

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 10-224

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

**Petition for License to Construct and Maintain Electric Lines and Fiber Optic Cable Over
the Public Waters of the Cocheco River in Dover, New Hampshire**

Order *Nisi* Granting License

ORDER NO. 25,156

October 15, 2010

On August 27, 2010, Public Service Company of New Hampshire (PSNH) filed a petition pursuant to RSA 371:17 for a license to reconstruct and maintain electric lines and a fiber optic cable across the Cocheco River in Dover, New Hampshire. PSNH filed supplemental information on September 23, 2010. PSNH stated that the reconstruction of the M-183 115kV line crossing is necessary to meet the reasonable requirements of service to the public due to load growth in the seacoast area. PSNH said that the in-service date for this project is November 12, 2010, and that construction is planned to coincide with an ISO New England Inc. scheduled outage of that begins on October 30, 2010.

In support of its petition, PSNH filed the following exhibits: a plan depicting the geographic location of the crossing (Exhibit 1); a plan and profile drawing showing the location and projected elevations of the proposed crossing (Exhibit 2); and construction detail drawings of the 115kV Transmission Standard Dead End Structure Type E (Figure 1) and the 115kV Transmission Standard Dead End Structure Type DA (Figure 2).

PSNH owns permanent easements on the southern side of the crossing and the property

on the northern side of the crossing in fee. All construction will take place within its easements and property. As planned, the rebuilt M-183 115kV line crossing will have the same alignment as the existing licensed crossing. The northern structure of the existing crossing will remain in service. PSNH will replace the southern structure. Construction of the southern structure will occur within the protected shore land of the Cocheco River. N.H. RSA 483-B. RSA 483-B:5-b(1)a requires a shore land permit for construction, excavation, or filling activities within a protected shore land area, but N.H. Code Admin. Rule Env-Wq 1406.04(d)(7) exempts from that requirement the replacement of utility poles and guy wires using mechanized equipment, provided that appropriate controls are used and all temporary impacts are restored. PSNH said that it will comply with N.H. Code Admin. Rule Env-Wq 1406.04(d)(7). As a result, no permits are required from the N.H. Department of Environmental Services.

PSNH said that this area of the Cocheco River is designated as a federal channel. PSNH consulted with the U.S. Army Corps of Engineers (Corps) regarding the crossing and the Corps advised PSNH that, as construction plans increase the wire and cable clearances at the crossing, the Corps will not require modification of the existing permit.

PSNH obtained flood level data from the Strafford County Flood Insurance Study Rate Map issued by the Federal Emergency Management Agency. PSNH used the 100-year flood elevations in its design instead of the 10-year flood level required by the NESC as the 100-year flood data provided for a more conservative design of the 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 phase conductors, static wires, and ADSS cable to the water and land surfaces and between the phase conductors and static

wires, and ADSS cable. As designed, all 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 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 stated that the crossing will be constructed in accordance with the requirements of the NESC, ANSI C2-2007 and will be maintained and operated in accordance with the requirements of the NESC.

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.

Commission Staff filed a memorandum on October 15, 2010 recommending approval of the petition. Staff said that the petition was reviewed by its engineering consultant, Accion Group (Accion) and that, 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 recommendation, 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. Further, we find 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, Public Service Company of New Hampshire 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 27, 2010, supplemented on September 23, 2010, and on file with this Commission; and it is

FURTHER ORDERED, that PSNH shall construct, maintain, operate and conduct any future reconstruction to this approved crossing in conformance with the requirements of the NESC and all other applicable safety standards in existence at that time; and it is

FURTHER ORDERED, that PSNH abide by the requirements for exemption under Administrative Rule Env-Wq 1406.04(d)(7) regarding shore line protection; and it is

FURTHER ORDERED, that PSNH shall provide a copy of this order to the (i) City Clerk of Dover, (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, (iii) pursuant to RSA

422-B:13, New Hampshire Department of Transportation and the Office of Secretary, U.S. Department of Commerce, (iv) the New Hampshire Department of Environmental Services, and (v) the U.S. Army Corps of Engineers by first class mail, no later than October 19, 2010, and to be documented by affidavit filed with this office on or before October 29, 2010; and it is

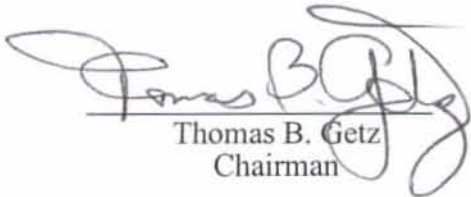
FURTHER ORDERED, that PSNH shall cause a copy of this Order *Nisi* to be published once in a statewide newspaper of general circulation or of circulation in those portions of the state where operations are conducted, such publication to be no later than October 20, 2010 and to be documented by affidavit filed with this office on or before October 29, 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 25, 2010 for the Commission's consideration; and it is

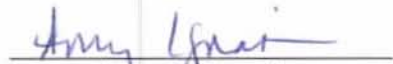
FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than October 27, 2010; and it is

FURTHER ORDERED, that this Order *Nisi* shall be effective October 29, 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 fifteenth day
of October, 2010.


Thomas B. Getz
Chairman


Clifton C. Below
Commissioner


Amy L. Ignatius
Commissioner

Attested by:


Debra A. Howland
Executive Director & Secretary

