

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 20-165

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

**Petition for License to Construct and Maintain Electric Lines
Over and Across the Exeter River in Danville
and Land Owned by the State of New Hampshire in Sandown**

Order *Nisi* Granting License

O R D E R N O. 26,441

December 29, 2020

This order grants Eversource a license to modify, reconstruct, maintain, and operate an existing electric transmission line that crosses over the Exeter River in Danville and land owned by the State of New Hampshire in Sandown. 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 October 7, 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, reconstruct, operate, and maintain an existing overhead 115 kilovolt (kV) electric transmission line, designated as the Eversource R193 Line, over and across the Exeter River in Danville and land owned by the State of New Hampshire in Sandown. In support of its petition, the Company submitted an overview map and a plan and profile drawing. On October 20, 2020, the Company filed a corrected, revised petition.

Commission Staff (Staff) recommended that the 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/2020/20-165.html>.

II. SUMMARY OF REQUEST

Eversource previously constructed, and currently operates and maintains, an overhead 115 kV transmission line, designated as the Eversource R193 Line (R193 Line), which crosses over the Exeter River in Danville and a portion of state-owned land in Sandown. The Company proposes to replace existing wood structures along the R193 Line with newly constructed three-pole steel support structures to ensure continued safe and reliable operation. All existing cables and wires will be transferred from the original wood structures to the new steel structures. Eversource seeks a license for the crossings in connection with the proposed structure replacements and modifications.

A. History

The R193 Line was built in 1975, at which time Structures 297B, 298, 300, and 301 were installed. The existing crossings over the Exeter River in Danville and state-owned land in Sandown along the R193 Line were not previously licensed, either due to an oversight by the Company or because the crossing locations did not constitute public waters or state-owned land at the time of the original construction. Eversource seeks to acquire an after-the-fact, amended license for the modified crossings at this time.

B. Crossing Locations and Construction

Eversource proposes to replace four wooden structures with steel structures in Danville and Sandown. The four steel replacement structures - 297B, 298, 300, and 301 - will maintain

the same configuration along the R193 Line as the original wooden structures and will continue to cross the Exeter River in Danville and a portion of the state-owned Rockingham Recreational Trail in Sandown. Structure 297B, however, will be modified to replace the existing two-pole wood structure with a three-pole dead-end structure. All existing conductor and static wires will be transferred to the replacement structures.

The first span of this project begins at Structure 297B, which is located south of Sandown Road in Danville. The R193 Line then heads west, crossing the Exeter River to Structure 298, also located in Danville just east of the Sandown/Danville town line. The second crossing span begins at Structure 300, which is located south of North Danville Road in Sandown. The R193 line continues from that point in a westerly direction to Structure 301, crossing a portion of the State-owned Rockingham Recreational Trail.

Exeter River in Danville

Eversource's petition indicates that the original wooden Structure 297B, located south of Sandown Road in Danville, will be replaced with three 57-foot steel poles. The R193 Line then crosses the Exeter River to Structure 298, which will be replaced with two 61-foot steel poles. This crossing will create a total span of 490.2 feet between Structures 297B and 298, with 57.6 feet spanning public waters.

Rockingham Recreational Trail in Sandown

According to the petition, the original wooden Structure 300, located south of North Danville Road in Sandown, will be replaced with two 52-foot steel poles. The original wooden Structure 301 will be replaced with two 61-foot steel poles. This crossing will create a total span of 416.9 feet between Structures 300 and 301, with 44.6 feet spanning the state-owned Rockingham Recreational Trail.

All existing wires, including three conductors and two static wires, will be transferred to the new steel structures. The static wires will be attached vertically above the conductors on the new structures.

Eversource calculated clearances over the Exeter River based on applicable FEMA 100-year flood level projections as well as NESC requirements, and clearances over the Rockingham Recreational Trail based on applicable NESC requirements. Clearance from the conductor cables to the water surface of the Exeter River will be maintained at 22.05 feet, and clearance from the conductor cables to the state-owned Rockingham Recreational Trail will be maintained at 30.7 feet. Staff verified that NESC Table 232-1 requires no less than 18.6 feet of clearance over the water surface and 28.1 feet over former railroad beds.

The proposed line modifications on the R193 Line are designed and will be constructed in compliance with the 2012 National Electrical Safety Code (NESC), pursuant to N.H. Admin. R., Puc 306.01.

C. Regulatory Requirements

Eversource stated that a New Hampshire Department of Environmental Services (DES) Statutory Permit by Notification (SPN) and Shoreland Permit by Notification (PBN) are required for the Exeter River structure replacements in Danville, and that an SPN is required for the structure replacements in Sandown, as well, due to temporary wetland impacts associated with access and work pads required for the installation of the new structures. Eversource represented it will obtain all required permits prior to the commencement of construction.

The Company further asserted that the U.S. Army Corps of Engineers (USACE) does not regulate the subject portions of the Exeter River in Danville as federally designated navigable waters. Accordingly, a USACE permit is not required.

D. Property Rights

Eversource represented that abutters will not be affected by the R193 Line project because the proposed modifications to each crossing will occur within Eversource's existing utility easements.

E. Service to the Public and 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 R193 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 Exeter River in Danville or the state-owned land along the Rockingham Recreational Trail in Sandown.

As noted above, the Company calculated applicable clearance requirements over water based on a 100-year flood level, a more conservative analysis than the NESC 10-year flood elevation requirement, and applicable clearance requirements for the land crossing based on NESC requirements. The Company determined that minimum safe line clearances above the public waters and associated shorelines and 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, 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 requested in this docket may be exercised without substantially

affecting public rights in the Exeter River in Danville or the identified state-owned land in Sandown. 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. DES has classified the Exeter River, from the headwaters at the Route 102 bridge in Chester to its confluence with Great Brook in Exeter, as a public water,¹ and the Rockingham Recreational Trail is owned by the State of New Hampshire.²

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 Exeter River in Danville or on the state-owned land in Sandown, 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.

¹ See <https://www.des.nh.gov/sites/g/files/ehbemt341/files/documents/olpw.pdf>.

² See <https://www.nhstateparks.org/about-us/trails-bureau>, a bureau of the New Hampshire Department of Natural and Cultural Resources, Division of Parks and Recreation.

This approval applies only to the line and structures specified in this docket. Should Eversource seek further modifications, 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 require notice to be provided to the Towns of Danville and Sandown, DES, the NH Department of Natural and Cultural Resources Division of Parks and Recreation, and, pursuant to RSA 371:19, the Office of the Attorney General, and owners of land bordering the public water crossing.

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, modify, rebuild, install, operate, and maintain electric lines over and across the Exeter River in Danville, and across public land owned by the State of New Hampshire in Sandown, 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 lines and supporting structures under consideration specified in this docket, and is conditioned on the requirement that Eversource construct, operate, maintain, and, if necessary, alter the lines and supporting 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 alterations to the crossing license granted herein at least 60 days prior to undertaking any such alterations; and it is

FURTHER ORDERED, that Eversource shall provide a copy of this order to: (i) the Town Clerks of Danville and Sandown, New Hampshire; (ii) the New Hampshire Department of Environmental Services; (iii) the New Hampshire Department of Natural and Cultural Resources; (iv); the New Hampshire Attorney General and all owners of the land bordering on said public waters at the crossing location in Danville, as required by RSA 371:19, by first class mail, no later than January 8, 2021, to be documented by affidavit filed with the Commission on or before January 12, 2021; 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 January 12, 2021; 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 January 14, 2021, 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 January 22, 2021; and it is

FURTHER ORDERED, that this order shall be effective January 29, 2021, 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-ninth day of December, 2020.

Dianne Martin
Dianne Martin
Chairwoman

Kathryn M. Bailey
Kathryn M. Bailey
Commissioner

Attested by:

Debra A. Howland
Debra A. Howland
Executive Director

Service List - Docket Related

Docket#: 20-165

Printed: 12/29/2020

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