

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DT 10-280

MERRIMACK COUNTY TELEPHONE COMPANY

**Petition for License to Construct and Maintain Cables Across the Public Waters of the
North Branch River in the Town of Antrim, New Hampshire**

Order *Nisi* Granting License

ORDER NO. 25,223

May 18, 2011

On October 19, 2010, Merrimack County Telephone Company (Merrimack) filed a petition with the Commission pursuant to RSA 371:17 for a license to construct and maintain two copper telecommunications lines across the North Branch River in Antrim, New Hampshire. Merrimack subsequently supplemented its filing on April 12, 2011, with additional information. The location of the crossing is on the easterly side of the Old North Branch Road Bridge and is approximately 0.1 miles north of the intersection of New Hampshire Routes 9 and 31. Merrimack states in its petition that new communication facilities are required to support service to existing customers and indicates that the facilities will accommodate service to customers as the Old North Branch Road Bridge is replaced under New Hampshire Department of Transportation ("NHDOT") State Project #14944 (Federal Project #X-A000 (927)).

In support of its petition, Merrimack submitted related exhibits as follows: a location plan depicting the geographic location of the proposed crossing; a detailed plan view of the crossing location; a plan and profile drawing depicting the location and projected elevations of the

proposed crossing; pole construction details; and pole loading analysis reports for the poles at the crossing and sag calculations for the ambient and weather conditions analyzed.

Merrimack states that the new communications crossing will have the same alignment as the existing electrical crossing and will use the existing poles at the crossing location. Merrimack will add the new facilities to the existing poles. Additionally, Merrimack states that no New Hampshire Department of Environmental Services or NHDOT permits are necessary for the construction of this crossing.

Merrimack investigated a multitude of weather and loading conditions for its design. The conditions investigated included ANSI C2-2007 Heavy Load conditions and 120 degrees Fahrenheit. As designed by Merrimack, the maximum sag of the copper cables would occur when the copper cables are at NESC Heavy Load conditions. At this condition, Merrimack calculates that at minimum clearance, the copper cables would remain 31.4 feet above the 100-year flood level of 880 feet and 22.1 feet above the land or road. As designed, all clearances exceed NESC requirements.

The NESC further requires that the copper cables located in the communication space be separated by 40 inches from the electric company neutral conductor at the pole according to NESC Table 238-1.2. Merrimack exceeds this requirement with a separation of 52 inches.

Copper cables are required to have a minimum separation of 30 inches from the electric utility company neutral at any point under NESC Rule 235.C.2.b. Merrimack determined that the minimum clearance occurs when the copper cables are at 30 degrees Fahrenheit without ice and the PSNH neutral conductor is at NESC Heavy Load conditions. Under those conditions, the

minimum separation is 42.6 inches. Merrimack states that Merrimack and PSNH are the only entities on the structures and that no other clearance requirements have been identified.

Merrimack asserts that the use and enjoyment of these waters by the public will not be diminished in any material respect as a result of the proposed crossing with copper communication cables. Merrimack further attests that the construction of the crossing will be built in accordance with the requirements of the NESC, ANSI C2-2007 for Grade B construction and that the crossing will be maintained and operated in accordance with the NESC.

RSA 371:17 provides in relevant part that:

Whenever it is necessary, in order to meet the reasonable requirements of service to the public, that any public utility should construct a ...or a line of poles or towers and wires and fixtures thereon, over, under or across any of the public waters of this state...it shall petition the commission for a license to construct and maintain the same... "Public waters," are defined to be all ponds of more than 10 acres, tidewater bodies, and such streams or portions thereof as the Commission may prescribe.

We find that the portion of the North Branch River in Antrim covered by this petition is a public water under RSA 371:17.

On April 26, 2011, Staff of the Public Utilities Commission (Staff) filed its recommendation to approve of the petition. Staff indicated that the petition was reviewed by its engineering consultant, The Accion Group (Accion), and that according to Accion, Merrimack provided sufficient information to justify construction of the proposed water crossing. Accion further stated that, if the proposed facilities are constructed, operated, and maintained as proposed in its filing, Merrimack will be able to provide safe and reliable communications

service to the public based on sound engineering standards and the 2007 National Electrical Safety Code.

Based on the information presented by Merrimack, the review and recommendation of Accion, and Staff's April 26, 2011 Memorandum recommending approval of the petition, we find this crossing necessary for Merrimack to meet the reasonable requirements of reliable service to the public within Merrimack's authorized franchise area as required by RSA 371:17, and that the requested license may be exercised without substantially affecting the public rights in the affected public waters, as required for approval under RSA 371:20. We find that the crossing is in the public good and we approve the petition on a *nisi* basis in order to provide any interested party the opportunity to submit comments on said petition or to request a hearing.

Based upon the foregoing, it is hereby

ORDERED *NISI*, that subject to the effective date below, Merrimack is authorized, pursuant to RSA 371:17 *et seq.*, to construct, maintain and operate two copper communications lines with a messenger cable over and across the public waters described in its petition and depicted in its exhibits submitted October 19, 2010, supplemented on April 12, 2011, and on file with this Commission; and it is

FURTHER ORDERED, that all construction and future reconstruction to this approved crossing shall conform to the requirements of the National Electrical Safety Code and all other applicable safety standards in existence at that time; and it is

FURTHER ORDERED, that Merrimack maintain and operate this crossing in conformance with the National Electrical Safety Code; and it is

FURTHER ORDERED, that Merrimack shall provide a copy of this Order to the (i) Town Clerk of Antrim, (ii) New Hampshire Attorney General and the owners of the land bordering on said public waters at the location of the crossing, pursuant to RSA 371:19, (iii) Public Service Company of New Hampshire, and (iv) pursuant to RSA 422-B:13, the New Hampshire Department of Transportation and the Office of Secretary, U.S. Department of Commerce by first class mail, no later than May 23, 2011, and to be documented by affidavit filed with this office on or before May 31, 2011; and it is

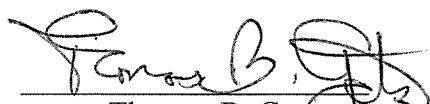
FURTHER ORDERED, that Merrimack shall cause a copy of this Order *Nisi* to be published once in a statewide newspaper of general circulation or of circulation in those portions of the state where operations are conducted, such publication to be no later than May 23, 2011 and to be documented by affidavit filed with this office on or before May 31, 2011; and it is

FURTHER ORDERED, that all persons interested in responding to this Order *Nisi* be notified that they may submit their comments or file a written request for a hearing which states the reason and basis for a hearing no later than May 25, 2011 for the Commission's consideration; and it is

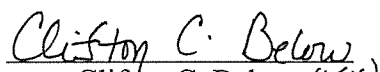
FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than May 27, 2011; and it is

FURTHER ORDERED, that this Order *Nisi* shall be effective May 31, 2011, unless Merrimack fails to satisfy the publication obligation set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date.

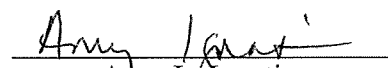
By order of the Public Utilities Commission of New Hampshire this eighteenth day of
May, 2011.



Thomas B. Getz
Chairman

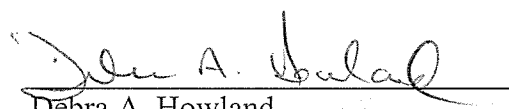


Clifton C. Below (KNS)
Commissioner



Amy L. Ignatius
Commissioner

Attested by:



Debra A. Howland
Executive Director

MEREDITH A HATFIELD
OFFICE OF CONSUMER ADVOCATE
21 SOUTH FRUIT ST STE 18
CONCORD NH 03301

THOMAS E MURRAY
TDS TELECOM
24 DEPOT SQUARE UNIT 2
NORTHFIELD VT 05663

05/18/11 Order No. 25,223 issued and forwarded to all parties.
Copies given to PUC Staff.

Docket #: 10-280 Printed: May 17, 2011

FILING INSTRUCTIONS: **PURSUANT TO N.H. ADMIN RULE PUC 203.02(a),**
WITH THE EXCEPTION OF DISCOVERY, FILE 7 COPIES (INCLUDING COVER LETTER) TO:
DEBRA A HOWLAND
EXEC DIRECTOR & SECRETARY
NHPUC
21 SOUTH FRUIT STREET, SUITE 10
CONCORD NH 03301-2429