

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 12-345

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

**Petition for Authority to Construct and Maintain Electric Lines
Over and Across Public Waters in the City of Rochester**

Order *Nisi* Granting License

ORDER NO. 25,487

April 8, 2013

I. SUMMARY OF THE PETITION

On November 30, 2012, Public Service Company of New Hampshire (PSNH) filed a petition pursuant to RSA 371:17 requesting a license to construct and maintain electric lines and fiber optic cable over and across the public waters of the Cocheco River in Rochester, New Hampshire. The proposed construction would alter an existing crossing of the Cocheco River by replacing a support structure of a 34.5kV line, identified as Line 386A, and installing a new 115kV line (line Y170) from the new Eastport Substation in Rochester to the proposed Tasker Farm Substation in Milton. The construction plan includes the installation and maintenance of an optical ground wire, known as OPGW cable, on the new Y-170 line structures.

PSNH attached diagrams to its petition providing the technical and design information and proposed construction of the crossing.

On March 28, 2013, Staff filed a memorandum with the Commission recommending that the license be granted.

A. History

The petition states that Lines 386A and 386 in Rochester are an integral part of the PSNH electrical distribution system, and the Commission previously licensed the crossing by Order No. 24,491 (March 9, 2004) in Docket No. DE 03-220.

B. Crossing Locations and Construction

According to PSNH, the current electrical system operation requirements in the greater Rochester and Seacoast areas are approaching the system's limits, with load growth expected to increase by 3% annually, primarily due to additional industrial and commercial loads. Consequently, the improvements described in the petition are necessary to enhance the reliability and capacity of the communications system used in its electric system operations, to alleviate potential overloads on the existing distribution system and to address potential electric system reliability issues that could result from this projected growth. In addition to improved communication, the OPGW will provide lightning protection over the conductors.

The petition states that because the new Y170 line is designed to follow the existing 386A centerline, the existing 386A line pole structures will be replaced with new double circuit single pole structures designed to handle the increased loads of supporting both the 115 kV line and the 34.5 kV 3kk86A line. According to the petition, building the Y170 line and rebuilding the 386A line will require construction of new overhead wire and cable crossings of the Cocheco River in a double circuit configuration. The petition described the configurations of the proposed line crossing as well as the clearance and sag requirements for the crossing. According to the petition, sag and tension calculations were done pursuant to applicable National Electrical Safety Code (NESC) requirements. Flood water elevations for this crossing were based on

information contained in flood insurance rate map number 330 17C0203D, Panel 203 of 405, effective May 17, 2005 obtained from FEMA.

C. Regulatory Requirements

The petition states that the new water crossing structures will be set within the protected shoreland of the Cocheco River as defined by RSA 383-B. The New Hampshire Department of Environmental Services (NHDES) approved the proposed construction within the protected shoreland on September 7, 2012 in Shoreland File #2012-02463. In addition, NHDES required PSNH to obtain a Standard Dredge and Fill permit (Permit) as defined by RSA 482-A for temporary impacts to wetlands that will result from access to the new water crossing structure locations. The petition indicated that the permit application was filed on September 9, 2012 in wetland permit file #2012-02452. NHDES approved the Permit on March 15, 2013.

D. Property Rights

PSNH owns a permanent 135-foot wide easement for its lines and facilities on both sides of the Cocheco River at the proposed crossing location, and the crossing will be constructed within the limits of the easement.

E. Public Interest

PSNH's petition stated that the proposed project will not substantially affect the rights of the public in the public water of the Cocheco River, and that minimum safe line clearances above the water surface and affected shorelines will be maintained at all times. The use and enjoyment by the public of the Cocheco River will not be diminished in any material respect as a result of the cable crossings.

II. SUMMARY OF STAFF REVIEW

Upon review of the petition the Commission Staff filed a memorandum on March 28, 2013, stating that the proposed construction and sagging designs are in conformance with the applicable sections of the NESC. Staff recommended approval of PSNH's petition provided that PSNH file any future proposed changes to the crossing 60 days before the proposed construction and maintain and operate the crossings in conformance with NESC standards.

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. The 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.

Based on the information presented in PSNH's petition and Staff's memorandum recommending approval of the crossing, we find the proposed crossing 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 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 Staff, and 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 the crossing be sent to the City of Rochester and the Town of Milton.

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/2012/12-345.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 Rochester and Milton, 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 18, 2013, and to be documented by affidavit filed with this office on or before May 2, 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 18, 2013 and to be documented by affidavit filed with this office on or before May 2, 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 25, 2013 for the Commission's consideration; and it is

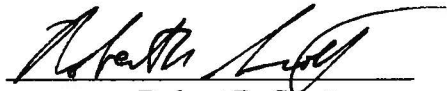
FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than May 2, 2013; and it is

FURTHER ORDERED, that this Order *Nisi* shall be effective May 7, 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 eighth day of April,
2013.




Amy L. Ignatius
Chairman



Robert R. Scott
Commissioner

Attested by:



Debra A. Howland
Executive Director

