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*Please Respond to the Exeter Office*

November 7, 2005

Debra Howland, Executive Director  
New Hampshire Public Utilities Commission  
21 South Fruit St., Suite 10  
Concord, NH 03301-2429

Re: DM 05-172/In the Matter of Utility Pole Investigation

Dear Ms. Howland:

Enclosed please find an original and eight (8) copies of a Petition to Intervene in the above-captioned matter on behalf of the municipalities of Exeter, Hanover, Keene, Newmarket, Portsmouth, Raymond, Salem, Seabrook and Stratham, together with a diskette containing the Petition to Intervene. The document is in Word 2000 format.

We have also enclosed a copy of this letter and the Petition to Intervene. Please date-stamp this document to evidence your receipt and return the date-stamped copy to us in the enclosed return envelope.

A copy of the foregoing has been forwarded this date to the persons listed on the service list attached to the Petition.

Very truly yours,

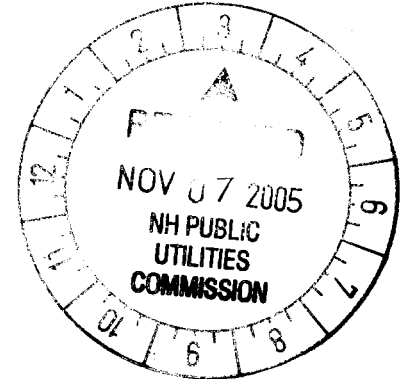
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RDC/ew  
Enclosures

cc: Municipalities  
Service List

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PORTSMOUTH OFFICE:

KEARSARGE HOUSE, 104 CONGRESS STREET, SUITE 304, PORTSMOUTH, NEW HAMPSHIRE 03801  
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STATE OF NEW HAMPSHIRE  
BEFORE THE  
PUBLIC UTILITIES COMMISSION

DM 05-172

Utility Pole Investigation

**Petition of Municipalities of Exeter, Hanover,  
Keene, Newmarket, Portsmouth, Raymond,  
Salem, Seabrook and Stratham to Intervene**

NOW COME the Municipalities of Exeter, Hanover, Keene, Newmarket, Portsmouth, Raymond, Salem, Seabrook and Stratham, by and through their attorneys, DONAHUE, TUCKER & CIANDELLA, PLLC, and move the Commission to grant the Municipalities of Exeter, Hanover, Keene, Newmarket, Portsmouth, Raymond, Salem, Seabrook and Stratham ("Municipalities") intervenor status, without limitation, pursuant to RSA 541-A:32 and N.H. Administrative Rule, PUC 203.02. In support of this motion, the Municipalities state:

1. The Municipalities are municipal corporations duly organized pursuant to New Hampshire state law.
2. On 24 October 2005, the Public Utilities Commission ("Commission") opened a new docket and initiated a generic investigation on issues related to utility poles in the public rights of way.

3. According to the Order of Notice dated 24 October 2005, "The Commission will investigate issues related to *inter alia* joint ownership of poles by electric and telecommunication utilities; pole installations, replacement and removals; response time to customer requests for service; maintenance obligations and related safety concerns; emergency response, tree trimming; private property construction charges and multiple attachments."
4. The Municipalities' rights, duties, privileges, immunities and other substantial interests may be affected by this proceeding. RSA 541-A:32, I (b).
5. The Municipalities are responsible for managing all aspects of the public ways in the Municipalities. By statute, they are authorized to grant licenses for poles to be located in the public ways. RSA 231:160. The Municipalities must consider the public good when approving placement of the poles.
6. Issues of safety, maintenance and emergency management are central to the Municipalities' management of the rights of way, including granting licenses for poles in the public right of way or amending those licenses as permitted by RSA 231:163, "whenever the public good requires."

7. The Municipalities will have a continuing interest in the practical implications of the Commission's actions in this matter.
8. The Municipalities' intervention promotes the interest of justice and will not delay or interfere with the orderly and prompt progress of this docket. RSA 541-A:32, I (c). The Municipalities will present needed and valuable information regarding safety, maintenance and emergency management issues involving the poles in the public right of way, topics which are central to this investigation. The Commission's authority to issue orders in support of the public good includes the consideration of the interests of the Municipalities' residents and taxpayers, as well as those of the utilities involved and the rate payers.
9. By filing for intervenor status together, the Municipalities will further promote efficiency in the progress of the docket. Additional municipalities may also petition to join this group of Municipalities as the docket progresses.
10. On 4 and 7 November 2005, the Municipalities contacted the following parties to seek consent for intervention: Lynn Fabrizio, Esq. of the PUC Staff; F. Anne Ross, Office of the Consumer Advocate; Frederick J. Coolbroth, Esq., for the New Hampshire Telephone Association; Victor Del

Vecchio, Esq., for Verizon New Hampshire; Gerald M. Eaton, Esq., for Public Service Company of New Hampshire; Jeremy Katz, for segTEL, Inc.; Gary Epler, Esq., for Unitil Energy Systems, Inc.; Colin Owyang, Esq., for Granite State Electric / National Grid-New Hampshire; Donald Pfundstein, Esq., for Granite State Electric / National Grid-New Hampshire; Tom Newbauer, for New Hampshire Electric Cooperative; and Heather Kaufman, for New Hampshire Electric Cooperative.

11. On 4 and 7 November 2005, the Municipalities received the following responses to their request for consent:

Concur in the motion: Lynn Fabrizio, Esq. of the PUC Staff; F. Anne Ross, Office of the Consumer Advocate; Frederick J. Coolbroth, Esq., for the New Hampshire Telephone Association; Gerald M. Eaton, Esq., for Public Service Company of New Hampshire; Jeremy Katz, for segTEL, Inc.; and Gary Epler, Esq., for Unitil Energy Systems, Inc.; Colin Owyang, Esq., for Granite State Electric / National Grid; Donald Pfundstein, Esq., for Granite State Electric / National Grid-New Hampshire.

Take no position on the motion: Victor Del Vecchio, Esq., for Verizon New Hampshire; Tom Newbauer, for New Hampshire Electric Cooperative.

Object to the motion: None.

Could not be reached despite a good faith effort to do so:  
None.

WHEREFORE, the Municipalities of Exeter, Hanover, Keene, Newmarket, Portsmouth, Raymond, Salem, Seabrook and Stratham respectfully move the Commission to:

- A. Accept their petition to intervene; and
- B. Grant such other relief as is just and reasonable.

Respectfully submitted,

THE MUNICIPALITIES OF EXETER,  
HANOVER, KEENE, NEWMARKET,  
PORTSMOUTH, RAYMOND, SALEM,  
SEABROOK and STRATHAM  
By their attorneys:  
DONAHUE, TUCKER & CIANDELLA, PLLC

Date: 7 November 2005

By: K B Miller  
Katherine B. Miller  
Robert D. Ciandella  
225 Water Street  
Exeter, NH 03833  
(603) 778-0686

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Petition to Intervene has this day been forwarded via e-mail and/or first class mail to the service list attached hereto.

K B Miller  
Katherine B. Miller, Esq.

STATE OF NEW HAMPSHIRE  
BEFORE THE  
PUBLIC UTILITIES COMMISSION

DM 05-172

Utility Pole Investigation

**Petition of Municipalities of Exeter, Hanover,  
Keene, Newmarket, Portsmouth, Raymond,  
Salem, Seabrook and Stratham to Intervene**

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