

DE 01-106

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Petition for License to Cross Public Waters

**Order Nisi Approving Electric Lines Over and
Across Public Waters**

O R D E R N O. 23,735

June 28, 2001

Public Service Company of New Hampshire (PSNH), a public utility engaged in the generation, transmission, distribution and sale of electric energy in the State of New Hampshire, filed on May 7, 2001, a petition under RSA 371:17 for authority to construct and maintain electric lines over and across public waters in the state of New Hampshire. PSNH identifies the location as situated on the Merrimack River in the towns of Litchfield and Merrimack. This section of the Merrimack River measures approximately 458 feet in width. This is an upgraded crossing; it is in the same right of way, twenty-five feet north of an existing crossing known as R187. This PSNH crossing was previously licensed by the New Hampshire Public Utilities Commission (Commission) in 1976. See 61 NHPUC 97 (1976).

RSA 371:17 defines public waters as "all ponds of more than ten acres, tidewater bodies, and such streams or portions thereof as the Commission may prescribe". The Commission has

defined public waters as those streams which are commonly used for navigation, 35 NHPUC 94 (1953). PSNH and Staff agree the Merrimack River constitutes public water.

PSNH has stated that the actual minimum clearance will be 41.9 feet. Therefore, PSNH concluded the use and enjoyment by the public of said public waters would not be diminished in any material respect as a result of the overhead line and cable crossings.

PSNH states this construction will upgrade the reliability and capacity of the R187 transmission line in order to accept generation from the AES Granite Ridge (formerly AES Londonderry) cogeneration power plant currently under construction in Londonderry, New Hampshire. This upgrade will principally involve replacement of the existing 115kV line with a redesigned and rebuilt 115kV transmission line.

Upon review of the filed documentation, Staff has verified that all of these clearances meet the requirements of the 1997 National Electrical Safety Code.

The Commission finds pursuant to RSA 371:17 that such crossing is necessary for PSNH to enhance its service to its customers and that it is therefore in the public good.

Based upon the foregoing, it is hereby

ORDERED NISI that PSNH is authorized, pursuant to RSA 371:17 et seq., to construct, maintain and operate electric lines over and across the public waters of the State of New Hampshire at the Merrimack and Litchfield location described above; and it is

FURTHER ORDERED, that all construction and future reconstruction to said approved crossing, shall conform to the requirements of the National Electrical Safety Code and all other applicable safety standards in existence at that time; and it is

FURTHER ORDERED, that PSNH shall cause a copy of this Order Nisi to be sent, by first class mail, to the Merrimack and Litchfield town clerks and, pursuant to RSA 371:19, a copy of this Order Nisi shall be sent to the New Hampshire Attorney General and to such owners of lands bordering on said public waters and 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 July 6, 2001, and all actions to be documented by affidavit filed with this office on or before July 20, 2001; and it is

FURTHER ORDERED, that all persons interested in responding to this petition be notified that they may submit their comments or file a written request for a hearing on this matter before the Commission no later than July 16, 2001; and it is

FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than July 20, 2001; and it is

FURTHER ORDERED, that this Order Nisi shall be effective July 26, 2001, unless 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-eighth day of June, 2001.

Douglas L. Patch
Chairman

Susan S. Geiger
Commissioner

Nancy Brockway
Commissioner

Attested by:

Thomas B. Getz
Executive Director and Secretary