

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 20-131

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

**Petition for License to Construct and Maintain Electric Lines
Over and Across the Ashuelot River in Keene**

Order *Nisi* Granting License

ORDER NO. 26,413

October 5, 2020

This order grants Eversource a license to modify, construct, and maintain an electric transmission line over and across the Ashuelot River in Keene. 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 August 18, 2020, Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource, or the Company) filed a petition pursuant to RSA 371:17 for a license to modify, construct, and maintain an existing overhead 115 kilovolt electric transmission line, designated as the Eversource D108 Line, over the Ashuelot River in Keene. In support of its petition, Eversource submitted location, profile, and structure, plans and drawings. On September 25, the Company filed a revised petition to correct a typographical error.

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/2020/20-131.html>.

II. SUMMARY OF PETITION

In order to ensure continued safe and reliable service and to enhance communications functionality, Eversource stated that it is rebuilding the D108 electric transmission line between the North Keene and Emerald Street Substations in Keene. The rebuild of the line includes replacing existing structures, reconductoring three existing lines, and replacing two existing shield wires with optical ground wire (OPGW). In addition, Eversource will renumber structures along the D108 Line. Structure 292 will be removed and not replaced as part of the rebuild project. The D108 Line crosses the Ashuelot River in Keene at three locations. Eversource seeks a license for those crossings in connection with the proposed modifications and rebuilds described in its petition.

A. History

Eversource stated that the Commission has not previously licensed the Ashuelot River crossings, either because the locations of the crossings did not constitute public waters at the time of the original construction or due to an oversight by the Company.

B. Crossing Locations and Construction

The proposed crossing modifications are located to the north and south of West Street, between Main Street and Routes 9, 10, and 12 where those routes overlap in Keene. Existing Structures 289, 289.5, 290, 291, and 293 will be replaced with new Structures 11, 12, 13, 14, and 15, respectively. The proposed crossing rebuilds begin at Structure 11, located north of West Street and just north of a branch of the Ashuelot River, and will continue southward across the river to Structure 12, then will continue in a southerly direction and cross the river again to reach Structure 13. The rebuild will continue southward to Structure 14, which will be located on the

north side of West Street and just west of the Ashuelot River at that location, and will continue to Structure 15, crossing the river a third time, south of West Street and just east of the river.

According to the petition, the four wooden structures to be replaced in the Ashuelot crossings are 66-years old and have been subjected to environmental damage. The structures require replacement to ensure that they will continue to function safely and reliably. All replacements and modifications are designed and will be constructed in accordance with the 2012 National Electrical Safety Code (NESC).

With each structure replacement, existing conductors for the D108 Line will be replaced with aluminum conductor steel supported 54/19 cables. The two existing shield lines on each structure will be replaced with a 48- and 144-fiber OPGW. Both OPGW communications lines will be attached above the conductors on each structure. Eversource stated that it will maintain and operate the water crossing clearances at or above the NESC minimum clearance requirement of 18.6 feet over waters not suitable for sail boating.

Structure 289 will be replaced by newly numbered Structure 11, which will consist of three 71-foot weathered steel poles installed approximately 12 feet from the current structure location. The original wooden Structure 289.5 (now Structure 12) was replaced with weathered steel poles in 2017, but never licensed. The 2017 replacement included the transfer of all existing conductors to the new structure. The river crossing between Structures 11 and 12 will create a span of 529.3 feet, with 396 feet crossing over public waters.

Structure 290 will be replaced by newly numbered Structure 13, consisting of three 74.6-foot weathered steel poles installed approximately 5 feet from the current structure location. This crossing creates a span of 516.3 feet between Structures 12 and 13, with 197.2 feet crossing over public waters. The cumulative span between Structures 11 and 13 will be 1045.6 feet,

effectively creating two public water crossings due to the meandering topography of the Ashuelot River.

Structure 291 will be replaced by a new Structure 14 consisting of three 74.6-foot weathered steel poles installed approximately 10 feet from the current structure location. Existing wood Structure 292 will be removed without being replaced as part of this rebuild project. Structure 293 will be replaced by a new Structure 15 consisting of three 74.6-foot weathered steel poles installed approximately 5 feet from the current structure location. This crossing will create a total span of 571.5 feet between Structures 14 and 15, with 97.7 feet over public waters.

C. Regulatory Requirements

New Hampshire Department of Environmental Services (DES) statutory permits by notification (SPNs) are required for the structure replacements. Eversource asserted that the appropriate permit was received with respect to the replacement of Structure 289.5 (new Structure 12) in 2017.¹ Eversource stated that the replacement of Structures 11, 13, 14 and 15 require SPNs and shoreland permits by notification due to the potential impacts of this rebuild project in the vicinity of the Ashuelot River. Eversource stated that the required permits will be obtained prior to commencement of this project.

Eversource further stated that the U.S. Army Corps of Engineers (USACE) does not regulate the subject portions of the Ashuelot River as navigable waters. Accordingly, a USACE permit is not required.

¹ At the time of the replacement in 2017, Eversource filed a utility maintenance notification (UMN No. 2017-00190). Utility maintenance notifications were the predecessor to the current SPN permitting process.

D. Property Rights

The D108 Line is an existing line within existing utility easements. Eversource does not anticipate that abutters on either side of the Ashuelot River crossings will be affected because the project will entail modification of existing crossings for which the Company holds easement rights.

E. Service to the Public and Effect on Public Rights

According to Eversource, the existing crossings were constructed and have been operated and maintained to meet the reasonable requirements of service to the public, and the proposed modifications will ensure that the D108 Line will continue to meet that public need. Eversource stated that the modifications will not substantially affect the public's use and enjoyment of the Ashuelot River. The Company calculated applicable clearance requirements based on a 10-year flood level for the water crossings, using FEMA flood profile maps of the area.²

Eversource determined that minimum safe line clearances above the river and its associated shorelines will be maintained at all times.

III. SUMMARY OF STAFF REVIEW

Staff has reviewed the petition and supporting documentation, applicable statutes, rules, NESC requirements, and land ownership, and assessed the public need, safety, and potential impact of the requested license. 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 Ashuelot River in Keene. Accordingly, Staff recommended approval of the petition.

² See FEMA Flood Insurance Study No. 33005CV001A, dated May 23, 2006.

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. DES has classified the Ashuelot River as a public water.³

Based on the petition and Staff’s recommendation, we find that the 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 requested license may be exercised without substantially affecting public rights in the Ashuelot River in Keene, 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 interested persons the opportunity to submit comments or request a hearing.

This approval applies only to the lines and structures 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 crossings.

³ See http://des.nh.gov/organization/divisions/water/dam/public_waters/index.htm, and <https://www.des.nh.gov/organization/commissioner/pip/publications/wd/documents/olpw.pdf>.

We also require notice to be provided to the City of Keene, DES, the Office of the Attorney General, and owners of land bordering the public water crossings.

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 the Ashuelot River in the City of Keene, 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 lines specified 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(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 City Clerk of Keene, New Hampshire; (ii) the New Hampshire Attorney General and all owners of the land bordering on said public waters at the crossing locations, as required by RSA 371:19; and (iii) the New Hampshire Department of Environmental Services, by first class mail, no later than October 9, 2020, to be documented by affidavit filed with the Commission on or before October 20, 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 of this order, such publication to be documented by affidavit filed with the Commission on or before October 20, 2020; and it is

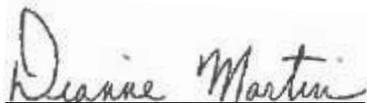
FURTHER ORDERED, that the Executive Director of the Commission shall cause a copy of this order *nisi* to be published on the Commission's website within one business day; and it is

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 October 15, 2020, for the Commission's consideration; and it is

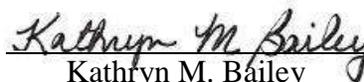
FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than October 19, 2020; and it is

FURTHER ORDERED, that this order shall be effective October 23, 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 fifth day of October, 2020.



Dianne Martin
Chairwoman

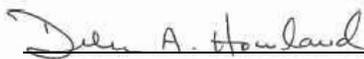


Kathryn M. Bailey
Commissioner



Michael S. Giaimo
Commissioner

Attested by:



Debra A. Howland
Executive Director

Service List - Docket Related

Docket#: 20-131

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