

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 20-119

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

**Petition for License to Construct and Maintain Electric Lines
Over and Across the North Branch of the Sugar River in Croydon,
and Land Owned by the State of New Hampshire
in Croydon, Newport, and Claremont**

Order *Nisi* Granting License

Q R D E R N O. 26,455

February 10, 2021

This order grants Eversource a license to modify, reconstruct, maintain, and operate an existing electric transmission line that crosses over the North Branch of the Sugar River in Croydon, and State-owned land in Croydon, Newport, and Claremont. 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 July 27, 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 K174 Line, over and across the North Branch of the Sugar River in Croydon, and State-owned land in Croydon, Newport, and Claremont, New Hampshire. In support of its petition, the Company submitted an overview map and plan and profile drawings. On January 22, 2021, the Company filed a replacement petition. On February 1, 2021, the Company filed a second replacement 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/2020/20-119.html>.

II. SUMMARY OF REQUEST

Eversource previously constructed, and currently operates and maintains, an overhead 115 kV transmission line, designated as the Eversource K174 Line (K174 Line), which crosses over the North Branch of the Sugar River in Croydon and portions of State-owned land in Croydon and Newport (the William B. Ruger, Jr. Wildlife Management Area), and Claremont (the State of New Hampshire Community College System of New Hampshire's River Valley Community College campus). The Company proposes to replace 22 existing wood structures along the K174 Line with newly constructed steel support structures to ensure continued safe and reliable operation. The three existing conductors along the line will be transferred to the new steel structures. One of two existing static wires will be replaced with optical ground wire (OPGW); both wires will be attached above the conductors.

A. History

The existing crossings over the North Branch of the Sugar River in Croydon and over State-owned land in Croydon, Newport, and Claremont along the K174 Line were installed in 1967. None of the structures to be replaced under this petition were previously licensed, either due to an oversight by the Company or because the lands involved were in private ownership at the time of the original construction of the existing lines. Through its petition, Eversource seeks to acquire an after-the-fact license for the modified crossings at this time.

B. Crossing Locations and Construction

The petition divides the K174 Line into three segments:

1. North Branch of the Sugar River, Croydon - Structures 57 and 58

The crossing over the North Branch of the Sugar River between Structures 57 and 58 in Croydon is located west of the intersection of NH State Route 10 (also known as North Main Street) and Cross Road/Camel Hump Road, where the K174 Line crosses Route 10. The line heads west from Structure 57, crossing the North Branch of the Sugar River to Structure 58, where the line intersects with Croydon Brook Road. The total span between Structures 57 and 58 is 384 feet, with 85 feet spanning public waters.

2. State Land in Croydon and Newport - Structures 74 through 104

The first of the two State-owned land crossings that are the subject of this petition is located in Croydon and Newport, commencing at Structure 74 in Croydon and ending at Structure 104 in Newport. Structure 74 is located within a maintained right-of-way that crosses Fletcher Road approximately 0.45 miles from the intersection of Fletcher Road and Brighton Road. The State land boundary begins approximately 740 feet west of Fletcher Road and extends approximately 11,687 feet west to a corresponding boundary located between Structures 102 and 103, where the K174 Line crosses an additional 175 feet of State land between Structures 103 and 104. The State land crossing ends at the eastern edge of Cornish Turnpike where the maintained right-of-way crosses the Turnpike approximately 0.15 miles south of the intersection of Perry Brook Road and Cornish Turnpike.

The total length of span is 12,500 feet with 11,862 feet spanning State land.

3. State Owned Land in Claremont - Structures 153 through 156

The second State land crossing is located in Claremont east of NH State Route 120, where the K174 Line right-of-way crosses Route 120 approximately 0.37 miles north of River

Valley Community College located at 1 College Place. The State land span starts approximately 634 feet east from the edge of Route 120 between Structures 153 and 154 and extends westerly, where it ends at the edge of NH State Route 120 between Structures 155 and 156. The total length of span is 403 feet, with 82 feet spanning State land.

Additional structures proposed to be replaced under this license at the crossing locations depicted on the petition exhibits include Structures 57-58, 74-75, 88-98, 102-104, and 153-156. All replacement structures will consist of weathered steel in place of the original wooden structures installed in 1967. Replacement structures will be installed within 10 feet of the existing structures, except in the case of Structure 98, which, owing to topography, will be installed within 30 feet of the existing structure. The above ground height of the replacement structures will increase by approximately 9 to 15 feet above the existing wooden structures.

In addition to the aforementioned structure replacements, one of the two existing top mounted static wires between the North Road Substation in Sunapee and Structure 191 will be replaced with OPGW to enhance communications functionality as part of Eversource's ongoing reliability initiatives. The remaining existing wires will be transferred to the new steel structures.

Eversource calculated clearances over the North Branch of the Sugar River based on applicable FEMA 100-year flood level projections and NESC requirements. The North Branch of the Sugar River crossing in Croydon requires at least 18.6 feet clearance for 115 kV open supply conductors over water areas not suitable for sail boating. The State-owned land crossings in Croydon (Map 14, Lot 16), Newport (Map 206, Lot 5) and Claremont (Map 60, Lot 12) require at least 20.1 feet clearance over land for 115 kV open supply conductors over areas traversed by vehicles. The actual minimum height of the K174 Line wires over the public waters and State land crossings exceed the minimum requirements, as depicted in Petition Exhibits 2 through 12.

The proposed line modifications on the K174 Line are designed and will be constructed in compliance with the 2012 National Electrical Safety Code (NESC), pursuant to New Hampshire Code of Administrative Rules, Puc 306.01.

C. Regulatory Requirements

Eversource stated that all crossing spans over public waters depicted in its petition entail temporary minor alterations of non-tidal wetlands, non-tidal surface waters, and banks adjacent to non-tidal waters, and, therefore, a New Hampshire Department of Environmental Services (DES) Statutory Permit by Notification (SPN) will be required. In addition, the crossing span over the North Branch of the Sugar River in Croydon will create impacts to protected shorelands; accordingly, a Shoreland Permit by Notification (PBN) will be required. Eversource represented that 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 portion of the North Branch of the Sugar River in Croydon 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 K174 Line replacement project because the proposed modifications to each crossing will occur within Eversource's existing utility easements and fee rights of way.

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 K174 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

North Branch of the Sugar River in Croydon or the State-owned land in Croydon, Newport, and Claremont.

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 crossings 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 North Branch of the Sugar River in Croydon or the identified state-owned land in Croydon, Newport, and Claremont. 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. 2020). 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 North Branch of the

Sugar River, from the juncture of Sawyer Brook and Stocker Brook in Grantham, as a public water.¹

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 North Branch of the Sugar River in Croydon or on the State-owned land in Croydon, Newport, and Claremont, 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 require notice to be provided to the Towns of Croydon and Newport, the City of Claremont, DES, 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 modify, reconstruct, maintain, and operate electric lines over and across the North Branch of the Sugar River in Croydon, and across public land owned by the

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

State of New Hampshire in Croydon, Newport, and Claremont, 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 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 Croydon and Newport, and the City Clerk of Claremont; (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 location in Croydon, 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 19, 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 19, 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 24, 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 tenth day of February, 2021.

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#: 20-119

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