

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 20-073

**PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
D/B/A EVERSOURCE ENERGY**

**Petition for Licenses to Construct and Maintain Electric Lines
Over and Across Land Owned by the State in the Towns of Goffstown and Hooksett**

Order *Nisi* Granting Two Licenses

ORDER NO. 26,416

October 14, 2020

This order grants Eversource licenses to modify, construct, and maintain electric lines over and across public lands owned by the State of New Hampshire in Goffstown and Hooksett. This order is being issued on a *nisi* basis to ensure that interested persons receive notice and have the opportunity to comment or request a hearing before the order becomes effective.

I. PROCEDURAL HISTORY

On May 19, 2020, Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource or the Company) filed a petition, pursuant to RSA 371:17, requesting licenses to modify, construct, maintain and operate an existing overhead 115 kilovolt electric transmission line, designated as the Eversource O161 Line, over and across lands owned by the State of New Hampshire in Hooksett and Goffstown.

In support of its petition, Eversource submitted an overview map and a plan and profile drawing. On June 22, the Company filed a supplemental petition that identified the crossings as existing and unlicensed, and corrected a location reference. On September 8, Eversource filed a

second supplemental petition that included a replacement Exhibit 2, a discussion of OPGW lines, and referenced the 2012 National Electrical Safety Code (NESC) instead of the 2017 NESC.¹

Commission Staff (Staff) filed a recommendation on September 9, 2020, recommending that Eversource's petition be granted. Staff filed two supplemental recommendations thereafter, on September 25 and October 6, to complete the docket with information provided by the Company regarding which state agencies own the real property at issue. The petition and additional 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 <https://www.puc.nh.gov/Regulatory/Docketbk/2020/20-073.html>.

II. SUMMARY OF PETITION

Eversource constructed, and currently operates and maintains, the existing O161 Line. The O161 Line crosses public lands owned by the state in two locations that have not been previously licensed by the Commission. Eversource now seeks licenses for those crossings, inclusive of licenses for construction and maintenance of a new steel structure to replace an existing wooden structure, Structure 72, and the after-the-fact replacement of two other wooden structures, Structures 20 and 21.

Eversource's license request also included the after-the-fact replacement of one of two existing shield wires between Structures 20 and 21 with optical ground wire (OPGW) used for communications. Eversource stated that granting licenses for the existing lines and proposed modifications will allow it to continue to meet current and future electricity demands, and ensure safe and reliable service. The Company stated that this structural replacement and repair project is part of a capital reliability project.

¹ The September 8 "supplemental" petition is in fact a replacement petition, and from this point of the Order forward we refer to it as "the petition" or "the Company's petition."

A. History

According to Eversource's petition, the Hooksett crossing was not licensed because the Eversource line was already in existence, on private land, prior to the state's acquisition of the real property at issue. The Company did not license the Goffstown crossing due to oversight.

Eversource's petition stated that the structural replacements at issue are necessary due to environmental damage and aging. Structures 20 and 21, in Hooksett, were replaced with steel support structures in 2017. Even earlier, in 1992, one of two shield wires between Structure 20 and 21 was replaced with OPGW. Structure 72, to be replaced with a steel structure, creates the Goffstown crossing with Structure 73. Structure 73 is not being replaced at this time. Other than the modifications described, including the after-the-fact modifications, no other structures or lines are proposed to be replaced. Existing lines will be transferred to the new structures or to the structures that were replaced prior to receiving a license.

B. Crossing Location and Construction

Eversource's petition did not provide street or highway descriptions for the two state-land crossings in Hooksett and Goffstown. Maps included with the petition as exhibits included certain streets and highways, but did not include approximate distances from those roads to the crossings. Instead, Eversource's narrative provided registry of deed map locations, which are somewhat large in area, and are unlikely to assist the average reader in ascertaining where the crossings at issue are actually located.

Although the Company initially stated it would meet the 2017 NESC standards, the petition states that line modifications are designed and will be constructed, maintained, and operated in accordance with the 2012 NESC standards, which are referenced in New Hampshire Administrative Rule Puc 306.01(b)(1). This change in reference to NESC requirements is not

significant because the relevant 2017 and 2012 NESC code provisions are nearly equivalent and the revision creates no meaningful differences for licensing purposes. The three replacement structures will be located within 10 feet of the original wooden structures so as not to disturb the original structures' foundations while the wires are being transferred.

The first crossing, in Hooksett, is between Structures 20 and 21. The crossing begins at Structure 20, at a location east of Hackett Hill Road and north of the Everett Turnpike by an undisclosed distance, as shown on Eversource Exhibits 1-2 (referencing Hooksett Tax Map 37, Lot 1). The line continues in a southwesterly direction to Structure 21. This proposed crossing creates a total span of 397 feet between Structures 20 and 21, with 21 feet spanning state-owned land. According to the Company, the New Hampshire Department of Transportation (DOT) owns the real property in Hooksett, although the land is not part of the highway system.

The second crossing, in Goffstown, is between Structures 72 and 73. The crossing begins at Structure 72, at a location north of Mast Road and south of Locust Hill Road, as shown on Eversource Exhibits 1, 3 (referencing Goffstown Tax Map 5, Lot 18A). The line continues in a southwesterly direction to Structure 73. Together, the new Structure 72 with the existing Structure 73 will create a proposed total span of 344 feet, with 225 feet spanning state-owned land. According to the Company, the New Hampshire Fish and Game Department (Fish and Game) owns the real property in Goffstown.

C. Regulatory Requirements

Eversource stated that a New Hampshire Department of Environmental Services (NDES) Statutory Permit by Notification, (SPN), formerly known as a Utility Maintenance Notification (UMN), is required for construction access and work activities that involve the temporary minor impacts to non-tidal wetlands, non-tidal surface waters, or banks adjacent to non-tidal surface

waters. The Company stated it obtained a UMN in 2017 for work that has already been completed at the Town of Hooksett crossing location. The Company stated that SPN's are not required for the proposed modifications in the Town of Goffstown.

D. Property Rights

The Company does not expect that abutters on either side of the state-owned land crossings will be affected by the lines or proposed modifications because the O161 Line is an existing line and the crossings and structures to be replaced are within Eversource's existing utility easements. The Company will maintain minimum safe line clearances at all times. Eversource is using the existing power line rights of way. Eversource owns permanent easements for lines and facilities at the proposed crossing locations. Each of the crossings will be constructed within the limits of those easements. The state-owned land parcel in Hooksett was acquired subject to Eversource's right of way easement, and no new or additional real property rights are required. The Company similarly stated that the existing lines and crossing structures in Goffstown are within Eversource's existing utility easements.

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

According to Eversource, the proposed construction and line crossings will not substantially affect the rights of the public. The Company proposes to construct the crossings in a manner that will not impact any existing or anticipated use or enjoyment of the state-owned land. Eversource stated that the use of the land by the public will not be diminished as a result of the overhead line crossings.

III. SUMMARY OF STAFF REVIEW

Staff reviewed the petition and supporting documentation, applicable statutes, rules, NESC requirements, and land ownership, as well as the public need, safety, and potential impact.

Staff determined that the proposed construction meets the requirements of the NESC and applicable state statutes and 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, 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 two proposed crossings are necessary to meet the reasonable requirements of reliable service to the public, as required by RSA 371:17. We further find that the two requested licenses for electric and OPGW lines may be exercised without substantially affecting the public rights in the public lands where the crossings will be located, as required for approval under RSA 371:20. We therefore 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 note that Eversource has not provided a sufficient narrative description of the location of the crossings in its petition, and while the map included as an exhibit shows some highways and streets, it does not identify approximate distances to the crossings.

We expect, and direct, that in the future Eversource petitions will contain a descriptive narrative of where each crossing is located, with approximate distances from referenced landmarks, so that the crossing can be easily located and the public can be adequately informed.

This approval is only for electric and OPGW 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 notice to be provided to the Towns of Hooksett and Goffstown, DES, Fish and Game, DOT and the Office of the Attorney General 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 and OPGW lines over and across the land owned by the State of New Hampshire in Hooksett and Goffstown, as described in its petition, including the supplemental petitions, and depicted in its filings and as specified in Staff's recommendation, including Staff Maps 1 and 2; and it is

FURTHER ORDERED, that approval is limited to the construction or alteration of the electric and OPGW lines and supporting structures under consideration in this docket, and is conditioned on the requirement that Eversource construct, operate, maintain, and, if necessary, alter the lines and structures consistent with the provisions of the National Electrical Safety Code, in accordance with N.H. Admin. R., Puc 306.01, *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 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 Clerks of Hooksett and Goffstown, New Hampshire; (ii) the New Hampshire Attorney General; (iii) the New Hampshire Department of Environmental Services, (iv) the New Hampshire Fish and Game Department, and (v) the New Hampshire Department of Transportation, by first class mail, no later than October 23, 2020, to be documented by affidavit filed with the Commission on or before November 10, 2020; and it is

FURTHER ORDERED, that Eversource shall cause a copy of this order *nisi* to be published on its website within one business day of this order, such publication to be documented by affidavit filed with the Commission on or before November 10, 2020; and it is

FURTHER ORDERED, that the Executive Director of the Commission shall cause a copy of this order *nisi* to be published on the Commission's website within one business day; and it is

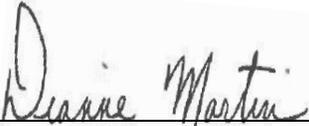
FURTHER ORDERED, that persons interested in responding to this order be notified that they may submit their comments or file a written request for a hearing that states the reason and basis for a hearing no later than October 30, 2020, for the Commission's consideration; and it is

FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than November 6, 2020; and it is

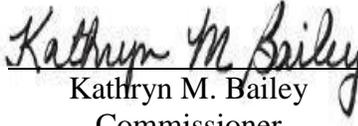
FURTHER ORDERED, that future petitions for license to cross public water or land shall include an adequate description of the location of the crossing(s) that makes it clear to the public where the crossing(s) is located; and it is

FURTHER ORDERED, that this order shall be effective November 13, 2020, 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 fourteenth day of October, 2020.

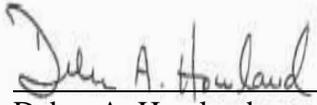


Dianne Martin
Chairwoman



Kathryn M. Bailey
Commissioner

Attested by:



Debra A. Howland
Executive Director

Service List - Docket Related

Docket# : 20-073

Printed: 10/13/2020

Email Addresses

ExecutiveDirector@puc.nh.gov
richard.chagnon@puc.nh.gov
lynn.fabrizio@puc.nh.gov
Jeremy.Fennell@eversource.com
tom.frantz@puc.nh.gov
susan.gagne@puc.nh.gov
Paul.Kasper@puc.nh.gov
randy.knepper@puc.nh.gov
catherine.marsellos@puc.nh.gov
Erik.newman@eversource.com
amanda.noonan@puc.nh.gov
ocalitigation@oca.nh.gov
melissa.price@eversource.com
Mary.Schwarzer@puc.nh.gov