

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 11-237

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

**Petition for a License to Construct and Maintain Electric Lines
Over and Across the Ashuelot River in the City of Keene**

Order *Nisi* Granting License

ORDER NO. 25,349

April 13, 2012

I. SUMMARY OF THE PETITION

On October 25, 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 over and across the public waters of the Ashuelot River in the City of Keene, New Hampshire. The project proposed in PSNH's petition will involve rebuilding a line crossing over the Ashuelot River in its original location parallel to the Court Street bridge.

PSNH states that it previously constructed and currently operates and maintains a three-phase 12.47 kV distribution line, designated as the W14 circuit, an integral part of PSNH's electric distribution system in the Keene area. As originally constructed, the W14 line crossed over the Ashuelot River parallel to the Court Street bridge. To the best of PSNH's knowledge, the original water crossing at this location was never licensed by the Commission. According to PSNH, the W14 line crossing needed to be temporarily relocated in 2009 approximately 250 feet north of the Court Street bridge location to accommodate a New Hampshire Department of

Transportation (NHDOT) bridge replacement project. The project was completed recently, and PSNH now proposes to rebuild the W14 line crossing in its original position.

Crossing Location and Construction

PSNH states that the proposed crossing will occur between two wood structures with a span length of approximately 217 feet. The structure on the north side of the Ashuelot River, number 192/103, is a tangent structure, constructed with a single class 2, 45-foot tall pole. The structure on the south side of the river, number 192/104, is also a tangent structure, constructed with a single class 2, 45-foot tall pole. 1/0 ACSR cable with 6/1 stranding will be used for all three conductors and the neutral. The conductors and neutral wire will be sagged using National Electrical Safety Code (NESC) Heavy Loading conditions (0° F, 4 pounds psf wind loading, ½-inch radial ice) at a maximum tension of 2,000 pounds. Structure 192/104 will also have a single phase tap for Starling Street, but this tap does not affect the crossing.

Clearance and Sag Requirements

PSNH states that the affected area of the Ashuelot River at the design flood level, as defined by the NESC, is approximately 74 acres. For the purposes of calculating surface area for clearance, the 100-year flood elevation was used since it is readily available. According to PSNH, 100-year flood elevation is higher than the 10-year elevation level required by the NESC and provides a conservative clearance requirement. PSNH states that the maximum sags of the phase and neutral wires and minimum clearances for the crossing were determined and designed using the above design criteria.

Regulatory Requirements

According to the petition, a New Hampshire Department of Environmental Services (NHDES) wetlands permit is not required for this project. PSNH also states that the poles associated with this crossing are located within the Court Street right of way administered by the City of Keene. A pole license for the poles has been issued to PSNH by the City. PSNH asserts that the proposed crossings has been designed and will be constructed, maintained and operated by PSNH in accordance with the applicable requirements of the NESC.

Public Rights in the Public Waters of the Ashuelot River

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 Ashuelot River. PSNH further states that minimum safe line clearances above the river surface and affected shorelines will be maintained at all times, and that the use and enjoyment by the public of the river will not be diminished in any material respect as a result of the line crossing.

II. SUMMARY OF STAFF REVIEW

In a memorandum filed on April 10, 2012, the Commission's Safety Division concluded, based on its review of the petition and existing field conditions, that a license is required for the proposed crossing under RSA 371:17, and that the proposed construction and sagging design conform with the applicable sections of the NESC. Staff further determined that the sag of the neutral wire and the clearance from the bridge exceeds NESC requirements. Finally, Staff found 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.

The Safety Division recommended approval of PSNH's petition for a license to construct and maintain electric lines over and across Ashuelot River, subject to the following conditions:

- 1) 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); and
- 2) 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. The Ashuelot River in Keene 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 given NHDOT's jurisdiction over the bridge replacement project, we determine that notice of the proposed crossings 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/2011/11-237.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 over 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, if any, 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 permits, if any, 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 (i) the Town Clerk of Keene, (ii) the 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) the New Hampshire Department of Environmental Services, and (iv) pursuant to RSA 422-B:13, the New Hampshire Department of Transportation and the Office of Secretary, U.S. Department of Commerce 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

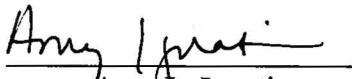
FURTHER ORDERED, that the Petitioner shall cause a copy of this Order *Nisi* to be published once in a statewide newspaper of general circulation or of circulation in those portions of the state where operations are conducted, such publication to be no later than April 23, 2012 and to be documented by 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

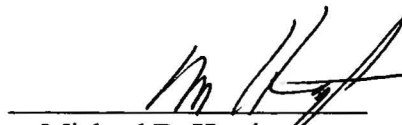
FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than May 4, 2012; and it is

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 L. Ignatius
Chairman

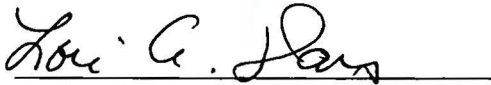


Michael D. Harrington
Commissioner



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.**