

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DE 09-185**

**PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE**

**Petition for License to Construct and Maintain Electric Lines Over and Across the Public Waters of the Pemigewasset River in the Towns of New Hampton and Bristol, New Hampshire**

**Order *Nisi* Granting License**

**ORDER NO. 25,071**

**January 25, 2010**

On September 29, 2009, Public Service Company of New Hampshire (PSNH) filed a petition for a license to construct and maintain electric lines across the Pemigewasset River in New Hampton and Bristol, New Hampshire pursuant to RSA 371:17. PSNH stated that the existing crossing, designated as the 3114X 34.5 kV line, must be relocated and reconstructed to accommodate the New Hampshire Department of Transportation (NHDOT) replacement of the bridge crossing the Pemigewasset River between Central Street in Bristol and Old Bristol Road in New Hampton. According to PSNH, the new relocated facility is necessary for PSNH to continue to provide the reasonable requirements of service to the public in the area.

In support of its petition, PSNH submitted the following exhibits: a location plan depicting the geographic location of the proposed crossing (Exhibit 1), a plan and profile drawing depicting the location and projected elevations of the proposed crossing (Exhibit 2) and a construction detail drawing (Northeast Utilities Construction Standard DTR 10.219) depicting the construction specifications of the proposed structures (Exhibit 3).

PSNH said that the new 3114X 34.5 kV crossing will be taller than the existing crossing but will be built in alignment with the existing crossing and will remain within the public street

right of way. According to the petition, PSNH will install single wood pole dead end structures with horizontal construction on each side of the Pemigewasset River. The phase conductors will be 336 kcmil ACSR conductors with 18/1 stranding and the neutral conductor will be 4/0 ACSR with 6/1 stranding. PSNH stated that it has obtained pole licenses for both proposed locations and that no New Hampshire Department of Environmental Services or NHDOT permits are necessary for this construction.

PSNH said that it investigated a multitude of weather and loading conditions for its design and used these design conditions and combinations thereof to determine the minimum clearance of the conductors to the water, to land surfaces, and between the phase and neutral conductors. According to PSNH, all phase and neutral conductors will be sagged to maintain or exceed National Electrical Safety Code (NESC), American National Standards Institute (ANSI) C2-2007 required clearances under the most adverse conditions investigated.

PSNH stated that the Grafton County Flood Insurance Rate Map issued by the Federal Emergency Management Agency did not include flood level data at this location of the Pemigewasset River. Therefore, PSNH used the 50-year flood elevation for this location based on elevations taken from the NHDOT bridge replacement project. PSNH stated that it was conservative in designing the crossing and used the 50-year flood for water elevations in its design instead of the normal flood level or 10-year flood levels required by the NESC.

PSNH said 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 electric line crossing. PSNH further attests that the crossing will be constructed, maintained, and operated in accordance with the requirements of the NESC, ANSI C2-2007.

RSA 371:17 provides in relevant part that “[w]henver 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, under 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 10 acres, tidewater bodies, and such streams or portions thereof as the Commission may prescribe,” and includes the portions of the water bodies covered by the present petition.

Staff filed its recommendation on January 20, 2010, recommending approval of the petition. Staff indicated that the petition was reviewed by its engineering consultant, The Liberty Consulting Group (Liberty) and that according to Liberty, PSNH provided sufficient information to justify construction of the proposed water crossing. Liberty further stated that, if the proposed facilities are constructed, operated and maintained as proposed in its filing, PSNH will be able to provide safe and reliable electric service to the public based on sound engineering standards and the 2007 NESC.

Based on the information presented by PSNH, the review and recommendation of Liberty, and Staff’s January 20, 2010 memorandum recommending approval of the petition, we find this 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 that the crossing is in the public good and we 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, PSNH is authorized, pursuant to RSA 371:17 *et seq.*, to construct, maintain and operate electric lines over and across the public waters described in its petition and depicted in its exhibits submitted September 29, 2009 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 National Electrical Safety Code and all other applicable safety standards in existence at that time; and it is

**FURTHER ORDERED**, that PSNH maintain and operate this crossing in conformance with the National Electrical Safety Code; and it is

**FURTHER ORDERED**, that PSNH shall provide a copy of this order to the (i) Town Clerks of Bristol and New Hampton, (ii) New Hampshire Attorney General and the owners of the land bordering on said public waters at the location of the 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 January 28, 2010, and to be documented by affidavit filed with this office on or before February 8, 2010; and it is

**FURTHER ORDERED**, that PSNH 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 January 28, 2010 and to be documented by affidavit filed with this office on or before February 8, 2010; and it is

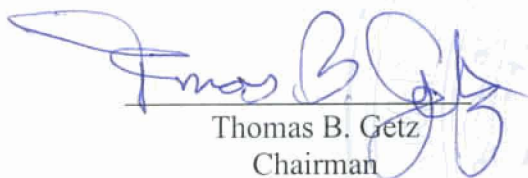
**FURTHER ORDERED**, that all persons interested in responding to this Order *Nisi* be notified that they may submit their comments or file a written request for a hearing which states

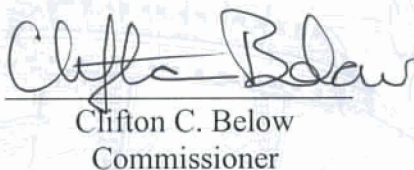
the reason and basis for a hearing no later than February 4, 2010 for the Commission's consideration; and it is

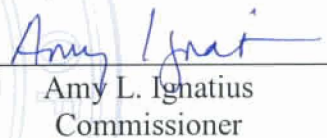
**FURTHER ORDERED**, that any party interested in responding to such comments or request for hearing shall do so no later than February 5, 2010; and it is

**FURTHER ORDERED**, that this Order *Nisi* shall be effective February 8, 2010, unless PSNH 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 twenty-fifth day of January, 2010.

  
Thomas B. Getz  
Chairman

  
Clifton C. Below  
Commissioner

  
Amy L. Ignatius  
Commissioner

Attested by:

  
Debra A. Howland  
Executive Director & Secretary