

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DE 20-185**

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

**Petition for License to Modify, Construct, and Maintain Electric Lines  
Over and Across the Oyster River in Lee and the Isinglass River in Rochester**

**Order *Nisi* Granting License**

**ORDER NO. 26,452**

**February 8, 2021**

This order grants Eversource a license to modify, reconstruct, maintain, and operate an existing electric transmission line that crosses over the Oyster River in Lee and the Isinglass River at three points in Rochester. 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 November 19, 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) transmission line, designated as the Eversource G128 Line, over and across the Oyster River in Lee and over and across the Isinglass River in Rochester. In support of its petition, the Company submitted overview maps and plan and profile drawings for each crossing, and a copy of Commission Order No. 24,348 (July 9, 2004), which granted a license for the Isinglass River crossings. On December 1, 2020, the Company filed an amendment to its petition.

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/2020/20-185.html>.

## **II. SUMMARY OF REQUEST**

Eversource previously constructed and currently operates and maintains an overhead 115 kV transmission line, designated as the Eversource G128 Line (G128 Line), which crosses over the Oyster River in Lee and the Isinglass River at three points in Rochester. The Company proposes to replace five existing wooden structures along the G128 Line with newly constructed steel support structures to ensure continued safe and reliable operation. At the Oyster River crossing, two existing shield wires will be replaced with optical ground wire (OPGW) and the existing conductor will be transferred to the new steel structures. At the Isinglass River crossings, the existing conductor and one existing OPGW will be transferred to the steel replacement structures. Eversource seeks a new license for the previously unlicensed Oyster River crossing and an amended license for the Isinglass River crossings in connection with the proposed structure replacements and modifications.

### **A. History**

The G128 Line was built in 1953 over the Isinglass River in Rochester. The three existing crossings over the Isinglass River were constructed in 2004 and licensed in Docket No. DE 04-088 by Order No. 24,348 (July 9, 2004). The existing crossing over the Oyster River in Lee was constructed in 1978, but not previously licensed, either due to an oversight by the Company or because the subject section of the river was not a designated public water body at the time of construction. Eversource seeks to acquire an amended license for the modification of the Isinglass River crossings and a new license for the Oyster River crossing at this time.

## **B. Crossing Locations and Construction**

Eversource proposes to replace five wooden structures with steel structures in Lee and Rochester. The five steel replacement structures – Structures 20 and 21 in Lee and Structures 119, 120, and 121 in Rochester – will maintain the same configuration along the G128 Line as the original wooden structures and will cross the Oyster River in Lee and the Isinglass River in Rochester in the same general locations.

The modifications to the Oyster River crossing in Lee will begin at Structure 20 within Eversource's right-of-way just east of Route 155/Lee Road. The G128 line then crosses from east to west over Route 155 and the Oyster River to Structure 21, which is located slightly north of Route 155 and generally northeast of the intersection of Route 155 and Orchard Way.

The first span of the three Isinglass crossings will begin at Structure 119 on the eastern edge of the Isinglass River, just east of the juncture of Stillwater Circle in Rochester. The G128 Line continues north approximately 581 feet in parallel with Stillwater Circle Road and across the Isinglass River to Structure 120, which is located on the western side of the river. The Line then crosses two segments of the river to reach Structure 121, located on the western side of the Isinglass River and just east and south of the juncture of Stillwater Circle and Flagg Road. The 581 foot span from Structure 119 to Structure 120 includes 125 feet spanning public waters. The span from Structure 120 to Structure 121 will be approximately 691 feet, with 105 feet and 175 feet crossing public waters on either side of a bend in the river.

Eversource's petition indicates that the original wooden Structures 20 and 21 at the Oyster River crossing span will be replaced with two 61-foot OAL Type T, Class H-1 steel poles. Structures 119, 120, and 121 at the Isinglass River crossing spans will be replaced by one 75-foot OAL Type ST-1, Class H9 steel pole, one 88.5-foot OAL Type ST-1, Class H9 steel pole, and one 92.5-foot OAL Type SA-2, Class H1 steel pole, respectively.

All three existing conductors currently on the G128 Line will be transferred to the five new steel structures at each of the crossings. Two existing static wires on Structures 20 and 21 at the Oyster River crossing will be replaced with two 48-fiber optical ground wires attached vertically above the conductors on the new steel structures. An existing 24-fiber optical ground wire on Structures 119, 120, and 121 at the Isinglass River crossings will be transferred to the new steel structures.

Eversource calculated clearances over both the Oyster River and the Isinglass River based on applicable FEMA 100-year flood level projections as well as NESC requirements. Clearance from the conductor cables to the water surface will be maintained at 33.4 feet over the Oyster River, and 26.9 feet over the Isinglass River. Staff verified that NESC Table 232-1 requires no less than 18.6 feet of clearance over the water surface.

The proposed line modifications on the G128 Line are designed and will be constructed in compliance with the 2012 National Electrical Safety Code (NESC), pursuant to the New Hampshire Code of Administrative Rules Puc 306.01.

### **C. Regulatory Requirements**

Eversource stated that a New Hampshire Department of Environmental Services (DES) Statutory Permit by Notification (SPN) and a Shoreland Permit by Notification (PBN) are required for the structure replacements associated with the Oyster River crossing in Lee and the Isinglass River crossings in Rochester. Eversource stated that it would 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 either the Oyster River in Lee or the Isinglass River in Rochester as federally designated navigable waters and a USACE permit is not required.

**D. Property Rights**

Eversource does not anticipate that abutters will be affected by the proposed structure replacements because the G128 Line is an existing line and 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 G128 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 Oyster River in Lee or the Isinglass River in Rochester.

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. The Company determined that minimum safe line clearances above the public waters and associated shorelines 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 Oyster River in Lee or the Isinglass River in Rochester. 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 Oyster River and the Isinglass River as public waters.<sup>1</sup>

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 Oyster River in Lee or the Isinglass River in Rochester, as required for approval under RSA 371:20. We therefore approve the petition subject to the conditions set forth 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 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 also require notice to be provided to the Town of Lee and the City of Rochester, DES, and, pursuant to RSA 371:19, the Office of the Attorney General and owners of land bordering the public water crossings.

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

**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 Oyster River in Lee and the Isinglass River in Rochester, 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 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 Clerk of Lee, and the City Clerk of Rochester; (ii) the New Hampshire Department of Environmental Services; and (iii) the New Hampshire Attorney General and all owners of the land bordering on said public waters at the crossing locations in Lee and Rochester, as required by RSA 371:19, by first class mail, no later than February 15, 2021, to be documented by affidavit filed with the Commission on or before February 25, 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 February 25, 2021; and it is

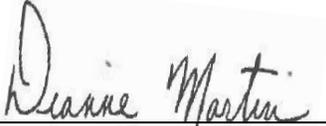
**FURTHER ORDERED**, that the Executive Director of the Commission shall cause a copy of this order *nisi* to be published on the Commission’s website within one business day; and it is

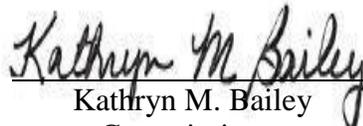
**FURTHER ORDERED**, that persons interested in responding to this order be notified that they may submit their comments or file a written request for a hearing that states the reason and basis for a hearing no later than February 22, 2021, for the Commission’s consideration; and it is

**FURTHER ORDERED**, that any party interested in responding to such comments or request for hearing shall do so no later than February 25, 2021; and it is

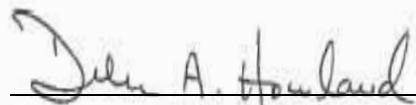
**FURTHER ORDERED**, that this order shall be effective March 1, 2021, unless Eversource fails to satisfy the notice and publication obligations set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date.

By order of the Public Utilities Commission of New Hampshire this eighth day of February, 2021.

  
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Dianne Martin  
Chairwoman

  
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Kathryn M. Bailey  
Commissioner

Attested by:

  
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Debra A. Howland  
Executive Director

## Service List - Docket Related

Docket#: 20-185

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