

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 11-167

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

**Petition for License to Construct and Maintain Electric Lines
Over and Across Ainsworth Pond in the Town of Jaffrey**

ORDER *NISI* GRANTING LICENSE

ORDER NO. 25,314

December 30, 2011

I. BACKGROUND

On July 27, 2011, Public Service Company of New Hampshire (PSNH) filed a petition pursuant to RSA 371:17 for a license to construct and maintain two electric lines over and across Ainsworth Pond (also known as Greene Wildlife Pond) in the Town of Jaffrey, New Hampshire. PSNH stated in its petition that it previously constructed and currently operates and maintains a three-phase 4.5 kV distribution line, designated as the 382 circuit, from the PSNH Monadnock Substation in Troy, New Hampshire to the PSNH Jaffrey Substation in Jaffrey. This distribution line, as currently constructed, crosses over Ainsworth Pond in Jaffrey. The existing 382 line crossing at this location has not been previously licensed by the Commission.¹

PSNH has determined that it is necessary to construct and maintain a second three-phase 34.5 kV distribution line, which will be designated as the 3235 circuit, to alleviate projected overload conditions on the existing 382 line and serve the distribution load in the Monadnock

¹According to PSNH, the existing crossing was not previously licensed due to either administrative oversight or to the application of other crossing license criteria at the time of original construction. The rebuild of the 382 line crossing at Ainsworth Pond will be newly licensed under the current petition.

area in a reliable manner. Both lines will be located within the 100-foot wide right-of-way corridor established by easements already owned by PSNH on each side of Ainsworth Pond.

PSNH reported that to accommodate the relocation of an osprey nest on one of the existing 382 line crossing structures, PSNH intends to rebuild the existing 382 line crossing in conjunction with the construction of the new 3235 line crossing. The work required to relocate the osprey nest is being coordinated with the New Hampshire Audubon Society. PSNH also reported that it had obtained a New Hampshire Department of Environmental Services (NHDES) wetlands permit (No. 2011-00021) as well as an Army Corps of Engineers permit (No. NAE-2011-00187) for the permanent and temporary wetland impacts associated with the construction.

According to PSNH, the proposed new crossings will be located between two new three-pole wood structures with span lengths of approximately 680 and 685 feet, respectively. The proposed conductor and neutral for both crossings will be 477 ACSR with 26/7 stranding. The conductors and neutral will be sagged using NESC Heavy Loading conditions (0 degrees F, 4 pounds psf wind loading, 1/2 inch radial ice) at a maximum tension of 5,500 pounds. Based on consultation with the NHDES Dam Management Board, applicable 10-year flood water elevations for Ainsworth Pond were determined to be 2.7 feet below the crest of the dam, which corresponds to a height of 1044.3 feet. The maximum sags of the phase and neutral wires and minimum clearances for the proposed crossings were determined and designed using the above design criteria.

PSNH states that the proposed crossings have been designed and will be constructed, maintained and operated by PSNH in accordance with the National Electrical Safety Code (NESC), and that minimum safe line clearances above the water surface and affected shorelines will be maintained at all times. In addition, PSNH submits that the license may be exercised

without substantially affecting the rights of the public in the public waters of Ainsworth Pond, and that the use and enjoyment by the public of the pond will not be diminished in any material respect as a result of the overhead line crossings.

II. SUMMARY OF CROSSING AND STAFF REVIEW

In a memorandum filed on November 23, 2011, the Safety Division Staff found the petition to be in conformance with the applicable sections of the NESC. Staff further determined, upon review of the petition and existing field conditions, that PSNH has demonstrated a public need for the proposed crossing and that approval of the petition for a license is consistent with the public interest.

The Safety Division recommended approval of PSNH's petition for a license to construct and maintain electric lines over and across Ainsworth Pond in the Town of Jaffrey, subject to the following conditions:

- 1) The Commission should require that all future alterations to the crossing that may affect the public conform to the requirements of both the 2002 and 2007 editions of the NESC and be resubmitted to the Commission sixty (60) days prior to the alteration.
- 2) PSNH should be required to maintain and operate the crossings in conformance with the NESC or risk future revocation of the license.

III. COMMISSION ANALYSIS

RSA 371:17 requires utilities and corporations to petition the commission for a license to construct and maintain cable, conduit or poles and associated wires and fixtures over, under or across any public waters of the state whenever such facilities are necessary to meet the reasonable requirements of service to the public. 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. The NHDES is assigned responsibility under RSA 271:20 for preparing, maintaining, and publishing an official list of all public waters in the state. The official state list, which includes Ainsworth Pond in the Town of Jaffrey, is maintained at http://des.nh.gov/organization/divisions/water/dam/public_waters/index.htm.

Based on the information presented in PSNH's petition and Staff's memorandum, we find the proposed 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 the crossing is in the public good and therefore approve the petition on a *nisi* basis, subject to the conditions recommended by the Safety Division. Our decision is issued on a *nisi* basis in order to provide any interested party the opportunity to submit comments on PSNH's petition or to request a hearing. Finally, inasmuch as NHDES is responsible by statute to maintain the official list of public waters, we determine that notice to the NHDES of the proposed crossings is warranted.

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 and maintain electric lines and static wires over and across Ainsworth Pond as described in its petition and depicted in the plans and charts referenced in the petition and on file with the Commission; and it is

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

FURTHER ORDERED, that all future alterations or reconstruction to the approved crossings shall conform to the requirements of the 2002 and 2007 editions of the National

Electrical Safety Code and all other applicable safety standards in existence at the time and be submitted to the Commission sixty (60) days prior to the proposed alterations; and it is

FURTHER ORDERED, that that PSNH shall conform to all applicable requirements of the New Hampshire Department of Environmental Services related to the approved crossings; and it is

FURTHER ORDERED, that copies of all wetland permits, if any, required by the New Hampshire Department of Environmental Services for these crossings be filed with the Commission; and it is

FURTHER ORDERED, that PSNH shall provide copies of this order to (i) the Town Clerk of Jaffrey; (ii) the New Hampshire Attorney General and the owners of the land bordering on said properties at the locations of the crossings, pursuant to RSA 371:19; and (iii) the New Hampshire Department of Environmental Services. All copies should be provided by first class mail, postmarked no later than January 6, 2012, and documented by affidavit filed with the Commission on or before January 17, 2012; and it is

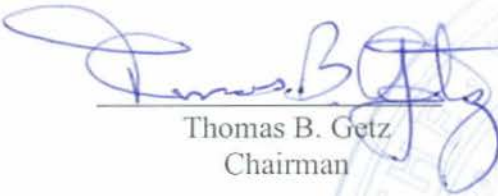
FURTHER ORDERED, that PSNH shall cause a copy of this Order *Nisi* to be published once in a statewide newspaper of general circulation or of circulation in those portions of the state where operations are conducted, such publication to be no later than January 6, 2012, and to be documented by affidavit filed with this office on or before January 17, 2012; 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 January 11, 2012 for the Commission's consideration; and it is

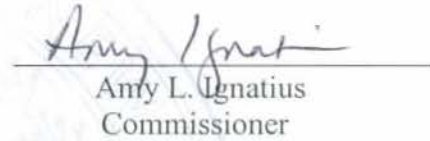
FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than January 13, 2012; and it is

FURTHER ORDERED, that this Order *Nisi* shall be effective January 17, 2012, unless the Petitioner 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 thirtieth day of December, 2011.

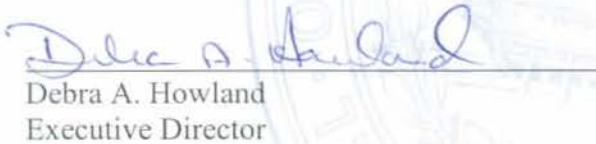


Thomas B. Getz
Chairman



Amy L. Ignatius
Commissioner

Attested by:



Debra A. Howland
Executive Director

