

DT 00-097

MERRIMACK COUNTY TELEPHONE

Petition for License to Cross Railroad Tracks of the State of  
New Hampshire in the Town of Bennington, New Hampshire

Order Nisi Granting License for Telephone Cable Over and  
Across Railroad Tracks

O R D E R    N O.    23,487

May 22, 2000

The Petitioner, Merrimack County Telephone (MCT), filed on April 25, 2000, a petition under RSA 371:24 for a license to construct and maintain an aerial cable line over and across the railroad tracks of the State of New Hampshire, Department of Transportation, Bureau of Rail and Transit, in the Town of Bennington, New Hampshire. The proposed aerial cable is for the purpose of providing telecommunications services to customers along U. S. Route 202.

In support of its petition, MCT submitted locus, plan and profile drawings of the crossing. The proposed crossing will be one hundred forty feet of 300 pairs, 24 AWG aerial cable lashed to 10M strand from MCT pole # 54/4-4A on the west side of the railroad tracks to Public Service Company of New Hampshire (PSNH) pole # 122/5 on the east side of the railroad tracks.

MCT proposes to construct the crossing over the railroad tracks in a manner which will not impact any existing

or anticipated uses of the railroad tracks. Staff agrees that the use of the railroad tracks by the railroad will not be diminished as a result of the overhead line crossing.

MCT has made application to PSNH to establish joint ownership of PSNH pole # 122/5 and will not construct the crossing until permission has been obtained.

MCT has attested and Staff agrees, that the construction of the aerial cable will meet or exceed the requirements of the National Electrical Safety Code (NESC).

In order to establish reliable service to the public, MCT must construct cable lines over and across railroad property as described in RSA 371:24. The Commission prescribes this crossing to be across railroad property.

The Commission finds such crossing necessary for MCT to meet its obligation to provide reliable telecommunication service within its authorized franchise area. Accordingly, we find that the crossing is in the public good. Therefore, we will 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 MCT is authorized, pursuant to RSA 371:24 et seq., to construct maintain, and operate the

telecommunications cable over and across the railroad tracks of the State of New Hampshire, Department of Transportation, Bureau of Rail and Transit, in Bennington, New Hampshire, depicted on drawings submitted April 25, 2000 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 NESC and all other applicable safety standards in existence at that time; and it is

**FURTHER ORDERED,** that the Petitioner 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 30, 2000 and to be documented by affidavit filed with this office on or before June 6, 2000; and it is

**FURTHER ORDERED,** that all persons interested in responding to this petition be notified that they may submit their comments or file a written request for a hearing on this matter before the Commission no later than June 9, 2000; and it is

**FURTHER ORDERED,** that any party interested in responding to such comments or request for hearing shall do so

no later than June 14, 2000; and it is

**FURTHER ORDERED,** that this Order Nisi shall be effective June 22, 2000, unless 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 twenty-second day of May, 2000.

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Douglas L. Patch  
Chairman

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Susan S. Geiger  
Commissioner

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Nancy Brockway  
Commissioner

Attested by:

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Claire D. DiCicco  
Assistant Secretary