

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 14-373

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

**Petition for License to Construct and Maintain Electric Lines and Static Wires Over and
Across the Ammonoosuc River in Littleton**

Order *Nisi* Granting License

ORDER NO. 25,778

April 13, 2015

In this Order *Nisi*, the Commission approves Eversource's request for a license to construct and maintain electric lines across the Ammonoosuc River in Littleton. This crossing was the subject of a prior order *nisi* that granted substantially the same license requested here. Due to a design change that required Eversource to move one of the transmission towers, however, Eversource chose not to publish that order, rendering it ineffective. Eversource then filed the petition that is the subject of this docket to obtain a license for the crossing that includes the design change. This order is also being issued on a *nisi* basis to ensure that all interested persons receive notice of the Commission's order and have the opportunity to comment or request a hearing prior to the date set forth in the ordering clauses below.

I. SUMMARY OF PETITION

A. History

Public Service Company of New Hampshire, now doing business as Eversource Energy (Eversource), is a public utility that owns and operates electric transmission and distribution

systems, including a 115 kilovolt circuit known as the U199 line that travels through Littleton. The U199 line includes three conductor wires and two static wires. Eversource intends to rebuild a one-mile section of the U199 line. The project includes the reconstruction of two transmission towers on either side of the Ammonoosuc River, identified as structures 73 and 74, and the relocation of structure 73 approximately 130 feet from its current location.

The Commission first granted a license for a crossing at this location in *Public Serv. Co. of N.H.*, 56 NH PUC 355 (1971). In July 2014 Eversource requested a license to allow for the replacement of structures 73 and 74 and associated lines. *See* Docket No. DE 14-195. The Commission granted the petition on a *nisi* basis in Order No. 25,727 (Oct. 24, 2014). Eversource subsequently changed the design to relocate structure 73. Because of the change, Eversource chose not to publish Order No. 25,727 and asked the Commission to withdraw that order. Because an order *nisi* requires publication to become effective, the Commission responded by secretarial letter that Eversource's decision not to publish means, "[b]y its own terms, Order No. 25,727 shall not take effect."

Eversource then filed the petition at issue in this docket, which incorporates the design changes described above. The petition and subsequent docket filings, other than 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>.

B. Crossing Locations and Construction

According to the petition, the location of the Ammonoosuc River crossing involving structures 73 and 74 is west of Rotebec Drive in Littleton and is part of the U199 line.

Eversource's filing includes a map of the crossing. The filing states that the Ammonoosuc River constitutes "public waters of this state." RSA 371:17.

The petition described the project as replacing both structures and all five lines. Structure 73 will become a 75-foot high single steel pole on the west side of the Ammonoosuc River. Structure 74 will be a 65-foot high H-frame steel structure on the east side of the river. The span between these structures will be 768 feet. In addition to building new structures, the project will also locate the structures outside the 100-year flood level.

Eversource explained that the new structures will allow the U199 to better withstand river flooding, which has repeatedly damaged transmission structures in the past. The petition stated that these lines are necessary to meet the reasonable requirements of service to the public.

Eversource also represented that the design of the proposed alterations and new construction, including the material, height, and location of the support structure, the conductor size and material, and the conductor clearance over the public waters, will comply with the National Electrical Safety Code (NESC) and Puc 306.01(Standard Practice in Construction, Operation and Maintenance). Eversource attached materials and drawings to its petition that describe the configuration of the proposed crossing. According to Eversource, those drawings and other materials demonstrate that the design satisfies the wire-to-wire clearance requirements and the wire-to-ground sag requirements, and that the sag and tension calculations were done pursuant to NESC requirements.

C. Property Rights

Eversource stated that the crossing will remain within its existing right-of-way. Commission Staff (Staff) confirmed that Eversource has easements on both sides of the river for a 150 foot right-of-way and that the proposed project will remain within that right-of-way.

D. Regulatory Requirements

Eversource obtained a shoreland permit from the New Hampshire Department of Environmental Services (NHDES) for this project and represented that replacement of structures 73 and 74 will comply with the permit's conditions and restrictions. Eversource also explained that the project will result in greater clearances than originally planned, which clearances will exceed the requirements of NESC and Puc 306.01.

E. Public Interest

Finally, Eversource asserted that the crossing is necessary to meet the reasonable requirements of service to the public, and that Eversource can exercise the rights granted by the license without affecting or diminishing the rights of the public to use and enjoy the Ammonoosuc River. Eversource stated that the crossing is part of a substantial transmission line, that the new structures are necessary to better withstand river flooding, and that the lines will be high enough so as not to affect the public's use of the river.

II. SUMMARY OF STAFF REVIEW

Staff confirmed that Eversource obtained necessary approvals from NHDES, that Eversource has the necessary easements and plans to build the new structures within its right-of-way, and that the proposed construction satisfies NESC and Commission rules. Staff also reviewed the public need and possible public impact. Staff recommended that the Commission

approve Eversource's petition with the following three conditions: that Eversource rebuild the structures and crossing in the specific manner described in the filing; that any future alterations comply with the NESC and Commission rules and be submitted to the Commission at least 60 days prior to any changes; and that Eversource maintain and operate the crossing in conformance with the NESC.

III. COMISSION ANALYSIS

RSA 371:17 requires a license from the Commission before a utility can construct and maintain "a line of poles or towers and wires and fixtures thereon, over, under or across any of the public waters of this state." The petitioner must demonstrate the crossing is "necessary ... to meet the reasonable requirements of service to the public." *Id.* RSA 371:17 applies because the proposed crossing travels over the Ammonoosuc River, which is on NHDES's list of public waters. See des.nh.gov/organization/commissioner/pip/publications/wd/documents/olpw.pdf. If the proposed crossing is "necessary" under RSA 371:17, then RSA 371:20 authorizes the Commission to grant a license if it "may be exercised without substantially affecting the public rights in said waters."

We find that the proposed crossing of the Ammonoosuc River is necessary for Eversource to meet the reasonable requirements of electric 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 river as required for approval under RSA 371:20. We find that the crossing is in the public good and therefore approve the petition subject to the three conditions recommended by Staff. Our decision is issued on a *nisi* basis to provide any interested person the opportunity to submit comments on Eversource's petition or to request a hearing.

Eversource is responsible for obtaining any and all other permits for the construction and installation of the proposed crossing from federal, state, and local authorities having jurisdiction. As recommended by Staff, our approval is only for electric structures and lines with the specifications proposed by Eversource in this docket. Finally, because NHDES is responsible by statute for maintaining the official list of public waters, we require Eversource to provide notice of the proposed alterations to NHDES. We also require that notice of the crossing be sent to the Town of Littleton.

Based upon the foregoing, it is hereby

ORDERED *NSI*, that subject to the effective date below, Eversource is authorized pursuant to RSA 371:17 *et seq.* to construct, install, operate, and maintain the wires, towers, and fixtures thereon over the public waters described in its petition and filings; and it is

FURTHER ORDERED, that the construction of the line shall be implemented as depicted in the petition documents; and it is

FURTHER ORDERED, that this approval is limited to the structures and wires under consideration in this docket and is conditioned on the requirement that Eversource constructs, installs, operates, maintains, and, if applicable, alters the crossing consistent with the provisions of the National Electrical Safety Code, and in accordance with N.H. Code Admin. Rules Puc 306.01, as may be applicable, and as amended from time to time; and it is

FURTHER ORDERED, that Eversource shall submit any future proposed alteration to the crossing licenses granted herein at least 60 days prior to any such alteration; and it is

FURTHER ORDERED, that Eversource shall maintain proper clearances for its lines and cables at all times across the entire span pursuant to NESC 232B and 235C; and it is

FURTHER ORDERED, that, to the extent not already filed, Eversource shall file copies of all permits or agreements, if any, required by NHDES, any other federal, state, or local authorities, and any of the affected municipalities for the crossing, no later than receiving the permit or entering into the agreement, or 30 days from the effective date of this Order *Nisi*, whichever occurs first; and it is

FURTHER ORDERED, Eversource shall provide a copy of this Order *Nisi* to (i) the Town Clerk of Littleton, New Hampshire; (ii) the New Hampshire Attorney General, (iii) the owners of the land bordering on said public waters at the location of the crossing, pursuant to RSA 371:19; and (iv) the New Hampshire Department of Environmental Services, by first class mail, no later than April 23, 2015, to be documented by affidavit filed with this office on or before May 8, 2015; and it is


FURTHER ORDERED, that Eversource shall cause the 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 be no later than April 23, 2015, and to be documented by affidavit filed with this office on or before May 8, 2015; 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, 2015, for the Commission's consideration; and it is

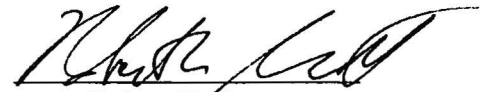
FURTHER ORDERED, that any person interested in responding to such comments or request for hearing shall do so no later than May 6, 2015; and it is

FURTHER ORDERED, that this Order *Nisi* shall be effective May 13, 2015, unless the Eversource fails to satisfy the publication obligations set forth above or the Commission provides otherwise in a supplemental order issued prior to the Order *Nisi*'s effective date.

By order of the Public Utilities Commission of New Hampshire this thirteenth day of April, 2015.

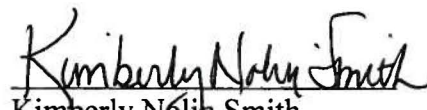


Martin P. Honigberg
Chairman



Robert R. Scott
Commissioner

Attested by:



Kimberly Nolin Smith
Assistant Secretary