

STATE OF NEW HAMPSHIRE

Inter-Department Communication

APPLICABILITY REPORT

DATE: October 2, 2015

AT (OFFICE): NHPUC

FROM: Robert Wyatt, Assistant Director – Safety Division *RJW*

SUBJECT: Docket No. DE 15-290 PSNH d/b/a Eversource Energy
Petition for a License to Construct and Maintain Electric Lines Under
and Across Island Pond in the Town of Washington, New Hampshire.
Staff Recommendation

TO: Debra Howland, Executive Director
Randall Knepper, Director – Safety Division
Thomas Frantz, Director – Electric Division
Leszek Stachow, Assistant Director, Electric Division
Suzanne Amidon, Staff Attorney
Service List

Commission Safety Division Staff have completed their review of the above petition. This review consisted of the following elements:

- Petition and supplemental documents Filed, history;
- Applicable State statute;
- Review of the existing crossing(s) already licensed by the PUC;
- Regulatory requirements;
- Review of NESCC code requirements as described in Puc 300 rules;
- Private property, property rights;
- Public interest;
- Conclusions;
- Recommendations;

I. Petition and Supplemental Documents Filed, History

On July 24, 2015, PSNH d/b/a Eversource Energy (PSNH) filed a petition, pursuant to RSA 371:17 for a license to construct and maintain an electric cable under and across the public waters of Island Pond, located in the Town of Washington, New Hampshire. The new underwater electric lines are necessary to serve residences on Oehlschlager, Spencers and Peterson Islands.

Existing electrical lines need to be replaced due to:

- A. The age and deteriorating condition of the underwater cables;
- B. Recent, multiple failures of the cable neutral wire; and

- C. The location of the existing riser #19Y2, on the mainland easterly shore of Island Pond, provides inadequate access to PSNH and will be removed.

PSNH noted in its petition that nearby existing structure #141/10Y will be used as the new riser going forward that supplies all three islands. Structure #141/10Y is located within the street right of way of Washington Drive, on the mainland southerly shore of Island Pond, providing a more optimum access to PSNH. The new underwater electric cable will be a 7.2 kV, 1/0 submarine cable of approximate 1.5 inch diameter and will be used in all three segments of the project.

In Section 5 of the Petition, PSNH notes that the required technical information provided in the petition was based on the 2007 National Electric Safety Code (NESC) C2-2007¹.

The petition explains that in order to meet the reasonable requirements of electric service to the public, PSNH will install these new facilities at the following locations:

- A. The first segment's configuration is electric cable that will span approximately 2,250 feet from the new riser on existing structure #141/10Y to the new pad mounted transformer on Oehlschlager Island. The first and last 100 feet will be buried in a trench with the first and last 50 feet being encased in a protective conduit. The remaining portion of the cable segment will be laid on the floor of Island Pond.
- B. The second segment will use the same configuration as described above, providing service from Oehlschlager Island to Spencers Island, an approximate distance of 780 feet. The existing pad mounted transformer on Spencers Island will be replaced with a new pad mounted transformer; and
- C. The third segment will also use the same configuration as above, providing service from Spencers Island to Peterson Island, an approximate distance of 1,470 feet. The existing pad mounted transformer on Peterson Island will be replaced and relocated.

All existing underwater cables will be removed. Existing utility pole located on Oehlschlager Island and existing riser pole #19Y2, located on the eastern mainland shore will be cut to grade and removed. The existing pad mounted transformer on Peterson Island will be replaced and relocated.

In order to minimize the impacts to the shorelines, as well as to the pond, PSNH initially requested Commission approval to begin the necessary work that the project requires for a mid-September 2015 project start date, with completion of the project during the normal water level draw down period during October 2015.

¹ This reference was corrected to the "2012 National Electrical Safety Code C2-2012" standard by Eversource in a subsequent filing to the docket on September 15, 2015.

In a subsequent filing of information to the docket on September 15, 2015, PSNH provided additional information to address questions brought forward by Commission Staff. Information provided in the subsequent filing includes the following:

- Copies of two land rights easements and one street pole license related to the existing water crossing license;
- A one-page diagram and specification sheet identified as "CATALOG NUMBER 101A15-11209", which provides a detailed description of submarine cable that will be used for this project;
- A one-page diagram and specification sheet identified as DTR 50.102, which is the Eversource construction standard for the cable installation that will be used for this project;
- A corrected the NESC reference to the statement in Section 5 of the Petition, to state that the required technical information provided in the Petition will be in conformance with 2012 National Electric Safety Code, C2-2012 specifications;
- A copy of the New Hampshire Department of Environmental Services (NHDES) Shoreland Permit number 2015-1790; and
- An update on the status of the revised NHDES Wetlands Permit application that is being developed for the project.

II. New Hampshire statute referenced in petition.

371:17 Licenses for New Poles. – Whenever it is necessary, in order to meet the reasonable requirements of service to the public, that any public utility should 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, it shall petition the commission for a license to construct and maintain the same. For the purposes of this section, "public waters" are defined to be all ponds of more than 10 acres, tidewater bodies, and such streams or portions thereof as the commission may prescribe. Every corporation and individual desiring to cross any public water or land for any purpose herein defined shall petition the commission for a license in the same manner prescribed for a public utility.

Source. 1921, 82:1. PL 244:8. RL 294:16. 1951, 203:48 par. 17. 1953, 52:1, eff. March 30, 1953. 2013, 82:1, eff. June 19, 2013.

III. Review of existing license(s) and permissions previously granted by the PUC

PSNH noted in its petition that it had previously constructed and currently operates and maintains three Island Pond public water electric cable crossings that run from PSNH riser pole #19Y2.

The first electric line runs from existing PSNH riser pole #19Y2 on the mainland eastern shore of Island Pond, across Island Pond to Oehlschlager Island, which

was licensed by the Commission in 1968; *see Docket D-E5400, Commission Order No. 9325 (July 5, 1968).*

The second electric line runs from Oehlschlager Island to Spencers Island and was previously licensed by the Commission in 1972; *see Docket D-E6363, Commission Order No. 10781.*

The final electric line runs from the same existing riser pole #19Y2, across Island Pond to Peterson Island and was previously licensed by the Commission in 1970; *see Docket D-E5888, Commission Order No. 10025 (July 13, 1972).*

These underwater electric cables are connected to the primary line at riser pole #19Y2, which is tapped off existing PSNH circuit 3140X2 in the Town of Washington.

IV. Regulatory Requirements

As defined in RSA 371:17, a license is required to place utility service facilities under or across Island Pond, as is the case with any other New Hampshire public waters of more than 10 acres. Island Pond is listed on the Department of Environmental Services Water Division's official list of Public Waters.

Island Pond, located in the Town of Washington, is listed under the category "Ponds and Lakes" in the Official List of Public Waters (OLPW) and falls under the jurisdiction of the Comprehensive Shoreland Protection Act (RSA 483-B:4).

The entire list of public waters can be accessed through the following web link:

<http://des.nh.gov/organization/commissioner/pip/publications/wd/documents/olpw.pdf>

In its petition PSNH stated that it was required to acquire a Wetlands Permit and a Shoreland Permit by Notification from the NHDES. At the time of this filing, PSNH indicated that it had applied for and was currently in the process of acquiring the necessary wetlands permit from NHDES. PSNH has more recently informed Staff that it does not anticipate that the wetlands permit application process will be completed in 2015. PSNH will file a copy of the revised wetlands permit to this docket when it is approved by NHDES². PSNH indicated that the Shoreline Permit by Notification had been accepted by NHDES. The Shoreline Permit by Notification is a three page document attached the subsequent filing of information by PSNH to this docket on September 15, 2015.

V. N.H. Code of Administrative Rules PART Puc 306 requirements

² NHPUC Staff will recommend that Eversource be required to file a copy of the NHDES Wetlands Permit to this docket when it is approved. Eversource has acknowledged that this project will be on hold until the wetlands permit is approved.

- (a) Each utility shall construct, install, operate and maintain its plant, structures and equipment and lines, as follows:
- (1) In accordance with good utility practice;
 - (2) After weighing all factors, including potential delay, cost and safety issues, in such a manner to best accommodate the public; and
 - (3) To prevent interference with other underground and above ground facilities, including facilities furnishing communications, gas, water, sewer or steam service.
- (b) For purposes of this section, “good utility practice” means in accordance with the standards established by:
- (1) The National Electrical Safety Code C2-2012...

PSNH in its petition states that the 2007 National Electrical Safety Code C2-2007 was used for compliance. On September 15, 2015, PSNH filed additional supplemental information to this docket, confirming that the work associated with this project will be in conformance with the 2012 National Electrical Safety Code C2-2012 standards.

Safety Division Staff has reviewed the specifications related to the design and construction of this crossing project that have been provided in the petition, attachments and all supplemental support documents, finding them to be in conformance with the applicable sections of 2012 NESC C2-2012 and Puc 300.

VI. Private Property, Property Rights

In its petition, PSNH indicated that it would be able to complete all the necessary work to complete this project within the bounds of the existing easements. No new or additional real property rights are required to construct these water crossings. On September 15, 2015, PSNH filed copies of the following two easements and one pole license as supplemental attachments to this docket:

- EBA-11264, Walter and Sylvia Chulak, providing rights to a small footprint of land on the easterly shore of Oehlschlager Island;
- EBA-12035, Barbara Parker, providing rights to a small footprint of land on the easterly shore of Spencers Island; and
- PSNH#: 35-0871, the agreement between the Board of Selectmen in the Town of Washington and PSNH for a license specific to Pole# 141/10Y on Washington Drive.

VII. Public Interest

PSNH stated that the existing underwater electric lines that have provided service to the islands since the late 1960s and early 1970s, is showing its age and becoming more frequently problematic. In its petition, PSHN asserted that the underwater crossing is the only feasible alternative to provide the necessary electric service to the islands, and that PSHN can exercise the rights granted by the license sought in this petition without affecting or diminishing the rights of the public to use and enjoy the waters of Island Pond. Absent the new electric cable lines, which are the subject of this petition, service reliability to these island residences will continue to decline. PSHN argued the license is "necessary" to provide service to residences on the three islands.

When the project is finished, PSHN stated that all the electric lines will be buried underground as they travel across the shore to the pond from the mainland and from the shore to their respective endpoints on each island. The electric cable will travel on the Pond bed to each island. Because the service will be entirely underground or on the pond bed, PSHN argued that the licenses will not diminish the rights of the public to use Island Pond.

VIII. Conclusions

The proposed facilities are required to meet the reasonable requirements of PSHN to provide electric service to its customers located on these islands.

The electric cable facilities, as proposed, will be in conformance with the 2012 National Electric Safety Code C2-2012. Staff notes, however, that in its petition, PSHN did not make such a definitive statement. In the supplemental filing to the docket on September 15, 2015, PSHN provided the necessary information supporting its conformance with 2012 NESC C2-2012.

The revised Wetlands Permit is a necessary requirement from NHDES prior to this project moving forward. In the supplemental filing to the docket on September 15, 2015, PSHN noted that the work associated with this project is now expected to be performed in 2016. PSHN expects the pending NHDES wetlands permit process will establish some limitations on when construction is allowable. As a result, an approximate start date cannot be processed at this time. Lastly, if the requirements of the NHPUC have been met, PSHN requested that the Commission grant the water crossing license application with the understanding that the project will continue to be on hold, likely until the fall of 2016, following the NHDES approval of the revised wetlands permit for this project.

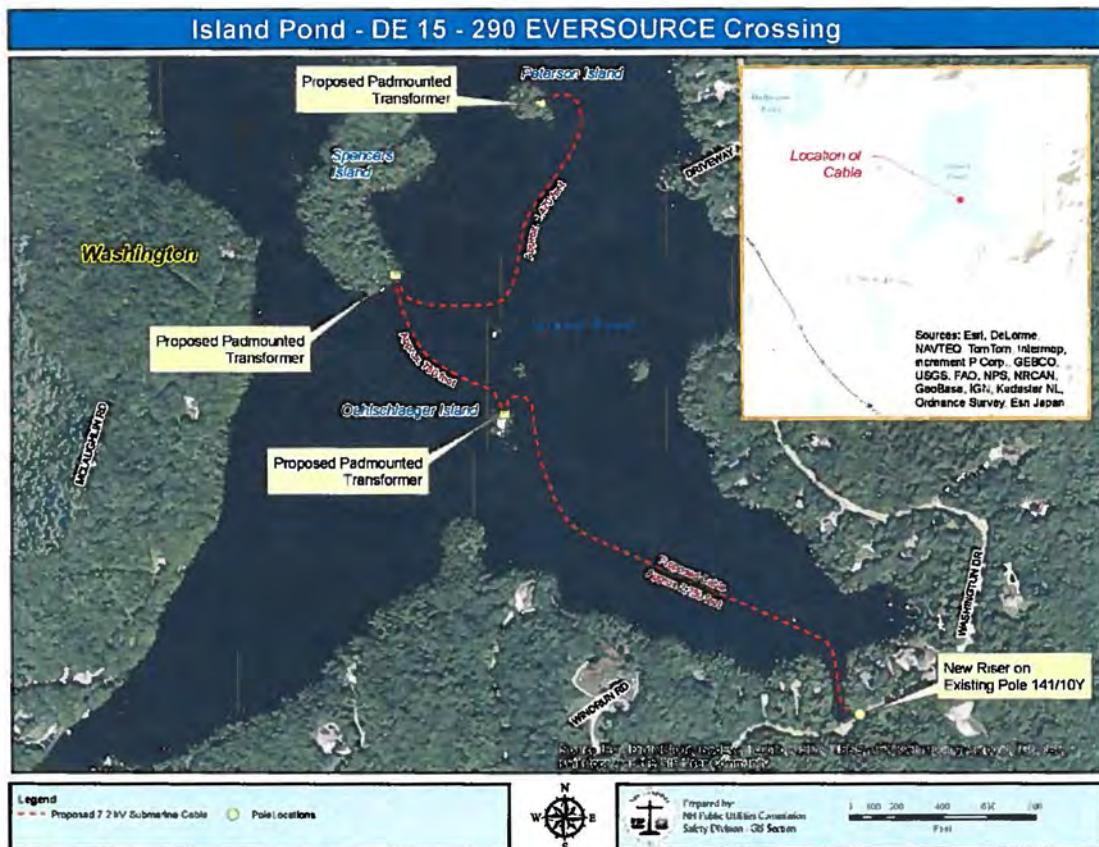
IX. Recommendations

Staff recommends approval of the petition for a license to construct and maintain electric cables and facilities beneath public waters of Island Pond in the Town of Washington, New Hampshire, with the following conditions:

1. The Commission should require that any future alterations to the proposed electric or cable facilities meet the applicable sections of the National Electric Safety Code in effect at the time of the alteration, and that requests for such alterations be submitted to the Commission for its consideration at least 60 days prior to the start of construction;
2. That a copy of the approved revised wetlands permit be filed with the NHPUC, to this docket, prior to the beginning of any construction related to the project and no greater than 30 days after being approved by the NHDES;
3. That PSNH be in conformance with all requirements of the NHDES Wetlands Permit and the Shoreland Permit by Notification; and
4. That PSNH file with the NHPUC, to this docket, an update as to the status of this project by October 31, 2016.
5. The existing licenses in Commission Orders 9325, 10025 and 10781, shall be considered nullified and invalid after the retirement of the existing services and installation of the new services referenced in this recommendation.

Attachment

Attachment A



Source: NHPUC Safety Division, GIS

SERVICE LIST - EMAIL ADDRESSES - DOCKET RELATED

Pursuant to N.H. Admin Rule Puc 203.11 (a) (1): Serve an electronic copy on each person identified on the service list.

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FILING INSTRUCTIONS:

- a) Pursuant to N.H. Admin Rule Puc 203.02 (a), with the exception of Discovery, file 7 copies, as well as an electronic copy, of all documents including cover letter with:

DEBRA A HOWLAND
EXECUTIVE DIRECTOR
NHPUC
21 S. FRUIT ST, SUITE 10
CONCORD NH 03301-2429
- b) Serve an electronic copy with each person identified on the Commission's service list and with the Office of Consumer Advocate.
- c) Serve a written copy on each person on the service list not able to receive electronic mail.