

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 20-058

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

**Petition for License to Construct and Maintain Electric Lines
Over and Across State-Owned Land in Canterbury**

Order *Nisi* Granting License

O R D E R N O. 26,406

September 21, 2020

This order grants Eversource a license to modify, construct, and maintain electric lines over and across land owned by the State of New Hampshire in Canterbury. This order is being issued on a *nisi* basis to ensure that interested persons receive notice and have an opportunity to comment or request a hearing before the order becomes effective.

I. PROCEDURAL HISTORY

On April 27, 2020, Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource) filed a petition pursuant to RSA 371:17 for a license to modify, construct, and maintain an existing 115 kilovolt electric transmission line, designated as the Eversource F139 Line (F139 Line). The F139 Line travels over and across State-owned land in Canterbury. In support of its petition, Eversource submitted an overview map of the crossing location and a plan and profile drawing of the crossing structures.

Commission Staff (Staff) recommended that Eversource's petition 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/2020/20-058.html>.

II. SUMMARY OF PETITION

Eversource plans to modify or rebuild a number of structures along the F139 Line to ensure continued safe and reliable operation. The modification project will include the replacement of two structures and the transfer of electric lines to those structures across a portion of the former Boston & Maine Railroad (B&M Railroad) right-of-way in Canterbury, now owned by the State of New Hampshire.

A. History

The B&M Railroad previously granted a license for the Canterbury crossing in file FDA 304. The crossing has not been previously licensed by the PUC. According to the petition, certain wooden structures along the F139 Line are approximately 54-years old and have been subjected to environmental damage. As a result, these structures require replacement to continue to function safely and reliably.

B. Crossing Location and Construction

The proposed modification over State-owned land begins at Structure 241 on the eastern side of Interstate 93 within the Company's transmission right of way in Canterbury, near the northwestern corner of Canterbury Woods Country Club (near the 11th hole of the golf course), and will continue in a northwesterly direction to Structure 243, also located in Canterbury within the same right of way. Structures 241 and 243 will be replaced with steel structures. Structure 242, which is currently located within the median of Interstate 93, between Structures 241 and 243, will be removed in order to eliminate the need for future maintenance work within the interstate median. No wires will be replaced. The existing conductor and shield

wires will be transferred to the new steel support structures. The two new structures will create a 646.5-foot crossing span. The State-owned land portion of the crossing span, west of Interstate 93, will be 98 feet.

The proposed modifications are designed and will be constructed in accordance with the 2017 National Electrical Safety Code (NESC).

C. Regulatory Requirements

A New Hampshire Department of Environmental Services (DES) statutory permit by notification (SPN) is required for utility repair and maintenance work activities in the utility right of way at the crossing site. Eversource obtained an SPN for the Canterbury crossing work (File No. 2020-00118).

Eversource stated that no permits or permit modifications are required by the United States Army Corps of Engineers.

D. Property Rights

Eversource does not anticipate that abutters will be affected by the crossing modification because the new structures will replace an existing crossing and will remain within Eversource's existing utility easement.

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

According to Eversource, the existing crossing was constructed and has been operated and maintained to meet the reasonable requirements of service to the public, and the proposed modifications will ensure that the F139 Line will continue to meet the public need. Eversource stated that the proposed modifications will not substantially affect the public's rights in the identified State-owned land in Canterbury. Eversource calculated the applicable clearance based

on 2017 NESC requirements and determined that minimum safe line clearances above the State-owned land will be maintained at all times.

III. SUMMARY OF STAFF REVIEW

Staff reviewed the petition and supporting documentation, applicable statutes, rules, and NESC requirements, and assessed the public need, safety, and potential impact of the proposed modifications and requested licenses. Staff determined that the proposed construction meets the requirements of the NESC and applicable state statutes and rules. Based on its review, Staff concluded that the license Eversource has requested in this docket may be exercised without substantially affecting public rights in the identified State-owned land in Canterbury.

Accordingly, Staff 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 (Supp. 2019). 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 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 RSA 371:17. We further find that the requested license may be exercised without substantially affecting the public rights in the identified State-owned land in Canterbury, 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 applies only to the electric lines specified 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 for the construction and installation of the proposed crossing.

We also require notice to be provided to the Town of Canterbury, DES, the New Hampshire Department of Transportation, and, pursuant to RSA 371:19, 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 lines over and across State-owned land in Canterbury, as described in its petition and depicted in its filings, and as specified in Staff's recommendation; 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 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 to the crossing license granted herein at least 60 days prior to undertaking any such alteration; and it is)

FURTHER ORDERED, that Eversource shall provide a copy of this order to: (i) the Town Clerk of Canterbury, New Hampshire; (ii) the New Hampshire Department of Environmental Services; (iii) the New Hampshire Department of Transportation; and (iv) the New Hampshire Attorney General, by first class mail, no later than September 28, 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, to be documented by affidavit filed with the Commission on or before October 6, 2020; and it is

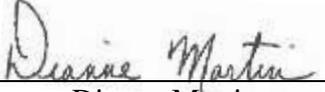
FURTHER ORDERED, that the Executive Director shall cause a copy of this order *nisi* to be published on the Commission's website within one business day; and it is

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 29, 2020, for the Commission's consideration; and it is

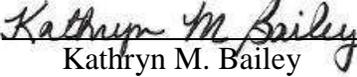
FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than October 5, 2020; and it is

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 twenty-first day of
September, 2020.



Dianne Martin
Chairwoman

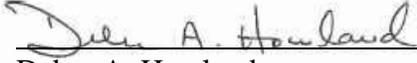


Kathryn M. Bailey
Commissioner



Michael S. Giaimo
Commissioner

Attested by:



Debra A. Howland
Executive Director

Service List - Docket Related

Docket#: 20-058

Printed: 9/18/2020

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