

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 12-176

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

**Petition for Authority to Construct and Maintain Electric Lines
and Fiber Optic Cable Over and Across the Cocheco River
in the City of Rochester and the Isinglass River in the Town of Strafford**

Order *Nisi* Granting License

ORDER NO. 25,483

March 29, 2013

I. SUMMARY OF PETITION

On June 29, 2012, Public Service Company of New Hampshire (PSNH) filed a petition pursuant to RSA 371:17 requesting a license to construct and maintain electric lines, static wire and fiber optic cable over and across the public waters of the Cocheco River in Rochester, New Hampshire and the Isinglass River in Strafford, New Hampshire. Both crossings are associated with a 345 KV transmission line identified as Line 385.

On March 27, 2013, Staff filed a memorandum with the Commission recommending that the license be granted without any conditions.

A. History

According to the petition, the Commission issued Order No. 9,777 on August 26, 1969 in Docket No. D-E5700 granting PSNH a license to construct and maintain electric transmission lines over and across the Cocheco River in Rochester.

PSNH stated that the Isinglass River crossing in Strafford is not currently licensed by the Commission and will be newly licensed under this petition.

B. Crossing Locations and Construction

According to the petition, PSNH proposes to alter an existing crossing of the Cocheco, and a second crossing of the Isinglass River, by replacing one of the two existing static wires on the 385 line with an overhead optical ground wire (OPGW) cable. The petition states that these improvements are necessary to increase PSNH's communication system reliability in the southern and eastern part of the state for the operation of its electric power system.

The design of the proposed modification demonstrates that the material, height, and location of both support structures adjacent to each river crossing, as well as the conductor size and material, and the size and material of the remaining static wire will remain as originally constructed, and the conductor clearance over the public waters will not change or be affected by the project. PSNH provided attachments to its petition depicting the technical and design information and proposed construction of each crossing. The petition and attachments describe the configurations of the proposed crossings as well as the clearance and sag requirements for each crossing and show that sag and tension calculations were done pursuant to applicable National Electrical Safety Code (NESC) requirements.

C. Regulatory Requirements

According to the petition, permits from the New Hampshire Department of Environmental Services (NHDES), the New Hampshire Department of Transportation (NHDOT) and the Army Corps of Engineers are not required for this project.

D. Property Rights

The petition states that PSNH owns the land in fee or owns easements for its line and facilities on the Cocheco and Isinglass Rivers, and that all crossings will be installed within the limits of the easements and PSNH-owned land.

E. Public Interest

According to the petition, the proposed communication wires will not substantially affect the rights of the public in the public water of either the Cocheco River or the Isinglass River. The petition also states that minimum safe line clearances above the water surface and affected shorelines will be maintained at all times and that the use and enjoyment by the public of the Cocheco and Isinglass Rivers will not be diminished in any material respect as a result of the overhead line and cable crossings.

II. SUMMARY OF STAFF REVIEW

After reviewing the petition, Commission Staff filed a memorandum on March 27, 2013, stating that the proposed construction and sagging designs are in conformance with the applicable sections of the NESC. Staff's memorandum indicated that the instant petition completes the record of the Isinglass River crossing and allows PSNH to update and conform to the existing statute. Staff recommended approval of PSNH's petition, without any conditions or restrictions.

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, include 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. Each body of water listed in the instant petition is included in the official list, which 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 recommending approval of the crossings, we find the proposed crossings necessary for PSNH to meet the reasonable requirements of reliable service to the public, as required by RSA 371:17, and that the requested license may be exercised without substantially affecting the public rights in the effected public waters, as required for approval under RSA 371:20. We find the crossings are in the public good and therefore approve the petition on a *nisi* basis. 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. We note that PSNH is responsible for obtaining any and all other permits for the installation of the proposed crossings from any federal, state, and local authorities having jurisdiction. Finally, inasmuch as NHDES is responsible by statute for maintaining the official list of public waters, and given NHDOT's oversight of railroads, roads, and bridges, we require that notice of the proposed crossings be sent to NHDES and NHDOT. We also require notice of each crossing to the City of Rochester and the Town of Strafford.

The petition and subsequent docket filings, other than any information for which confidential treatment is requested of or granted by the Commission, are posted to the Commission's website at <http://www.puc.nh.gov/Regulatory/Docketbk/2012/12-176.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 fiber optic and other lines over and across the public waters described in its petition and depicted in its filings; and it is

FURTHER ORDERED, that all construction and future alterations of these approved crossings 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(s); and it is

FURTHER ORDERED, that copies of all permits, if any, required by the New Hampshire Department of Environmental Services, the New Hampshire Department of Transportation, any other federal, state, or local authorities, and any of the affected municipalities for these crossings, be filed in this docket with this Commission; and it is

FURTHER ORDERED, that PSNH shall provide a copy of this order to the: (i) Town Clerks of Rochester and Strafford, 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 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 8, 2013, and to be documented by affidavit filed with this office on or before April 29, 2013; and it is

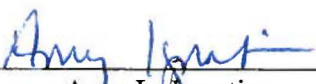
FURTHER ORDERED, that PSNH shall cause a summary of this Order *Nisi* to be published once in a statewide newspaper of general circulation or of circulation in those portions of the state where operations are conducted, such publication to no later than April 8, 2013 and to be documented by affidavit filed with this office on or before April 29, 2013; 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 15, 2013 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 April 22, 2013; and it is

FURTHER ORDERED, that this Order *Nisi* shall be effective April 29, 2013, 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.

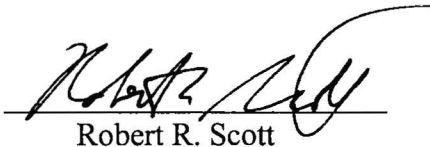
By order of the Public Utilities Commission of New Hampshire this twenty-ninth day of March, 2013.



Amy L. Ignatius
Chairman



Michael D. Harrington
Commissioner



Robert R. Scott
Commissioner

Attested by:



Debra A. Howland
Executive Director