

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DE 12-311**

**NEW HAMPSHIRE ELECTRIC COOPERATIVE, INC.**

**Petition for License to Construct Wires Under and Across Public Waters from Big  
Goodwin Island to Round Island in Moultonborough**

**Order *Nisi* Granting License**

**ORDER NO. 25,495**

**April 19, 2013**

**I. SUMMARY OF PETITION**

On October 23, 2012, New Hampshire Electric Cooperative, Inc. (NHEC) filed a petition pursuant to RSA 371:17 requesting a license to construct and maintain an electric cable and conduit under Lake Winnepesaukee between Big Goodwin Island and Round Island in Moultonborough, New Hampshire. With the petition, NHEC filed the supporting testimony of Dean Benton, NHEC Plant Records Supervisor, with related attachments, including copies of required easements and permits.

On April 5, 2013, Staff filed a memorandum with the Commission recommending that the license be granted subject to certain conditions.

***A. Crossing Locations and Construction***

NHEC testified that the proposed project would provide electrical service to a residence owned by Linden G. North and Kelly A. Keenan (Owners) located on Round Island in Lake Winnepesaukee. According to NHEC, Round Island currently does not have electrical service. To provide service, a new service line would be constructed beginning at NHEC pole (Pole

#14409/20.3) on Big Goodwin Island. The line would run to the shoreline of Lake Winnepesaukee and continue underneath Lake Winnepesaukee to Round Island through a submarine cable. On Round Island, the cable will be placed underground in a concrete vault, resulting in the delivery of secondary metered electrical service to the Owner's residence. Because the plans include construction of a concrete vault, NHEC said that no pole will be needed at Round Island. NHEC testified that if this line is not constructed, the Owners on Round Island will be unable to obtain electrical service from NHEC, and, therefore, that the license is necessary to meet the reasonable requirements of service to the public.

The petition states that NHEC considered installing an overhead line but concluded that an overhead crossing was not feasible due to the distance between the two islands. According to testimony, the underground conduit proposed in the petition is the only technically sound method to provide electrical service to the residence on Round Island.

NHEC stated that the design, construction and operation of the line will be in compliance with the National Electrical Safety Code (NESC). The testimony asserts that the construction will conform to NHEC construction standards and approved wetlands permits. According to the testimony, the conduit, submarine cable and termination vault will be constructed by a NHEC-approved construction company that has historically proven to meet the construction standards of NHEC and NESC. Once the construction is completed, NHEC will inspect the work prior to energizing the line. Assuming the construction meets NHEC's specifications, NHEC will take ownership of the line and assume responsibility for its maintenance and repair.

***B. Regulatory Requirements***

The petition included a copy of the required Wetlands and Non-Site Specific Permit for both Round Island and Big Goodwin Island (Exhibits A and B) from the New Hampshire Department of Environmental Services (NHDES).

***D. Property Rights***

At Big Goodwin Island, where the service line would begin, land is owned by H. Douglas and Mal T. Merrill, and David and Suzanne Maybee. Both the Merrills and the Maybees provided easements to NHEC for construction of the necessary electrical facilities on their properties, a copy of which is identified as Exhibit D to the petition. The Owners provided a right of easement for their property on Round Island to NHEC, a copy of which is identified as Exhibit E to the petition. NHEC testified that there are currently no other residences on Round Island and consequently there is no need for any other easements at the end point of the line construction.

***E. Public Interest***

According to the testimony, use of underground cable will not be obtrusive to the general public and will minimize the chance that the cable will interfere with the public safety or the public enjoyment of Lake Winnepesaukee or the surrounding shorelines.

**II. SUMMARY OF STAFF REVIEW**

According to Staff's memorandum, Staff employed the Accion Group Inc. (Accion) to review NHEC's petition. Accion provided an electronic copy of its report regarding NHEC's petition to Staff on December 19, 2012 and recommended approval of NHEC's petition, subject to the following conditions: (1) that NHEC construct, operate and maintain the proposed

construction to comply with NESC standard C2-2012; (2) that 60 days prior to any planned alteration to the construction, NHEC provide notice to the Commission and conduct any alterations in compliance with the then-existing NESC; and 3) that the construction conform with the requirements of the Wetland and Non-Site Specific Permits provided with the petition. Staff stated that it had reviewed the petition and Accion's report and agreed with Accion's recommendation.

### **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. The 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](http://des.nh.gov/organization/divisions/water/dam/public_waters/index.htm).

Based on the information presented in NHEC's petition, Accion's report to Staff, and Staff's memorandum recommending approval of the crossings, we find the proposed crossings necessary for NHEC 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, subject to the conditions recommended in Accion's recommendation, and contained in the ordering clauses set out below. Our decision is issued on a *nisi* basis in order to provide any interested party the opportunity to submit comments on NHEC's petition or to request a hearing. We note that NHEC 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, we require that notice of the proposed crossings be sent to NHDES. We also require notice to be sent to the Town of Moultonborough.

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/2012/12-311.html>.

**Based upon the foregoing, it is hereby**

**ORDERED *NISI***, that subject to the effective date below, NHEC is authorized, pursuant to RSA 371:17 *et seq.*, to construct, maintain, and operate electric lines under 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 of these approved crossings shall conform to the requirements of the National Electrical Safety Code Standard C2-2012, 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 NHEC operate and maintain the proposed facilities to the conform to the requirements of the National Electrical Safety Code; and it is

**FURTHER ORDERED**, that NHEC comply with the conditions imposed in the Department of Environmental Service's wetland and non-site specific permits contained in Petition Exhibits A and B, and it is

**FURTHER ORDERED**, that NHEC 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, 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 NHEC shall provide a copy of this order to the: (i) Town Clerk of Moultonborough, 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 26, 2013, and to be documented by affidavit filed with this office on or before May 3, 2013; and it is

**FURTHER ORDERED**, that NHEC 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 26, 2013 and to be documented by affidavit filed with this office on or before May 3, 2013; and it is

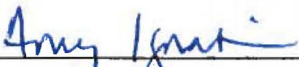
**FURTHER ORDERED**, that all persons interested in responding to this Order *Nisi* be notified that they may submit their comments or file a written request for a hearing which states

the reason and basis for a hearing no later than May 1, 2013 for the Commission's consideration; and it is

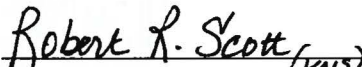
**FURTHER ORDERED**, that any party interested in responding to such comments or request for hearing shall do so no later than May 3, 2013; and it is

**FURTHER ORDERED**, that this Order *Nisi* shall be effective May 6, 2013, unless NHEC 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 nineteenth day of April, 2013.

  
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Amy L. Ignatius  
Chairman

  
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Michael D. Harrington  
Commissioner

  
\_\_\_\_\_  
Robert R. Scott (KMS)  
Commissioner

Attested by:

  
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Debra A. Howland  
Executive Director