

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 17-169

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

**Petition for License to Construct and Maintain Electric Lines Over and Across the Upper
Ammonoosuc River in the Town of Dummer, New Hampshire**

Order *Nisi* Granting License

ORDER NO. 26,167

August 2, 2018

In this order, the Commission grants Eversource a license to modify an existing electric line over and across the public waters of the Upper Ammonoosuc River in Dummer, New Hampshire. This order is being issued on a *nisi* basis to ensure that all interested parties receive notice and have the opportunity to comment or request a hearing before the order becomes effective.

I. PROCEDURAL HISTORY

On October 26, 2017, Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource) filed a petition pursuant to RSA 371:17 seeking a license to modify an existing overhead electric line, known as the 25W1 Line. The 25W1 Line spans the Upper Ammonoosuc River, north of the Old Route 110 bridge in Dummer, New Hampshire. In support of its petition, Eversource submitted a plan and profile drawing, a construction drawing, a Federal Emergency Management Agency flood zone map, and a United States Geographical Survey locus map.

Commission Staff (Staff) filed a memorandum on June 1, 2018, recommending that the Commission grant the license. The petition and subsequent docket filings, other than any

information for which confidential treatment is requested of or granted by the Commission, are posted on the Commission's website at <http://puc.nh.gov/Regulatory/Docketbk/2017/17-169.html>.

II. SUMMARY OF PETITION

Eversource seeks to relocate its 25W1 Line and supporting poles on either side of the Upper Ammonoosuc River in Dummer to accommodate a bridge reconstruction project and roadway improvements.

A. Crossing Location and Construction

Eversource requests a license for its modification of this crossing. The modification will involve relocation of two poles on the northern side of the Old Route 110 bridge to the southern side of Old Route 110. The proposed modification begins at new Pole Number P104/3, PSNH 21/3, which will be located to the west on the southern side of Route 110. The line will continue in an easterly direction to new Pole Number P104/2, PSNH 21/2 on the southern side of Old Route 110. Eversource asserted that the modification of the 25W1 Line was designed and will be constructed in accordance with the 2012 National Electrical Safety Code (NESC).
Pet. at 1.

B. Regulatory Requirements

Eversource did not previously obtain a license from the Commission for the existing 25W1 Line crossing. According to the petition, Pole Number P104/3, PSNH 21/3 and Pole Number P104/2, PSNH 21/2 were previously licensed by the applicable highway authority for location in the public highway of Old Route 110, and they will be relocated within an existing roadway right-of-way. *Id.* at 2. The proposed pole relocation has been or will be re-licensed by the applicable roadway authority. *Id.*

C. Property Rights

Eversource does not anticipate that the abutters on either side of the Upper Ammonoosuc River will be affected, because this is a modification of an existing crossing and the pole structures will remain in the existing roadway right-of-way after adjustments are made. *Id.*

D. Service to the Public and Effect on Public Rights

Eversource stated that the existing crossing was constructed, operated, and maintained to meet the reasonable requirements of service to the public. *Id.* at 1. Modification of the 25W1 Line will continue to meet that public need. *Id.* Eversource asserted that modification of the existing line will not substantially affect the public use and enjoyment of the Upper Ammonoosuc River, as minimum safe line clearances above the river and affected shorelines will be maintained at all times. *Id.* at 2. Eversource calculated its clearance requirement using the 100-year flood level, a more conservative analysis than the NESC 10-year flood elevation requirement. *Id.*

III. SUMMARY OF STAFF REVIEW

Staff reviewed Eversource's petition and supporting documentation, applicable statutes, rules, NESC requirements, and land ownership, as well as public need, safety, and impact. Staff determined that the proposed construction meets the requirements of applicable state statutes and rules. Staff recommended approval of the petition.

IV. COMMISSION ANALYSIS

“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, ... it shall petition the commission for a license to construct and maintain the same.”

RSA 371:17. The Commission is authorized to grant such a license if it “may be exercised without substantially affecting the public rights in said waters or lands.” RSA 371:20. The New Hampshire Department of Environmental Services (NHDES) has classified the Upper Ammonoosuc River in Dummer as a “public water.”¹

Based on the petition and Staff’s recommendation, we find that the proposed crossing is necessary to meet the reasonable requirements of reliable service to the public, as required by RSA 371:17. We further find that the requested license may be exercised without substantially affecting the public rights in the Upper Ammonoosuc River, as required for approval under RSA 371:20. Therefore, we approve the petition subject to the conditions contained in the ordering clauses below. We issue our decision on a *nisi* basis to provide any interested person the opportunity to submit comments or request a hearing.

This approval is only for electric lines with the specifications proposed in this docket. Should Eversource seek further modification, it must make the appropriate filing. Eversource is responsible for obtaining any and all federal, state, or local permits required by authorities having jurisdiction for the construction and installation of the proposed crossing.

We also require Eversource to provide notice to the Town of Dummer, NHDES, the Office of the Attorney General, and owners of land bordering the crossing pursuant to RSA 371:19.

Based upon the foregoing, it is hereby

ORDERED *NISI*, that subject to the effective date below, Eversource is authorized, pursuant to RSA 371:17, *et seq.*, to construct, install, operate, and maintain electric lines over

¹ NHDES prepares, maintains, and publishes an official, partial list of public waters in the state. *See* <https://www.des.nh.gov/organization/commissioner/pip/publications/wd/documents/olpw.pdf>.

and across the Upper Ammonoosuc River described in its petition and depicted in its filings in this docket; and it is

FURTHER ORDERED, that approval is limited to the construction or alteration of electrical lines under consideration in this docket, and is conditioned on the requirement that Eversource construct, operate, maintain, and, if necessary, alter the lines consistent with the provisions of the National Electrical Safety Code, in accordance with N.H. Code Admin. Rules Puc 306, *et seq.*, as may apply, and as amended from time to time, and all other applicable safety standards in existence at that time; and it is

FURTHER ORDERED, that Eversource shall maintain proper clearances for its lines at all times across the entire length of the span pursuant to the National Electrical Safety Code Rules 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 undertaking any such alteration(s); and it is

FURTHER ORDERED, that Eversource shall provide a copy of this order *nisi* to (i) the Town Clerk of Dummer, New Hampshire; (ii) the New Hampshire Attorney General and all owners of the land bordering on said public waters at the location of the crossing, as required by RSA 371:19; and (iii) the New Hampshire Department of Environmental Services, by first class mail, no later than August 13, 2018, to be documented by affidavit filed with this office on or before August 31, 2018; and it is

FURTHER ORDERED, that Eversource shall cause a summary of this order *nisi*, issued concurrently with this order, 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

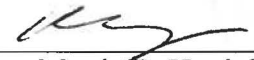
to occur no later than August 13, 2018, and to be documented by affidavit filed with this office on or before August 31, 2018; and it is

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 August 20, 2018 for the Commission's consideration; and it is

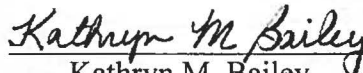
FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than August 27, 2018; and it is

FURTHER ORDERED, that this order *nisi* shall be effective September 3, 2018, unless Eversource fails to satisfy the publication obligations set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date.

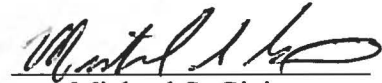
By order of the Public Utilities Commission of New Hampshire this second day of August, 2018.



Martin P. Honigberg
Chairman

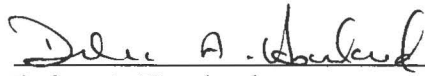


Kathryn M. Bailey
Commissioner



Michael S. Giaimo
Commissioner

Attested by:



Debra A. Howland
Executive Director