

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 18-119

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

**Petition for License to Construct and Maintain Electric Lines Under and Across
Lake Winnepesaukee to Welch Island in the Town of Gilford**

Order *Nisi* Granting License

ORDER NO. 26,216

January 28, 2019

In this order, the Commission grants Eversource a license to construct and maintain electric lines under and across the public waters of Lake Winnepesaukee to replace an existing line providing electric service to Welch Island in Gilford, New Hampshire. 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 August 2, 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 a submarine electric line under and across Lake Winnepesaukee to replace an existing line providing service to Welch Island in the Town of Gilford. The line runs from Belknap Point on the mainland to Welch Island. In support of its petition, Eversource submitted plan drawings and a United States Geographical Survey locus map.

Commission Staff (Staff) recommended that Eversource's petition be granted in a memorandum filed on November 8, 2018, as modified by a memorandum filed on

January 15, 2019.¹ 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/2018/18-119.html>.

II. SUMMARY OF PETITION

Eversource needs to replace an existing 4.16 kV circuit, designated as the "Feeder 11W1 Line,"² due to the age and condition of the existing underwater cable.

A. History

Eversource constructed, and currently operates and maintains, the existing line in a crossing previously licensed by the Commission in Docket No. D-E3861. *See, Public Service Co. of N.H.*, Order No. 7535 (August 11, 1960). Eversource now seeks a license for the planned replacement of the crossing.

B. Crossing Location and Construction

The proposed crossing will begin at a new 50-foot riser pole identified as Pole No. 90/185-1 that will be installed near Belknap Point Road on Belknap Point to replace the existing pole. The crossing will descend from Pole No. 90/185-1 and continue underground approximately 81 feet to the shoreline. From the shoreline, it will proceed in a northeasterly-direction under Lake Winnepesaukee to the west bank of Welch Island, where it will continue underground approximately 65 feet from the shoreline to a new, 40-foot pole identified as riser pole No. 957/1, which will replace the existing pole at that location. The crossing will span approximately 5,580 feet between the two poles.

¹ During its review, Staff determined that Eversource Exhibit 2B incorrectly identified pole numbers. This Order contains the correct pole numbers.

² The Feeder 11W1 Line also serves the crossing from Varney Point on the mainland to Lockes Island, for which crossing Eversource has requested a license in Docket No. DE 18-125.

Eversource plans to install two new single-phase submarine distribution cables with a capacity rating of 15 kilovolts (kV) to replace the Feeder 11W1 Line, which will be abandoned in place. The new facility will be operated at 4.16 kV. The cable and conduit will be installed underground on Belknap Point using horizontal directional drilling (HDD), and conventional trenching methods will be used to install the cable and conduit underground on the Welch Island shoreline. Between the two conduits, the cable will lay on the bed of Lake Winnepesaukee. Eversource stated it will construct and maintain the crossing in accordance with the 2012 National Electrical Safety Code (NESC).

C. Regulatory Requirements

According to its petition, Eversource has obtained the necessary Shoreland Permit by Notification for each shoreline. Each of the two permits was filed with, and accepted by, the New Hampshire Department of Environmental Services (NHDES). The petition states that the use of HDD installation methods on the Belknap Point shoreline will ensure there are no wetlands impacts at that location requiring a wetlands permit. The petition also states that Eversource obtained the necessary wetlands permit for the trenching installation on Welch Island (NHDES Wetlands and Non-Site Specific Permit 2018-00721).

D. Property Rights

Eversource previously obtained a utility license from the Town of Gilford for Pole No. 90/185-1 and associated crossing facilities on Belknap Point and owns permanent easement rights at the location on Welch Island where the crossing ends.

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

According to Eversource's petition, replacement of the Feeder 11W1 Line is necessary to ensure the continued safety and reliability of electric service to its customers on Welch Island.

Eversource anticipates that property owners on shorelines at either end of the crossing will not be affected because the proposed construction replaces the existing crossing. The petition also asserts the crossing will not substantially affect the public's use and enjoyment of Lake Winnepesaukee, because minimum safe line clearances below the water 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, applicable state statutes and rules, 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. NHDES has classified Lake Winnepesaukee as a “public water.”³

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

³ NHDES prepares, maintains, and publishes an official list of all public waters in the state. See http://des.nh.gov/organization/divisions/water/dam/public_waters/index.htm.

RSA 371:17. We also find that the requested license may be exercised without substantially affecting the public rights in Lake Winnepesaukee, 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.

This approval is only for electric 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 over the construction, installation, operation, and maintenance of the proposed crossing.

We also require notice to be provided to the Town of Gilford, NHDES, the Office of the Attorney General, and owners of land bordering the crossing 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 lines under and across Lake Winnepesaukee as described in its petition and depicted in its filings; and it is

FURTHER ORDERED, that approval is limited to the construction or alteration of the electric lines 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 2012 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 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 Gilford, New Hampshire; (ii) the New Hampshire Attorney General and all owners of the land bordering on said public waters at the location of the crossing, as required by RSA 371:19; and (iii) NHDES, by first class mail, no later than February 7, 2019, to be documented by affidavit filed with the Commission on or before February 25, 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 February 7, 2019, and to be documented by affidavit filed with the Commission on or before February 25, 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 February 14, 2019, for the Commission's consideration; and it is

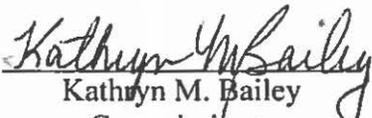
FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than February 21, 2019; and it is

FURTHER ORDERED, that this order shall be effective February 28, 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-eighth day of
January, 2019.



Martin P. Honigberg
Chairman



Kathryn M. Bailey
Commissioner



Michael S. Giaimo
Commissioner

Attested by:



Debra A. Howland
Executive Director

