

**DE 06-095**

**NEW HAMPSHIRE ELECTRIC COOPERATIVE, INC.**

**Petition for License to Construct and Maintain Electric Submarine Cable Under the Public Waters of Lake Wickwas in Meredith, New Hampshire**

**Order *Nisi* Granting License to Construct and Maintain Electric Submarine Cable Under Public Waters**

**ORDER NO. 24,663**

**September 1, 2006**

On June 20, 2006, the New Hampshire Electric Cooperative, Inc. (NHEC) filed with the New Hampshire Public Utilities Commission a petition for a license to construct and maintain an electric cable and conduit under Lake Wickwas in Meredith. NHEC filed the petition pursuant to RSA 371:17, which requires a utility to obtain a license from the Commission before constructing utility facilities across any public waters.

According to the petition, there are currently no electrical lines serving Bryant Island, situated in Lake Wickwas. NHEC states that Henmor Development Company, LLC (Henmor) is constructing two residences on Bryant Island. NHEC and Henmor plan to construct a line from NHEC Pole #125/32.4 in Meredith, under Route 104 and then underneath Lake Wickwas for a distance of about 2,300 feet to Bryant Island. NHEC asserts that Henmor has obtained permits and approvals from the Department of Environmental Services (DES) and the Department of Transportation (DOT) for the line construction.

NHEC states that if this line is not constructed, the new residences on Bryant Island will be unable to obtain electrical service from NHEC. NHEC contends that in order to meet the reasonable requirements of service to the public, it is necessary for NHEC and Henmor to construct conduit and cable under Lake Wickwas to Bryant Island.

NHEC avers that three properties abut the area where the conduit and wire pass under Route 104 but that the new line will not cross any of the abutters' property and the new pole No. 125/32.4 is being set in a state right-of-way. In support of its petition, NHEC submitted a location plan (Exhibit A), the DES Wetlands and Non-Site Specific Permit (Exhibit B), the DOT excavation permit (Exhibit C) a right of easements by Henmor (Exhibit D), a pole location map (Exhibit E), and a diagram of the abutters' property (Exhibit F).

Staff filed data requests on July 24, 2006, and NHEC responded on July 28, 2006. In response to the data requests, NHEC explained that 7,200 Volts is the standard single-phase distribution voltage level in use by NHEC and that the primary line feed to the proposed submarine line to Bryant Island will be 7,200 Volts. NHEC attests that the existing primary distribution line is adequate to provide two, 200 Amp services to the newly constructed homes at 120/240 Volts.

NHEC clarified that the submarine cable will be 7,200 Volts, of Okonite manufacture, and consist of a 1/0 aluminum conductor in a submarine cable. According to NHEC, the cable will be insulated to a thickness of 1.720 inches with Trplx insulation. NHEC stated that the installation will be by trench from pole to an underwater depth of 6 inches below the lake floor. Installation will include two lengths of concrete underwater cable covers consistent with NHEC Construction Standard U7-6B, a copy of which was submitted with the data responses.

NHEC indicated that the riser poles on each end of the submarine cable would be constructed consistent with NHEC Construction Standards URD1W-1 and IUSUB, copies of which were also attached to its responses. NHEC stated that construction will be performed by an NHEC approved electrical contractor consistent with the National Electrical Safety Code

(NESC). NHEC indicated that it had 49 such installations in its service area. NHEC further averred that it would read the revenue meters manually two times per year. Finally, NHEC stated that the use and enjoyment by the public of these waters will not be diminished in any material respect as a result of the proposed submarine crossing.

Based on review of the Petition and the responses to data requests, Staff concluded that the construction detail for an electric cable and conduit under Lake Wickwas in Meredith meets good engineering practices and the National Electrical Safety Code (NESC). Staff also determined that capacity is not an issue. Staff noted that construction will be performed by an NHEC-certified contractor who will meet NHEC's construction standards, and that the appropriate environmental permits were included with the petition. Staff agreed that the crossing is necessary for NHEC to meet the requirements of reliable service to customers within the NHEC authorized territory and that the proposed project, if implemented as set forth in the petition as supplemented by the data responses, will result in NHEC providing safe and reliable service to the public based on sound engineering standards as specified in the NESC. NHEC has stated that the use and enjoyment by the public of these waters will not be diminished in any material respect as a result of the proposed submarine crossing .

RSA 371:17 provides in part that whenever it is necessary, in order to meet the reasonable requirements of service to the public, that any public utility should construct a line of poles or towers and wires and fixtures thereon over or across any of the public waters of New Hampshire, it shall petition the Commission for a license to construct and maintain the same. "Public waters," as defined in RSA 371:17, means "all ponds of more than ten acres, tidewater bodies, and such streams or portions thereof as the Commission may prescribe." Based on the

information presented, the Commission regards the part of the Lake Wickwas under the proposed aerial electric lines as “public waters” within the meaning of RSA 371:17.

Based on the information presented by NHEC and Staff’s recommendation, we find such crossing necessary for NHEC to meet the reasonable requirements of reliable service to the public within NHEC’s authorized franchise area and the requested license may be exercised without substantially affecting the public rights in the waters of Lake Wickwas. We find that the crossing is for the public good and we approve the petition on a *Nisi* basis in order to provide any interested party the opportunity to submit comments on said petition or to request a hearing.

**Based upon the foregoing, it is hereby**

**ORDERED *NISI***, that subject to the effective date below, NHEC is authorized, pursuant to RSA 371:17 et seq., to construct, maintain and operate submarine cables under Lake Wickwas to Bryant Island; and it is

**FURTHER ORDERED**, that that NHEC operate this new crossing in conformance with the NESC; and it is

**FURTHER ORDERED**, that NHEC shall provide a copy of this order to the (i) Town Clerk of Meredith, (ii) New Hampshire Attorney General and the owners of the land bordering on said public waters at the location of the lake crossing, pursuant to RSA 371:19, and (iii) pursuant to RSA 422-B:13, New Hampshire Department of Transportation and the Office of Secretary, U.S. Department of Commerce, by first class mail, no later than September 11, 2006, and to be documented by affidavit filed with this office on or before September 22, 2006; and it is

**FURTHER ORDERED**, that NHEC shall cause a copy of this Order *Nisi* 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 be no later than September 11, 2006 and to be documented by affidavit filed with this office on or before September 22, 2006; 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 which states the reason and basis for a hearing no later than September 15, 2006 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 September 19, 2006; and it is

**FURTHER ORDERED**, that this Order *Nisi* shall be effective September 22, 2006, unless NHEC fails to satisfy the publication obligation 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 first day of September, 2006.

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Thomas B. Getz  
Chairman

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Graham J. Morrison  
Commissioner

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Clifton C. Below  
Commissioner

Attested by:

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Debra A. Howland  
Executive Director & Secretary