

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DE 17-155**

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

**Petition for License to Construct and Maintain Electric Lines Over and Across  
the Androscoggin River in the City of Berlin, New Hampshire**

**Order *Nisi* Granting License**

**ORDER NO. 26,142**

June 5, 2018

In this order, the Commission grants Eversource a license to modify existing electric lines over and across the public waters of the Androscoggin River in Berlin, New Hampshire. This order is being issued on a *nisi* basis to ensure that all interested parties receive notice and have the opportunity to comment or request a hearing before the order becomes effective.

**I. PROCEDURAL HISTORY**

On October 17, 2017, Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource) filed a petition pursuant to RSA 371:17 requesting a license to modify existing overhead electric lines, known as the 2H1 and 2H2 lines. The proposed lines will span the Androscoggin River in Berlin, New Hampshire, from the intersection of Main Street (also known as NH Route 16) and Pleasant Street to the BioPower Berlin Station east of Community Street. In support of its petition, Eversource submitted a plan and profile drawing, a construction drawing, a Federal Emergency Management Agency flood zone map, and a United States Geographical Survey locus map.

Commission Staff (Staff) recommended that Eversource'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/2017/17-155.html>.

## **II. SUMMARY OF PETITION**

Eversource seeks modification of existing electric lines to accommodate a City of Berlin roadway project. Specifically, this requires Eversource to replace two utility poles and the connecting lines that cross the Androscoggin River.

### **A. Crossing Location and Construction**

Eversource did not previously obtain a license for the existing line crossing. The proposed modification includes existing Pole Number 225/Y currently located at the intersection of Main Street and Pleasant Street. Pole Number 225/Y will be replaced by a single wood pole and reset at the intersection of Main Street and High Street. The lines will continue in a southeast direction to Pole Number 410A/1. Existing Pole Number 410A/1 will be replaced by a single wood pole and reset from its present location at the BioPower Berlin Station east of Community Street to the northern end of Community Street. The relocation of Pole Numbers 225/Y and 410A/1 will create a 268-foot crossing span. Eversource asserts that the modification of the 2H1 and 2H2 lines is designed and will be constructed in accordance with the 2012 National Electrical Safety Code (NESC).

### **B. Regulatory Requirements**

According to Eversource, Pole Number 225/Y will be relocated to an easement from the City of Berlin that Eversource currently possesses. Pole Number 410A/1 will be relocated to Eversource property.

### **C. Property Rights**

Eversource does not anticipate that the abutters on either side of the Androscoggin River will be affected because this is a modification of an existing crossing, and the pole structures will be relocated to property for which Eversource has an existing property right.

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

According to the petition, the existing crossing was constructed, operated, and maintained to meet the reasonable requirements of service to the public. The proposed modification will update antiquated equipment along the 2H1 and 2H2 lines. In addition, the crossing modification will not substantially affect the public's use and enjoyment of the Androscoggin River. Minimum safe line clearances above the river and the affected shorelines will be maintained at all times. Furthermore, Eversource calculated its clearance requirement using the 100-year flood level, a more conservative analysis than the NESC 10-year flood elevation requirement.

## **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 applicable state statutes and rules, 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 ... 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 Androscoggin 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 Androscoggin 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 the electric lines with the specifications proposed in this docket. Should Eversource seek further modification, it must make the appropriate filing. Eversource is responsible for obtaining any and all federal, state, or local permits required by authorities having jurisdiction over the construction and installation of the proposed crossing.

We also require notice to be provided to the City of Berlin, NHDES, the Office of the Attorney General, and owners of land bordering the crossing pursuant to RSA 371:19.

**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, install, operate, and maintain electric lines over and across the Androscoggin River described in its petition and depicted in its filings in this docket; and it is

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<sup>1</sup> NHDES prepares, maintains, and publishes an official list of all public waters in the state. *See* <https://www.des.nh.gov/organization/commissioner/pip/publications/wd/documents/olpw.pdf>.

**FURTHER ORDERED**, that approval is limited to the construction or alteration of electric lines under consideration in this docket, and is conditioned on the requirement that Eversource construct, operate, maintain, and, if necessary, alter the lines consistent with the provisions of the National Electrical Safety Code, in accordance with N.H. Code Admin. Rules 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 Eversource 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 Eversource 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 Eversource shall provide a copy of this order *nisi* to (i) the Town Clerk of Berlin, 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 June 15, 2018, to be documented by affidavit filed with this office on or before July 3, 2018; and it is


**FURTHER ORDERED**, that Eversource shall cause a summary of this order *nisi*, issued concurrently with this order, 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 occur no later than June 15, 2018, and to be documented by affidavit filed with this office on or before July 3, 2018; and it is

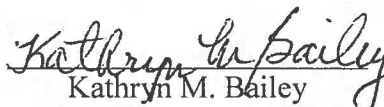
**FURTHER ORDERED**, that all persons interested in responding to this order *nisi* be notified that they may submit their comments or file a written request for a hearing which states the reason and basis for a hearing no later than June 22, 2018, for the Commission's consideration; and it is

**FURTHER ORDERED**, that any party interested in responding to such comments or request for hearing shall do so no later than June 29, 2018; and it is

**FURTHER ORDERED**, that this order *nisi* shall be effective July 6, 2018, unless Eversource fails to satisfy the 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 fifth day of June, 2018.

  
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Martin P. Honigberg  
Chairman

  
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Kathryn M. Bailey  
Commissioner

  
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Michael S. Giaimo  
Commissioner

Attested by:

  
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Debra A. Howland  
Executive Director