

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

Supplemental Order Granting Authorization to Commence
Construction

O R D E R N O. 24,280

February 17, 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. The Commission, on February 3, 2004, issued Order No. 24,275 which granted Unitil's petition, on a *nisi* basis. Order No. 24, 275 required Unitil to publish the Order no later than February 13, 2004 and that anyone requesting a hearing on the matter file a request with the Commission no later than February 19, 2004. It also required Unitil to notify the Town Clerk of Hampton, the New Hampshire Office of Attorney General and all land abutters, pursuant to the requirements of RSA 371:19, as well as the New Hampshire Department of Transportation and the United States Department of Commerce, pursuant to RSA 422-B:13.

Unitil published the Order as required, on February 6, 2004. Thus far no one has contacted the Commission with comments on the Order or a request for hearing.

On February 11, 2004 Unitil notified the Commission by letter of its compliance with the terms of Order No. 24,275. According to Unitil, it notified abutters of the project in November, 2003. The Town of Hampton Conservation Commission heard a presentation on the project at a televised public meeting December 2, 2003 and the Town of Hampton Planning Board heard the project at a televised public meeting December 3, 2003. Unitil delivered copies of the Commission's Order No. 2,275 on February 5, 2004 to the Hampton River Boat Club (which had approved the project in November 2003) and the United States Department of Commerce. Unitil delivered the Order to the New Hampshire Department of Transportation and the New Hampshire Office of Attorney General on February 6, 2004. According to Unitil, these entities have either approved the project or expressed no opposition.

Unitil's letter requested expedited authorization to commence construction on February 16, 2004, a date earlier than that which was authorized by Order No. 24,275, due to requirements of the New Hampshire Department of Environmental Services (DES) that construction be completed while the ground is frozen. DES is concerned that by waiting until after February

27, 2004 to commence construction, the project might not be complete before the ground begins to thaw. Unitil asked that staging of the construction be allowed as of February 16, 2004 with actual construction to commence February 17, 2004.

Based on the supplemental information presented by Unitil, we find that authorizing construction to commence prior to the termination of the *nisi* period is reasonable inasmuch as Unitil's representations provide a basis for concluding, pursuant to RSA 371:20, that all interested parties are in agreement. Moreover, the New Hampshire Department of Environmental Services' requirement that construction be completed before the ground thaws should, to the extent possible, be accommodated with the Commission's notice requirements. Given Unitil's compliance with all publication and notice requirements of Order No. 24,275 and the lack of any opposition, we will authorize construction to begin on February 17, 2004.

Based upon the foregoing, it is hereby

ORDERED, that as of February 17, 2004, 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.

By order of the Public Utilities Commission of New
Hampshire this seventeenth 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