

DE 01-110

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Petition for License to Cross Public Waters in the Town of
Stark, New Hampshire

Order NISI Granting License to Construct and Maintain Electric
Lines Over and Across Public Waters

O R D E R N O. 23,761

August 16, 2001

The Petitioner, Public Service Company of New Hampshire (PSNH), filed on May 14, 2001, a petition under RSA 371:17 for a license to construct and maintain an aerial electric line and a neutral line over and across the public waters of the Upper Ammonoosuc River in the Town of Stark, New Hampshire. The purpose of the electric line with its neutral is to provide electric service to a customer off Percy Road in the Town of Stark, New Hampshire.

In support of its petition, PSNH submitted a location plan and profile drawings of the crossing. The proposed crossing will be two hundred forty feet of single phase 1/0 conductor from an existing structure, number 300/125, on the east side of the Ammonoosuc River to a new pole structure, number 3W/125-1, on the west side of the Ammonoosuc River. A 1/0 neutral conductor will also cross from the existing structure 300/125 on the east side of the Ammonoosuc River to the new pole structure, 3W/125-1 on the

west side of the Ammonoosuc River. The Town of Stark has issued PSNH a license for the new pole structure, 3W/125-1.

The proposed line will cross over a thin strip of property owned by the Society for the Protection of New Hampshire Forests, located on the west side of the bank of the Ammonoosuc River, between the river and the railroad. PSNH has obtained written permission from the Society for the line crossing at this location.

The proposed line will also cross over property owned by the St. Lawrence & Atlantic Railroad Company, located on the west bank of the Ammonoosuc River, between the land of the Society for the Protection of New Hampshire Forest and Percy Road. PSNH has obtained a Power Line License Agreement from the Railroad for the line crossing at this location.

The installation will be done in upland areas. The installation will not impact the surrounding waters or any wetland. The Commission understands no state or federal wetland permit will be needed.

In order to establish reliable service to the public, PSNH must construct electric lines over and across certain public waters. RSA 371:17 defines public waters as "all ponds of more than ten acres, tidewater bodies, and such streams or portions thereof as the Commission may prescribe."

The Commission has defined public waters as those streams which are commonly used for navigation, 35 NHPUC 94 (1953). The Commission and PSNH agree the Ammonoosuc River constitutes public water.

PSNH has attested, and Staff agrees, that the construction of the aerial electric lines will meet or exceed the requirements of the National Electrical Safety Code (NESC).

PSNH has stated, and Staff agrees, that the use and enjoyment by the public of these public waters will not be affected as a result of the proposed aerial electric line crossings.

The Commission finds such crossing necessary for PSNH to meet its obligation to provide reliable electric service within its authorized franchise area. Accordingly, we find that the crossing is in the public good. We will approve the petition on a Nisi basis in order to provide any interested party the opportunity to submit comments on said petition or to request a hearing.

Based upon the foregoing, it is hereby

ORDERED NISI, that PSNH is authorized, pursuant to RSA 371:17 et seq., to construct, maintain, and operate the aerial electric lines over and across the Ammonoosuc River in

Stark, New Hampshire depicted on drawings submitted May 14, 2001, and on file with this Commission; and it is

FURTHER ORDERED, that all construction and future reconstruction to this approved crossing shall conform to the requirements of the NESC and all other applicable safety standards in existence at that time; and it is

FURTHER ORDERED, that the Petitioner shall cause a copy of this Order Nisi to be sent to the Stark town clerk; to the New Hampshire Attorney General pursuant to RSA 371:19; to such owners of land bordering on said public waters; and 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 August 23, 2001 and to be documented by affidavit filed with this office on or before August 30, 2001; and it is

FURTHER ORDERED, that all persons interested in responding to this petition be notified that they may submit their comments or file a written request for a hearing on this matter before the Commission no later than September 4, 2001; and it is

FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so

no later than September 10, 2001; and it is

FURTHER ORDERED, that this Order Nisi shall be effective September 17, 2001, unless 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 sixteenth day of August, 2001.

Douglas L. Patch
Chairman

Susan S. Geiger
Commissioner

Nancy Brockway
Commissioner

Attested by:

Thomas B. Getz
Executive Director and Secretary