

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 19-157

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

**Petition for License to Construct and Maintain Electric
and Telecommunications Lines Over and Across
Lands Owned by the State of New Hampshire in Swanzey and Winchester**

Order *Nisi* Granting Three Licenses

ORDER NO. 26,403

September 11, 2020

This order grants Eversource a license to construct and maintain electric and telecommunications lines over and across public lands owned by the State of New Hampshire in Swanzey and Winchester. 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 September 20, 2019, Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource or Company) filed a petition pursuant to RSA 371:17. Eversource requested four licenses to construct and maintain an existing overhead 115 kV transmission line, designated as the Eversource A152 (A152 Line), over and across public lands owned by the State of New Hampshire in Swanzey and Winchester.

Eversource made a supplemental filing on April 29, 2020, which included new overview maps and plan and profile drawings. On August 21, Commission Staff (Staff) filed a recommendation. Staff's recommendation proposed expanding the scope of the licenses to

include an existing fiber optic telecommunications line, which Eversource already maintains on its existing overhead line structures across the entire span of the crossings at issue. The Company references the fiber optic cable in its supplemental petition. In addition, while four licenses were requested, Staff concluded only three licenses are necessary, as the first two locations Eversource identified are continuous and can be combined.

Based on Staff's review of the petitions, appendix, exhibits, and other available supporting documentation, Staff concluded that the three licenses may be exercised without substantially affecting the rights of the public on the lands that are the subject of the petition, and therefore recommended that three licenses be granted.

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 <https://www.puc.nh.gov/Regulatory/Docketbk/2019/19-157.html>.

II. SUMMARY OF PETITION

Eversource requires licenses to cross three separate parcels of land owned by the State to construct and maintain electric transmission and telecommunications lines, and to replace certain wooden structures with steel structures. The crossings have not been previously licensed due to oversight or prior private land ownership. This petition is part of the Company's A152 Line reliability project.

The Company stated that these licenses will allow it to continue to meet current and future electricity demands and to continue to function safely and reliably. No wires or cables will be replaced; instead, existing conductor, wires, and cable will be transferred to new structures (Structures 75-83, 153, and 175). The wooden structure that was located at

Structure 176 has already been replaced with a steel pole. Therefore, Eversource seeks retroactive permission for that structural upgrade.

A. History

Eversource constructed, and currently operates and maintains, the existing A152 Line and fiber optic cable for three crossings that have not been previously licensed by the Commission. Eversource now seeks licenses for these crossings inclusive of licenses for construction and maintenance of new structures to replace existing wooden structures, and the retroactive replacement of structure 176 with a steel structure. Eversource stated these licenses will allow it to continue to meet current and future electricity demands.

B. Crossing Location and Construction

The first crossing encompasses Structures 75 through 83 in Swanzey. The crossing begins at Structure 75 on the north side of Eaton Road and the southeast side of Pine Street as shown on Swanzey Tax Map 58, Lot 73. The line will continue in a southwesterly direction to Structure 76. The new structures will create a 182-foot crossing span. The state-owned land portion of the crossing is 25 feet. Both Structure 75 and 76 will be replaced with steel structures. The crossing span from Structures 76 to 79 continues in a southwesterly direction over state-owned land and will be approximately 818 feet. The crossing span from Structures 79 to 83 will be approximately 1,006 feet and the state-owned land portion of that span is approximately 938 feet. Structures 77-83 will also be replaced with steel structures.

The second crossing encompasses Structures 152 through 154 in Winchester. The crossing begins at Structure 152 on the north side of Old Westport Road as shown on Winchester Map 5, Lot 0RR. The lines continue in a southwesterly direction to Structures 153 and 154. The new structures will create a 654-foot crossing span. The state-owned land portion of the crossing

is 654 feet. Structures 152 and 154 will remain wooden structures, however Structure 153 will be replaced with a steel structure.

The third crossing encompasses Structures 174 through 176 in Winchester. The crossing begins at Structure 174 on the westerly side of Old Westport Road also shown on Winchester Map 5, Lot ORR and continues in a southerly direction to Structures 175 and 176. The state-owned land portion of the crossing is approximately 241 feet for the electric conductors. The Company's fiber optic cable deviates in location from the conductor and is below Line 379 between Structures 175 and 176. Except as noted here, the A152 Line and fiber optic cable cross on the same structures and in the same locations. The fiber optic cable crosses approximately 477 feet of state-owned land.

The electric and telecommunications lines described above, including proposed modifications, are designed and will be constructed in accordance with the 2017 National Electrical Safety Code (NESC). The Company asserts the engineering crossing designs continue to meet or exceed all NESC requirements.

C. Regulatory Requirements

Eversource stated that a New Hampshire Department of Environmental Services statutory permit by notification (SPN) is required for construction access and work activities which involve temporary minor alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters. Eversource said that statutory permit by notifications are required for the span between Structures 79 to 82, and Structure 176 to the Westport substation. In 2019, SPN applications were obtained for the Towns of Swanzey and Winchester.¹ In its

¹ See DES File #2019-00133 relative to Structures 79-82 in the Town of Swanzey, and #2019-00137 in the Town of Winchester from the Westport substation to Structure 176.

Supplemental Petition, the Company stated that 2020 SPNs will be obtained before beginning the project.

D. Property Rights

The state-owned land includes a portion of the Ashuelot Rail Trail. This unused rail trail is owned by the New Hampshire Department of Transportation and managed by the New Hampshire State Parks-Trails Bureau. The Company does not anticipate that the abutters on either side of the state-owned land crossings will be affected because Eversource is using the existing power line rights of way. For each of its overhead crossings, Eversource owns permanent easements for its lines and facilities at the proposed crossing locations. Each of the crossings (and structural modifications) will be constructed within the limits of those easements. The state-owned land parcels were acquired by the State subject to Eversource's right-of-way easements, and no new or additional real property rights are required.

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 crossing over the railroad tracks/state-owned land in a manner which will not impact any existing or anticipated use of the railroad tracks. Eversource states that the use of the railroad tracks by the railroad or the public will not be diminished as a result of the overhead line crossing.

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.

Based on the supplemental petition and Staff’s recommendation, we find that the three 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 three licenses for electric and telecommunications lines, as recommended by Staff, 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. Therefore, we 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 and telecommunications lines with the specifications proposed in this docket, including the replacement of certain wooden structures, as specified. 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 Swanzey and Winchester, the New Hampshire Department of Transportation, DES, and the Office of the Attorney General.

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 telecommunications lines over and across the land owned by the State of New Hampshire in Swanzey and Winchester, as described in its supplemental petition and supplemental exhibits and in Staff's recommendation including Staff Attachments 1-4; and it is

FURTHER ORDERED, that approval is limited to the construction or alteration of the electric and telecommunications 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 three crossing licenses 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 Swanzey and Winchester, New Hampshire; (ii) the New Hampshire Attorney General; (iii) the New Hampshire Department of Transportation; and (iv) the New Hampshire Department of Environmental Services, by first class mail, no later than September 21, 2020, to be documented by affidavit filed with the Commission on or before October 6, 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, such publication to be documented by affidavit filed with the Commission on or before October 6, 2020; and it is

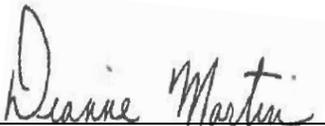
FURTHER ORDERED, that the Executive Director shall cause a copy of this order *nisi* to be published on the Commission's website within one business day; and it is

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 September 28, 2020, for the Commission's consideration; and it is

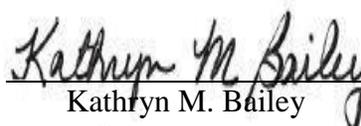
FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than October 5, 2020; and it is

FURTHER ORDERED, that this order shall be effective October 9, 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 eleventh day of September, 2020.



Dianne Martin
Chairwoman

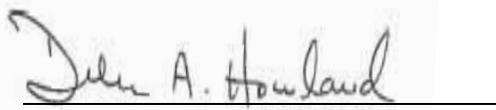


Kathryn M. Bailey
Commissioner



Michael S. Giaimo
Commissioner

Attested by:



Debra A. Howland
Executive Director

Service List - Docket Related

Docket# : 19-157

Printed: 9/11/2020

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