

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 10-206

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

**Petition for License to Construct and Maintain Electric Lines Over and
Across the Public Waters of the Warner River in the Town of Warner**

Order *Nisi* Granting License

ORDER NO. 25,147

September 23, 2010

On August 5, 2010, Public Service Company of New Hampshire (PSNH or Company) filed a petition with the Commission pursuant to RSA 371:17 for a license to construct and maintain electric lines across the Warner River in Warner. PSNH supplemented its filing on September 9, 2010. PSNH stated that the addition of two phases to the existing 19.9 kV single phase crossing, designated circuit 311X9, is required to accommodate load growth in the area. According to the petition, the facilities are an integral part of the PSNH distribution system and reasonable provision of service to the public in the area cannot be met without the additional construction. The existing line was not previously licensed to cross public waters. PSNH requests a license for both the existing crossing and the additional facilities planned for construction.

With its petition, PSNH submitted supporting exhibits as follows: 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); a construction detail drawing (Northeast Utilities Construction Standard DTR 10.211) depicting

the construction specifications of the proposed tangent and small angle structure (Exhibit 3); and a construction detail drawing (Northeast Utilities Construction Standard DTR 10.217) depicting the construction specifications of the proposed large corner (dead-end) structure.

According to PSNH, the new three phase 19.9 kV crossing will have the same alignment as the existing crossing and will use the poles presently at the crossing location. PSNH said it will add the new facilities by installing 10-foot cross arms on the existing poles. With the new crossing constructed, one phase conductor will be 3 feet to the side of the traveled way of New Hampshire Route 27. PSNH stated that it has pole licences for the southern structure (#13789) and the northern structure (#9402-10). PSNH attested that no permits are required from the New Hampshire Department of Environmental Services or New Hampshire Department for the construction of this crossing.

PSNH 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, land surfaces, and traveled way of the bridge, and the clearance 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 clearances required under the most adverse conditions investigated.

PSNH obtained the flood level data at this location of the Warner River from the Merrimack County Flood Insurance Rate Map issued by the Federal Emergency Management Agency. To develop a more conservative design for the crossing, PSNH used the 100-year flood elevation for this location instead of the normal flood level or 10-year flood levels required

by the NESC. In addition, PSNH assumed that the conductor adjacent to the traveled way was above the traveled way in designing the crossing.

PSNH stated 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 attested 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 a memorandum on September 16, 2010, recommending approval of the petition. Staff indicated that the petition was reviewed by its engineering consultant, The Accion Group (Accion). According to Accion, PSNH provided sufficient information to justify construction of the proposed water crossing. Accion 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 Accion, and Staff’s memorandum, 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 for 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 August 5, 2010, supplemented on September 9, 2010, 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 shall 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 Clerk of Warner, (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 September 27, 2010, and to be documented by affidavit filed with this office on or before October 4, 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 September 27, 2010 and to be documented by affidavit filed with this office on or before October 4, 2010; and it is

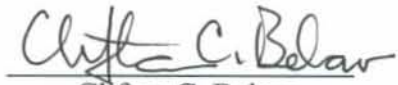
FURTHER ORDERED, that all persons interested in responding to this Order *Nisi* be notified that they may submit their comments or file a written request for a hearing which states the reason and basis for a hearing no later than October 1, 2010 for the Commission's consideration; and it is

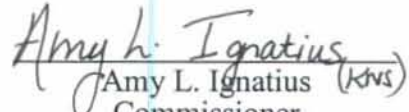
FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than October 4, 2010; and it is

FURTHER ORDERED, that this Order *Nisi* shall be effective October 4, 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-third day of September, 2010.


Thomas B. Getz
Chairman


Clifton C. Below
Commissioner


Amy L. Ignatius (KNS)
Commissioner

Attested by:


Debra A. Howland
Executive Director & Secretary