

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 18-156

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

**Petition for License to Construct and Maintain Electric Lines
Over and Across Land Owned by the State in Goffstown**

Order *Nisi* Granting License

ORDER NO. 26,239

April 26, 2019

In this order, the Commission grants Eversource a license to construct and maintain electric lines, including neutral wires and fiber optic cable, over and across public lands owned by the State of New Hampshire in Goffstown. This order is being issued on a *nisi* basis to ensure that all interested persons receive notice and have the opportunity to comment or request a hearing before the order becomes effective.

I. PROCEDURAL HISTORY

On October 10, 2018, Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource) filed a petition pursuant to RSA 371:17 requesting a license to construct and maintain electric lines, including neutral wires and fiber optic cable over and across public lands located in Goffstown. The proposed crossing is located on a 19-acre parcel of land off the Goffstown Back Road. In support of its petition, Eversource submitted a location plan map (Exhibit 1) and a plan and profile plan drawing (Exhibit 2).

Commission Staff (Staff) recommended that Eversource's petition be granted. 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/2018/18-156.html>.

II. SUMMARY OF PETITION

Eversource seeks to construct and maintain electric lines, including neutral wires and fiber optic cable, as part of a capital reliability project to continue to meet current and future electricity needs in Goffstown. Specifically, this requires Eversource to construct and maintain an overhead 34.5 kV electric distribution line, designated as the “328 Line,” over and across state-owned public land. The State's parcel consists of approximately 19 acres located off Goffstown Back Road, and is designated as Lot 18A on Goffstown Tax Map 5. There are eight utility structures associated with the 328 Line crossing that require replacement.¹

The existing 328 Line structures and associated distribution components are approximately 40 years old, have been subject to woodpecker and other environmental damage, and require replacement or modification for the lines to continue to function safely and reliably, and to meet current as well as future projected electricity demands. In addition, the 328 Line is being upgraded to improve capacity from the Rimmon Substation, which is needed due to an upcoming transformer retirement at the Glen Lake Substation. A fiber optic cable is also being added to the structures.

A. History

Eversource stated that it owned the 19-acre parcel at the time the existing 328 Line structures were installed; therefore, no crossing license was required at the time of original installation. Eversource conveyed the land to the State in 1967, reserving its easement rights and rights-of-way for the 328 Line facilities.

The State acquired ownership and possession of the land subject to the 328 Line and its structures. In 1972, the New Hampshire Water Resources Board conveyed the State parcel to the

¹ Existing 328 Line structures Nos. 52, 53, 53.5, and 54-58, inclusive, will be replaced with new, re-numbered structures Nos. 74-81, inclusive.

New Hampshire Fish and Game Department, which is presently responsible for the land. The structure replacements of the 328 Line crossing over and across the State's parcel will be newly licensed under this petition. Accordingly, if granted, this license to "construct and maintain" shall include a license to modify or replace the existing crossing.

B. Crossing Location and Construction

The proposed crossing is off Goffstown Back Road in the area designated as Lot 18A on Goffstown Tax Map 5. The crossing will span a total of 1,902 feet; 1,900 feet of which runs across state-owned land.

Eversource provided sufficient detail to show how all required clearances for the fiber optic cable, the lowest cable on the structure, will be maintained. Additionally, Staff verified all the computed sags with commercial software using inputs as stated in the petition. The petition states that the rebuild of the 328 Line crossing has been designed and will be constructed in accordance with the 2017 National Electrical Safety Code (NESC).

C. Regulatory Requirements

According to the petition, a New Hampshire Division of Environmental Services (DES) Minimum Impact Wetlands Permit is required for construction activities that involve the alteration of non-tidal wetlands for the replacement of the existing 328 Line structure No. 58 (new structure No. 81). A permit application was submitted and accepted as complete by DES on July 5, 2018 (DES File # 2018 - 02003). The petition also states that a Shoreland Permit by Notification application is required for construction activities in the vicinity of the Piscataquog River, which will apply to replacement of existing 328 Line structures Nos. 55 and 56 (new structure Nos. 78 and 79). The Shoreland Permit by Notification application was submitted to DES at or about the same time as the instant filing. Finally, a Utility Maintenance Notification is required for temporary impacts to non-tidal wetlands associated with construction activities,

including work-pads and access to existing 328 Line structures Nos. 55, 57, and 58 (new structures Nos. 78, 80, and 81). A Utility Maintenance Notification application has been submitted to and accepted by DES as complete.

D. Property Rights

Eversource submits that the crossings will be located within its existing reserved easements and rights-of-way, and therefore no new or additional real property rights are required.

E. Service to the Public and the Effect on Public Rights

According to the petition, the existing crossing was constructed, operated, and maintained to meet the reasonable requirements of service to the public. The proposed crossing will continue to meet that public need. Construction and maintenance of this project will not substantially affect the rights of the public. The use and enjoyment of the land by the public will not be diminished in any material respect as a result of the overhead line crossing. Minimum safe line clearances above the land surface will be maintained at all times.

III. SUMMARY OF STAFF REVIEW

Staff reviewed the 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 the NESC and applicable statutes and rules and recommended approval of the petition.

On April 17, 2019, Staff filed a revised recommendation to clarify the length of the span; otherwise, Staff's overall recommendation remained unchanged.

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, 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.” 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.

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 public lands where the crossing will be located, 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. We will also require notice to be provided to the Town of Goffstown, DES, the New Hampshire Fish and Game Department, and the Office of the Attorney General.

This approval is only for structures and electric lines, including neutral wire and fiber optic cable proposed in this docket. Should Eversource seek further modifications, 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.

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, including neutral wire and fiber optic cable over and across the public lands as described in its petition and depicted in its filings and as specified in Staff’s recommendation; and it is

FURTHER ORDERED, that approval is limited to the construction or alteration of the electric lines, including neutral wire and fiber optic cable, 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 to (i) the Town Clerk of Goffstown, New Hampshire; (ii) the New Hampshire Attorney General, as required by RSA 371:19; (iii) the New Hampshire Fish and Game Department; and (iv) the New Hampshire Department of Environmental Services, by first class mail; no later than May 1, 2019, to be documented by affidavit filed with the Commission on or before May 14, 2019; and it is

FURTHER ORDERED, that Eversource shall cause a summary of this order, 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 May 1, 2019, and to be documented by affidavit filed with the Commission on or before May 14, 2019; and it is

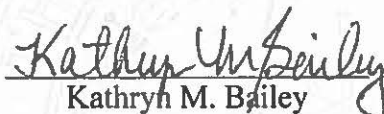
FURTHER ORDERED, that all persons interested in responding to this order be notified that they may submit their comments or file a written request for a hearing that states the

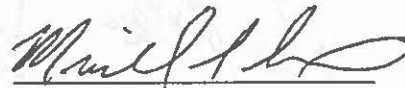
reason and basis for a hearing no later than May 8, 2019, for the Commission's consideration; and it is

FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than May 14, 2019; and it is

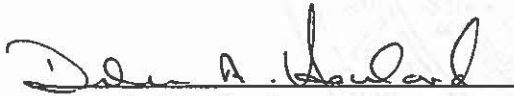
FURTHER ORDERED, that this order shall be effective May 17, 2019, unless Eversource fails to satisfy the notice and publication obligations set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date.

By order of the Public Utilities Commission of New Hampshire this twenty-sixth day of April, 2019.


Kathryn M. Bailey
Commissioner


Michael S. Gaimo
Commissioner

Attested by:


Debra A. Howland
Executive Director