

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DE 19-178**

**VERMONT TRANSCO LLC**

**Petition for License to Maintain an Existing 115kv Transmission Line  
Across the Sugar River in the City of Claremont**

**Order *Nisi* Granting License**

**ORDER NO. 26,453**

**February 9, 2021**

In this order, the Commission grants Vermont Transco LLC a license to maintain its existing 115kv transmission line over and across the public waters of the Sugar River in Claremont, New Hampshire. This order is being issued on a *nisi* basis to ensure that all interested persons receive notice and have the opportunity to comment or request a hearing before the order becomes effective.

**I. PROCEDURAL HISTORY**

On October 21, 2019, Vermont Transco LLC (VT Transco or the Company) filed a petition, pursuant to RSA 371:17, requesting a license to maintain an existing electric transmission line (known as K149) over the Sugar River. The K149 crossing is located east of Jarvis Hill Road (N.H. Route 12) and west of Main Street (N.H. Route 103), in Claremont, New Hampshire. In support of its petition, VT Transco submitted maps along with plan, profile drawings, construction details of the structures, and a River Crossing table. It also provided copies of easements and an affidavit from its Senior Civil Engineer.

Commission Staff (Staff) recommended that VT Transco'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 <http://puc.nh.gov/Regulatory/Docketbk/2019/Docketbk/2019/19-178.html>.

## **II. SUMMARY OF PETITION**

VT Transco seeks a license to cross the public waters of the Sugar River to maintain the existing K149 transmission line across the Sugar River, and to modify it as described, to continue to meet current and future electricity needs and to continue to function safely and reliably. The crossing occurs between Structures 19 and 20, which were replaced in 2018 as part of VT Transco's maintenance schedule.

### **A. History**

The Company and Staff were unable to document any licensed electric line crossings for the K149 line at this location. According to VT Transco's petition, the K149 line has been operated in this location since approximately 1958. VT Transco is already licensed to construct and maintain fiber optic cable over and across the Sugar River at this location using the same structures for which it now seeks a license to maintain existing electric lines. *See* Order No. 26,293 (September 16, 2019) (Docket No. 19-109). In the course of licensing the fiber cable, the absence of a license for the electric line crossing came to light. *See id.*

### **B. Crossing Location and Construction**

VT Transco requests a license for this existing electric crossing, modified as specified in 2018. The crossing begins at Structure 19 on the western side of the Sugar River, on a 70-foot tall cross-braced structure. The line continues in an easterly direction to Structure 20, an 80-foot tall double cross-braced structure. The structures create a 733-foot crossing span. The crossing is entirely aerial with the K149 fiber optic cable strung below the electric conductors and serving as the lowest cable. The Company states that the line, as modified, has been designed, and will be maintained and operated, in accordance with the 2017 National Electrical Safety Code

(NESC). The Company is not proposing any new work. This crossing is considered an integral part of the bulk electric system. Staff Recommendation at 3.

### **C. Property Rights**

According to the Company's petition, VT Transco does not anticipate that the abutters on either side of the Sugar River will be affected by this license or the modification specified because this is an existing crossing for which it has deeded easement rights.

### **D. Service to the Public and the Effect on Public Rights**

According to VT Transco's petition, the existing crossing was constructed, and is operated, and maintained, to meet the reasonable requirements of service to the public. The license, including specified modifications from 2018 will continue to meet that public need. The line itself, and modification of the existing line as described, will not substantially affect the public's rights in the public waters of the Sugar River. Minimum safe line clearances above the river and the shorelines will be maintained at all times. In addition, VT Transco calculated its clearance requirement using the 100-year flood level, a more conservative standard than the NESC 10-year flood elevation requirement. The public's use and enjoyment of the river will not be diminished in any material respect as a result of the overhead electric 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, and applicable state statutes and rules. Staff concluded that the impact of the license on public rights is *de minimis* and not measurable, 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. The New Hampshire Department of Environmental Services (NHDES) has classified the Sugar River as a “public water.”<sup>1</sup>

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 Sugar River, 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 lines with the specifications and modifications specified in this docket. Should VT Transco seek further modification, it must make the appropriate filing. VT Transco 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 Claremont, NHDES, the Office of the Attorney General, and owners of land bordering the crossing pursuant to RSA 371:19.

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<sup>1</sup> See [http://des.nh.gov/organization/divisions/water/dam/public\\_waters/index.htm](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>.

**Based upon the foregoing, it is hereby**

**ORDERED *NISI***, that subject to the effective date below, VT Transco is authorized, pursuant to RSA 371:17, *et seq.*, to construct, install, operate, and maintain electric lines over and across the Sugar River 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 electric lines and structures under consideration in this docket, and is conditioned on the requirement that VT Transco 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, *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 VT Transco shall maintain proper clearances for its lines at all times across the entire length of the span pursuant to the National Electrical Safety Code Rules 232B and 235C; and it is

**FURTHER ORDERED**, that VT Transco 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 VT Transco shall provide a copy of this order *nisi* to (i) the Town Clerk of Claremont, New Hampshire; (ii) the New Hampshire Attorney General and all owners of the land bordering on said public waters at the location of the crossing, as required by RSA 371:19; and (iii) the New Hampshire Department of Environmental Services, by first class mail, no later than February 15, 2021, to be documented by affidavit filed with the Commission on or before February 22, 2021; and it is

**FURTHER ORDERED**, that VT Transco 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 22, 2021; and it is

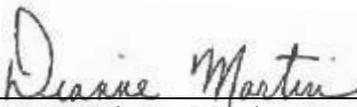
**FURTHER ORDERED**, that the Executive Director of the Commission shall cause a copy of this order *nisi* to be published on the Commission's website within one business day; and it is

**FURTHER ORDERED**, that all 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

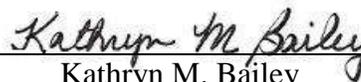
**FURTHER ORDERED**, that any party interested in responding to such comments or request for hearing shall do so no later than February 25, 2021; and it is

**FURTHER ORDERED**, that this order shall be effective February 26, 2021, unless VT Transco 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 ninth day of February, 2021.

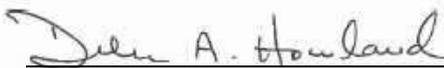


Dianne Martin  
Chairwoman



Kathryn M. Bailey  
Commissioner

Attested by:



Debra A. Howland  
Executive Director

## Service List - Docket Related

Docket#: 19-178

Printed: 2/9/2021

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