

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

DE 15- _____

PETITION OF NH-BIG ISLAND CO.
FOR A LICENSE TO CONSTRUCT AND MAINTAIN
CABLES AND PIPELINES BENEATH
STATE LANDS AND WATERS

NOW COMES NH-Big Island Co., pursuant to RSA 371:17, and petitions the New Hampshire Public Utilities Commission (“the Commission”) for a license to construct and maintain an electric cable, internet and television cable, water pipeline and sewer pipeline beneath state lands and waters in the City of Laconia, New Hampshire. In support of this Petition, NH-Big Island Co. states as follows:

1. NH-Big Island Co., a non-profit corporation, is the owner of Big Island, an island located in the Paugus Bay area of Lake Winnepesaukee in Laconia, New Hampshire.
2. Lake Winnepesaukee is a public water of more than 10 acres in size.
3. Big Island’s area is approximately 2.288 acres. Structures located on the island include a seasonal dwelling, bunk house, shed and privy, all of which are owned by NH-Big Island Co.
4. There are no cable, water or sewer lines currently providing service to Big Island. There is a submerged electrical line running to Big Island which was licensed by the Commission in 1961, *see Karl A. Steady*, 43 N.H. P.U.C. 34, Docket D-E3936, Order

No. 7687 (July 14, 1961). However, the submerged line is badly damaged and cannot be repaired. In addition, New England Telephone and Telegraph Company was granted a water crossing license in 1985 for a submarine telephone cable to provide telephone service to the Steady residence on Big Island. *See Re New England Telephone and Telegraph Company*, 70 NH PUC 704, Docket DE 85-217, Order No. 17, 798 (Aug. 19, 1985). NH-Big Island Co. is unaware of whether said telephone cable presently exists.

5. In order to bring necessary electric, cable, water and sewer services to Big Island, NH-Big Island Co. must install the following facilities at the locations described below:

A. Electric Line. The electric line will begin onshore at PSNH pole 411D, 1-2 ATT 3622. From there, the line will extend underground for a distance of about 60 feet to the shore line of Lake Winnepesaukee, then underneath Lake Winnepesaukee for a distance of approximately 1,344 feet, and then underground to a transformer on Big Island.

B. Internet and Television Cable. This cable will begin onshore at the same location as the electric line and will follow the same route as the electric line. It will terminate at a plastic pedestal on Big Island at approximately the same location as the termination point of the electric line.

C. Water Line. The water line will begin on shore at an existing 2" type k copper public water line located approximately 250 feet west of the Lake Winnepesaukee shoreline, slightly south of and between units 15 and 16 of the South Down Beach Condominiums. The water line will extend underground approximately 190 feet in a generally easterly direction crossing under the New Hampshire Department of

Transportation (“NH DOT”) Railroad corridor and over the existing 48” Sewer Interceptor flowing to the Franklin Waste Water Treatment Plant (Winnepesaukee River Basin Program) to an underground vault with metering and backflow prevention devices. Following the meter/backflow, the line will extend east underground for a distance of about 60 feet to the shore line of Lake Winnepesaukee, then underneath Lake Winnepesaukee for a distance of approximately 1,344 feet, and then underground for distance of approximately 70 feet to the plumbing associated with the cottage on the island.

D. Sewer (Forcemain) Line. The sewer line will begin on Big Island approximately 65 feet from the western shore at a series of septic tanks and pumping chamber. The line will extend west approximately 65 feet underground to the shore line of Lake Winnepesaukee, then underneath Lake Winnepesaukee for a distance of approximately 1,344 feet, and then underground for distance of approximately 70 feet to an existing municipal sewer manhole to the north of Paugus Park Road.

More detailed information about these facilities is contained in the construction plans submitted herewith as Attachment A.

6. NH-Big Island Co., through its engineers (Steven J. Smith & Associates, Inc.) and general contractor (DBU Construction, Inc.) proposes to install the above-described facilities from the west side of Paugus Bay under Lake Winnepesaukee to Big Island by way of Horizontal Directional Drilling (“HDD”). Through its contractors, NH-Big Island Co. is coordinating the installation of these facilities with Public Service Company of New Hampshire (“PSNH”) (electric line), Metrocast Communications (cable), City of Laconia Department of Public Works (sewer line), and the City of

Laconia Water Works (water line). The above-described lines will be owned and maintained by NH-Big Island Co.

7. NH-Big Island Co. has obtained Wetlands and Non-Site Specific Permits, and Shoreland Impact Permits from the New Hampshire Department of Environmental Services (“DES”). Copies of these permits are submitted herewith as Attachments B through E. Because the water line must cross under a railroad owned by the State of New Hampshire, NH-Big Island Co. has entered into an agreement with the State, acting by and through the New Hampshire Department of Transportation. for the use of this area. A copy of this agreement is attached herewith as Attachment F. NH-Big Island Co. has also obtained an easement for the onshore line routes. Copies of this easement and a related escrow agreement are submitted herewith as Attachment G.

8. There are no abutting landowners on Big Island. Abutters to the proposed onshore facilities have been notified of the proposed wetlands and shoreland impacts in accordance with NH DES permitting processes.

9. NH-Big Island Co. submits that it is necessary, in order for PSNH and the City of Laconia to meet the reasonable requirements of utility service to the public, that the Commission issue a license to construct and maintain the above-described facilities from the shore of Lake Winnepesaukee, under said Lake, and to Big Island.

10. NH-Big Island Co. submits that the water crossing license may be exercised without substantially affecting public rights to use the waters of Lake Winnepesaukee, and the public’s use and enjoyment of Lake Winnepesaukee will not be diminished as a result of NH-Big Island Co.’s plan to construct and maintain the proposed facilities. The HDD proposal is a technically sound solution for bringing

needed utility services to Big Island. The cables and pipelines inserted into the HDD will be unobtrusively located entirely underground and well below the lake bed, thereby avoiding any impact on the public's rights to use and enjoy the portion of Lake Winnepesaukee between Laconia and Big Island and surrounding areas. In addition, NH-Big Island Co. submits that the license to cross under the state railroad will not impact the public's rights to use that area.

11. Excavation and construction of the proposed cables and pipelines are planned to commence after ice-out, anticipated in April of 2015, and will be temporary and limited in scope. The construction will occur at a time when public activity on the lake is reduced, and when other natural resource communities are not as susceptible to disturbance and noise. In order to commence construction as planned, NH-Big Island Co. respectfully requests that this Petition be reviewed expeditiously.

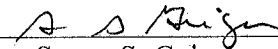
WHEREFORE, NH-Big Island Co. respectfully requests that the Commission:

- A. Find that the license for construction and maintenance requested herein may be exercised without substantially affecting the public's rights in state waters and lands;
- B. Issue an order *nisi* granting NH-Big Island Co. a license to construct and maintain an electric cable, internet and television cable, water line and sewer line beneath State waters and land in the locations identified in Attachment A; and
- C. Grant such further relief as may be appropriate.

Respectfully submitted,

NH-Big Island Co.

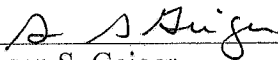
By its Attorneys,
ORR & RENO, P.A.

By: 
Susan S. Geiger
45 South Main St.
P.O. Box 3550
Concord, NH 03301
603-223-9154
sgeiger@orr-reno.com

Dated: February 13, 2015

Certificate of Service

I hereby certify that on February 13, 2015 a copy of the foregoing petition was sent by electronic mail to the Office of Consumer Advocate.


Susan S. Geiger

1238614_1