

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DE 14-197**

**PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE**

**Petition for License to Construct and Maintain Electric Lines  
Over and Across the Warner River in Webster, the Blackwater River in  
Hopkinton, and the Contoocook River and the Rolfe Canal in Concord**

**Order *Nisi* Granting License**

**ORDER NO. 25,725**

**October 24, 2014**

In this order we grant PSNH's request for a license to alter, construct, and maintain electric lines over and across the Warner River in the Town of Webster, the Blackwater River in the Town of Hopkinton, and the Contoocook River and the Rolfe Canal in the City of Concord. This order is being issued on a *nisi* basis to ensure that all interested parties receive notice of the Commission's order and have the opportunity to request a hearing prior to its effective date.

**I. SUMMARY OF PETITION**

On July 23, 2014, Public Service Company of New Hampshire (PSNH) filed a petition to alter, rebuild and/or construct, operate and maintain a new overhead electric utility line at four existing crossings over the Warner River in the Town of Webster, the Blackwater River in the Town of Hopkinton, and the Contoocook River and the Rolfe Canal in the City of Concord, New Hampshire. PSNH previously constructed and currently operates a circuit identified as the 317 line that leaves PSNH's Oak Hill Substation and terminates at Unitil's Penacook Substation, both in Concord. It resumes at PSNH's former Davisville Substation site in Webster, and runs northwesterly to PSNH's Bradford Substation. When completed, the line will form a new connecting segment of the 317 line running between Unitil's Penacook Substation and the former

PSNH Davisville Substation site. The reconstructed line will be designated as a part of PSNH's 34.5 kV 317 line. On October 7, 2014, Commission Staff (Staff) filed a memorandum recommending that the Commission grant the license.

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://puc.nh.gov/Regulatory/Docketbk/2014/14-197.html>.

***A. History***

The petition states that due to an oversight or due to different licensing criteria in effect at the time of original construction, the existing 317 line crossing of the Warner River has not been licensed by the Commission.

***B. Crossing Location and Construction***

PSNH proposes to construct, operate, and maintain a new overhead electric utility line. The petition states that a new 317 line segment is needed because the existing 311 line, which feeds load west of the former Davisville Substation, is projected to exceed its thermal rating under certain contingencies based on load growth projections. The installation of the new 317 line will relieve that condition by allowing load to shift off the 311 line. Completion of this new segment of the 317 line will also improve reliability by providing an additional source of power to feed the 311 load from PSNH's Oak Hill Substation in Concord, and will enhance switching capability and flexibility among the area's substations in response to outages. PSNH asserts in its petition that the new line and associated construction is integral to meeting the reasonable requirements of service to the public.

The petition states that the design of the proposed alterations and rebuilds demonstrate that the material, height, and location of the support structure(s), conductor size and material, and conductor clearance over the public waters, will comply with applicable heavy condition requirements of the National Electrical Safety Code (NESC). PSNH provided attachments to its petition depicting the technical and design information and proposed construction of the line crossings. The petition and attachments describe the configurations of the proposed crossings and the clearance and sag requirements. They also show that sag and tension calculations were done pursuant to applicable NESC requirements.

***C. Regulatory Requirements***

The new water crossing structures will be set within the protected shoreland of the Contoocook River as defined by RSA 383-B. A request for the installation of the new structures was submitted to and approved by the New Hampshire Department of Environmental Services (NHDES) by Shoreland File #2014-02094 (September 21, 2014). In addition, a Standard Dredge and Fill permit as defined by RSA 482-A is required by NHDES for temporary impacts to wetlands that will result from access to the new water crossing structure locations. PSNH filed a permit application with NHDES, which was approved by Wetland File #2014-01257 (September 21, 2014).

***D. Property Rights***

The petition indicates that the new structures and wires associated with the four crossings are located within permanent right-of-way easements owned by PSNH. The new structures are to be located approximately in the center line from the edge of the right of way. There are no other circuits or known utilities located within the right of way.

### ***E. Public Interest***

According to Staff, the proposed construction and line crossings will not substantially affect the rights of the public in the public waters of the Warner, Blackwater, and Contoocook Rivers and the Rolfe Canal. According to PSNH, minimum safe line clearances above the water surfaces and affected shorelines will be maintained at all times. In addition, PSNH represents that the use and enjoyment by the public of the rivers and canal will not be diminished in any material respect as a result of the overhead line crossings.

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

Staff stated that the proposed construction and sag designs are in conformance with the applicable sections of the NESC. Staff recommended approval of PSNH's petition with the conditions that: (1) All future alterations to the crossings that may affect the public conform to the requirements of the 2012 edition of the NESC and be resubmitted to the Commission 60 days prior to the alteration; and (2) PSNH should be required to maintain and operate the crossings in conformance with the NESC or risk future revocation of the license. *See* Staff Memorandum dated October 7, 2014.

## **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 bodies of water listed in the instant petition are 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 that the proposed crossings are 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 affected public waters, as required for approval under RSA 371:20. We find that 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 related to ensuring the safe construction, operation, and maintenance of the proposed crossing. Our decision is issued on a *nisi* basis 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 construction and installation of the proposed crossings from any federal, state, and local authorities having jurisdiction. Finally, because NHDES is responsible by statute for maintaining the official list of public waters, and given the New Hampshire Department of Transportation's (NHDOT) oversight of railroads, roads, and bridges, we require that notice of the proposed alterations be sent to NHDES and NHDOT. We also require that notice of the crossing be sent to the Towns of Webster, and Hopkinton, and the City of Concord.

**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, install, operate, and maintain electric and other lines over and across the public waters described in its petition and depicted in its filings; and it is

**FURTHER ORDERED**, that the reconstruction of the line shall be implemented as depicted in the petition documents; and it is

**FURTHER ORDERED**, that PSNH shall construct, install, operate and maintain the approved crossings, including any future alterations, to conform to the requirements of the National Electrical Safety Code, in accordance with N.H. Code Admin. Rules Puc 306.01 (Standard Practice in Construction, Operation and Maintenance), Puc 1303.07 (Installation and Maintenance), and all other applicable safety standards in existence at that time; and it is

**FURTHER ORDERED**, that PSNH shall submit any future proposed alteration(s) 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 for its lines and cables at all times across the entire span pursuant to NESC 232B and 235C; 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 entering into the agreement, or 30 days from the date of this Order *Nisi*, whichever occurs first; and it is

**FURTHER ORDERED**, that PSNH shall provide a copy of this Order *Nisi* to (i) the Clerks of the Towns of Webster and Hopkinton and the City of Concord, New Hampshire;

(ii) the 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 November 3, 2014, and to be documented by affidavit filed with this office on or before November 24, 2014; and it is

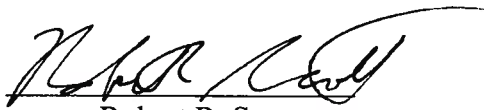
**FURTHER ORDERED**, that PSNH shall cause a summary of this Order *Nisi* to be published once in a statewide newspaper of general circulation or of circulation in those portions of the state where operations are conducted, such publication to no later than November 3, 2014 and to be documented by affidavit filed with this office on or before November 24, 2014; 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 November 10, 2014 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 November 17, 2014; and it is

**FURTHER ORDERED**, that this Order *Nisi* shall be effective November 24, 2014, 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-fourth day of  
October, 2014.



Robert R. Scott  
Commissioner



Martin P. Honigberg  
Commissioner

Attested by:



Lori A. Davis  
Assistant Secretary