

## **Easton Outreach to Northern Pass, April, 2011**

### **Re: Broadband Communication**

**Submitted as a Public Comment on Docket 2015-06 by Susan Schibanoff, 11/19/2017**

#### **1. “Project exploring broadband installation,” Northern Pass website, April 20, 2011.**

[Project exploring broadband installation](#)

Posted on April 20th, 2011 by [northernpass](#)

The possibility of installing broadband technology in northern New Hampshire as part of The Northern Pass project is being explored.

It’s an intriguing possibility, and one we are actively investigating.

We heard at the recent public meetings that some business creation opportunities have been lost, in part due to concerns about reliable communications.

The idea, then, is to utilize The Northern Pass to provide a strong and secure fiber infrastructure that business and industry can rely on.

Read [the press release](#) to learn more!

<<http://blog.northernpass.us/tag/broadband/>>, accessed 11/19/2017.

#### **2. Northern Pass’s press release on broadband, April 20, 2011.**

##### **Northern Pass Exploring Development of Broadband Infrastructure in Northern New Hampshire**

Wednesday, April 20, 2011

MANCHESTER, NH - April 20, 2011, Representatives of The Northern Pass Transmission project announced today that they are actively exploring the possibility of installing high capacity broadband technology as part of the direct current transmission project in northern New Hampshire.

“In our discussions with local residents and community leaders it is clear that the lack of a high capacity, reliable broadband system has been a major impediment to economic development efforts in northern New Hampshire and the loss of significant opportunities, such as an IKEA opening operations in Colebrook,” said Gary Long, President of Public Service of New Hampshire. “We are still in the process of review and discussion, but we believe there is an

opportunity to utilize the Northern Pass project to facilitate a major fiber backbone to the economic centers of the region, including Lancaster, Groveton, Colebrook and Berlin.”

Long said that the intention of The Northern Pass is not to provide telecom service, but to provide “backbone” fiber infrastructure, and partner with state and local telecom providers to facilitate enhanced service, reliability, and capacity to business and residential customers. A team of internal and external electric and telecom experts have been reviewing the potential of co-locating the direct current transmission equipment and broadband technology on the same structures, and identifying opportunities to partner with telecom companies.

“The availability of broadband has become a major consideration in all aspects of business and the economy,” said Long. “This is true not only for large operations centers, but for small businesses, area industries, such as tourism and lodging, and the provision of human services, including health care and education.”

“The lack of communications capacity, as well as not having the security of redundant telecom systems, prevents major corporations from choosing to locate in northern New Hampshire,” said Berlin Mayor Paul Grenier. “Berlin has lost out on major employers because we do not have the necessary broadband infrastructure to assure continued and stable operations of these major call centers and other business operations. The addition of greater broadband capacity through this electric transmission project would be a great benefit to the region.”

Leveraging the Northern Pass project to provide additional broadband capacity to the North Country would contribute to the goals of the 2008 State of New Hampshire Broadband Action Plan by identifying new backhaul infrastructure to increase capacity and improve the redundancy of the core network infrastructure. Through the development of a robust network infrastructure that is fast, reliable, and redundant, this project can provide access for communities that otherwise would not be served in a way that will foster job creation and economic growth.

About The Northern Pass - The Northern Pass transmission project aims to deliver firm, competitively priced, low-carbon power that will help to reduce greenhouse gas emissions and potentially help to avoid or defer the need to construct fossil fuel generation plants that would otherwise be required to produce an equivalent quantity of firm, reliable power. The construction and operation of The Northern Pass transmission project will create hundreds of quality, local construction jobs and provide an estimated \$25 million annually in new state, county, and local tax benefits. Proposed by Public Service of New Hampshire’s parent company, Northeast Utilities, along with NSTAR, The Northern Pass transmission line would be owned by New Hampshire-based Northern Pass Transmission LLC, and would provide Hydro-Québec the rights to deliver 1200 MWs of power for use in New Hampshire and New England for 40 years.

The project is currently in the planning and permitting stages, with construction scheduled to be completed in 2015.

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For more information about The Northern Pass, please visit [northernpass.us](http://northernpass.us).

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<[http://thetipsheet.typepad.com/the\\_tip\\_sheet/2011/04/northern-pass-exploring-development-of-broadband-infrastructure-in-northern-new-hampshire.html](http://thetipsheet.typepad.com/the_tip_sheet/2011/04/northern-pass-exploring-development-of-broadband-infrastructure-in-northern-new-hampshire.html)>, accessed 11/19/2017.

### **3. Outreach letter to Mr. Gary Long from five Easton residents concerning April 20<sup>th</sup> broadband press release, April 26, 2011.**

An Open Letter to Mr. Gary Long

Dear Mr. Long,

We have read with concern your recent press release about North Country broadband in which you state:

“ . . . the intention of The Northern Pass is not to provide telecom service, but to provide ‘backbone’ fiber infrastructure, and partner with state and local telecom providers to facilitate enhanced service, reliability, and capacity to business and residential customers. A team of internal and external electric and telecom experts have been reviewing the potential of co-locating the direct current transmission equipment and broadband technology on the same structures, and identifying opportunities to partner with telecom companies.” (“Northern Pass Exploring Development of Broadband Infrastructure in Northern New Hampshire,” April 20, 2011.)

It is not clear if you are proposing this new telecommunications usage for existing PSNH right-of-ways (ROWs) such as those that run through the Woodstock, Easton, Sugar Hill, Franconia, and Bethlehem area and on which there is a high voltage AC line on 45’-55’ wooden poles. If you are, such new usage violates the terms of your easement for many if not most of these ROWs. These early (pre-1950) easements explicitly allow PSNH only “the right to erect, repair, maintain, rebuild, operate and patrol electric transmission and distribution lines, consisting of

suitable and sufficient poles and towers, with suitable foundations, together with wires strung upon and extending between the same, for the transmission of electric current . . .” (emphasis added).

For the PSNH easements that are clearly limited to the transmission of electric current, as many if not most in this area would appear to be, it is simply a non-starter to suggest that fiber optic cable for new customer services could be added. Just last summer in the segTEL case, in which segTEL, Inc., wanted to add fiber optic cable for telecommunications to PSNH utility poles, the NH Public Utilities Commission made it perfectly clear that the consent of the landowners is necessary to add these new lines to the easements. PSNH itself maintained that “there is no presumption under New Hampshire law that a right-of-way owned and used by an electric utility for power line purposes may be made available to third parties for telecommunications uses unrelated to the electric utility’s business.” (See <http://www.puc.state.nh.us/Regulatory/Docketbk/2008/08-146.htm>)

In sum, for many or most of your existing ROWs in Grafton County, your press statement on broadband for the North Country implies a right that PSNH does not have; PSNH would give away something that it does not own. We request that you clarify your intentions by specifying which ROWs you plan to use for broadband immediately. As landowners and residents in a town with no broadband or cable, we know first-hand the importance of affordable access for all in both central and northern New Hampshire. We understand that solutions that do not violate private property rights are close to completion for northern New Hampshire. We would appreciate a timely response to our request for clarification.

Thank you.

Jean E. Kennard

Kris Pastoriza

Susan Schibanoff

Ruth Ward

John A. Willis, MD

Easton NH April 26, 2011

<[http://www.northernpass.us/assets/projectjournal/2011/04/open\\_letter\\_to\\_gary\\_long1.pdf](http://www.northernpass.us/assets/projectjournal/2011/04/open_letter_to_gary_long1.pdf)>  
accessed 11/19/2017.

#### **4. Northern Pass's response to Easton outreach letter on broadband, Northern Pass website, April 27, 2011.**

[Response to broadband question...](#)

Posted on April 27th, 2011 by [northernpass](#)

Landowner Susan Schibanoff recently [sent a letter](#) to PSNH President Gary Long questioning [our recent announcement](#) on how The Northern Pass might assist in the effort to bring broadband technology to areas of the state that are currently without it.

Here's Gary's response:

Dear Susan,

Thank you for your e-mail concerning the enhancement of broadband services in northern New Hampshire. The quote you cited from the press reports is accurate and is a good summary of PSNH's view on the matter. For some time now the State of New Hampshire and the communities in northern New Hampshire have had a strong interest in bringing broadband services to that area of the state. PSNH has engaged experts to look into the potential to fulfill this need and what role, if any, PSNH could play. We will await the results of this research from these experts before coming to any conclusions or proposals.

I was interested in your own comment; "As landowners and residents in a town with no broadband or cable, we know first-hand the importance of affordable access for all in both central and northern New Hampshire. We understand that solutions that do not violate private property rights are close to completion for northern New Hampshire." It would be very helpful to us if you could provide additional comments to expand on your thinking here. It seems to me that you are interested in receiving broadband service and that you do not currently have such services. Perhaps we have the same goal in mind. Also, if there is already a confirmed project to bring to you broadband services then there may be no need for assistance from PSNH. It would be helpful if you could describe further those solutions which "are close to completion for northern New Hampshire," as that information could be included in the research that our consultants are performing.

We do understand that there are many questions regarding how The Northern Pass could help solve the challenge of providing New Hampshire with additional broadband services. We look forward to the continuing conversation that will allow your question regarding easements, and others, to be addressed.

Thank you in advance for any additional information you can provide, and for your continued interest.

Sincerely,

Gary Long

<http://blog.northernpass.us/tag/broadband/> accessed 11/19/2017.

## **5. Easton residents' letter in response to Mr. Long, April 28, 2011.**

A response, received 4.28.11:

Dear Mr. Long,

Thank you for your prompt commentary on the question we emailed to you yesterday.

As we said then, the X178 ROW through Easton and the surrounding towns is not available to PSNH for telecommunications use by the terms of the easements granted in the 1940s.

Since you are apparently unable to identify ROWs that PSNH could legitimately use for this purpose, your press release concerning broadband for the North Country is too fanciful and hypothetical to be meaningful.

You may enter this as our follow up to your posting of our letter yesterday on your Northern Pass Journal blog.

Jean E. Kennard  
Kris Pastoriza  
Susan Schibanoff  
Ruth Ward  
John A. Willis, MD

<<http://blog.northernpass.us/2011/04/27/response-to-broadband-question/>>, accessed 11/19/2017.

## **6. Excerpt from "Northern Pass broadband initiative makes landowners nervous," Littleton Courier, May 4, 2011, pp. A1, A11.**

"I have no more actual information now than before I wrote the letter," said Schibanoff on Saturday. Schibanoff . . . said the purpose of the original letter was to get more information, and that she was not satisfied with Long's response.

"I would feel exactly the same way about any power company that looked as if it might be proposing a nonallowed use of an easement over my property," she said, though adding that her hesitance grew with the knowledge that Northern Pass was behind this particular initiative.

"Northern Pass has consistently failed to consult landowners in advance," said Schibanoff.