

**STATE OF NEW HAMPSHIRE**  
**Intra-Department Communication**

**Date:** April 21, 2025

**At (Office):** NH Dept. of Energy

**From:** Kenneth G. Walsh *KGW*  
Utility Analyst IV – Enforcement Division

**Subject:** CRC 2025-002      **Bretton Woods Telephone Company**  
Application for License to Construct and Maintain a Cable Over and Across Public Waters in Thompson and Meserves Purchase and Over and Across State-owned land on Mount Washington in Sargent’s Purchase, New Hampshire  
**Staff Recommendation**

**To:** Jared Chicoine, Commissioner, Department of Energy  
Christopher Ellms, Jr., Deputy Commissioner, Department of Energy

**CC:** Amanda Noonan, Director of Regulatory Support Division  
Michael Soucy, Director of Enforcement Division  
Elizabeth Nixon, Director of Electric Regulatory Support Division

Review by the Enforcement Division of the above application consisted of the following elements:

- Application contents and history.
- Applicable State statutes.
- Review of existing crossing(s) previously licensed by the State of New Hampshire, if any.
- Review of land ownership and of existing pole structures.
- Review of NESC code requirements as described in En 300.
- Review of public need and public impact, including applicability of other State regulations; and
- Conclusions and Recommendations.

**1. Application Contents and History**

On April 16, 2025, Bretton Woods Telephone Company, Inc. (BWTC) of New Hampshire, applied pursuant to RSA 371:17 for a license to construct and maintain a cable over and across public waters in Thompson and Meserves Purchase and across the Mount Washington State Park on state-owned land in Sargent’s Purchase, New Hampshire.

The land crossing on Mount Washington State Park in Sargent's Purchase is administered by the New Hampshire Department of Natural and Cultural Resources.

The proposed project is to install a cable to provide communications services to Mount Washington State Park.

This cable traverses the Ammonoosuc River in Thompson and Meserves Purchase as attached to an existing maintenance bridge.

This cable generally crosses into the Mount Washington State Park in Sargent's Purchase and into existing underground conduit and existing communications infrastructure.

The water crossing in Thompson and Meserves Purchase spans approximately 40 feet crossing the Amonoosuc River.

The land crossing on Mount Washington State Park in Sargent's Purchase totals approximately 955 feet primarily through existing underground conduit.

**2. New Hampshire statute referenced in application (modified by NH House Bill 1258, August 22, 2022)**

**RSA 371:17 Licenses for New Poles.** – Whenever it is necessary, in order to meet the reasonable requirements of service to the public, that any public utility should construct a pipeline, cable, or conduit, or a line of poles or towers and wires and fixtures thereon, over, under or across any of the public waters of this state, or over, under or across any of the land owned by this state, modify a previously licensed installation, or license a previously constructed installation, it shall apply to the department of energy for a license to construct and maintain the same. For the purposes of this section, " public waters " are defined to be all ponds of more than 10 acres, tidewater bodies, and such streams or portions thereof as the department of energy may prescribe. Every corporation and individual desiring to cross any public water or land for any purpose herein defined shall apply to the department of energy for a license in the same manner prescribed for a public utility. The department of energy may condition any license issued under this paragraph in any manner necessary to assure that the license may be exercised without substantially affecting the public rights in public waters or State-owned lands. Using a non-adjudicative process, the department of energy may reject incomplete or improperly filed applications, and shall, also using non-adjudicative process, issue or deny the license within 90 days of receiving a complete application and all information subsequently requested of an applicant.

**3. Review of existing license(s) and permissions previously granted by the State of New Hampshire, including additional permitting requirements, for the applicable public waters in Thompson and Meserves Purchase and State-owned land crossing in Sargent's Purchase, New Hampshire.**

A cable was previously installed and owned in approximately 2007 by the then NH Department of Resources and Economic Development when the Public Utilities Commission was not issuing licenses

for other state projects. Therefore, the original installation, which included the installation of underground conduit, was not licensed at that time. Due to environmental conditions, the cable was subsequently damaged, which required the installation of a new cable. As a result of this application, the cable will be licensed for the identified crossings.

No permits are required from the New Hampshire Department of Environmental Services (NHDES).

The U.S. Army Corps of Engineers (USACOE) does not regulate the subject portion of the Ammonoosuc River as navigable waters. Therefore, no crossing permits are required from USACOE.

The following is listed under the NHDES category “Public Rivers and Streams” in the Official List of Public Waters (OLPW):

In Thompson and Meserves Purchase, the Ammonoosuc River as a natural river from the Lakes of the Clouds in Sargent’s Purchase

The entire list of public waters can be found on the NHDES website by using the following web link:

<https://www.des.nh.gov/sites/g/files/ehbemt341/files/documents/olpw.pdf>

#### **4. Review of land ownership at proposed pole structures**

BWTC attests that the cable work will be accomplished within existing right-of-way easements, thereby mitigating impacts and potential objections of property owners affected by the project scope. The single landowner on both sides of the Ammonoosuc River has entered into an agreement with BWTC for the purpose of running the cable; therefore, no abutter list was submitted.

#### **5. Review of National Electrical Safety Code (NESC) requirements as described in N.H. Admin. R., En 306.01 (b)**

The Enforcement Division reviewed the specifications related to the design and construction of this crossing project as described in the application and found them to be in conformance with N.H. Admin. Rule En 306 and applicable sections of the National Electrical Safety Code (NESC) C2-2023.

BWTC will maintain and operate the cable in conformance with those requirements.

#### **6. Review of public need and impact**

The cable is an integral part of BWTC’s communication services system.

RSA 371:17 requires the Department of Energy to review applications for licenses to construct, maintain, or modify installations that exist or are proposed to exist, over, under, or across public waters or state-owned land. This review is to provide for the safety of the public and the preservation of perpetual access and use of public waters and State-owned land in New Hampshire.

BWTC declares that the license, if granted, may be exercised without substantially affecting the use or enjoyment of public waters or state-owned land as this cable will be installed in existing underground utility boxes and existing underground conduit. The Enforcement Division’s review of design specifications verified that the safe installation above water and under land will be maintained during and after construction and therefore, determines that public use and enjoyment of said water and land will not be diminished in any respect because of the proposed project. The Enforcement Division will conduct a visual inspection of the proposed project.

**7. Enforcement Division Recommendations**

Based on the results of its review of the application, the Enforcement Division recommends that the Department:

1. Find that the license BWTC requests in the application may be exercised without substantially affecting public rights on public waters and state-owned land; and
2. Grant Bretton Woods Telephone Company a license to construct and maintain a cable pursuant to RSA 371:17 and N.H. Admin. R., En 306.01, across public waters in Thompson and Meserves Purchase, and across state-owned land on Mount Washington State Park in Sargent’s Purchase, New Hampshire as specified in the application.