

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DE 11-232**

**PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE**

**Petition for License to Construct and Maintain Electric Lines  
Under and Across Bow Lake in the Town of Strafford**

**Order *Nisi* Granting License**

**ORDER NO. 25,341**

**March 29, 2012**

**I. SUMMARY OF THE PETITION**

On October 18, 2011, Public Service Company of New Hampshire (PSNH or the Company) filed a petition pursuant to RSA 371:17 requesting a license to construct and maintain electric lines under and across the public waters of Bow Lake in the Town of Strafford, New Hampshire.

The project proposed in PSNH's petition will involve a new facility installation under and across Bow Lake to provide electric service to a small island in Bow Lake. The island consists of lots 31 and 32 and is shown on Town of Strafford Tax Map 25. According to the petition, the new service will be constructed via directional boring beneath the lake bed, to prevent disturbance to the lake bed and surrounding jurisdictional areas.

PSNH stated that it previously constructed and currently operates and maintains an underwater cable to provide secondary electric service (120/240V) to the same island in Bow Lake. The riser pole for the service is on PSNH Pole Route 820 of PSNH's 63W1 distribution circuit. The 63W1 is a single phase 7.2 kV distribution line. The existing underwater cable

crossing was previously licensed by the Commission in Docket DE 76-96, Order No. 12,375, dated August 30, 1976.

PSNH asserts that in order to meet the reasonable requirements of service to the public, it needs to replace the existing, deteriorated service cable. PSNH stated that the existing underwater conduit is damaged and missing in some areas, and portions of the conduit are exposed at all times. Additionally, there are no recorded easements for the service in the present location, and the current property owner on the Bow Lake mainland shoreline has requested that the service be removed and relocated. On January 9, 2012, PSNH further advised the Commission that in order to alleviate continuing concerns regarding the safety of the deteriorating existing underwater service cable, PSNH has permanently removed the service. As a result, the seasonal property on the island formerly served by that service cable will be required to await installation of the new service. Subject to Commission approval, PSNH is currently planning to install that new service as soon as weather conditions permit in early spring.

#### ***Crossing Location and Construction***

PSNH states that the length of line between the new riser pole on the mainland northerly side of the crossing and the service hand hole on the island southerly side of the crossing is approximately 623 feet. The riser pole on the north side of the lake is identified as structure number 820/183C. The conduit for the line will be 3 inches diameter for the length of the crossing, with a 350 MCM conductor and 4/0 neutral wires. The typical depth of the line will be 15 feet below the bed of the lake.

***Regulatory Requirements***

PSNH asserts that the proposed crossings will be constructed, maintained and operated by PSNH in accordance with the applicable requirements of the National Electrical Safety Code (NESC). According to the petition, a New Hampshire Department of Environmental Services (NHDES) wetlands permit is not required for this project.

***Property Rights***

PSNH affirms that it has obtained the necessary easements for the new crossing from the property owners on the mainland (Town of Strafford Tax Map 24, Lot 9), and on the island (Town of Strafford Tax Map 25, Lots 31 and 32).

***Public Rights in the Public Waters of Bow Lake***

PSNH attests that the license for which it has petitioned may be exercised without substantially affecting the rights of the public in the public waters of Bow Lake. PSNH further attests that the use and enjoyment by the public of the lake will not be diminished in any material respect as a result of the underground line crossing.

**II. SUMMARY OF STAFF REVIEW**

Pursuant to a memorandum filed on March 20, 2012, the Commission's Safety Division found the petition to be in conformance with the applicable sections of the NESC. Upon review of the petition and existing field conditions, Staff further determined that PSNH has demonstrated a public need for the proposed crossing and that approval of the petition for a license is consistent with the public interest and requires a license under RSA 371:17.

The Safety Division recommended approval of PSNH's petition for a license to construct and maintain electric lines under and across Bow Lake in the Town of Strafford, New Hampshire, subject to the following conditions:

- 1) Any slurry used in the directional drilling shall be properly disposed of and measures shall be taken to reduce the possibility of frack outs.
- 2) Sleeving material shall be used that reduces the quantity of joints to minimize the possibility of water entrance into the interior of the sleeve.
- 3) Measurements shall be recorded and documented along the bore path of depth and location of the facilities.
- 4) All future alterations to the crossing that may affect the public must conform to the requirements of both the 2002 and 2007 editions of the NESC (Part 3) and be resubmitted to the Commission 60 days prior to such alterations.
- 5) PSNH should be required to maintain and operate the crossings in conformance with the NESC or risk future revocation of the license.

### **III. COMMISSION ANALYSIS**

RSA 371:17 requires utilities and corporations to petition the Commission for a license to construct and maintain cable, conduit or poles and associated wires and fixtures over, under or across any public waters of the state whenever such facilities are necessary to meet the reasonable requirements of service to the public. 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. The NHDES is assigned responsibility under RSA 271:20 for preparing, maintaining, and publishing an official list of all public waters in the state. Bow Lake

in the Town of Strafford is included in the official list, which is maintained at

[http://des.nh.gov/organization/divisions/water/dam/public\\_waters/index.htm](http://des.nh.gov/organization/divisions/water/dam/public_waters/index.htm).

Based on the information presented in PSNH's petition and Staff's memorandum, we find the proposed 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 the crossing is in the public good and therefore approve the petition on a *nisi* basis, subject to the conditions recommended by the Safety Division. Our decision is issued on a *nisi* basis in order to provide any interested party the opportunity to submit comments on PSNH's petition or to request a hearing. Finally, inasmuch as NHDES is responsible by statute for maintaining the official list of public waters, we determine that notice to the NHDES of the proposed crossings is warranted.

The petition and subsequent docket filings, other than information for which confidential treatment is requested of or granted by the Commission, is posted to the Commission's website at <http://www.puc.nh.gov/Regulatory/Docketbk/2011/11-232.html>.

**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 under and across the public waters as described in its October 18, 2011 petition filing; and it is

**FURTHER ORDERED**, that that all construction and future alterations to this approved crossing shall conform to the requirements of the National Electrical Safety Code, in accordance

with N.H. Code Admin. Rules Puc 306.01 and Puc 1303.07 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, in accordance with N.H. Code Admin. Rules Puc 306.01 and Puc 1303.07; and it is

**FURTHER ORDERED**, that PSNH submit any future proposed alterations to the crossing license granted herein at least 60 days prior to the proposed alteration; and it is

**FURTHER ORDERED**, that copies of all permits, if any, required by the New Hampshire Department of Environmental Services for these crossings be filed with this Commission; and it is

**FURTHER ORDERED**, that PSNH shall provide a copy of this order to the (i) Town Strafford, New Hampshire, (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) the Department of Environmental Services by first class mail, no later than April 5, 2012, and to be documented by affidavit filed with this office on or before April 13, 2012; and it is

**FURTHER ORDERED**, that the Petitioner 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 April 5, 2012 and to be documented by affidavit filed with this office on or before April 13, 2012; and it is

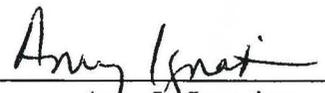
**FURTHER ORDERED**, that all persons interested in responding to this Order *Nisi* be notified that they may submit their comments or file a written request for a hearing which states

the reason and basis for a hearing no later than April 10, 2012 for the Commission's consideration; and it is

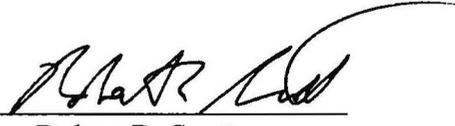
**FURTHER ORDERED**, that any party interested in responding to such comments or request for hearing shall do so no later than April 12, 2012; and it is

**FURTHER ORDERED**, that this Order *Nisi* shall be effective April 13, 2012, unless the Petitioner 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-ninth day of March, 2012.

  
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Amy L. Ignatius  
Chairman

  
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Michael D. Harrington  
Commissioner

  
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Robert R. Scott  
Commissioner

Attested by:

  
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Lori A. Davis  
Assistant Secretary