

DT08-038

November 7, 2007

Debra Howland  
Executive Director  
New Hampshire Public Utilities Commission  
210 South Fruit St, Ste 10  
Concord, NH



Dear Ms. Howland:

Re: MOTION for Waiver of NH Administrative Rules  
CONFIDENTIAL TREATMENT REQUESTED

segTEL, Inc. respectfully requests a waiver of the following New Hampshire Administrative Rules:

Puc 433.01 Construction, Installation and Maintenance of Physical Plant;  
~~Puc 433.02 Restoration of Service;~~ and  
Puc 433.06 Quality of Service Standards

for a period not to exceed ninety days from the date of this letter.

segTEL has fiber optic facilities which support its network installed on hundreds of poles in Hanover and Lebanon, New Hampshire. Over the past two months, the municipalities of Hanover and Lebanon have had a contracted company, Eustis Cable Enterprises, Ltd., installing unlicensed messenger strand, fiber optic cable, and copper cable on poles in Lebanon and Hanover. This installation has taken place without the benefit of engineering surveys to ensure that the poles can handle the additional load, and the attachments have been found, by independent inspection (attached), to be out of compliance with the National Electric Safety Code.

Despite a New Hampshire District Court injunction prohibiting Hanover and its contractor from interfering in any way with segTEL's equipment located anywhere in Hanover (attached) issued October 19, 2007, and a Grafton County Superior Court injunction issued November 5, 2007, requiring Hanover to defer its network until public safety concerns can be evaluated, Hanover has continued its reckless and unsafe installation, and has deliberately and maliciously interfered with segTEL's network (see attached photo).

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Since the Town has shown its disregard for the authority of the law, segTEL has no choice but to request a waiver of the aforementioned rules, as the condition of our network and our ability to provide uninterrupted service is unavoidably at risk.

Please note that segTEL requests confidential treatment of this confidential submission pursuant to RSA 378:43. Specifically, the information contained herein is not general public knowledge or published elsewhere; segTEL has taken measures to prevent the dissemination of the information during the ordinary course of business; and the information pertains to the provision of competitive services and/or sets forth confidential financial and commercial information.

Sincerely,

*//s Kath Mullholand*

Kath Mullholand  
Chief Operations Officer

Cc: Kate Bailey  
Randy Knepper  
Kevin Shea, Verizon