

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 11-187

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

**Petition for License to Construct and Maintain Electric Lines
Under and Across Perkins Pond in the Towns of Jaffrey and Troy, NH**

Order *Nisi* Granting License

ORDER NO. 25,350

April 13, 2012

I. SUMMARY OF THE PETITION

On August 26, 2011, Public Service Company of New Hampshire (PSNH) filed a petition pursuant to RSA 371:17 requesting a license to construct and maintain electric lines under and across the public waters of Perkins Pond in the Towns of Jaffrey and Troy, New Hampshire.

PSNH states that it previously constructed and currently operates and maintains two separate three-phase 7.2 kV distribution lines, designated as the 3120 and W15 circuits, in Troy and Jaffrey, respectively. PSNH asserts that the lines are an integral part of PSNH's electric distribution system in the area. The circuits currently terminate on either side of Perkins Pond, along Route 124. PSNH states that there is no existing water crossing at that location.

According to PSNH, load growth in the section of Marlborough near the Jaffrey/Troy town line resulted in fuses melting under load in two different locations during a heat wave in July 2010. The project proposed in PSNH's petition is intended to relieve the potential overload and improve reliability by feeding a portion of the load from the 3120 Line near Perkins Pond, which will involve extending the 3120 Line across the Pond. As proposed, both existing lines will be expanded to include new riser poles and the 3120 Line will be extended via an

underground cable under and across Perkins Pond to complete a connection between the 3120 and W15 circuits.

Crossing Location and Construction

According to the petition, the proposed underground crossing will be installed via directional drilling below the bottom bed of the Pond. The length of line between the proposed pull box on the north side of the crossing and the riser pole on the south side of the crossing is approximately 832 feet. There is an additional 292 feet of underground line from the pull box to proposed riser pole number 102B/3 on the north side of the crossing. The pull box structure on the north side is identified as structure number 102B/PBOX, and is constructed out of a precast concrete box set below grade. The structure on the south side of the river, number 102B/2, is a dead end riser pole structure, constructed with a single class 2, 45-foot tall pole. Three phase 1/0 35 kV Hendrix cable will be installed in a 5-inch conduit for the length of the underground water crossing. The typical depth of the line will be 15 feet below the bottom bed of the Pond.

Regulatory Requirements

PSNH states in its petition that a New Hampshire Department of Environmental Services (NHDES) wetlands permit is currently pending. The poles associated with this crossing are located within the roadway right-of-way for Route 124, and PSNH asserts that it has obtained licenses from the New Hampshire Department of Transportation (NHDOT) for the installation and maintenance of the poles and underground conduit and wires. PSNH maintains that the project has been reviewed with the Conservation Commissions for both municipalities. PSNH also states that the proposed crossing has been designed and will be constructed, maintained and

operated by PSNH in accordance with the applicable requirements of the National Electrical Safety Code (NESC).

Property Rights

According to the petition, PSNH had considered installing a new overhead line of poles and wires crossing Perkins Pond to address reliability concerns, but, based on discussions with abutting property owners, determined that an underground connection was a more appropriate option to preserve the scenic nature of the Route 124 roadway. PSNH maintains that the town conservation commissions have expressed support for this approach. A portion of the underground crossing is located on private property, and PSNH affirms that it has obtained the necessary easement for the crossing from the property owner.

Public Rights in the Public Waters of Perkins Pond

PSNH submits that the license for which it has petitioned may be exercised without substantially affecting the rights of the public in the public waters of Perkins Pond. PSNH further attests that the use and enjoyment by the public of the pond will not be diminished in any material respect as a result of the underground line crossing.

II. SUMMARY OF STAFF REVIEW

Pursuant to a memorandum filed on April 5, 2012, the Commission's Safety Division found that a license is required for the proposed crossing under RSA 371:17 and that the proposed construction design conforms with applicable sections of the NESC. Upon review of the petition and existing field conditions, Staff further determined that PSNH has demonstrated a public need for the proposed crossing and that approval of the petition for a license is consistent with the public interest, as the upgrade is necessary to relieve potential overloading and improve

reliability. Staff noted that a NHDES wetlands permit is required for the proposed crossing, as the underground cable will be in the vicinity of wetlands once the cable is placed and a pull box is constructed on the eastern side of the bank in Troy and a new pole is placed on the western bank in Jaffrey. Staff also noted that PSNH will be employing directional boring to construct the crossing.

The Safety Division recommended approval of PSNH's petition for a license to construct and maintain electric lines under and across Perkins Pond in Jaffrey and Troy, subject to the following conditions:

1) Any slurry used in the directional drilling shall be properly disposed of and measures shall be taken to reduce the possibility of frack outs.

2) Sleeving material shall be used that reduces the quantity of joints to minimize the possibility of water entrance into the interior of the sleeve.

3) Measurements shall be recorded and documented along the bore path of depth and location of the facilities.

4) All future alterations to the crossing that may affect the public must conform to the requirements of both the 2002 and 2007 editions of the NESC and be resubmitted to the Commission 60 days prior to any such alteration(s).

5) PSNH should be required to maintain and operate the crossings in conformance with the NESC or risk future revocation of the license.

III. COMMISSION ANALYSIS

RSA 371:17 requires utilities and corporations to petition the commission for a license to construct and maintain cable, conduit or poles and associated wires and fixtures over, under or

across any public waters of the state whenever such facilities are necessary to meet the reasonable requirements of service to the public. Public waters, as defined in RSA 371:17, means all ponds of more than 10 acres, tidewater bodies, and such streams or portions thereof as the Commission may prescribe. The NHDES is assigned responsibility under RSA 271:20 for preparing, maintaining, and publishing an official list of all public waters in the state. Perkins Pond in the Towns of Jaffrey and Troy is included in the official list, which is maintained at http://des.nh.gov/organization/divisions/water/dam/public_waters/index.htm.

Based on the information presented in PSNH's petition and Staff's memorandum, we find the proposed crossing necessary for PSNH to meet the reasonable requirements of reliable service to the public within PSNH's authorized franchise area, as required by RSA 371:17, and that the requested license may be exercised without substantially affecting the public rights in the affected public waters, as required for approval under RSA 371:20. We find the crossing is in the public good and therefore approve the petition on a *nisi* basis, subject to the conditions recommended by the Safety Division. Our decision is issued on a *nisi* basis in order to provide any interested party the opportunity to submit comments on PSNH's petition or to request a hearing. Finally, inasmuch as NHDES is responsible by statute for maintaining the official list of public waters and is considering a pending wetlands permit application for the proposed project, and given NHDOT's jurisdiction over the affected roadway right-of-way, we determine that notice of the proposed crossing to the NHDES and the NHDOT is warranted.

The petition and subsequent docket filings, other than information for which confidential treatment is requested of or granted by the Commission, is posted to the Commission's website at <http://www.puc.nh.gov/Regulatory/Docketbk/2011/11-187.html>.

Based upon the foregoing, it is hereby

ORDERED *NISI*, that subject to the effective date below, PSNH is authorized, pursuant to RSA 371:17 *et seq.*, to construct, maintain and operate electric and other lines under and across the public waters described in its petition and depicted in its filing; and it is

FURTHER ORDERED, that all construction and future alterations to this approved crossing shall conform to the requirements of the National Electrical Safety Code, in accordance with N.H. Code Admin. Rules Puc 306.01 and Puc 1303.07 and all other applicable safety standards in existence at that time; and it is

FURTHER ORDERED, that PSNH submit any future proposed alterations to the crossing license granted herein at least 60 days prior to any such alteration(s); and it is

FURTHER ORDERED, that copies of all permits required by the New Hampshire Department of Environmental Services for this crossing be filed with this Commission; and it is

FURTHER ORDERED, that copies of all licenses required by the New Hampshire Department of Transportation for this crossing be filed with this Commission; and it is

FURTHER ORDERED, that PSNH shall provide a copy of this order to the (i) Town Clerks of Jaffrey and Troy, New Hampshire, (ii) New Hampshire Attorney General and owners of the land bordering on said public waters at the location of the crossing, pursuant to RSA 371:19, (iii) New Hampshire Department of Environmental Services, and (iv) New Hampshire Department of Transportation by first class mail, no later than April 23, 2012, and to be documented by affidavit filed with this office on or before May 11, 2012; and it is

FURTHER ORDERED, that the Petitioner shall cause a copy of this Order *Nisi* to be published once in a statewide newspaper of general circulation or of circulation in those portions

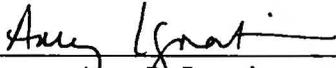
of the state where operations are conducted, such publication to be no later than April 23, 2012 and to be documented by affidavit filed with this office on or before May 11, 2012; and it is

FURTHER ORDERED, that all persons interested in responding to this Order *Nisi* be notified that they may submit their comments or file a written request for a hearing which states the reason and basis for a hearing no later than April 27, 2012 for the Commission's consideration; and it is

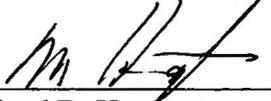
FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than May 4, 2012; and it is

FURTHER ORDERED, that this Order *Nisi* shall be effective May 11, 2012, unless the Petitioner fails to satisfy the publication obligation 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 thirteenth day of April, 2012.



Amy D. Ignatius
Chairman



Michael D. Harrington
Commissioner



Robert R. Scott
Commissioner

Attested by:



Lori A. Davis
Assistant Secretary

SERVICE LIST - EMAIL ADDRESSES - DOCKET RELATED

Pursuant to N.H. Admin Rule Puc 203.11 (a) (1): Serve an electronic copy on each person identified on the service list.

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FILING INSTRUCTIONS:

- a) Pursuant to N.H. Admin Rule Puc 203.02 (a), with the exception of Discovery, file 7 copies, as well as an electronic copy, of all documents including cover letter with:
- DEBRA A HOWLAND
EXECUTIVE DIRECTOR
NHPUC
21 S. FRUIT ST. SUITE 10
CONCORD NH 03301-2429
- b) Serve an electronic copy with each person identified on the Commission's service list and with the Office of Consumer Advocate.
- c) Serve a written copy on each person on the service list not able to receive electronic mail.