

DE 04-003

UNITIL ENERGY SYSTEMS

Petition for License to Construct and Maintain Electric Lines
Over and Across the Public Waters of the Taylor River in the Town
of Hampton, New Hampshire

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

O R D E R N O. 24,275

February 3, 2004

On January 9, 2004, Unitil Energy Systems (Unitil) filed a petition with the New Hampshire Public Utilities Commission (Commission) pursuant to RSA 371:17 for a license to reconstruct and maintain a three phase aerial electric line with a neutral over and across the Taylor River in the Town of Hampton, New Hampshire. On January 23, 2004, Unitil supplemented its filing with an updated drawing to reflect, among other things, information concerning new clearances with 65 foot poles, extreme high tide elevation, conductor configuration and type of conductor.

Unitil states that this line is an existing 34.5 kilovolt (kV) distribution line and is currently designated as the 3348 line. The existing crossing of the Taylor River at this location was licensed in 1991 under Order No. 20,310 issued in Docket DE 91-166. Unitil states that the reconstruction is necessary due to erosion of the soils supporting the existing crossing by the tidal Waters of the Taylor River.

In support of its petition, Unitil submitted the location and a plan and profile drawing of the crossing. According to these documents, the reconstruction will include one new crossing of the Taylor River for the 3348 line. The reconstruction will consist of the structure #2016, a 65-foot, 2-pole structure relocated to a location 55 feet further north (away from the river) in Unitil's existing 100 foot right-of-way, and structure #2017, a 65 foot, 2-pole structure relocated to a location 105 feet further south (away from the river), also in the existing 100 foot right-of-way.

The relocations will increase the existing span between these two structures from 220 feet to 365 feet. The three-phase conductors and the neutral will be 336 MCM AA conductor, all constructed in a horizontal configuration, tensioned to 3,000 pounds, and sagged to the National Electrical Safety Code, ANSI C2-2002 (NESC) Heavy Loading (0 degrees F, 4 pounds per square foot wind loading, and $\frac{1}{2}$ inch radial ice) conditions. Unitil states that the body of water to be crossed is greater than 2,000 acres. For water areas of more than 2,000 acres that are suitable for sailing, NESC (Table 232-1) requires that the primary conductor and neutral conductor clearances to the water surface be 40.5 feet and 37.5 feet, respectively. The maximum phase conductor sag will occur at a conductor temperature of 212 degrees F and result in a 45.00 foot clearance to the extreme

high tide water elevation of 9.00 feet (48.75 foot clearance at NESCS Heavy Loading).

As part of its petition, Unitil filed with the Commission an approved Department of Environmental Services Wetlands and Non-Site Specific Permit, subject to construction conditions, identified as Number 2003-2619 and dated December 17, 2003. Unitil has stated that it owns permanent easement rights for the construction, operation, and maintenance of overhead electric lines where structure #2016 and #2017 will be constructed. Unitil also has stated, and Staff agrees, that the use and enjoyment by the public of these waters will not be diminished in any material respect as a result of the proposed aerial line crossing.

Unitil 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, ANSI C2-2002.

RSA 371:17 provides in part that whenever it is necessary, in order to meet the reasonable requirements of service to the public, that any public utility should construct a line of poles or towers and wires and fixtures thereon over or across any of the public waters of New Hampshire, it shall petition the Commission for a license to construct and maintain the same. "Public waters," as defined in RSA 371:17, means "all

ponds of more than ten acres, tidewater bodies, and such streams or portions thereof as the Commission may prescribe." Based on the information presented, the Commission prescribes the part of the Taylor River under the proposed aerial electric lines as being "public waters" under RSA 371:17.

Based on the information presented by Unitil and Staff's review, the Commission finds such crossing necessary for Unitil to meet the reasonable requirements of reliable service to the public within Unitil's authorized franchise area and that the requested license may be exercised without substantially affecting the public rights in the waters of the Taylor River. 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 subject to the effective date below, Unitil is authorized, pursuant to RSA 371:17 et seq., to construct, maintain and operate the aerial electric lines over and across the Taylor River in Hampton, New Hampshire depicted on plans and drawings submitted January 9, 2004 and supplemented on January 23, 2004 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 operate and maintain the approved crossing in conformance to all requirements of the NESC; and it is

FURTHER ORDERED, that the Petitioner remain in conformance with all conditions contained in the Wetlands and Non-Site Specific Permit Number 2003-2619 dated December 17, 2003 filed as part of its petition; and it is

FURTHER ORDERED, that the Petitioner shall provide a copy of this order to the (i) Town Clerk of Hampton, (ii) New Hampshire Attorney General and the owners of the land bordering on said public waters at the location of the river crossing, pursuant to RSA 371:19, and (iii) pursuant to RSA 422-B:13, New Hampshire Department of Transportation and the Office of Secretary, U.S. Department of Commerce, by first class mail, no later than February 13, 2004, and to be documented by affidavit filed with this office on or before February 23, 2004; 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 February 13, 2004 and to be documented by affidavit filed with this office on or before February 23, 2004; 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 February 19, 2004; and it is

FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than February 23, 2004; and it is

FURTHER ORDERED, that this Order Nisi shall be effective February 27, 2004, unless the Petitioner fails to satisfy the publication obligation set forth above or the Commission schedules a hearing or provides otherwise in a supplemental order issued prior to the effective date.

By order of the Public Utilities Commission of New Hampshire this third day of February, 2004.

Thomas B. Getz
Chairman

Susan S. Geiger
Commissioner

Graham J. Morrison
Commissioner

Attested by:

Debra A. Howland
Executive Director and Secretary