay NH
1-800-735-2964

Website:
www.puc.nh.gov

May 13, 2009

Scott F. Eaton, Director
Administrative Rules Division
Office of Legislative Services
State House Annex, Room 219
25 Capitol Street
Concord, New Hampshire 03301

Re: Puc 1300 – Pole Attachments
PUC Docket: DRM 08-004

Dear Mr. Eaton:

Enclosed please find revised documents to be filed with your office regarding the above-referenced docket:

- 1) Revised Appendix II-C, Rulemaking Notice Form (2 Copies).

2 copies of Fiscal Impact Statement 09:074 and 'Puc 1300 – Initial Proposal Annotated Text' and Cross Reference Table (Appendix) were previously filed with your office on May 12, 2009. Please disregard the filing of 'Puc 1300 – Initial Proposal – Fixed Text' as it is not needed in this Initial Proposal filing, as per your correspondence.

Please include the Rulemaking Notice Form in the next available Rulemaking Register.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas B. Getz", with a stylized flourish at the end.

Thomas B. Getz
Chairman

Enclosures

APPENDIX II-C

RULEMAKING NOTICE FORM

Notice Number _____ Rule Number Puc 1300

<p>1. Agency Name & Address:</p> <p>Public Utilities Commission 21 South Fruit Street Suite 10 Concord, NH 03301</p>	<p>2. RSA Authority: <u>RSA 374:34-a, III</u></p> <p>3. Federal Authority: <u>47 U.S.C. § 224(c)</u></p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Amendment _____</p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment <u>X</u></p>
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5. Short Title: **Puc 1300 – POLE ATTACHMENTS**

6. (a) Summary of what the rule says and the effect of the rule on those regulated:

Puc 1300, pursuant to the mandate of RSA 374:34-a, provides for regulation by the State Public Utilities Commission rather than the Federal Communications Commission of rates, charges, terms and conditions of utility pole attachments that are just, reasonable and in the public interest.

The proposed revisions codify specific issues and procedures related to the attachment of electric, telecommunications, and cable facilities to utility poles, including definitions, notification procedures for the addition of attachments and modifications thereof, standards for installation and maintenance of attachments, and standards and procedures for dispute resolution. The effect of these revisions is to create more clarity and predictability for pole owners and attaching entities with respect to the attachment and maintenance of such facilities on utility poles.

6. (b) Brief description of the groups affected: **Public utilities that own or co-own utility poles, and entities such as electric service providers, telecommunications providers, cable television providers and municipalities that have facilities attached to such poles and/or that seek such attachments.**

APPENDIX II-C (Continued)

RULEMAKING NOTICE FORM - Page 2

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule	Applicable Statute
Puc 1300	RSA 374:3; RSA 374:34-a

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Lynn Fabrizio, Esq.**
 Address: **21 South Fruit Street**
Suite 10
Concord, NH 03301

Title: **Staff Attorney**
 Phone #: **603-271-6030**
 Fax#: **603-271-3878**
 E-mail: **lynn.fabrizio@puc.nh.gov**
 TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **June 25, 2009**

☒ Fax

☒ E-mail –

☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **June 18, 2009 at 9:00 AM**

Place: **Public Utilities Commission**

21 South Fruit Street, Suite 10

Concord, NH 03301

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # **09:074** dated **May 8, 2009**

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution: **The proposed rules do not modify an existing program or responsibility in any way that violates Part I, Article 28-a.**

APPENDIX II-C

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**Public Utilities Commission
21 South Fruit Street
Suite 10
Concord, NH 03301**

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3. Federal Authority: 47 U.S.C. § 224(c)

4. Type of Action:

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Amendment _____

Repeal _____

Readoption _____

Readoption w/amendment X

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