

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 15-285

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE d/b/a EVERSOURCE ENERGY

**Petition for License to Construct and Maintain Electric Lines and
Optical Ground Wires Over and Across Public Lands Owned by the
State of New Hampshire in the Town of Londonderry**

Order *Nisi* Granting License

ORDER NO. 25,865

February 11, 2016

In this order *nisi*, the Commission grants the request of Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource) for a license to construct and maintain electric lines and optical ground wires over and across public lands owned by the State of New Hampshire in the Town of Londonderry. This order is being issued on a *nisi* basis to ensure that all interested parties receive notice of the Commission's order and have the opportunity to comment or request a hearing prior to the date set forth for comment in the ordering clauses below. The petition and subsequent docket filings, other than information for which any confidential treatment is requested of or granted by the Commission, are posted to the Commission's website at <http://puc.nh.gov/Regulatory/Docketbk/2015/15-285.html>.

I. SUMMARY OF PETITION

On July 21, 2015, Eversource filed a petition, pursuant to RSA 371:17, for a license to construct and maintain a 345 kV electric transmission line and optical ground wires at three locations over and across public lands owned by the State of New Hampshire in the Town of Londonderry. The new 345 kV transmission line will be known as the "3124 Line." According

to the petition, the existing transmission system cannot, under certain operating conditions, reliably serve southern New Hampshire and northeastern Massachusetts either at peak or off-peak load. The new line will resolve those reliability issues in southern New Hampshire. Eversource filed supporting attachments and exhibits with the petition.

In order to meet the reasonable requirements of service to the public, Eversource and New England Power Company d/b/a National Grid (NEP) jointly proposed the 3124 Line project, referred to as the “Merrimack Valley Reliability Project” (MVRP), which will extend from NEP’s Tewksbury 22A Substation in Tewksbury, Massachusetts, to Eversource’s Scobie Pond 345 kV Substation in Londonderry. The petition indicates that the MVRP resolves regional reliability problems previously identified by ISO-NE in the Greater Boston Area Updated Transmission Needs Assessment issued in 2014. The portion of the MVRP located in New Hampshire is approximately 17.9 miles extending from the Massachusetts border in Pelham to the Scobie Pond Substation in Londonderry (the Project).

A. Crossing Locations and Construction

Eversource proposes to locate the Project within an existing 535-foot-wide permanent easement that allows for multiple circuits to be placed, including pole structures and conductors. The petition indicates that the Project will cross New Hampshire-owned property (public land) at three locations in Londonderry. The first over-head or “aerial” crossing involves the span between Structures 277 and 278 that crosses public land located west of the Interstate 93 right-of-way. The second crossing involves placing Structure 278 on public lands located east of the Interstate 93 right-of-way and an aerial crossing of those public lands between Structures

277 and 278 and Structures 278 and 279. The third aerial crossing involves the span between Structures 285 and 286 that crosses over the Granite State Rail Trail, a former railroad corridor now owned by the State of New Hampshire.

The petition states that Eversource will install and maintain three twin-bundled overhead phase conductors and two optical ground wires at each of the three crossings. The optical ground wires will provide lightning protection over the conductors in the overhead configurations. Eversource will also use the optical ground wires on the new overhead structures in order to improve and enhance the reliability and capacity of the communications system.

The petition states that the Company will do all work associated with the crossings in a manner that conforms to the 2012 National Electrical Safety Code (NESC) C2-2012. The proposed crossings have been designed and will be constructed, maintained, and operated by Eversource in accordance with the applicable requirements of the NESC.

B. Regulatory Requirements

The petition indicates that a wetland permit from the New Hampshire Department of Environmental Services (NHDES) and approval from the U.S. Army Corps of Engineers (USACE) are required for the installation of Structure 286 and for access during construction. The appropriate wetland permits will be applied for and obtained by Eversource prior to the installation of any new structures that will impact wetlands, in conjunction with Eversource's siting application. In addition, Eversource informed the Commission in its petition that aerial crossings of Interstate 93 and the railroad corridor are required. The appropriate NHDOT permission agreements will be applied for and obtained by Eversource prior to the installation of any new structures that will affect NHDOT jurisdictional areas, in conjunction with Eversource's siting application. Finally, Eversource stated that the structures need an air obstruction

determination from the Federal Aviation Administration (FAA) under Federal Aviation Regulation Part 77.9(b). Determinations will be requested and appropriate measures taken by Eversource prior to the installation of any new structures that will affect FAA jurisdictional areas.

C. Property Rights

According to its petition, Eversource can perform all the work necessary to complete this project within the bounds of its 535-foot-wide permanent easement across the public land in this location. Also, Eversource owns some of the involved land outright in fee. The aerial crossings will be constructed within the limits of Eversource's permanent easement. All the structures will be constructed on Eversource-owned land.

D. Public Interest

Eversource submits that it can exercise the rights granted by the license without affecting or diminishing the rights of the public. Eversource attests that minimum safe line clearances above affected public lands will be maintained at all times, and the use and enjoyment by the public of said lands will not be diminished in any material respect as a result of the overhead line and cable crossings.

II. SUMMARY OF STAFF REVIEW

Safety Division Staff reviewed Eversource's petition and supporting attachments, applicable statutes, rules, and NESC requirements. Staff also reviewed the ownership of the land, as well as the need for, and impact of, the Project. In a memorandum filed on November 19, 2015, Staff summarized the findings of its investigation and recommended approval of the Company's petition. Staff also recommended that Eversource be required to

forward the Commission's order, after 30 days of publication notice, to the Site Evaluation Committee for consideration in SEC proceeding 2015-05.

III. COMMISSION ANALYSIS

Pursuant to RSA 371:17, Licenses for New Poles, utilities must obtain a license from the Commission to "construct a pipeline, cable, or conduit, or a line of poles or towers and wires and fixtures thereon, over, under or across any of the public waters of this state, or over, under or across any of the land owned by this state," when such facilities are necessary to meet the reasonable requirements of service to the public. Based on the information presented in Eversource's petition and Staff's recommendation, we find that the proposed crossings are necessary for Eversource to meet the reasonable requirements of reliable service to the public, as required by RSA 371:17.

RSA 371:20 authorizes the Commission to grant a license if it "may be exercised without substantially affecting the public rights in said waters or lands." Based on the information in the record, which includes Eversource's confirmation that the crossings are in compliance with the National Electrical Safety Code required in RSA 371:17-a, we find that the crossings are consistent with that requirement.

We therefore approve the petition subject to the conditions contained in the ordering clauses set out below related to ensuring safe construction, operation, and maintenance of the crossings. We issue our decision 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 crossings from any federal, state, and local authorities having jurisdiction. Our approval is only for the electric lines and optical ground wires proposed by

Eversource in this docket. Because Eversource requires a wetland permit from the NHDES and various approvals from the USACE, NHDOT, and the FAA, we require that this Order, along with the Order Summary, be sent to each of those agencies, and any other agency having jurisdiction over any segment or portion of these crossings. We also require Eversource to provide notice of this Order to the Town of Londonderry.

Based upon the foregoing, it is hereby

ORDERED *NISI*, that subject to the effective date below, and to the issuance of the NHDES wetlands permit, Eversource is authorized pursuant to RSA 371:17 *et seq.* to construct, install, operate, and maintain electric lines and optical ground wires over and across public lands as described in its petition and depicted in its filings; and it is

FURTHER ORDERED, that this approval is limited to the construction or alteration of overhead lines under consideration in this docket, and it is conditioned on the requirement that Eversource constructs, installs, operates, and maintains, and, if applicable, alters the lines, consistent with the provisions of the National Electrical Safety Code, 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 maintain proper clearances for its lines and cables at all times across the entire length of each span licensed pursuant to NESC 232B and 235C; and it is

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

FURTHER ORDERED, that Eversource shall provide a copy of this Order *Nisi* to the (i) Town Clerk of Londonderry, New Hampshire; (ii) the New Hampshire Attorney General, as required by RSA 371:19; (iii) the New Hampshire Department of Environmental Services in

consideration of the Shoreland Water Quality Protection Act (RSA 483-B); (iv) the U.S. Army Corps of Engineers; (v) the Federal Aviation Administration pursuant to Federal Aviation Regulation Part 77.9(b); and (vi) the New Hampshire Department of Transportation and the Office of Secretary, U.S. Department of Commerce; by first class mail, no later than February 22, 2016, and to be documented by affidavit filed with this office on or before March 8, 2016; and it is

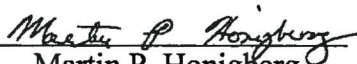
FURTHER ORDERED, that Eversource shall cause a summary of this Order *Nisi* to be published once in a statewide newspaper of general circulation or of circulation in those portions of the state where operations are conducted, such publication to be no later than February 22, 2016, and to be documented by affidavit filed with the Commission on or before March 8, 2016; 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 March 2, 2016, for the Commission's consideration; and it is

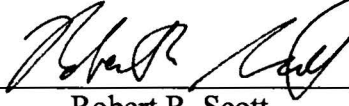
FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than March 7, 2016; and it is

FURTHER ORDERED, that this Order *Nisi* shall be effective March 11, 2016, 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.

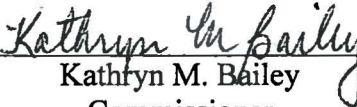
By order of the Public Utilities Commission of New Hampshire this eleventh day of
February, 2016.



Martin P. Honigberg
Chairman

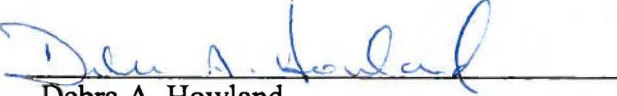


Robert R. Scott
Commissioner



Kathryn M. Bailey
Commissioner

Attested by:



Debra A. Howland
Executive Director