

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DE 13-022**

**PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE**

**Petition for Authority to Construct and Maintain Electric Lines, Static Wire and Fiber  
Optic Cable Over and Across the Androscoggin River in the City of Berlin**

**Order *Nisi* Granting License**

**ORDER NO. 25,543**

**July 11, 2013**

**I. SUMMARY OF PETITION**

On January 18, 2013, 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 Androscoggin River in Berlin, New Hampshire. The petition stated that PSNH plans to alter two water crossings associated with the 115 kV transmission line designated as line Z177. The two crossings are existing crossings of the Androscoggin River and the Androscoggin River spillway in Berlin, east of the Smith Hydro Station in downtown Berlin. With its petition, PSNH filed supporting appendices and exhibits.

On July 3, 2013, Staff filed a memorandum with the Commission recommending that the license be granted.

***A. History***

The petition states that the Commission has not previously licensed the two overhead transmission line crossings of the Z177 line and that if the Commission grants the license

requested by the instant petition, the Z177 overhead crossings and the fiber optic cable additions would be fully licensed.

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

According to the petition, PSNH determined that it is necessary to add a 115 kV line circuit breaker position at Berlin Eastside Substation for the Z177 line in order to improve the reliability of service in the Berlin area. PSNH asserted that the installation will limit exposure of the 115 kV bus at Berlin Eastside Substation to Z177 line faults and to faults within the Smith Hydro facility. The construction plan for the two overhead crossings also requires the addition of the breaker and the installation of a fiber optic communication path between Smith Hydro and Berlin Eastside Substation.

PSNH asserted that the design of the proposed construction demonstrates that the material, height, and location of the 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, no new crossing structures will need to be constructed inside of jurisdictional wetlands or other areas that require New Hampshire Department of Environmental

Services (NHDES) permitting at the location of the crossings. The petition also states that the affected portions of the Androscoggin River are not considered navigable by the U.S. Army Corps. of Engineers, and that the vertical clearances exceed the minimum requirement for sailing for the Androscoggin River only.

***D. Property Rights***

PSNH asserted that it owns the property where the Z177 line crosses the Androscoggin River on both sides of the river at each crossing, and that all construction will be performed within the limits of the PSNH-owned land.

***E. Public Interest***

The petition states that the Z177 line is an integral part of the PSNH transmission system and the overall New England transmission grid and that the proposed alteration of the two crossings is necessary to improve the reliability of service to the public. According to the petition, the proposed communication wires will not substantially affect the rights of the public in the public water of the Androscoggin 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 Androscoggin River 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 July 3, 2013, stating that the proposed construction and sagging designs are in conformance with the applicable sections of the NESC. Staff recommended approval of PSNH's petition without condition.

### 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 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, subject to the conditions 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 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 be sent to the City of Berlin.

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/2013/13-022.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 PSNH shall construct, operate and maintain the approved crossing, including any future alterations, to conform with 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 PSNH shall maintain proper clearances between its cables and those adjacent to it at all times across the entire span pursuant to NESC 235C2b and 235H; and it is

**FURTHER ORDERED**, that PSNH shall file copies of all permits or agreements, 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 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 PSNH shall provide a copy of this order to the: (i) City Clerk of Berlin, 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 July 19, 2013, and to be documented by affidavit filed with this office on or before July 30, 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 July 19, 2013 and to be documented by affidavit filed with this office on or before July 30, 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 July 26, 2013 for the Commission's consideration; and it is

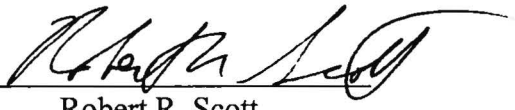
**FURTHER ORDERED**, that any party interested in responding to such comments or request for hearing shall do so no later than July 31, 2013; and it is

**FURTHER ORDERED**, that this Order *Nisi* shall be effective August 2, 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.

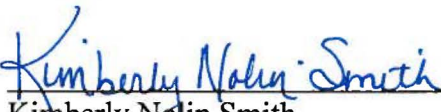
By order of the Public Utilities Commission of New Hampshire this eleventh day of July,  
2013.

  
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Amy L. Ignatius  
Chairman

  
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Michael D. Harrington  
Commissioner

  
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Robert R. Scott  
Commissioner

Attested by:

  
\_\_\_\_\_  
Kimberly Nolin Smith  
Assistant Secretary