

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 10-201

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

**Petition for License to Construct and Maintain Electric Lines Over and
Across the Public Waters of the North Branch River in the Town of Antrim**

Order *Nisi* Granting License

O R D E R N O. 25,146

September 23, 2010

On July 29, 2010, Public Service Company of New Hampshire (PSNH or Company) filed a petition with the Commission pursuant to RSA 371:17 for a license to construct and maintain electric lines across the North Branch River in Antrim. According to the petition, the license will allow the Company to rebuild the existing 7.2kV crossing, designated as circuit 3140, in connection with the reconstruction of the Old North Branch Road bridge by the New Hampshire Department of Transportation (NHDOT), State Bridge Project #130/149 (Federal Project Number X-A000(927)). PSNH said that reasonable provision of service to the public in the area cannot be met without the facilities being replaced. The line was not previously licensed for public water crossing because it is directly above the existing bridge deck. PSNH stated that American Recovery and Reinvestment Act monies are funding the bridge replacement and the project has a very tight construction schedule.

In support of its petition, PSNH submitted the following exhibits: (1) a location plan depicting the geographic location of the proposed crossing (Exhibit 1); (2) a plan and profile drawing depicting the location and projected elevations of the proposed crossing (Exhibit 2); and

(3) a construction detail drawing (Northeast Utilities Construction Standard DTR 10.211) depicting the construction specifications of the proposed structures (Exhibit 3).

According to the petition, the new crossing will have an alignment similar to the existing unlicensed crossing and be located primarily within the public right-of-way. PSNH obtained an easement from the Town of Antrim, which owns the property outside of the public street right-of-way at the northern pole location. PSNH also said that the Town of Antrim has given the Company a pole licence for the proposed southern structure (Antrim #13450). PSNH stated that no New Hampshire Department of Environmental Services or NHDOT permits are necessary for the construction of this crossing.

PSNH investigated a multitude of weather and loading conditions for its design and used these design conditions and combinations thereof to determine the minimum clearance of the conductors to the water, land surfaces, traveled way of the bridge, and between the phase and neutral conductors. According to PSNH, all phase and neutral conductors will be sagged to maintain or exceed National Electrical Safety Code, (NESC) American National Standards Institute (ANSI) C2-2007 required clearances under the most adverse conditions investigated.

PSNH said that it obtained the flood level data at this location of the North Branch River from the Hillsborough County Flood Insurance Rate Map issued by the Federal Emergency Management Agency. For a more conservative design of the crossing, PSNH used the 100-year flood elevation for this location instead of the normal flood level or 10-year flood levels required by the NESC.

According to the Company, the use and enjoyment by the public of these waters will not be diminished in any material respect as a result of the proposed electric line crossing. PSNH

further attested that the crossing will be constructed, maintained, and operated in accordance with the requirements of the NESC, ANSI C2-2007.

RSA 371:17 provides in relevant part that “[w]henver it is necessary, in order to meet the reasonable requirements of service to the public, that any public utility should construct a line of poles or towers and wires and fixtures thereon, over, under or across any of the public waters of” New Hampshire, “it shall petition the Commission for a license to construct and maintain the same.” “Public waters,” as defined in RSA 371:17, means “all ponds of more than 10 acres, tidewater bodies, and such streams or portions thereof as the Commission may prescribe,” and includes the portions of the water bodies covered by the present petition.

Staff filed a memorandum on September 16, 2010, recommending approval of the petition. Staff indicated that the petition was reviewed by its engineering consultant, The Accion Group (Accion). According to Accion, PSNH provided sufficient information to justify construction of the proposed water crossing. Accion further stated that, if the proposed facilities are constructed, operated, and maintained as proposed in its filing, PSNH will be able to provide safe and reliable electric service to the public based on sound engineering standards and the 2007 NESC.

Based on the information presented by PSNH, the review and recommendation of Accion, and Staff’s memorandum recommending approval of the petition, we find this crossing necessary for PSNH to meet the reasonable requirements of reliable service to the public within PSNH’s authorized franchise area as required by RSA 371:17 and that the requested license may be exercised without substantially affecting the public rights in the affected public waters as required for approval under RSA 371:20. We find that the crossing is for the public good and we

approve the petition on a *nisi* basis in order to provide any interested party the opportunity to submit comments on said petition or to request a hearing.

Based upon the foregoing, it is hereby

ORDERED *NISI*, that subject to the effective date below, PSNH is authorized, pursuant to RSA 371:17 *et seq.*, to construct, maintain and operate electric lines over and across the public waters described in its petition and depicted in its exhibits submitted July 29, 2010 and on file with this Commission; and it is

FURTHER ORDERED, that all construction and future reconstruction to this approved crossing shall conform to the requirements of the National Electrical Safety Code and all other applicable safety standards in existence at that time; and it is

FURTHER ORDERED, that PSNH shall maintain and operate this crossing in conformance with the National Electrical Safety Code; and it is

FURTHER ORDERED, that PSNH shall provide a copy of this order to the (i) Town Clerk of Antrim, (ii) New Hampshire Attorney General and the owners of the land bordering on said public waters at the location of the crossing, pursuant to RSA 371:19, and (iii) pursuant to RSA 422-B:13, New Hampshire Department of Transportation and the Office of Secretary, U.S. Department of Commerce by first class mail, no later than September 27, 2010 and to be documented by affidavit filed with this office on or before October 4, 2010; and it is

FURTHER ORDERED, that PSNH shall cause a copy of this Order *Nisi* to be published once in a statewide newspaper of general circulation or of circulation in those portions of the state where operations are conducted, such publication to be no later than September 27,

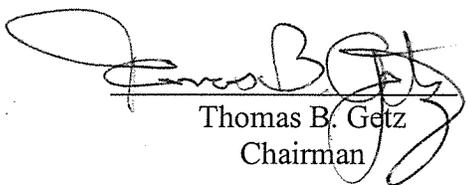
2010 and to be documented by affidavit filed with this office on or before October 4, 2010; and it is

FURTHER ORDERED, that all persons interested in responding to this Order *Nisi* be notified that they may submit their comments or file a written request for a hearing which states the reason and basis for a hearing no later than October 1, 2010 for the Commission's consideration; and it is

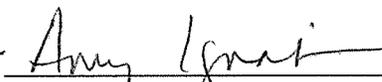
FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than October 4, 2010; and it is

FURTHER ORDERED, that this Order *Nisi* shall be effective October 4, 2010, unless PSNH fails to satisfy the publication obligation set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date.

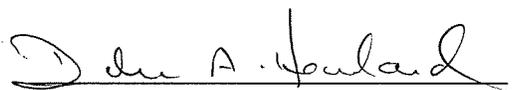
By order of the Public Utilities Commission of New Hampshire this twenty-third day of September, 2010.


Thomas B. Getz
Chairman


Clifton C. Below
Commissioner


Amy L. Ignatius
Commissioner

Attested by:


Debra A. Howland
Executive Director & Secretary

CHRISTOPHER J ALLWARDEN
PUBLIC SVC OF NEW HAMPSHIRE
780 NORTH COMMERCIAL ST
PO BOX 330
MANCHESTER NH 03105

09/23/10 Order No. 25,146 issued and forwarded to all parties.
Copies given to PUC Staff.

Docket #: 10-201 Printed: September 23, 2010

**FILING INSTRUCTIONS: PURSUANT TO N.H. ADMIN RULE PUC 203.02(a),
WITH THE EXCEPTION OF DISCOVERY, FILE 7 COPIES (INCLUDING COVER LETTER) TO:**
DEBRA A HOWLAND
EXEC DIRECTOR & SECRETARY
NHPUC
21 SOUTH FRUIT STREET, SUITE 10
CONCORD NH 03301-2429