

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DE 13-045**

**NEW HAMPSHIRE ELECTRIC COOPERATIVE, INC.**

**Petition for Authority to Construct and Maintain Electric Lines  
Under and Across Lake Winnepesaukee in Meredith**

**Order *Nisi* Granting License**

**ORDER NO. 25,505**

**May 9, 2013**

**I. SUMMARY OF PETITION**

On February 4, 2013, New Hampshire Electric Cooperative, Inc. (NHEC) filed a petition, pursuant to RSA 371:17, requesting a license to construct and maintain electric cable and conduit under and across the public waters of the Lake Winnepesaukee from Bear Island to Dollar Island in Meredith, New Hampshire. With the petition, NHEC filed the supporting testimony of Dean Benton, Plant Supervisor of NHEC, and related exhibits. Staff filed a memorandum on April 30, 2013, recommending that the license be granted subject to certain conditions.

***A. History***

According to the petition, Dollar Island is in the NHEC service territory and currently receives no electric service. The petition states that there is one residence on Dollar Island owned by Dollar Island LLC and that the construction of the project is necessary to provide electric service to that residence.

***B. Crossing Locations and Construction***

Mr. Benton stated that NHEC plans to construct a line from a NHEC pole located on Bear Island, underground to water's edge, and then underneath Lake Winnepesaukee for

approximately 2,570 feet to a new concrete vault to be constructed on Dollar Island. The member's meter will be on a shed about twenty feet from the vault to Dollar Island.

Mr. Benton testified that the conduit, submarine cable and termination vault will be constructed by an approved NHEC contractor. Mr. Benton attested that NHEC will be responsible for long-term maintenance and repair following construction. NHEC provided attachments to its petition depicting the technical and design information and proposed construction of the crossing.

***C. Regulatory Requirements***

NHEC attached to its petition a copy of the Wetlands and Non-Site Specific permits issued by the New Hampshire Department of Environmental Services (NHDES) to Dollar Island LLC for the Dollar Island construction, and to Greater Lawrence YMCA, Inc., the owner of the property on Bear Island where the line will begin. Mr. Benton testified that design, construction and operation of the line will be in compliance with the National Electrical Safety Code (NESC) requirements.

***D. Property Rights***

NHEC provided copies of easements from Dollar Island LLC and the Greater Lawrence YMCA necessary for NHEC's construction and maintenance of the line on those properties. Mr. Benton testified that there are no other abutters on either island.

***E. Public Interest***

The petition stated that the construction is necessary to meet the reasonable requirements of service to the public. Mr. Benton attested that the proposed construction of electrical wires 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**

Staff retained the services of Accion Group, Inc. (Accion) to review the filing. Accion filed its report and recommendation with Staff on April 10, 2013. After reviewing the petition and attachments, and Accion's report, Staff filed a memorandum on April 30, 2013 recommending that the Commission approve NHEC's petition, subject to the continuing obligation of NHEC to construct, operate and maintain the line crossing in conformance with applicable NESC standards, and NDES permit requirements.

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

Based on the information presented in NHEC's petition, Accion's report, and Staff's memorandum, we find the proposed crossing 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 crossing is in the public good and therefore approve the petition on a *nisi* basis, subject to the conditions recommended by Staff, 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. NHEC is responsible for obtaining any and all other permits for the installation of the proposed crossing 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 crossing be sent to NHDES. We also require notice of the crossing to be sent to the Town of Meredith.

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/2013/13-045.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 cable, conduit and other lines under 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 the approved crossing, as well as operation and maintenance of the facilities, 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 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 NHEC shall file copies of all permits or agreements, if any, required by the N.H. Department of Environmental Services and any other federal, state, or local authorities, and any of the affected municipalities for the crossing, no later than receiving the permit or 30 days from the date of the order *nisi*, whichever occurs first; and it is

**FURTHER ORDERED**, that NHEC conform to the conditions imposed in the NHDES's Wetland and Non-Site Specific permits; and it is

**FURTHER ORDERED**, that NHEC shall provide a copy of this order to the: (i) Town Clerk of Meredith; (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 N.H. Department of Environmental Services; and (iv) pursuant to RSA 422-B:13, the N.H. Department of Transportation and the Office of Secretary, U.S. Department of Commerce by first class mail, no later than May 17, 2013, and to be documented by affidavit filed with this office on or before June 6, 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 May 17, 2013 and to be documented by affidavit filed with this office on or before June 6, 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

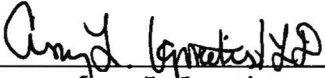
the reason and basis for a hearing no later than May 24, 2013 for the Commission's consideration; and it is

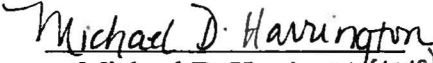
**FURTHER ORDERED**, that any party interested in responding to such comments or request for hearing shall do so no later than May 31, 2013; and it is

**FURTHER ORDERED**, that this Order *Nisi* shall be effective June 6, 2013, unless NHEC fails to satisfy the publication obligation set forth above or the Commission provides otherwise by order.

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

**ORDERED**, by order of the Public Utilities Commission of New Hampshire this ninth day of May, 2013.

  
\_\_\_\_\_  
Amy L. Ignatius  
Chairman

  
\_\_\_\_\_  
Michael D. Harrington (KNS)  
Commissioner

  
\_\_\_\_\_  
Robert R. Scott  
Commissioner

Attested by:

  
\_\_\_\_\_  
Debra A. Howland  
Executive Director