

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 20-180

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

**Petition for License to Construct and Maintain Electric Lines
Over and Across the Public Waters of the Isinglass River in Rochester**

Order *Nisi* Granting License

ORDER NO. 26,461

March 15, 2021

In this order the Commission grants Eversource a license to modify, reconstruct, maintain, and operate an existing electric transmission line that crosses over the Isinglass River in Rochester. 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 November 9, 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 C129 Line, over and across the Isinglass River in Rochester. In support of its petition, the Company submitted a crossing location plan, structure details with plan and profile drawings, and a Google Earth site location image identifying the crossing locations. On November 25, 2020, the Company filed corrected, revised exhibits in support of its 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/2020/20-180.html>.

II. SUMMARY OF REQUEST

Eversource previously constructed, and currently operates and maintains, an overhead three-phase electric transmission line, designated as the Eversource C129 Line (C129 Line). The C129 Line crosses over the Isinglass River in Rochester at two locations. The Company proposes to replace four existing wood structures with newly constructed steel support structures to ensure continued safe and reliable operation. Two existing shield wires will be replaced with two optical ground wires (OPGWs); the OPGWs and three existing conductors will be transferred to the new structures. Eversource seeks a license for the crossings in connection with the proposed structure replacements and modifications.

A. History

The C129 Line was originally constructed in 1953. On August 11, 2011, the Commission issued Order No. 25,261 in Docket No. DE 11-073. That Order approved a license amendment to upgrade and re-conductor the C129 Line, including the existing crossings over the Isinglass River in Rochester.

B. Crossing Location and Construction

Eversource plans to replace four original wood structures (208, 209, 210 and 211) at two adjacent crossings south of Flagg Road and east of Stillwater Circle in Rochester. Structure 208 will be replaced with two 65.5-foot steel poles. Structure 209 will also be replaced with two 65.5-foot steel poles. This crossing will create a total span of 459.3 feet between Structures 208

and 209, with 139 feet spanning public waters. Structure 210 will be replaced with two 70-foot steel poles. Structure 211 will be replaced with two 61-foot steel poles. This crossing will create a total span of 582.3 feet between Structures 210 and 211, with 235.1 feet spanning public waters.

All four steel replacement structures will be relocated within 10 feet of the current structure locations. All existing conductors for the C129 line will be transferred to the new structures. The two existing shield wires will be replaced with two 48-fiber OPGWs. Both OPGW lines will be attached above the conductors. Conductor cable clearances were established in accordance with the National Electrical Safety Code (NESC). Eversource stated that it will maintain water clearances at or above the NESC minimum clearance requirement of 18.6 feet over waters not suitable for sail boating. Water clearance determinations were confirmed by Staff based on projected 100 year flood elevations, a more conservative requirement than the 10-year flood levels permitted under the NESC. All replacements and modifications are designed and will be constructed in accordance with the 2012 NESC, pursuant to N.H. Admin. R., Puc 306.01.

C. Regulatory Requirements

According to the petition, both a Statutory Permit by Notification (SPN) and a Shoreland Permit by Notification (PBN) from the New Hampshire Department of Environmental Services (DES) are necessary for the wetland impacts and other temporary impacts of the proposed construction within the shoreland buffer to the Isinglass River. Eversource stated that both permits will be obtained prior to commencement of construction, and that no other environmental permitting is required.

D. Property Rights

Eversource represented that abutters will not be affected by the proposed structure replacements and OPGW installation along the C129 Line because all modifications will occur within the Company's existing utility easements.

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 continue to meet that public need. Eversource affirmed that the proposed modifications will not substantially affect the public's use and enjoyment of the Isinglass River in Rochester.

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 licenses. 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 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. 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 Isinglass River as a “public water.”¹

Based on the petition and Staff’s recommendation, we find that the proposed crossing modifications 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 Isinglass River in Rochester, 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 modifications, it must make the appropriate filing. Eversource is responsible for obtaining any and all federal, state, and local permits required by authorities having jurisdiction for the construction and installation of the proposed crossings.

We require notice to be provided to 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.

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

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

electric lines over and across the Isinglass River in Rochester, as described and depicted in its petition filings, and as specified in Staff's recommendation; and it is

FURTHER ORDERED, that approval is limited to the lines and supporting structures 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 City Clerk of the City of Rochester, New Hampshire; (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 location of the crossing, as required by RSA 371:19, by first class mail, no later than March 25, 2021, to be documented by affidavit filed with the Commission on or before April 5, 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 April 5, 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 April 3, 2021, for the Commission’s consideration; and it is

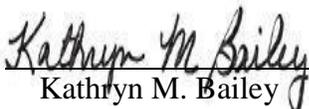
FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than April 6, 2021; and it is

FURTHER ORDERED, that this order shall be effective April 8, 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 fifteenth day of March, 2021.

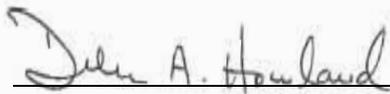


Dianne Martin
Chairwoman



Kathryn M. Bailey
Commissioner

Attested by:



Debra A. Howland
Executive Director

Service List - Docket Related

Docket# : 20-180

Printed: 3/15/2021

Email Addresses

ExecutiveDirector@puc.nh.gov
richard.chagnon@puc.nh.gov
lynn.fabrizio@puc.nh.gov
tom.frantz@puc.nh.gov
susan.gagne@puc.nh.gov
Paul.Kasper@puc.nh.gov
randy.knepper@puc.nh.gov
catherine.marsellos@puc.nh.gov
Erik.newman@eversource.com
amanda.noonan@puc.nh.gov
ocalitigation@oca.nh.gov
Kenneth.Walsh@puc.nh.gov