

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DE 13-015**

**PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE**

**Petition for Authority to Construct and Maintain Electric Lines, Static Wire and Fiber Optic Cable Over and Across the Exeter and Powwow Rivers in the Towns of Danville, Chester, East Kingston and Kingston**

**Order *Nisi* Granting License**

**ORDER NO. 25,493**

**April 18, 2013**

**I. SUMMARY OF PETITION**

On January 14, 2013, Public Service Company of New Hampshire (PSNH) filed a petition pursuant to RSA 371:17 requesting a license to construct and maintain electric lines, static wire, and fiber optic cable over and across the public waters of the Exeter River in the Towns of Danville and Chester, New Hampshire, and the Powwow River in the Towns of East Kingston and Kingston, New Hampshire. Both crossings are associated with a 345 kV transmission line identified as Line 363. The petition stated that the proposed construction would modify the crossings by replacing one of the two existing shield wires with a fiber optic cable ground wire for a distance of approximately 23 miles. PSNH attached diagrams and other exhibits to its petition providing technical and design information on the proposed construction of the crossing.

On April 2, 2013, Staff filed a memorandum with the Commission recommending that the license be granted.

***A. History***

The petition states that the overhead crossing of the Powwow River in Kingston was licensed by the Commission in Order No. 11,267 (January 29, 1974) in Docket D-SF6205 as part of the approval of the PSNH 345kV lines associated with Seabrook Station. According to the petition, Order No. 11,267 did not license all of the crossings associated with the 363 circuit, either due to oversight or the application of navigability or other crossing license criteria at the time the Order issued. With the approval of the license requested in this petition, the upgraded crossing of Line 363 at each of the four river locations would be licensed.

***B. Crossing Locations and Construction***

The construction proposed in the petition is the replacement of one of the two existing static wires with a fiber optic cable ground wire to increase transmission system communications reliability in the southern and eastern part of the state. The petition states Line 363 connects Seabrook Nuclear Power Plant in Seabrook and PSNH's 345kV Scobie Pond Substation in Derry, and is an integral part of PSNH's transmission system and the overall New England transmission grid. Construction is scheduled to begin on May 13, 2013.

The design of the proposed modification demonstrates that the material, height, and location of all support structures adjacent to each river crossing, as well as the conductor size and material, and the size and material of the remaining static wire will remain as originally constructed, and the conductor clearance over the public waters will not change or be affected by the project. The petition and attachments describe the configurations of the proposed crossings as well as the clearance and sag requirements for each crossing and show that sag and tension calculations were done pursuant to applicable National Electrical Safety Code (NESC)

requirements. The petition also states that the proposed crossings will be maintained and operated by PSNH in accordance with the applicable requirements of the NESC.

***C. Regulatory Requirements***

According to the petition, no permits from the New Hampshire Department of Environmental Services (NHDES), the New Hampshire Department of Transportation (NHDOT) or the Army Corps of Engineers are required for this project.

***D. Property Rights***

The petition states that PSNH owns permanent easements for its line and facilities on the Exeter River in Chester and Danville and the Powwow River in Kingston and East Kingston, and that all crossings will be installed within those easements.

***E. Public Interest***

According to the petition, the proposed communication wires will not substantially affect the rights of the public in the public waters of the Exeter and Powwow Rivers. The petition also states that minimum safe line clearances above the water surface and affected shorelines will be maintained at all times and that the use and enjoyment by the public of the Exeter and Powwow Rivers will not be diminished in any material respect as a result of the overhead line and cable crossings.

**II. SUMMARY OF STAFF REVIEW**

Staff's memorandum stated that the proposed construction and sagging designs are in conformance with the applicable sections of the NESC. Staff recommended approval of PSNH's petition, without any conditions or restrictions.

### 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, include 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. Each body of water listed in the instant petition 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 recommending approval of the crossings, we find the proposed crossings necessary for PSNH to meet the reasonable requirements of reliable service to the public, as required by RSA 371:17, and that the requested license may be exercised without substantially affecting the public rights in the effected public waters, as required for approval under RSA 371:20. We find the crossings are in the public good and therefore approve the petition on a *nisi* basis, subject to the conditions contained in the ordering clauses set out below. 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. We note that PSNH is responsible for obtaining any and all other permits for the installation of the proposed crossings from any federal, state, and local authorities having jurisdiction. Finally, inasmuch as NHDES is responsible by statute for maintaining the official list of public waters, and given NHDOT's oversight of railroads, roads, and bridges, we require

that notice of the proposed crossings be sent to NHDES and NHDOT. We also require notice of each crossing be forwarded to the Towns of Danville, Chester, East Kingston and Kingston.

The petition and subsequent docket filings, other than any information for which confidential treatment is requested of or granted by the Commission, are posted to the Commission's website at <http://www.puc.nh.gov/Regulatory/Docketbk/2013/13-015.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 fiber optic and other lines over and across the public waters described in its petition and depicted in its filings; and it is

**FURTHER ORDERED**, that all construction and future alterations of these approved crossings 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 submit any future proposed alterations to the crossing license granted herein at least 60 days prior to any such alteration(s); and it is

**FURTHER ORDERED**, that copies of all permits, if any, required by the New Hampshire Department of Environmental Services, the New Hampshire Department of Transportation, any other federal, state, or local authorities, and any of the affected municipalities for these crossings, be filed in this docket with this Commission; and it is

**FURTHER ORDERED**, that PSNH shall provide a copy of this order to the: (i) Town Clerks of Danville, Chester, East Kingston and Kingston, 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; (iii) the Department of Environmental Services; and (iv) 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 April 25, 2013, and to be documented by affidavit filed with this office on or before May 3, 2013; and it is

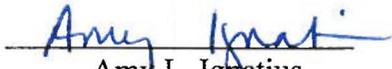
**FURTHER ORDERED**, that PSNH shall cause a summary of this Order *Nisi* to be published once in a statewide newspaper of general circulation or of circulation in those portions of the state where operations are conducted, such publication to no later than April 25, 2013 and to be documented by affidavit filed with this office on or before May 3, 2013; and it is

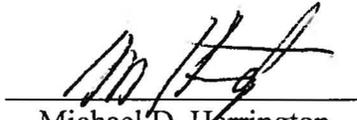
**FURTHER ORDERED**, that all persons interested in responding to this Order *Nisi* be notified that they may submit their comments or file a written request for a hearing which states the reason and basis for a hearing no later than April 30, 2013 for the Commission's consideration; and it is

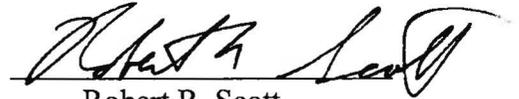
**FURTHER ORDERED**, that any party interested in responding to such comments or request for hearing shall do so no later than May 3, 2013; and it is

**FURTHER ORDERED**, that this Order *Nisi* shall be effective May 6, 2013, 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.

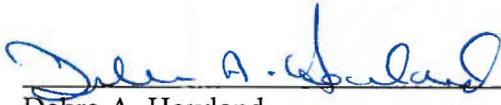
By order of the Public Utilities Commission of New Hampshire this eighteenth day of  
April, 2013.

  
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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:

  
\_\_\_\_\_  
Debra A. Howland  
Executive Director