

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DE 11-060**

**PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE**

**Petition for License to Construct and Maintain Electric Lines  
Over and Across Sagamore Creek in the City of Portsmouth**

**Order *Nisi* Granting License**

**ORDER NO. 25,345**

**April 10, 2012**

**I. SUMMARY OF THE PETITION**

On March 24, 2011, Public Service Company of New Hampshire (PSNH or the Company) filed a petition pursuant to RSA 371:17 requesting a license to construct and maintain electric lines over and across the public waters of Sagamore Creek in the City of Portsmouth, New Hampshire.

The project proposed in PSNH's petition will involve relocating a three-phase 12.47 kV distribution line by shifting it slightly further east (approximately six feet) of the current crossing location. PSNH states that it previously constructed and currently operates and maintains the line, designated as the 2W4 circuit, in Portsmouth and that the line is an integral part of PSNH's electric distribution system in the area. The line, as currently constructed, crosses over Sagamore Creek approximately six feet east of the Route 1A (Sagamore Avenue) bridge.

PSNH asserts that in order to meet the reasonable requirements of service to the public, it needs to relocate the line to accommodate the New Hampshire Department of Transportation (NHDOT), which is replacing the existing bridge in this location with a new, wider bridge

structure. PSNH reports that there is no known Commission license for the existing 2W4 line crossing; the relocation of the 2W4 line crossing will be newly licensed under this petition.

### ***Crossing Location and Construction***

According to the petition, the new poles associated with this crossing are to be located within the Route 1A (Sagamore Avenue) right of way administered by the City of Portsmouth.

PSNH states that the proposed crossing will be constructed between two new wood structures to be set with a span length of approximately 463 feet. The new structure on the north side of the creek, number 136/46, is a dead end structure, constructed with a single class H2, 65-foot pole. The new structure on the south side of the creek, number 136/49, is also a dead end structure, constructed with a single class H2, 65-foot pole. The existing conductor wires (336 ACSR with 18/1 stranding) will be reused. The existing neutral will be replaced with 4/0 ACSR, 6/1 stranding.

### ***Clearance and Sag Requirements***

According to PSNH, the conductors will be sagged using NESC Heavy Loading conditions (0° F, 4 pounds psf wind loading, ½-inch radial ice) at a maximum tension of 2,500 pounds. The neutral will be sagged using NESC Heavy Loading conditions at a maximum tension of 2,000 lbs. PSNH notes that a 100-year flood elevation of 11 feet applies at the crossing location.

PSNH used the above design criteria to determine and design the maximum sags of the phase and neutral wires and minimum clearances for the crossing. Due to the proximity of the bridge, the centerline elevation of the bridge was assumed as the reference point for clearances to

land, which, according to PSNH results in a more conservative calculation than would measuring to actual ground.

PSNH adds that the nearest proposed conductor will be located approximately one foot east of the bridge at a height of 26 feet above any bridge rail. As a conservative measure for evaluating clearances, the conductor was evaluated as if it were directly over the bridge, assuming a railing height of 48 inches. According to the petition, the crossing design as proposed exceeds NESC requirements.

### ***Regulatory Requirements***

According to the petition, permits from neither the New Hampshire Department of Environmental Services (NHDES) nor the New Hampshire Department of Transportation (NHDOT) are required for this project. A pole license application for each pole location has been submitted to the City of Portsmouth and is pending approval and issuance by the City Council.

PSNH asserts that the proposed crossing has been designed and will be constructed, maintained and operated by PSNH in accordance with the applicable requirements of the NESC.

### ***Public Rights in the Public Waters of Sagamore Creek***

PSNH submits that the license for which it has petitioned may be exercised without substantially affecting the rights of the public in the public waters of Sagamore Creek. According to PSNH, the minimum safe line clearances above the Creek surface and affected shorelines will be maintained at all times. PSNH further submits that the use and enjoyment by the public of the creek will not be diminished in any material respect as a result of the line crossing.

## **II. SUMMARY OF STAFF REVIEW**

Pursuant to a memorandum filed on March 27, 2012, the Safety Division Staff found the proposed construction and sagging design to be in conformance with the applicable sections of the NESC. Upon review of the petition and existing field conditions, Staff further determined 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 and requires a license under RSA 371:17.

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

1) The Commission should require that all future alterations to the crossing that may affect the public must conform to the requirements of both the 2002 and 2007 editions of the NESC and be resubmitted to the Commission 60 days prior to any such 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. Sagamore Creek in the City of Portsmouth is included on the official list, which is maintained at [http://des.nh.gov/organization/divisions/water/dam/public\\_waters/index.htm](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 for maintaining the official list of public waters and given NHDOT's oversight of the bridge construction project, we determine that notice of the proposed crossings to the NHDES and the NHDOT is warranted.

The petition and subsequent docket filings, other than information for which confidential treatment is requested of or granted by the Commission, is posted to the Commission's website at <http://www.puc.nh.gov/Regulatory/Docketbk/2011/11-060.html>.

**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 and other lines over and across the public waters described in its petition and depicted in its filing; and it is

**FURTHER ORDERED**, that all construction and future alterations to this approved crossing shall conform to the requirements of the National Electrical Safety Code, in accordance with N.H. Code Admin. Rules Puc 306.01 and Puc 1303.07 and all other applicable safety standards in existence at that time; and it is

**FURTHER ORDERED**, that PSNH submit any future proposed alterations to the crossing license granted herein at least 60 days prior to any such alteration; and it is

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

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

**FURTHER ORDERED**, that copies of all licenses or permits, if any, required by the City of Portsmouth for these crossings be filed with this Commission; and it is

**FURTHER ORDERED**, that PSNH shall provide a copy of this order to the (i) City Clerk of Portsmouth, New Hampshire, (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) the New Hampshire Department of Environmental Services, and (iv) pursuant to RSA 422-B:13, the New Hampshire Department of Transportation and the Office of Secretary, U.S. Department of Commerce by first class mail, no later than April 20, 2012, and to be documented by affidavit filed with this office on or before May 10, 2012; and it is

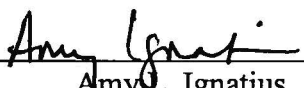
**FURTHER ORDERED**, that the Petitioner shall cause a copy of this Order *Nisi* to be published once in a statewide newspaper of general circulation or of circulation in those portions of the state where operations are conducted, such publication to be no later than April 20, 2012 and to be documented by affidavit filed with this office on or before May 10, 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 April 27, 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 May 4, 2012; and it is

**FURTHER ORDERED**, that this Order *Nisi* shall be effective May 10, 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 tenth day of April, 2012.

  
Amy L. Ignatius  
Chairman

  
Michael D. Harrington  
Commissioner

  
Robert R. Scott  
Commissioner

Attested by:

  
Debra A. Howland  
Executive Director