

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 07-015

NEW HAMPSHIRE ELECTRIC COOPERATIVE, INC.

**Petition for License to Construct and Maintain Electric Submarine Cable under the Public
Waters of Lake Winnepesaukee in the Town of Meredith**

Order *Nisi* Granting License

ORDER NO. 24,758

June 7, 2007

On February 9, 2007, the New Hampshire Electric Cooperative, Inc. (NHEC) filed with the Commission a petition pursuant to RSA 371:17 for a license to construct and maintain an electric submarine cable under Lake Winnepesaukee in Meredith from Big Beaver Island to Beaver Island. NHEC supplemented its filings on May 25 and June 1, 2007. According to the petition, no electrical lines serve Beaver Island, which is part of NHEC's authorized franchise service territory. NHEC stated that Mary and Donald J. Larson own the single residence and all property on Beaver Island and that the Larson residence will not have electrical service unless NHEC constructs the submarine cable.

In support of its petition, NHEC filed the testimony of plant administrator Dean Benton with the following exhibits: a layout plan of the proposed construction (Exhibit A), easements for construction of facilities on Big Beaver Island executed by Leo O. Sullivan, president of Beaver Management Corporation (the owner of Big Beaver Island) (Exhibit B), easements for construction on Beaver Island signed by Mr. and Mrs. Larson (Exhibit C), a Wetlands and Non-Site Specific Permit No. 2006-02363 approved by the Department of Environmental Services for the construction (Exhibit D), specifications for the selected cable (Exhibit E), a description of the

underground/underwater materials to be used and construction dimensions and construction standards for single phase riser bracket construction (NHEC Construction Standards IUSUB and U1 respectively) (Exhibit F), and a description of the cable cover (NHEC Construction Standard U7-6B) and silt fence construction (NHEC Construction Standard URD 1W-1) (Exhibit G).

NHEC stated that I. C. Reed & Sons, Inc. will construct the underground cable, conduit, submarine cable and termination vault. According to the cooperative, Reed & Sons is a certified construction company that has historically met NHEC construction standards. NHEC attested that it will inspect the installation prior to energizing the underwater cable. Once the installation met inspection standards, NHEC would take ownership and assume responsibility for the installation's long term maintenance and repair.

The construction plan requires the submarine cable to be of Hendrix manufacture, Tree Retardant Cross-linked Polyethylene insulation, and to consist of one aluminium 1/0 conductor. NHEC explained that the cable would be installed underground from existing NHEC pole No. 14013.1/2 on Big Beaver Island for a distance of about 115 feet to the water's edge. The crossing will proceed under Lake Winnepesaukee for a distance of about 530 feet to Beaver Island, and then on shore underground for a distance of about 40 feet, terminating in a new NHEC concrete vault No. 14013.1/2.1.

NHEC stated that the submarine cable would be constructed, maintained, and operated in accordance with the requirements of the National Electrical Safety Code (NESC), American National Standards Institute (ANSI) C2-2007. According to NHEC, the construction of the riser at NHEC pole No. 14013.1/2 on Big Beaver Island will meet NHEC's Construction Standard U1. NHEC stated that the project will include trenching and direct burial of the submarine cable

to a minimum depth of 3 feet onshore and, consistent with its construction standards, will include the installation of a silt fence at each shoreline trench to mitigate environmental disruption.

Offshore, the buried cable will be covered with a minimum of 6 inches of material. The construction plan provides that the submarine cable will be placed on the lake floor between the shoreline entry points of the cable. In addition, there will be a minimum of two lengths of cable covers as established by NHEC Construction Standard U7-6B at each shoreline installation.

NHEC stated that the buried cable will extend into the lake according to one of the following standards, whichever requires the longer extension: (1) to a point where the underwater depth is six feet from the 1982-2005 mean low water table level of 503.1 feet;¹ or (2) a minimum length of 40 feet from the shoreline as established by the mean low water table level as described in Exhibit F.

According to NHEC, Beaver Management Corporation is the only abutter of the easement on Big Beaver Island and Mr. and Mrs. Larson are the only abutters of the easement on Beaver Island. With its petition, NHEC filed easements signed by both abutters.

The cooperative stated that construction of a submarine cable is the only technically sound solution to provide service to Beaver Island because construction of an overhead cable for this distance is not feasible. According to the NHEC, an underground cable would not be noticeable to the general public, and would minimize the chance of interference with the public safety and enjoyment of Lake Winnepesaukee

Staff filed its recommendation on June 6, 2007. According to Staff, NHEC provided sufficient information and supporting data to justify the construction of a submarine cable under

¹ This standard is based upon the Department of Environmental Service Dam Bureau's measurement of the historical lake level records for Lake Winnepesaukee.

Lake Winnepesaukee to provide electric service to Beaver Island. Staff agreed that the underwater construction was the best alternative to provide electric service to the Larson residence, noting that NHEC has built and operates 52 similar installations. In addition, Staff stated that if NHEC complied with the requirements of the NESC in constructing, operating and maintaining the cable, the facility would provide safe and reliable electric service. Based on these observations, Staff recommended the Commission approve the petition.

RSA 371:20 requires us to grant the license requested by the NHEC upon a finding “that the license petitioned for, subject to such modifications and conditions, if any, and for such period as the commission may determine, may be exercised without substantially affecting the public rights in said waters or lands.” Prior to such a determination, we are required to “hear all parties interested,” but the statute also authorizes to grant the petition without hearing “when all interested parties are in agreement.”

Based on the information presented by NHEC and on Staff’s recommendation, we find that the requested license may be exercised without substantially affecting the public rights in the waters of Lake Winnepesaukee. We also find, pursuant to RSA 371:17, that the crossing is “necessary, in order to meet the reasonable requirements of service to the public” and we approve the petition on a *nisi* basis as a means to provide notices required by RSA 371:19 and RSA 422-B:13, and in order to provide any interested party the opportunity 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 a submarine cable under Lake

Winnepesaukee from Big Beaver Island to Beaver Island as described in its petition and supplemental filings; and it is

FURTHER ORDERED, that NHEC construct the installation in compliance with all applicable requirements of the N.H. Department of Environment Services; and it is

FURTHER ORDERED, that all construction, operation and maintenance to this approved crossing shall conform to the requirements of the National Electrical Safety Code and all other applicable safety standards; 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 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 June 18, 2007, and to be documented by affidavit filed with this office on or before July 6, 2007; and it is

FURTHER ORDERED, that the Petitioner 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 June 18, 2007 and to be documented by affidavit filed with this office on or before July 6, 2007; 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 June 25, 2007 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 July 2, 2007; and it is

FURTHER ORDERED, that this Order *Nisi* shall be effective July 6, 2007, unless the Petitioner 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 seventh day of June, 2007.

Thomas B. Getz
Chairman

Graham J. Morrison
Commissioner

Clifton C. Below
Commissioner

Attested by:

Debra A. Howland
Executive Director & Secretary