

Committee Report

CONSENT CALENDAR

March 4, 2020

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Municipal and County Government
to which was referred HB 1111,**

**AN ACT relative to the removal and replacement of
telephone and electric poles. Having considered the
same, report the same with the following amendment,
and the recommendation that the bill OUGHT TO PASS
WITH AMENDMENT.**

Rep. Jim Maggiore

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Municipal and County Government
Bill Number:	HB 1111
Title:	relative to the removal and replacement of telephone and electric poles.
Date:	March 4, 2020
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2020-1011h

STATEMENT OF INTENT

Rather than amend the process and enforcement of replacement of utility poles through legislation, the subcommittee unanimously recommends a commission be enjoined to review the PUC 1300 rules which already detail the process for utility pole and line replacement.

Vote 18-0.

Rep. Jim Maggiore
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Municipal and County Government

HB 1111, relative to the removal and replacement of telephone and electric poles. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jim Maggiore for Municipal and County Government. Rather than amend the process and enforcement of replacement of utility poles through legislation, the subcommittee unanimously recommends a commission be enjoined to review the PUC 1300 rules which already detail the process for utility pole and line replacement. **Vote 18-0.**

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

COMMITTEE: _____

Muni + County Govt Ord

BILL NUMBER: 1111

TITLE: relative to the removal and replacement of telephone and electric poles

DATE: 3/3/2020

CONSENT CALENDAR: YES NO

OUGHT TO PASS

OUGHT TO PASS W/ AMENDMENT

INEXPEDIENT TO LEGISLATE

INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.
1011h

STATEMENT OF INTENT:

Rather than amend the process and enforcement of replacement of utility poles through legislation, the subcommittee unanimously recommends a commission be enjoined to review the PUC 1300 rules which already detail the process for utility pole and line replacement.

COMMITTEE VOTE: 18-0

RESPECTFULLY SUBMITTED,

Rep. *Jim Maggior*
For the Committee

- Copy to Committee Bill File
- Use Another Report for Minority Report

Amendment to HB 1111

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT establishing a commission to study the removal of unused utility poles following the
4 transition of equipment, lines, and cables to new utility poles.

5

6 Amend the bill by replacing all after the enacting clause with the following:

7

8 1 New Section; Commission to Study the Removal of Unused Utility Poles Following the
9 Transition of Equipment, Lines, and Cables to New Utility Poles. Amend RSA 231 by inserting after
10 section 182 the following new section:

11 231:182-a Commission to Study the Removal of Unused Utility Poles Following the Transition of
12 Equipment, Lines, and Cables to New Utility Poles.

13 I. There is established a commission to study the removal of unused utility poles following
14 the transition of equipment, lines, and cables to new utility poles.

15 (a) The members of the commission shall be as follows:

16 (1) Two members of the house of representatives, appointed by the speaker of the
17 house of representatives.

18 (2) One member of the senate, appointed by the president of the senate.

19 (3) The commissioner of the department of transportation, or designee.

20 (4) The chairperson of the public utilities commission, or designee

21 (5) One member appointed by the New Hampshire Municipal Association.

22 (6) Additional members from the following entities, appointed by the governor, as
23 follows:

24 (A) Two members representing different companies owning poles in New
25 Hampshire who are members of the New Hampshire Telephone Association (NHTA).

26 (B) One member from a New Hampshire electric cooperative.

27 (C) One member from an investor-owned New Hampshire electric utility.

28 (D) One member each from a competitive telephone utility and a provider of
29 cellular telephone service, which are currently attached to poles in New Hampshire.

30 (E) One member representing the New England Cable & Telecommunications
31 Association, Inc. (NECTA).

Amendment to HB 1111

- Page 2 -

1 (b) Legislative members of the commission shall receive mileage at the legislative rate
2 when attending to the duties of the commission.

3 II. The commission's study shall include, but not be limited to, examining the rules of the
4 public utilities commission in PUC 1300 – Utility Pole Attachments, with emphasis on relevant
5 sections of PUC 1303.06 on Notification, PUC 1303.07 on Installation and Maintenance, and PUC
6 1303.12 on Make Ready Work Timetables, and how to update the relevant laws and rules as
7 necessary and make recommendations for enforcement of timely transition of equipment and
8 removal of unused utility poles.

9 III. The commission may solicit input from any person or entity the commission deems
10 relevant to its study.

11 IV. The members of the commission shall elect a chairperson from among the members. The
12 first meeting of the commission shall be called by the first-named house member. The first meeting
13 of the commission shall be held within 45 days of the effective date of this section. Six members of
14 the commission shall constitute a quorum.

15 V. The commission shall submit a report including its findings and any recommendations for
16 proposed legislation on or before December 1, 2020 to the speaker of the house of representatives,
17 the president of the senate, the house clerk, the senate clerk, the governor, and the state library.

18 2 Repeal. RSA 231:182-a, relative to a commission to study the transition of equipment and
19 removal or replacement of telephone and electric poles, is repealed.

20 3 Effective Date.

21 I. Section 2 of this act shall take effect December 1, 2020.

22 II. The remainder of this act shall take effect upon its passage.

2020-1011h

AMENDED ANALYSIS

This bill establishes a commission to study the removal of unused utility poles following the transition of equipment, lines, and cables to new utility poles.

Voting Sheets

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 1111

BILL TITLE: relative to the removal and replacement of telephone and electric poles.

DATE: March 3, 2020

LOB ROOM: 301

MOTIONS: OUGHT TO PASS WITH AMENDMENT

Moved by Rep. Maggiore

Seconded by Rep. Treleaven

AM Vote: 18-0

Amendment # 2020-1011h

Moved by Rep. Maggiore

Seconded by Rep. Dolan

Vote: 18-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Timothy Josephson, Clerk

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 1111

BILL TITLE: relative to the removal and replacement of telephone and electric poles.

DATE: ~~2/18/00~~ 3/3/00

LOB ROOM: 301

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1st year)
- Adoption of Amendment # 1011h
(if offered)
- Interim Study (2nd year)

Moved by Rep. Paul Maggione Seconded by Rep. Treleaven Vote: 18-0

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____
(if offered)
- Interim Study (2nd year)

Moved by Rep. Maggione Seconded by Rep. Dolan Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____
(if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

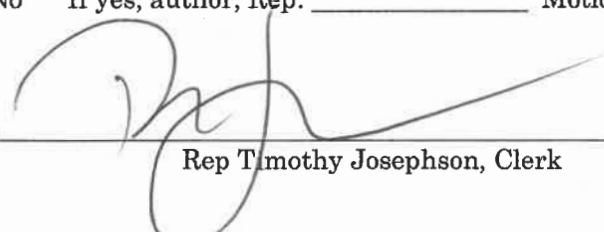
MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____
(if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: YES NO

Minority Report? Yes No If yes, author, Rep: _____ Motion _____

Respectfully submitted: 
Rep Timothy Josephson, Clerk



2020 SESSION

Municipal and County Government

 Bill #: 1111 Motion: Amend AM #: 1011 Exec Session Date: 3/3/2020

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Carson, Clyde J. Chairman	1		
Tatro, Bruce L. Vice Chairman	18		
Porter, Marjorie A.	2		
Treleaven, Susan GS	3		
Gilman, Julie D.	4		
Josephson, Timothy Clerk	5		
Meader, David R.	6		
Dargie, Paul P.	7		
Maggiore, Jim V.	8		
Mombourquette, Donna M.	9		
Stavis, Laurel			X
Dolan, Tom	10		
Migliore, Vincent Paul	11		
Kittredge, Mac			X
MacDonald, John T.	12		
Perreault, Mona	13		
Piemonte, Tony	14		
Pratt, Kevin M.	15		
Lekas, Tony	16		
Abramson, Max	17		
TOTAL VOTE:	18-0		



2020 SESSION

Municipal and County Government

 Bill #: 1111 Motion: OTR/A AM #: 1011 Exec Session Date: 3/3/20

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Carson, Clyde J. Chairman	1		
Tatro, Bruce L. Vice Chairman	18		
Porter, Marjorie A.	2		
Treleaven, Susan GS	3		
Gilman, Julie D.	4		
Josephson, Timothy Clerk	5		
Meador, David R.	6		
Dargie, Paul P.	7		
Maggiore, Jim V.	8		
Mombourquette, Donna M.	9		
Stavis, Laurel			X
Dolan, Tom	10		
Migliore, Vincent Paul	11		
Kittredge, Mac			X
MacDonald, John T.	12		
Perreault, Mona	13		
Piemonte, Tony	14		
Pratt, Kevin M.	15		
Lekas, Tony	16		
Abramson, Max	17		
TOTAL VOTE:	18-0		

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25 Hampshire who are members of the New Hampshire Telephone Association (NHTA).

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21 I. Section 2 of this act shall take effect December 1, 2020.

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2020-1011h

AMENDED ANALYSIS

This bill establishes a commission to study the removal of unused utility poles following the transition of equipment, lines, and cables to new utility poles.

Sub-Committee Actions

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

SUBCOMMITTEE WORK SESSION on HB 1111

BILL TITLE: relative to the removal and replacement of telephone and electric poles.

DATE: 3/3/00 @ 8:30

Subcommittee Members: Reps. Maggiore, Gilman and Pratt

Comments and Recommendations:

The subcommittee unanimously approved the amendments to populating the study commission.

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr) (Please circle one)

Moved by Rep. Julie Gilman Seconded by Rep. Kevin Pratt AM Vote: 3-0

Adoption of Amendment # 2020-0985h

Moved by Rep. Seconded by Rep. Vote:

Amendment Adopted Amendment Failed

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr) (Please circle one)

Moved by Rep. Seconded by Rep. AM Vote:

Adoption of Amendment #

Moved by Rep. Seconded by Rep. Vote:

Amendment Adopted Amendment Failed

Respectfully submitted,

Rep. Jim Maggiore Subcommittee Chairman/Clerk

Heather Goley

From: Jim Maggiore
Sent: Tuesday, March 3, 2020 9:18 AM
To: Heather Goley
Subject: HB 1111 subcommittee minutes 3/3/2020

Rep Maggiore called the meeting to order at 830 am.

Attendance: Reps. Julie Gilman, Kevin Pratt, Jim Maggiore, Jaci Grote.

Rep Maggiore summarized amendment 2020-0985h which populated the commission and refined the commission's goal.

Rep Grote said she spoke with the Department of Safety and their representative did not see the need for the Department's direct participation on the commission. Therefore the DOS was removed from.

The New England Cable & Telecommunications Association was added to the commission list.

All in attendance agreed to the amended draft amendment. The subcommittee voted 3-0 in favor of the amendment. Rep. Gilman made the motion, second by Rep. Pratt. Vote 3-0.

Respectfully submitted.

Rep. Jim Maggiore.

Rep. Jim Maggiore
Rock22, North Hampton
603-556-0073

SUBCOMMITTEE
WORK
SESSION

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

SUBCOMMITTEE WORK SESSION on HB 1111

BILL TITLE: relative to the removal and replacement of telephone and electric poles.

DATE: February 25, 2020

Subcommittee Members: Reps. Maggiore, Gilman and Pratt

Comments and Recommendations: Will meet March 3rd to finalize amendment. Please see attached notes.

Respectfully submitted,

Rep. Jim Maggiore
Subcommittee Chairman

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

SUBCOMMITTEE WORK SESSION on HB 1111

BILL TITLE: relative to the removal and replacement of telephone and electric poles.

DATE: 2/25/20

Subcommittee Members: Reps. Maggiore, Gilman and Pratt

Comments and Recommendations:

Will meet March 3 to finalize amendment.

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr) (Please circle one)

Moved by Rep. _____ Seconded by Rep. _____ AM Vote: _____

Adoption of Amendment # _____

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

_____ Amendment Adopted _____ Amendment Failed

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr) (Please circle one)

Moved by Rep. _____ Seconded by Rep. _____ AM Vote: _____

Adoption of Amendment # _____

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

_____ Amendment Adopted _____ Amendment Failed

Respectfully submitted,

Rep. [Signature] Subcommittee Chairman/Clerk

Minutes

Municipal and County Government subcommittee worksession on HB 1111– relative to the removal and replacement of telephone and electric poles.

February 25, 2020. LOB 301

Representatives in attendance: Julie Gilman, Rockingham 18, Kevin Pratt, Rockingham 3, Jim Maggiore, Rockingham 22, Jaci Grote, Rockingham 24 (prime sponsor of HB 1111), Kate Murray, Rockingham 24 (co-sponsor of HB 1111).

Rep Maggiore opened the meeting at 12:45pm with a summary of the last meeting where the members and representatives present all agreed that the best option forward for HB 1111 would be to create a study commission on the New Hampshire Code of Administrative Rules PUC 1300 – Utility Pole Attachments.

Rep Maggiore had not yet heard back from Rep Robert Backus, chairman of the House Science, Technology, and Energy Committee or Kath Mullholand from the PUC about their suggestions for populating the commission.

Those in attendance from the Public Utilities Commission, Associated General Contractors of New Hampshire, Devine Strategies, Bureau of Economic Analysis, state representatives, and the subcommittee also agreed that the study commission should include people who have operations experience.

A revised draft of parties to the commission:

- 2 members of the House
- 1 member of the Senate
- 1 member from the Public Utility Company
- 1 member from New England Cable and Telecommunications Association
- 1 member from New Hampshire Municipal Association
- 1 representative from Consolidated Communications
- 1 representative from Comcast
- 1 representative from Unitil
- 1 representative from the New England Cable Association
- 1 representative from the Department of Transportation
- 1 representative from the Department of Safety

The subcommittee will meet on March 3 at 8:30 to vote on the amendment to HB 1111.

Respectfully submitted

Rep. Jim Maggiore

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

SUBCOMMITTEE WORK SESSION on HB 1111

BILL TITLE: relative to the removal and replacement of telephone and electric poles.

DATE: February 18, 2020

Subcommittee Members: Reps. Maggiore, Gilman and Pratt

Comments and Recommendations: Study commissions to study the issue of "double poles," recommend any amendments to PUC 1300 Admin. Rules. Please see attached notes.

Respectfully submitted,

Rep. Jim Maggiore
Subcommittee Chairman

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

SUBCOMMITTEE WORK SESSION on HB 1111

BILL TITLE: relative to the removal and replacement of telephone and electric poles.

DATE: 2/18/20

Subcommittee Members: Reps. Maggiore, Gilman and Pratt

Comments and Recommendations:

Study commissions to study the issue of "double poles", recommend any amendments to PUC 1300 Admin. Rules.

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr) (Please circle one)

Moved by Rep. Gilman Seconded by Rep. Pratt AM Vote: 3

Adoption of Amendment #

Moved by Rep. Seconded by Rep. Vote:

Amendment Adopted Amendment Failed

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr) (Please circle one)

Moved by Rep. Seconded by Rep. AM Vote:

Adoption of Amendment #

Moved by Rep. Seconded by Rep. Vote:

Amendment Adopted Amendment Failed

Respectfully submitted,

Rep. Jim Maggiore Subcommittee Chairman/Clerk

Minutes

Municipal and County Government subcommittee worksession on HB 1111– relative to the removal and replacement of telephone and electric poles.

February 18, 2020. LOB 301

Representatives in attendance: Julie Gilman, Rockingham 18, Kevin Pratt, Rockingham 3, Jim Maggiore, Rockingham 22, Jaci Grote, Rockingham 24 (prime sponsor of HB 1111), Kate Murray, Rockingham 24 (co-sponsor of HB 1111), Gerri Cannon, Strafford 18. Representatives from Consolidated Communications, Eversource, Unitil, New England Telecommunications and Cable Association (NECTA), and Comcast.

Rep Maggiore opened the meeting at 8:30am with a summary of the last meeting and opened the floor to comments from Rep Gilman.

Rep Gilman asked if owners can be directed to remove the old poles.

The representative from Comcast said “yes” according to the PUC rules, but the sheer number of attachers and the timing permitted to each attacher to make the transition makes timing a challenge.

Rep. Murray commented that if a bill were drafted directing owners to remove old poles within 90 days the owners would then be compelled to comply.

The representatives from Comcast said the company has business in 211 NH communities and always works to transition their equipment as quickly as possible, either by their own employees or through subcontractors. Each company said they maintain responsibility for their own equipment and for reasons of liability they do not transition another company’s equipment.

Rep Gilman asked under what circumstances would subcontractor be hired. The answer was “as needed” from all represented groups.

The group, including representatives from Consolidated Communications, Eversource, Unitil, New England Telecommunications and Cable Association, and Comcast and all state representatives reviewed the New Hampshire Code of Administrative Rules PUC 1300 – Utility Pole Attachments with emphasis on relevant sections of PUC 1303.06 – Notification (a) – (d), PUC 1303.07 - Installation and Maintenance (a) – (e), and PUC 1303.12 – Make Ready Work Timetables (a) – (g).

The group concluded that the best way to find the most effective solution for timely transition of utility pole attachments and removal of old utility poles would be to create a study commission to examine the PUC 1300 administrative rules, update as needed, and make recommendations for enforcement of timely transition of equipment and removal of old poles.

Minutes

Municipal and County Government subcommittee worksession on HB 1111– relative to the removal and replacement of telephone and electric poles.

An initial list of parties to the commission would be:

- 2 members of the House
- 1 member of the Senate
- 1 member from the Public Utility Company
- 1 member from NECTA
- 1 member from New Hampshire Municipal Association'
- Representation from the telephone companies, electric companies, cable companies.

Rep Maggiore will contact Rep Robert Backus (Hillsborough 19), chairman of the House Science, Technology and Energy Committee who has significant experience with telco, elco, and other utility companies to inquire about his suggestions for populating the commission.

Motion by Rep Gilman to refer HB 1111 to interim study and setting the commission to task on the stated objectives; seconded by Rep Pratt. The motion passes 3-0.

The subcommittee will meet again to finalize the population of the commission.

Respectfully submitted

Rep. Jim Maggiore

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT
SUBCOMMITTEE WORK SESSION on HB 1111

BILL TITLE: relative to the removal and replacement of telephone and electric poles.

DATE: February 13, 2020

Subcommittee Members: Reps. Maggiore, Gilman and Pratt

Comments and Recommendations: Please see attached notes.

Respectfully submitted,

Rep. Jim Maggiore
Subcommittee Chairman

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

SUBCOMMITTEE WORK SESSION on HB 1111

BILL TITLE: relative to the removal and replacement of telephone and electric poles.

DATE: 2/13/20

Subcommittee Members: Reps. Maggiore, Gilman and Pratt

Comments and Recommendations:

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)
(Please circle one)

Moved by Rep. _____ Seconded by Rep. _____ AM Vote: _____

Adoption of Amendment # _____

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

_____ Amendment Adopted _____ Amendment Failed

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)
(Please circle one)

Moved by Rep. _____ Seconded by Rep. _____ AM Vote: _____

Adoption of Amendment # _____

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

_____ Amendment Adopted _____ Amendment Failed

Respectfully submitted,

Rep. _____
Subcommittee Chairman/Clerk

Minutes

Municipal and County Government subcommittee worksession on HB 1111– relative to the removal and replacement of telephone and electric poles.

February 13, 2020. LOB 301

Attendance: Representatives Julie Gilman, Rockingham 18, Kevin Pratt, Rockingham 3, Jim Maggiore, Rockingham 22, Jaci Grote, Rockingham 24 (prime sponsor of HB 1111), Kate Murray, Rockingham 24 (co-sponsor of HB 1111).

Rep Maggiore opened the meeting at 11:00am with introductions.

Rep Grote gave a summary of HB 1111 which she sponsored.

Rep Pratt and Gilman provided their own experiences with “double wood” poles in their own communities.

Rep Grote recounted her experience working with the Public Utility Company (“PUC”) to remove double poles in Rye. Rep Grote does not believe individuals or municipalities should bear the responsibility of taking inventory of which transmission lines have been transferred from old to new poles and tracking the progress of removal of old poles. Rep Grote asked the representative from the PUC to explain the process for removing an old pole.

Kath Mulholland, Director of Regulatory Affairs for the PUC said while telephone and electric transmission has been deregulated, transmission poles have not been deregulated. Therefore, the pole owner has the responsibility for the set area for the pole. Poles are replaced according to the following criteria:

- As identified in the normal 5-year inspection cycle
- New attachers
- “One-offs” – accidents, weather related issues, etc.
- Necessitated by road work
- Necessitated for new developments.

Mark Dean of the New Hampshire Electric Cooperative explained how the electric companies cooperate to transfer wires across the 115 towns covered by the Co-op.

Ellen Scarponi, Director of Government Relations, Consolidated Communications, went into additional detail about the process for transferring utilities from old poles to new poles.

Rep. Kate Murray asked about the main discussion point: what finally triggers the removal of the old pole. Discussion continued between multiple people in attendance about “closing the loop” from the beginning of the transfer of utility lines to the final step of removing the old pole.

Matthew Fossum, Senior Regulator Counsel at Eversource Energy, asked how any legislation could enforce the removal of the old pole.

Minutes

Municipal and County Government subcommittee worksession on HB 1111– relative to the removal and replacement of telephone and electric poles.

Discussion between the subcommittee members and the represented groups continued about the identifiable process and communication between companies when transferring transmission lines and the apparent problem of mandating any time frame for finally removing the old pole.

Rep Pratt confirmed with the PUC what he learned at the full Municipal and County Government committee meeting: the PUC has no open complaints about removing double poles. This was confirmed by Kath Mulholland.

Discussion continued between many people in attendance about the responsibility each company should take in ensuring transmission wires and poles are transferred and removed in a timely fashion. All agreed that the transfer seems organized.

Rep Gilman asked if a database of old poles could be created by either the represented parties or the National Joint Utilities Notification System (NJUNS) which most pole owners and attachers use to organize utility transfer communications. The inventory of old poles is not included in the NJUNS database. NJUNS's database includes the transfer tickets for each company.

Ellen Scarponi said the proliferation of double poles began in 2011 with the stimulus project to introduce broadband throughout the state.

Matthew Fossum thought that the introduction of 5G and related infrastructure might add to the problem of double poles.

Kath Mulholland said if transfers and attachments happen according to Chapter PUC 1300 Utility Pole Attachments of the NH Code of Administrative Rules, the process should take 180 days.

The group decided to ask NJUNS if they include a ticket in their database that includes responsibility for pole removal. Also, does NJUNS include a database of how many and how long old poles exist in the state.

Rep Pratt wondered if the process is simply a matter of better clerical attention.

Ellen Scarponi explained that pole removal includes not only communication about the full transfer of attachers but then coordination with the municipality for police detail or flaggers when the old poles need to be removed.

Representatives from Eversource said they would consult with their own operations department about their internal processes.

The group agreed to schedule a second subcommittee meeting.

Respectfully submitted

Rep. Jim Maggiore

Hearing Minutes

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB 1111

BILL TITLE: relative to the removal and replacement of telephone and electric poles.

DATE: February 4, 2020

LOB ROOM: 301 **Time Public Hearing Called to Order:** 1:00 p.m.

Time Adjourned: 2:24 p.m.

Committee Members: Reps. Carson, Tatro, Josephson, Porter, Treleaven, Gilman, Meader, Dargie, Maggiore, Mombourquette, Stavis, Dolan, MacDonald, Perreault, Piemonte, Pratt and T. Lekas

Bill Sponsors:

Rep. Grote

Rep. K. Murray

Rep. Cannon

Rep. Woodcock

Sen. Sherman

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

1. ***Rep. Jaci Grote** - Rockingham 24 - PRIME SPONSOR
 - a. *** see written testimony ***
 - b. Q: Lekas: How does it impede traffic? (when they are working on poles they have trucks in the road and they need police detail and traffic piles up) That's when they are doing the work. Is the issue that the pole is like that for a long time or that the trucks are out there? (the amount of time it takes to replace poles)
 - c. Q: Dargie: what's the penalty if time tables not met? (there isn't one. This is my first bill I've submitted so I'm open to ways on how to improve the bill)
 - d. Q: Treleaven: Who owns the pole? (In Rye, Consolidated owns some of them but I don't know about all)
 - e. Q: Pratt: so the primary purpose is to get them to remove it in a timely manner? (yes)

2. **Rep. Ken Vincent** - Somersworth and David Witham - Somersworth Deputy Mayor
 - a. Rep Vincent: Let's start by saying that the telephone company that owns the poles in most cases. We have upwards of 88 poles like this
 - b. Deputy Mayor Witham: I have had constituents call about this
 - c. I have identified over 100 poles where this occurs.
 - d. At the time it was Fairpoint but now it's Consolidated
 - e. There are also Eversource poles
 - f. Originally poles were set to transfer lines but there have been poles that were set 4-5 years ago with no line transfer
 - g. We have sidewalks on our streets -- the utility co put a new pole in the sidewalk, but have not transferred the lines
 - h. Public safety issues and blight
 - i. The pole was struck by a car, the temporary pole is put up and it's secured by brackets and braces, not sturdy like a regular pole
 - j. We have reached out to the utility companies but there's a lack of communication between Eversource, Consolidated, other utilities

- k. There needs to be some teeth behind this with a penalty
- l. 90 day to 6 month time window is reasonable
- m. Rep. Vincent: This is not an isolated Somersworth issue, I have talked to people from all around NH. We just want to make the owners of the poles responsible
- n. We notified the utility months in advance about a sidewalk going in, they ignored us, so we poured the sidewalk around the pole
- o. Q: Tatro: years ago we passed legislation for communities to tax the poles, is that in your city? (yes) seems to me that if there are two poles there they get 2 tax bills? (haha)
- p. Q: Dolan: was anyone willing to write an amendment to add enforcement teeth to this? (The sponsor will)
- q. Q: Pratt: if there is a tax or fine or fee, that's possible that it's passed on to the consumer, it wouldn't do anything?
- r. Q: Piemonte: are the poles treated with creosote or anything? (They aren't, they are a standard pole. Years ago they were treated but today they are pressure treated. I can't speak for the company on what they are using, but to get longevity it must be some sort of hardwood with a treatment) For clarification, it may be another avenue to explore with the EPA and what chemicals are in the treated wood. (I'm only assuming that the telephone company has done their homework and are up to standards)
- s. Q: Mombourquette: is the town notified when they are going to work on poles? (yes we grant a license and the assumption is that they will remove the pole but I guess we were wrong) will this bill help to provide enforcement statements or agreements stating specifically in this permit that they must remove the pole? (This would provide the enforcement mechanism, correct)
- t. Q: Stavis: current text of 131:161 requires anyone who is considering putting a pole to get a license from the selectmen, so wouldn't that constitute notification, could you put conditions on the license? (I would say that most likely we could but having another safeguard mechanism will give us more teeth)
- u. Q: Piemonte: 231:181 there's the ability to have the poles removed if not removed by a certain date and the expense will be given to the owner. You could remove them and bill them, correct? (that's correct, if the pole had to be removed by another agency -- a licensed agency -- for a reason)
- v. One last note -- so with these poles, they pull them out and if it's a vacant lot they lay the poles there

3. ***Ellen Scarponi - Consolidated Communications - opposes bill**

- a. *** see written testimony ***
- b. Q: Maggiore: you said there's a process, can you walk me through that process for pole removal and replacement? (in NH, there are solely owned poles and jointly owned. There are maintenance area designations. The poles may be jointly owned but Consolidated may have the maintenance area. A new pole is set. The order of sequence is the electric since they are on top and it's about safety. Then the next attacher is told. NJUNS -- a notification system that utilities belong to where they load the projects into. Once electric company is finished, they notify the next attachers -- let's say it's Comcast. Then they do their work, then the next, etc. At the end, the last one will remove the pole. The NJUNS system works well but there are glitches. It sounds like in Rye, there was a party that was not notified.
- c. Q: Josephson: Who is responsible for taking down the pole, the last one or the maintenance area? (the maintenance area)

- d. Q: Dolan: I understand the electric, but the other lines are low-voltage. Is there any reason why you couldn't subcontract with each other -- okay telephone company, while you're up there we will pay you to move our lines. Could you use a subcontractor with training from each company? (there are still safety concerns and electrical standards we must all adhere to because heaven forbid a line cross. They have to be highly skilled installers. There has been talk about having one company do it all, we have not supported that in the past. When the sponsor talked about the trucks in the road -- I live in Canterbury where we had a project with a truck at one end of the road, one at the other, and one in the middle. It's a complicated and sophisticated system)
- e. Q: Piemonte: you mentioned something about different devices added to the poles -- they are continuing to do that? (there aren't many new attachers) this seems to be an escalating problem. When Consolidated acquired Fairpoint, were they aware of poles needing to be replaced? (I don't have a history of what Fairpoint's schedule was or anything) it sounds like one company is passing the buck to the other (no, not like that. The work has gone on regardless of the transfer from Verizon to Fairpoint to Consolidated. There are other third party attachers like fire alarm systems, newer fiber optic companies, etc)
- f. Q: Tatro: No one has yet said that these restrictions aren't something you can live with. We understand it takes several agencies, but is this timeframe too restrictive and why? (yes, when the PUC rules were reissued in 2018, that followed a considerable period of time where we talked with stakeholders and attachers about time frames. Sometimes EACH attacher has a 90 day time frame. So with 3-4 attachers, compound the 90 days. The pole owner cannot require that an attacher move. We aren't the police for the attachers. There are remedies in the 1300 rules, if after a certain period that if an attacher hasn't moved then a third party can move the lines.) You are the owner of the pole, do you lease? Can you have lease restrictions? (we have a license from the town to set the pole, each company has a pole company agreement with the various attachers. The agreement reference the rules.)
- g. Rep Perrault: under these conditions, 90 days and a number of people working on one pole. What's a reasonable amount of time to complete that, including removing the pole? (it is almost never just one pole. It's how long is the work going to take for a span of ten poles, for example. That is spelled out with certain conditions for a 60 day removal, if there's a number of poles it may be spelled out for a longer time. The weather plays a role. The trucks have to be in the roadway. You have to line up police, flaggers, etc. 90 day start to finish is unrealistic) it sounds like years (depending on the number of poles in the project, that is possible. We are all over the safety concerns, we want to know about the safety problems. Where you take the bottom of one pole and attach to another, that is a temporary fix but not unsafe)
- h. Q: Gilman: this bill takes effect 60 days after its passage. If you had more time like a year, would that allow you to create a different process so you could start doing things in 90 days? (but there is a system and it does work. We established the time frames with PUC rules and if there are anomalies I encourage towns to get in touch with us)
- i. Q: Maggiore: NJUNS is what you follow? Or does our PUC follow the process created by NJUNS? You join NJUNS? (Yes, it is something that utilities subscribe to. It's a notification system that utilities voluntarily join)

4. **Mark Pesci - Rye - supports the bill**
 - a. This happened in front of my house
 - b. Fall fo 2018, new pole put in my ground
 - c. 6-7 months later, Eversource connected electric. I talked to them and asked if they said are they going to move all the lines? They said no, but good luck with the other lines. Linesman told me about how he moved lines 2 years prior in Portsmouth and the other attachers hadn't moved the lines yet
 - d. I started to do research, found out more about Portsmouth
 - e. I got other neighbors involved
 - f. We went to the Selectboard meeting, they said they would make phone calls to move the process along
 - g. In the meantime, Rep Grote contacted PUC and was told this was a statewide problem and that this has been going on for years
 - h. We are not getting progress with these companies doing what they are supposed to do
 - i. I will also say that the Consolidated rep made it sound like a very complicated process
 - j. In front of my house, once Comcast came by -- about 3-4 months after Eversource, the pole was out of the ground within 2 weeks
 - k. On this pole, there were only 2 lines. How many poles are like this vs 4-5-6 attached

5. **Donna Gamache - Eversource - neutral on the bill**
 - a. We understand the frustration of the communities
 - b. We have a communications team, and they say that one of the biggest frustration is the double poles
 - c. If you move forward with the bill, please work with the PUC to make it better
 - d. It is a complicated process
 - e. In the bill it is not clear who is responsible for moving lines
 - f. How do we police this?
 - g. If it does require that the distro company is responsible, then we have concerns about liability protection
 - h. I know it's statewide but I will look into what's happening in Rye and Somersworth
 - i. We do note that the NJUNS has glitches and we have been very aware of those glitches. We are trying to find a way to work through that and we have a team working on that now

6. ***Mike Bobinsky - Director of Public Works, City of Somersworth**
 - a. *** see written testimony ***
 - b. We feel that the time frame of 90 days to 6 months is workable for most issues
 - c. Q: Piemonte: would I be able to see a copy of that resolution? And why was it done last night? (yes. In part it was because of this bill and our city council has been talking about this for a number of years and we wanted to make a point of support)
 - d. Q: Mombourquette: I looked up PUC rules 1300 and looking at timelines which are quite -- in my eyes -- convoluted. As a Director of Public Works, do you believe that cities and towns are familiar with these timelines when they issue licenses for new poles? (I don't know that we are as intimate in every step as the utility companies are. The issues I have -- maybe there's a way with the PUC -- the owner of the pole can have a say in the movement on those equipment items. If no one can mandate the moving of lines, then there's a gap. There is a process but it's broken and needs to be fixed)

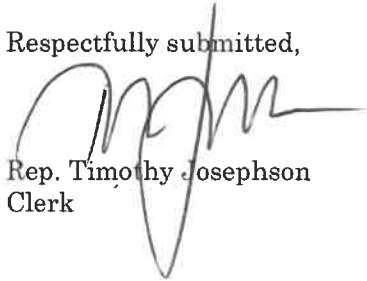
7. ***Maura Weston - New England Cable and Telecommunications Association - opposes bill**
 - a. *** see written testimony ***
 - b. Chris, Comcast guy: I wanted to expand on NJUNS and their role and answer any questions you may have
 - c. We feel that the NJUNS system works and works well, albeit with a few glitches
 - d. Q: Pratt: do they have different response plans for emergencies v. regular work?
(Chris: yes, depending on the situation there's a different response. There is a heightened level for emergencies. Normally we use NJUNS -- as an attacher on utility poles -- Comcast is not responsible for maintenance nor do we own poles -- in NH, many DPW, school districts, etc -- NJUNS knows all the entities on the poles. Where Rye went awry, the projects are entered into NJUNS by the pole-owners. They have the rights to create the project. As work is completed, it flows through to the next entity. The smaller ones don't have the ability to amend or change something in NJUNS but they can indicate that they have completed their work. While you don't want a ton of people entering data into the system, you want to know the best info. In Rye, our attachments got moved within a handful of days, and then we had to manually communicate with the pole-owning company so the next entity could start. NJUNS works well when there's lots of projects going on. There are completely valid concerns in this particular example. NJUNS was created by Georgia Power in 1987 and became a non-profit. Board is made up of utility entities)
 - e. Q: Pratt: So you have two different time frames -- emergency and maintenance. Can we learn something from emergency response? They can replace a pole in 4 hours. (The communications are different. Both are related -- emergency response, the way we communicate is different from maintenance. It is different when there's not an ongoing risk to public safety or interruption of service)

8. **Margaret Byrnes - NHMA - supports bill**
 - a. We support it in concept but it probably needs minor tweaks to make it better
 - b. I am not an expert in poles or pole utilities but from a municipal perspective there are two big issues
 - c. One is double poles
 - d. The other is the situation where a muni is doing a road project and they need poles moved -- not replaced, but moved
 - e. What inevitably happens is what you heard from Somersworth -- the time frames are long and they are not sure when anything is going to happen
 - f. My major concern with the bill -- where it repeals and replaces -- it only addresses the double pole situation and not the movement or moving of a pole
 - g. That part should stay in the statute
 - h. Clearer parameters and time frames are key
 - i. Earlier there was a question -- can't the munis just do the movement on their own and bear the cost? Yes, but I cannot think of a situation where a muni is willing to bear the cost and liability for moving a pole

9. **Katherine Mullholland - PUC - neutral, here for questions**
 - a. Director of Innovation and Strategy
 - b. In Rep Grote's testimony, she mentioned the generic investigation in 2017 -- but we also did one in 2018 -- IR18-062
 - c. We brought munis and utilities in to talk about pole removal but that was mostly about emergency procedures
 - d. Commission takes no position on this bill
 - e. You've heard a lot about process

- f. How complaints work at PUC --
 - i. if you call commission and ask questions, that goes to our consumer & external affairs division. General info.
 - ii. You call the division in charge of what you're concerned about. Informal procedure
 - iii. Written complaint to PUC, that opens a docket. Ten days to respond and PUC determines if there needs to be a hearing. We have not had double poles come in as a written complaint.
 - iv. We might hear through the wind that there's general complaints, which is how we opened the investigation in 2018 referenced above
- g. In NH poles are overwhelmingly jointly owned by power and communications company. There is a controlling utility which does maintenance
- h. We looked into making NJUNS a requirement, and it has not happened, but it is not used by the smaller utilities. It is used by the larger ones in the state.
- i. General authority -- the federal govt passed a pole attachments act that sets out that pole owners must provide access to telephone and cable companies on demand. They have unfettered access to the poles as they are providing interstate and intrastate services.
- j. You must remember the federal law in this unless the state has said that they will enforce the code. NH is part of this
- k. The PUC rules are very similar to the FCC rules in 2008
- l. Q: Carson: If this passed as is, what would happen? (it would create a dual enforcement mechanism because PUC has authority to regulate this space. Town would also have some enforcement. Time frames in PUC are mostly 6 months to remove the pole) so not complete chaos? (no, the towns and the PUC occupy the same field) If the committee wanted to work on this further, would you work with a subcommittee on this? (Yes) (Other stakeholders nod in agreement)
- m. Q: Treleven: talk about the pole owners again? (Each company owns the poles jointly and they have divided up poles into maintenance areas and they are the boss of the poles. The communications company is usually in charge of the other attachers, and that's where a lot of the problems lie)

Respectfully submitted,



Rep. Timothy Josephson
Clerk

HB 1111 - relative to the removal and replacement of telephone and electric poles

1. Rep. Jaci Grote - Rockingham 24 - PRIME SPONSOR
 - a. *** see written testimony ***
 - b. Q: Lekas: How does it impede traffic? (when they are working on poles they have trucks in the road and they need police detail and traffic piles up) That's when they are doing the work. Is the issue that the pole is like that for a long time or that the trucks are out there? (the amount of time it takes to replace poles)
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 - i. if you call commission and ask questions, that goes to our consumer & external affairs division. General info.
 - ii. You call the division in charge of what you're concerned about. Informal procedure
 - iii. Written complaint to PUC, that opens a docket. Ten days to respond and PUC determines if there needs to be a hearing. We have not had double poles come in as a written complaint.
 - iv. We might hear through the wind that there's general complaints, which is how we opened the investigation in 2018 referenced above
 - g. In NH poles are overwhelmingly jointly owned by power and communications company. There is a controlling utility which does maintenance
 - h. We looked into making NJUNS a requirement, and it has not happened, but it is not used by the smaller utilities. It is used by the larger ones in the state.
 - i. General authority -- the federal govt passed a pole attachments act that sets out that pole owners must provide access to telephone and cable companies on demand. They have unfettered access to the poles as they are providing interstate and intrastate services.
 - j. You must remember the federal law in this unless the state has said that they will enforce the code. NH is part of this
 - k. The PUC rules are very similar to the FCC rules in 2008
 - l. Q: Carson: If this passed as is, what would happen? (it would create a dual enforcement mechanism because PUC has authority to regulate this space. Town would also have some enforcement. Time frames in PUC are mostly 6 months to remove the pole) so not complete chaos? (no, the towns and the PUC occupy the same field) If the committee wanted to work on this further, would you work with a subcommittee on this? (Yes) (Other stakeholders nod in agreement)
 - m. Q: Treleven: talk about the pole owners again? (Each company owns the poles jointly and they have divided up poles into maintenance areas and they are the boss of the poles. The communications company is usually in charge of the other attachers, and that's where a lot of the problems lie)

Blue sheet: 4 in favor 1 opposed

Hearing adjourned 2:24pm

Testimony



New England Cable & Telecommunications Association, Inc.
101 Federal Street • Suite 1900 • Boston, MA 02110
Tel: 781.843.3418

New England Cable & Telecommunications Association, Inc.

NECTA Testimony in Opposition to HB 1111 – Relative to the removal and replacement of telephone and electric poles

February 4, 2020

Good afternoon, Chairman Carson and esteemed members of the Committee. My name is Maura Weston, I am local counsel for the New England Cable and Telecommunications Association (NECTA) and am here today representing Tim Wilkerson, who is President and General Counsel for NECTA.

I. Introduction.

NECTA is a five-state regional trade association representing substantially all private cable telecommunications companies in New Hampshire, Connecticut, Massachusetts, Rhode Island and Vermont. For more than four decades, NECTA has represented the interest of the cable telecommunications industry before state and federal regulatory agencies, in the Legislatures, the Courts, and before the United States Congress. In New Hampshire, NECTA represents Atlantic Broadband, Charter, and Comcast. NECTA member's currently own and operate communications infrastructure providing a range of services to more than 450,000 homes and businesses in New Hampshire. To facilitate the delivery of these services our member's network infrastructure is attached to in excess of 575,000 utility poles. Access to Utility poles and their maintenance and safe operation is a critical issue for NECTA's members.

I am testifying in opposition to HB 1111, current Public Utilities Commission regulations, existing pole attachment agreements and industry practices are adequate to facilitate the timely and safe removal of utility poles. This ensures that necessary work is done in a safe manner with minimal impact to customers or damage to infrastructure. NECTA believes HB 1111 is unnecessary for the following reasons;

II. Existing PUC rules contain well understood timelines for Make Ready Work which include pole removal and replacement.

In late 2018 the New Hampshire Public Utilities Commission adopted new rules including detailed and binding timelines related to the placement of utility poles, access by third parties wishing to attach their infrastructure to such poles as well as movement of facilities by both pole owners and third parties. The adoption of these rules followed a lengthy and deliberative multi stakeholder process as well as JLCAR approval. The PUC 1300 rules accomplish the objectives of accelerated movement and replacement of infrastructure, minimizing customer disruption and ensuring safety.

Passage of HB 1111 would conflict with these recently adopted timelines creating uncertainty and potentially slowing down and not accelerated necessary work.

III. HB 1111 introduces unacceptable safety risks and increases the likelihood of damage to critical infrastructure

For entities operating on utility poles safety is the paramount consideration. HB 1111 states that the pole owners “shall complete the transfer” of facilities, including those of attachers, making the pole owners, not the attachers, responsible for the removal or relocation of other entities infrastructure. This is unacceptable both for safety reasons and because of the increased likelihood of damage and service interruption. Even for non-electric distribution and transmission infrastructure only those entities that own the infrastructure have the knowledge necessary to oversee its maintenance or relocation. Moreover, there are no protections or liability provisions in place should a pole owner damage an attachers’ facilities or cause a service interruption. Finally, 48 hours notice is not a workable timeframe for attachers to oversee the transfer of their facilities or oversee transfer by other parties.

IV. Virtually all New Hampshire pole owners and entities attaching to utility poles participate in the National Joint Utility Notifications System (NJUNS).

NJUNS is a not for profit consortium of utility companies with members from the public and private sector created to facilitate efficient communications between pole owners and attaching entities. NH members of NJUNS include virtually all pole owning utilities and communications attachers as well as several dozen municipal fire departments and school districts. NH has participated in NJUNS since 2010 and the system provides an efficient means for tracking workflow and facilitating timely communications between all entities.

When a project such as a utility pole or attachment relocation is created in NJUNS by the pole owning utility all impacted parties gain awareness of the project and visibility into when they are next in line to complete their work. Projects can proceed in an orderly and efficient manner without undue delay or waste of resources. NJUNS is an important tool as there are dozens of different entities with infrastructure on hundreds of thousands of poles along thousands of miles of rights of way.

Despite nearly a decade of participation in NJUNS errors can occur. Projects may unintentionally be left out of the system or errors in data entry can lead to delays or confusion. It is the experience of NECTA members that all NJUNS members are committed to their participation and recognize the added safety and efficiency benefits of the system.

For all the above reasons, we respectfully oppose HB 1111.

Respectfully submitted,

Maura Weston

SOMERSWORTH, NEW HAMPSHIRE

City of Somersworth
18 Lilac Lane
Somersworth, NH 03878



Public Works and Utilities Department
Phone: 603.692.4266
Fax: 603.692.4281
www.somersworth.com

"Proud past, bright future"

February 4, 2020

New Hampshire House of Representatives
Attn: Municipal and County Government Committee
107 North Main Street
Concord, NH 03301

IN SUPPORT OF HB 1111, A BILL RELATIVE TO THE REMOVAL AND REPLACEMENT OF TELEPHONE AND ELECTRIC UTILITY POLES.

Chairman Clyde Carson and Members of the Municipal and County Government Committee:

I am Michael Bobinsky and serve as the Director of Public Works and Utilities for the City of Somersworth. I want to thank the Committee for taking my testimony in support of HB 1111. This is an important legislation and we appreciate the sponsors of this HB and their recognition of the importance of how utility poles are removed and replaced in our cities and towns. I am speaking on behalf of the City of Somersworth. I know this is a statewide issue in other communities throughout the State, as well. In addition, the Somersworth City Council supports the adoption of HB 1111 and adopted a Resolution last night in support of the bill.

City officials have expressed concern over how the utility companies leave old poles in place long after new replacement poles have been installed; I have a list of examples of double poles on neighborhood streets where older poles are left in place for years after new ones are installed. I have included a listing of double pole locations for the Committees' information. My staff and I have been working on addressing with officials of Consolidated and Eversource (owners of the Utility Poles) to remove the older poles over the past several years.

Some of the consequences about the double poles are the following:

- Safety: some of the double poles are wrapped with metal bands around the new pole to hold them up. I have needed to respond to citizen complaints/concerns that the older poles may break off or fall over and report said condition to Consolidated or Eversource to inspect.
- Sight Distance impacts: Pole placement at or near intersections can contribute to line of sight issues for motorists. Double pole installation when at intersections adds to this sight distance problem for motorists and pedestrians.
- Access issues when near or at sidewalks: Placement of poles is critical to a walkable neighborhood and when double poles exist, it makes it difficult if not impossible to stay on sidewalk forcing pedestrians to walk in the street; thus, less safe. In addition, if those double poles are on a

New Hampshire House of Representatives
Attn: Municipal and County Government Committee
February 4, 2020
Page 2

sidewalk snow clearing route, our sidewalk tractor is unable to clear that section of sidewalk contributing even more restrictions and unsafe conditions for pedestrians.

- Aesthetics: The double poles degrade the appearance of a street/neighborhood. Often those left over poles are in a deteriorated condition and brings down the appearance of the properties it abuts or neighborhood streets.

City staff have not been successful using existing measures to require utilities to mandate other users of the utility pole to remove all equipment and transfer to new pole when new poles are installed. We understand that it does take time for the all of the utilities to move their equipment off of the older poles and onto the new poles; but there appears to be no accountability for how long this process takes. We have examples of double poles installed for 10 years and examples where a new pole was installed in the middle of a new sidewalk on one of our City streets and has not been removed after repeated attempts to get this completed.

Given the lack of time frames for equipment to be removed , we like the feature of HB 1111 that requires utilities to complete the transfer of wires, all repairs and removal of the existing pole from the site within 90 days from date of installation of the new pole but no more than 6 months approved commercial and industrial projects. Our City Council supports the efforts described in HB 1111 as necessary steps to change how utility poles are installed, maintained and removed in the City and views this proposed legislation as necessary to address this problem.

On behalf of the City of Somersworth, I encourage the Municipal and County Government Committee to recommend HB 1111 be adopted by the NH Legislature and the Governor sign the bill into Law.

Yours Truly,

Michael J. Bobinsky
Director of Public Works and Utilities
City of Somersworth, New Hampshire 03878
(603) 692-4266



City of Somersworth – Resolution

Resolution No: **28-20**

VOTE TO SUPPORT HOUSE BILL 1111, AN ACT RELATIVE TO THE REMOVAL AND REPLACEMENT OF TELEPHONE AND ELECTRIC POLES

February 3, 2020

WHEREAS, the City of Somersworth has expressed concern over how the utility companies leave old poles in place long after new replacement poles have been installed; and

WHEREAS, double utility poles on streets and sidewalks restricts access for pedestrians, impedes sidewalk snow clearing equipment, contributes to safety concerns and impacts aesthetics of neighborhood streets; and

WHEREAS, HB 1111 establishes a required schedule for the completion of the removal and replacement of telephone and electric poles by a distribution, electric, or telephone company;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Council supports HB 1111 and encourages the New Hampshire Legislature to adopt this bill and the Governor to sign said act into law.

Authorization

Sponsored by Councilors:

David A. Witham
Martin P. Dumont, Sr.
Kenneth S. Vincent
Matt Gerding

Approved:

City Attorney

City of Somersworth – Resolution 28-20

History

First Read Date:	02/03/2020	Tabled:	NA
Public Hearing:	NA	Removed From Table:	NA
Second Read:	02/03/2020		

Discussion

On February 3, 2020, Councilor Witham, seconded by Councilor Paradis, made a motion to suspend Council Rules to allow for second reading of Resolution 28-20. The motion passed 8-0.

Councilor Witham, seconded by Councilor Paradis, made a motion to approve Resolution 28-20.

Councilor Witham stated that he recently took a ride through the City, finding all of the double poles; at that time there were about 88. On Noble Street there is a new poll with no wires attached to it. There is a pole in the middle of the sidewalk on Indigo Hill Road. He is thrilled that they are signing legislation at the State House regarding this issue.

Councilor Vincent said according to the House records, this will be heard tomorrow at 1:00pm, by the Municipal and County Government Committee. This bill is co-sponsored by Representative Gerri Cannon. He said he will be attending the meeting and will tell them about the 88 poles in hopes to shoot down any amendments.

Councilor Gerding said he seconds what Councilors Witham and Vincent said. Now that he is aware of these double polls, he sees them everywhere. These polls are haunting him.

Vote to approve passed, 8-0.

Voting Record		YES	NO
Ward 1 Councilor	Pepin	X	
Ward 2 Councilor	Vincent	X	
Ward 3 Councilor	Dumont	-	-
Ward 4 Councilor	Austin	X	
Ward 5 Councilor	Michaud	X	
At Large Councilor	Witham	X	
At Large Councilor	Gerding	X	
At Large Councilor	Cameron	X	
At Large Councilor	Paradis	X	
TOTAL VOTES:		8	0
On 02/04/2020 Resolution 28-20		PASSED	

DOUBLE POLES – CITY of SOMERSWORTH, NH

1. Franklin St., across from #16 (FP 33/4) 223993 – READY FOR CCI TO TRF AND RMV OLD POLE
2. Green St., in front #27 (FP 20/12) 224801 – POWER AND CATV STILL ATTACHED TO OLD POLE
3. Green St., in front #9 (FP 20/8) 224801– POWER AND CATV STILL ATTACHED TO OLD POLE
4. Green St., at #238 (FP 20/54) – POWER AND CATV STILL ATTACHED TO OLD POLE
5. Main St., across 206 (PSNH 1/17A) * *This may be a PSNH pole? - EVERSOURCE ONLY*
6. Indigo Hill Road at RR track crossing – EVERSOURCE ONLY
7. Deer Creek Run, at #4 (FP 4) – CATV STILL ATTACHED TO OLD POLE
8. Union St. @ Mount Auburn St. (FP 34/15) – POWER AND CATV STILL ATTACHED TO OLD POLE
9. Guy St., at #15 (FP 850/4) 225615 – ALL WORK COMPLETE. OLD POLE REMOVED
10. Cass St. near Child Care Center (FP 9260/1) 225615– ALL WORK COMPLETE. OLD POLE RMV
11. Cass St. just beyond Child Care Center (FP 9260/3) 225615 - ALL WORK COMPLETE. OLD POLE RMV
12. Cemetery Rd., at #17 (FP 7) 228917– READY FOR CCI TO TRF AND RMV OLD POLE
13. Cemetery Rd., at #13 (FP 6) 228917– READY FOR CCI TO TRF AND RMV OLD POLE
14. Prospect St., across from #69 (FP 8/15) 224248– POWER &CATV STILL ATTACHED TO OLD POLE
15. Noble St., across from #79 (FP 4?) 225024– POWER &CATV STILL ATTACHED TO OLD POLE
16. Page St. @ Maple St. (FP 11/7) 224247 also on 224248– POWER &CATV STILL ATTACHED TO OLD POLE
17. Page St. at #37 (FP 11/5) 224247 also on 224248– POWER &CATV STILL ATTACHED TO OLD POLE
18. Page St. at #27 (FP 11/4) 224247 also on 224248– POWER &CATV STILL ATTACHED TO OLD POLE
19. Rocky Hill Rd. at #24 (PSNH 65/ FP?) 290806 ? P.49 & 50- READY FOR CCI TRF&RMV OLD POLE
20. Rocky Hill Rd. at #64 (PSNH 65/23 FP?) – READY FOR CCI TO TRF AND RMV OLD POLE
21. Rocky Hill Rd. at #64 (PSNH 65/24 FP?) – READY FOR CCI TO TRF AND RMV OLD POLE
22. Sunset Dr., at #2 (FP 503/2) 223944– ALL WORK COMPLETE. OLD POLE REMOVED
23. Sunset Dr., at #5 (FP 503/4) 223944– ALL WORK COMPLETE. OLD POLE REMOVED
24. Sunset Dr., at #15 (FP 503/5) 223944– ALL WORK COMPLETE. OLD POLE REMOVED
25. Sunset Dr., at #23 (FP 503/2) duplicate? 223944– ALL WORK COMPLETE. OLD POLE REMOVED
26. Veterans Terrace, at #34 (FP 5033/3) – CATV STILL ATTACHED TO OLD POLE
27. Flynn St., at #9 (FP 5034/3) 297989 ? (poles 1 & 4 on job) – CATV STILL ATTACHED TO OLD POLE
28. Flynn St., at #5 (FP 5034/1) 297989– CATV STILL ATTACHED TO OLD POLE
29. Stackpole Rd., at #83 (FP 29/5) 291118– READY FOR CCI TO TRF AND RMV OLD POLE
30. Stackpole Rd., at #85 (FP 4S) 291118– READY FOR CCI TO TRF AND RMV OLD POLE
31. Stackpole Rd., at #89 (FP 29/2) 291118– READY FOR CCI TO TRF AND RMV OLD POLE
32. Stackpole Rd., at #91 (FP 29/1) 291118– READY FOR CCI TO TRF AND RMV OLD POLE
33. Buffumsville Rd., at #34 (FP 316 1Sp) ?
34. Buffumsville Rd., at #55 (FP 6) 288158– READY FOR CCI TO TRF AND RMV OLD POLE
35. Rt. 108, confirming locations of pole numbers



House Bill 1111
An act relative to the removal and replacement of telephone and electric poles
Testimony on behalf of Consolidated Communications
February 4, 2020

Good Morning Mr. Chairman and Committee Members. Thank you for the opportunity to talk with you today. My name is Ellen Scarponi and I represent Consolidated Communications in opposition to HB 1111.

As this is the first time I am before you this session I would like to provide background on our company:

Consolidated Communications is a leading broadband and communications provider serving customers, businesses of all sizes and wireless companies and carriers, across a 23-state service area. Leveraging our advanced fiber optic network spanning more than 37,000 fiber route miles, we offer a wide range of communications solutions, including: data, voice, video, managed services, cloud computing and wireless backhaul. Headquartered in Mattoon, IL, Consolidated Communications has been providing services in many of its markets for more than a century. We serve over 235 towns in New Hampshire with over 7000 route miles of fiber optic cable.

Regarding HB 1111, we understand that there is concern about how quickly replaced telephone poles can be removed. Consolidated Communications wants to be as responsive as possible to requests from a town – and our practice has been to work with each town on a plan that will work in their individual circumstance. While it is the towns that issue permits and licenses to erect and replace the poles, it is the Public Utilities Commission that has rules about the process. In NH, Consolidated has approximately 46,000 solely owned poles and 440,000 jointly owned poles with the various electric companies.

It might seem like an easy process – put in a new pole and take out the old one – but I can assure you it is not. It is complicated because there are multiple attachers (the electric company, the cable company, other communications companies and the landline telephone company) that are affected and need to move (in a specific order) from an old pole to the new one before the old pole can be removed. There are also safety procedures that must be adhered to. This is a highly coordinated system – and that is why there are the Public Utility Commission 1300 rules. PUC rule 1303.12 specifically governs Make-Ready Work Timelines. These rules were reissued in September of 2018 and reflect considerable work by the Commission and stakeholders (including pole owners and attachers) to make the process as efficient as possible while being realistic about how long it takes to actually do this type of work, and maintaining the highest level of safety requirements.

HB 1111 proposes a set 90 day deadline for removal of poles. That would mean all attachers would have to have moved in that time as well. Pole owners cannot mandate that an attacher move but nor can we just drop their cables on the ground so that we can remove the pole. There are variables that differ in each situation – and are accounted for in the PUC rules, but there is no one-size-fits-all timeframe that can be dictated. The process for pole installation, attachments and removal is working. We ask that you let this process continue to be regulated by the Public Utility Rules and find HB 1111 Inexpedient to Legislate.

I am happy to answer any questions.
Thank you.

A stylized, cursive signature of the name "Ellen" in black ink.

Ellen G. Scarponi | Director Government Relations NH
C: 603.703.7315 ellen.scarponi@consolidated.com

HB 1111 – relative to the removal and replacement of telephone and electric poles.

Representative Jaci Grote
Rockingham 24
Rye New Castle

Testimony February 4, 2020 to the Municipal and County Government Committee

Dear Chair Carson and members of the committee,

This bill is submitted on behalf of a constituent and the town of Rye. In May of this year, a constituent contacted me concerning a telephone poll located in front of this house mounted on a stack of bricks. When contacting our town administration, I learned that several phone calls had been made to Consolidated Communications and the Public Utility Commission regarding the many double telephone poles throughout Rye. The pole on top of the bricks was part of that project. I understand that Eversource had initiated this project due to the need for taller poles. The project involved the installation of the taller pole alongside an existing pole, transfer of the electric lines by Eversource, followed by transfer of the cable line by the responsible communication company and the last step, the removal of the original shorter pole. This project is driven by the electric company, the communication company and the owner of the telephone pole. In our town, this project is at various stages and this summer we will be in our third year of the telephone pole project. Rye is noted for its scenic roads and I can tell you from personal experience that having double poles throughout our town, does not enhance the scenery. Furthermore, the traffic congestion that it causes in the summer is another concern. At this point, we have at least 170 double poles to transfer or remove. Eversource is not the problem in the case of our town, it seems to be the cable and telephone carriers, most notably Comcast, who are not expedient in their transfer of their lines.

During the summer, I also learned that Rye was not only town with this issue. I contacted some of the town administrators and they encouraged me to file this bill.

Please know that this is not a complaint against the PUC who have been ever supportive of my request for assistance. During this summer, our town administrator met with Jay Summers, the public representative for Verizon who claimed that Verizon was not responsible. And, at one point this summer, at the request of Comcast, our DPW photographed as many telephone poles to document double poll locations. This task took a day and half and not all the poles were photographed.

In 2007 the PUC did a generic investigation into telephone poles – reference:
[https://www.puc.nh.gov/Regulatory/CaseFile/2005/05-172/LETTERS,%20MEMOS/05-172%202007-08-29%20%20Work%20Product%20Topic%20\(21\).pdf](https://www.puc.nh.gov/Regulatory/CaseFile/2005/05-172/LETTERS,%20MEMOS/05-172%202007-08-29%20%20Work%20Product%20Topic%20(21).pdf)

At that time, it was assumed that the electric companies would take ownership of the poles but many of the poles in Rye are owned by Consolidated Communications. However, it is my understanding that PUC is still managing telephone poles in our state.

Although very responsive, the PUC seems unable to direct the transfer of lines or removal of poles. Ownership of the poles and the costs associated with removal seems to be an issue. This bill is aimed at protecting homeowners who have double telephone poles in front of their home or throughout their town and preventing the time waste of town administrators and department work personnel who are expected by their town's residents to handle this issue.

Thank you.

Bill as
Introduced

HB 1111 - AS INTRODUCED

2020 SESSION

20-2051
10/06

HOUSE BILL **1111**

AN ACT relative to the removal and replacement of telephone and electric poles.

SPONSORS: Rep. Grote, Rock. 24; Rep. K. Murray, Rock. 24; Rep. Cannon, Straf. 18; Rep. Woodcock, Carr. 2; Sen. Sherman, Dist 24

COMMITTEE: Municipal and County Government

ANALYSIS

This bill establishes a required schedule for the completion of the removal and replacement of telephone and electric poles by a distribution, electric, or telephone company.

.....

Explanation: Matter added to current law appears in **bold italics**.
 Matter removed from current law appears [~~in brackets and struckthrough~~]
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty

AN ACT relative to the removal and replacement of telephone and electric poles.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Section; Telephone and Electric Poles; Removal and Replacement. RSA 231:181 is
2 repealed and reenacted to read as follows:

3 231:181 Schedule for Removal and Replacement. A distribution company, electric company, or
4 telephone company engaging in the removal of an existing pole and the installation of a new pole in
5 place thereof shall complete the transfer of wires, all repairs, and the removal of the existing pole
6 from the site within 90 days from the date of installation of the new pole; provided, however, that for
7 any approved commercial or industrial construction project, the completion of which is expected to
8 take longer than one year, said company shall be required to remove such pole within 6 months from
9 the date of installation of the new pole. The owner of such pole shall notify all other users of the
10 starting date of such removal and installation work at least 48 hours prior to the commencement of
11 such work, and said owner shall require all other users to remove their wiring and other
12 attachments from the poles in a timely manner.

13 2 Effective Date. This act shall take effect 60 days after its passage.