



CITY OF CONCORD
NEW HAMPSHIRE
Community Development Department
Engineering Services Division

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Edward L. Roberge, PE
City Engineer

CITY OF CONCORD
POLES AND WIRES COMMITTEE

MEETING MINUTES

OCTOBER 30, 2015 – 2:00 PM
2ND FLOOR CONFERENCE ROOM, CITY HALL

ATTENDEES

Ed Roberge, City Engineer
Chip Chesley, Director, General Services
Nancy Larson, City Planner
Paul Gendron, City Surveyor
Kathy Temchack, Director of Real Estate Assessment
Richard Wollert, Concord Fire Department
Jay Dunn, Waveguide, Inc.

CALL TO ORDER

Ed Roberge called the meeting to order.

APPROVAL OF 3/27/15 MEETING MINUTES

Mr. Roberge opened the item. Chip Chesley moved to approve the 3/27/15 Poles and Wires Committee meeting minutes. Seconded by Nancy Larson. The motion to approve the minutes was unanimously approved.

Mr. Roberge asked Paul Gendron to briefly outline the agenda. Mr. Gendron stated that there were two items on the agenda, one application for 186 Communications, LLC, and an item related to Mobilitie, a company inquiring about utility poles for erecting small cell antenna.

FINAL APPLICATIONS

1. 186 Communications, LLC, Request for Licensure of conduit within a City Right-of-Way
Black Hill Road and Manchester Street.

Mr. Gendron reminded the Committee of a project that the ESD and Rick Wollert had been working on since the beginning of March. He stated that Mr. Wollert had become aware of an unauthorized use of City-owned conduit by New Hampshire Optical Systems (“NHOS”), at the intersection of Manchester Street and Black Hill Road. NHOS has two subsidiary companies known as Waveguide, Inc., and 186 Communications, LLC. Upon investigating the unauthorized use of the City’s conduit, the City determined that NHOS won a contract with the State to complete some work for the State’s Department of Information Technology. Mr. Gendron stated that Mr. Wollert observed that one of the City’s two unused inner ducts had been removed from the city cable plant and re-attached to the NHOS cable plant. This inner duct is now tagged with a 186 Communications label and it is occupied by a 24-strand fiber optic cable, which runs between FP pole 127/10 and the State of NH communications manhole, is part of a three inner duct, 4-inch conduit that was installed by the City of Concord in 2006.

At that time, the ESD then sent a letter to Eric Ballman of NHOS stating that the required access permission and licensure had not been granted by the City to occupy its facilities. In light of the lack of permission and licensure, the City requested that NHOS take the necessary steps to license and install their own conduit and remove their facilities from the City-owned conduit. He also requested that a work plan be provided immediately to the City outlining an appropriate plan and schedule to accomplish the work, so that it could be reviewed at the March 27, 2015, Poles and Wires meeting. Mr. Gendron stated that NHOS failed to submit any information for the meeting. Mr. Gendron stated that the letter to Mr. Ballman was prepared with a courtesy copy to the Public Utilities Commission (“PUC”) and the State’s Department of Information Technology.

Mr. Gendron stated that he had contacted Jay Dunn, Utilities Manager for Waveguide, Inc., around September 29, and inquired into Waveguide’s plans to remove the unauthorized fiber from the City’s conduit. Mr. Dunn then responded with a work plan to remove the fiber from the City conduit, and reconnect to the State’s fiber optic system by breaking out of a Fairpoint manhole, running approximately thirty (30) feet of conduit, and then breaking into the State of NH manhole and splicing into the State’s fiber optic.

Mr. Gendron stated that he and Mr. Wollert had reviewed the information, made a site visit to view the conditions, and recommended that the application be approved.

Mr. Dunn stated that Mr. Gendron explained the situation correctly. He also stated that the NH DOT had said the conduit was theirs and that 186 Communications was allowed in it. Mr. Dunn asked the Committee if it was contacted by Fairpoint. Mr. Gendron

indicated that he had not. Mr. Dunn explained the construction sequence and indicated that they will start work Wednesday, November 4, and conclude construction within a few weeks.

Mr. Chesley made a motion to accept the recommendation. Seconded by Ms. Larson and all concurred.

NEW BUSINESS

1. Mobilitie, Request for information related to licensure of utility poles for the purpose of erecting small cell antenna
Loudon Road

Mr. Gendron reminded the committee that he had conducted some research into small cell towers that can be attached to the top of utility poles to create downtown hot spots. He stated that he would continue to research the topic in light of the request that the ESD had received from Mobilitie, a company, according to its web site, with its corporate headquarters in Newport Beach, California. He indicated that their contact person inquired about six potential locations that would require new utility poles. She also asked for information related to permitting or agreements, pole height restrictions, and the time frame for the review process.

Ms. Temchack stated that she had requested information on a listserv site for any communities that may have been approached by Mobilitie. She indicated that the City of Keene has had discussions with the company.

A brief discussion ensued related to the type of equipment that would be erected and whether zoning or site plan review would be necessary in addition to the Poles and Wires Committee. It was noted that cell towers require site plan review and that antennas require building permits.

A brief discussion ensued related to whether the company is a public utility company, as stated in the email correspondence from Kalpana Sabapathy, or a private company. Mr. Chesley suggested that the Committee ask the company for documentation as to their status and whether they are registered with the NH PUC.

Ms. Temchack stated that she needs to track these structures for taxation.

Mr. Roberge stated that more research needs to be conducted as to where these structures would be located; what the structures will be defined as; and what zoning and / or land use laws will pertain to the structures.

NEXT MEETING

Mr. Roberge noted that the next meeting is scheduled for December 11.

ADJOURNMENT

There being no further items to discuss, Mr. Chesley made a motion to adjourn and was seconded by Mr. Roberge.