

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 09-075

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

**Petition for License to Construct and Maintain Electric Lines Over and Across the Public
Waters of the Nubanusit Brook in the Town of Peterborough, New Hampshire**

Order *Nisi* Granting License

ORDER NO. 24,973

June 1, 2009

On April 22, 2009, Public Service Company of New Hampshire (PSNH or Company) filed a petition pursuant to RSA 371:17 for a license to construct and maintain electric lines across the Nubanusit Brook in Peterborough, New Hampshire. PSNH proposes to construct a new three-phase 34.5 kV distribution line, designated as the 313X4 circuit, in Peterborough. PSNH attested that the new line will help to accommodate the growth in demand and to obtain a greater level of reliability in electric service in the Peterborough area. PSNH submitted supporting exhibits as follows: (1) a location plan depicting the geographic location of the proposed crossing; (2) a plan and profile drawing depicting the location and projected elevations of the proposed crossing; and (3) a construction detail drawing (Northeast Utilities Construction Standard DTR 10.211) depicting the construction specifications of the proposed structures.

According to the petition, the new 313X4 circuit crossing will be constructed along the east side of Wilder Street, a Peterborough public roadway. PSNH stated that the new crossing will be built entirely within the street right-of-way and that the Company has obtained a pole licence (#36-0585) from Peterborough for both proposed structures. PSNH said that no New Hampshire Department of Environmental Services or New Hampshire Department of

Transportation permits are necessary for the construction of this crossing.

PSNH investigated a multitude of weather and loading conditions for its design. The conditions investigated include American National Standards Institute (ANSI) C2-2007 Heavy Load Conditions, minus 20 degrees F ambient temperature for the phase and neutral conductors, 120 degrees F ambient temperature for the neutral conductor, and 212 degrees F for the phase conductors. PSNH used these design conditions and combinations thereof to determine the minimum clearance of the conductors to the water, land surfaces, and the distance between the phase and neutral conductors. PSNH said the proposed crossing design exceeds the National Electric Safety Code (NESC) requirements.

PSNH said it used the Flood Insurance Rate Map, Town of Peterborough, Panel 4 of 12, Community Panel Number 330101 0004 A, effective May 1, 1980, issued by the US Department of Housing and Urban Development, to derive the 100-year flood level at this location, which is 862 feet. For the purpose of this petition, PSNH stated that it used the more conservative 100-year flood for the design of conductor clearance instead of the 10-year flood levels required by the NESC.

According to PSNH, the use and enjoyment by the public of these waters will not be diminished in any material respect as a result of the proposed overhead electric line crossing. PSNH affirmed that the crossing will be constructed, maintained and operated in accordance with the requirements of the NESC, ANSI C2-2007. PSNH also stated that the project is not located within the special wind region identified in NESC Figure 250-2(e).

On May 29, 2009, Staff filed a memorandum with the Commission recommending that the Commission grant the license.

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 this state... 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.

Based on the information presented by PSNH and Staff’s May 29, 2009 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 by RSA 371:20. We find that the crossing is in 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 Nubanusit Brook in Peterborough as described in its petition and depicted in its exhibits submitted April 22, 2009 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 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: (i) the Town Clerk of Peterborough, (ii) the 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, the New Hampshire Department of Transportation and the Office of Secretary, U.S. Department of Commerce by first class mail, no later than June 10, 2009, and to be documented by affidavit filed with this office on or before July 1, 2009; 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 June 10, 2009 and to be documented by affidavit filed with this office on or before July 1, 2009; 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 June 17, 2009 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 June 24, 2009; and it is

FURTHER ORDERED, that this Order *Nisi* shall be effective July 1, 2009, 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 first day of June, 2009.

Thomas B. Getz
Chairman

Graham J. Morrison
Commissioner

Clifton C. Below
Commissioner

Attested by:

Debra A. Howland
Executive Director