



**Public Service
of New Hampshire**

780 N. Commercial Street, Manchester, NH 03101

Public Service Company of New Hampshire
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A Northeast Utilities Company

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December 4, 2013

Board of Selectmen
Town of Allenstown
Town Hall
16 School Street
Allenstown, NH 03275

**Re: Public Hearing Notice – Hearing to Amend Pole and
Conduit Licenses**
Hearing Date: December 9, 2013

Dear Board of Selectmen:

The undersigned is legal counsel to Public Service Company of New Hampshire (“PSNH”). PSNH has received your notice of a public hearing at which the Town of Allenstown will take up the matter of the universal amendment of existing pole and conduit licenses in the Town, to require the payment of properly assessed property taxes, and to require licensees to provide information pertaining to entities attached to their poles or conduits. This is to advise that, to the extent the proposed amendments seek to make language changes to the pole licenses of PSNH consistent with RSA 72:23, and the rulings of the New Hampshire Supreme Court in N.E. Tel. & Tel. Co. v. City of Rochester, 144 N.H. 118 (1999) and Verizon New England v. City of Rochester, 151 N.H. 263 (2004), PSNH does not intend to raise a legal objection to the amendments. However, this should not be construed as a waiver of PSNH’s rights to protest, seek an abatement of, or otherwise legally challenge as excessive or disproportionate the assessment by the Town of Allenstown of any incremental property tax upon PSNH’s use or occupancy of the public right of ways in Allenstown, and PSNH fully reserves all such rights.

PSNH does, however, object to the proposed amendments to include the requirement or condition that the licensee (1) notify within 90 days of the date of amendment each attacher to the licensee’s poles or conduit, by serving a copy of the petition, (2) submit to the Town Clerk a complete list of attachers to each pole or conduit, listing the pole or conduit locations of each, and (3) update annually on or before May 1st the information provided to the Town Clerk, including the location of additional attachers, and any attachers that have removed or added new attachments. These requirements are not revisions required under RSA 72:23, or the New Hampshire Supreme Court cases interpreting that statute, in order to

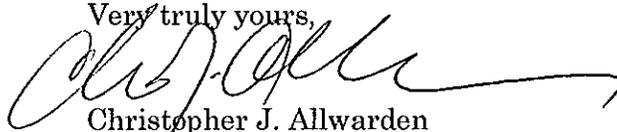
legally assess and tax either the facilities or equipment of the named licensee, or the use and occupancy of the public right of way by the named licensee. Furthermore, such other attachers, to the extent they may exist, are required to license or permit their facilities located within the public rights of way with the Town of Allenstown pursuant to RSA 231:159, et seq., just as PSNH is. Consequently, the identity of attachers utilizing the public rights of way, whether by attachment to existing utility poles, conduit or otherwise, should be obtainable from Allenstown's own public highway licensing records. PSNH is not aware of any statute or other provision of law in New Hampshire which authorizes the Town of Allenstown to compel PSNH to provide this information as a requirement or condition of a pole or conduit license.

We also bring to your attention that, in accordance with the requirements of RSA 374:34-a, public utilities such as PSNH must provide non-discriminatory access to their distribution poles and conduit to certain third parties seeking to use them for attachment of their own lines, cables and appurtenances. Under existing regulations of the New Hampshire Public Utilities Commission (Puc 1303.08), such third parties are required to clearly label their attachments with owner identification. This affords another means by which the Town may obtain its own information pertaining to attachers utilizing the public rights of way.

Under the above circumstances, PSNH maintains it is neither legally necessary, nor fair or reasonable, to require a licensee to provide or report to the Town information about others using the licensee's poles or conduits licensed in the public right of way. Such a license amendment is not required in the public good.

PSNH respectfully requests that this letter be included in and made a part of the record of the minutes of the hearing of this matter on December 9, 2013. Thank you.

Very truly yours,



Christopher J. Allwarden
Senior Counsel, Legal Department

cc: Leonard Gerzon, PSNH
Paula Vincent, PSNH
Diane M. Demers, Allenstown Finance Department