

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 14-195

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

**Petition for License to Construct and Maintain Electric Lines and Static Wires
Over and Across the Ammonoosuc River West of Industrial Park Road in Littleton**

Order *Nisi* Granting License

ORDER NO. 25,727

October 24, 2014

In this order we grant PSNH's request for a license to alter, rebuild, and maintain electric lines over the Ammonoosuc River in Littleton. 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 17, 2014, Public Service Company of New Hampshire (PSNH) filed a notice¹ of its intent to alter, rebuild, and maintain electric lines, including two transmission structures, over and across the public waters of the Ammonoosuc River, west of Industrial Park Road in Littleton, New Hampshire. The existing crossing is associated with a circuit PSNH identifies as the U199 line. According to the petition, PSNH proposes to rebuild a one-mile section of the U199 line and, as part of that project, the two wooden transmission structures that comprise the public water crossing addressed in this order need to be replaced. The petition and subsequent docket filings, other than any information for which confidential treatment is requested or granted by the Commission, are posted to the Commission's website at

¹ The Commission considers PSNH's notification to be a petition pursuant to RSA 371:17 requesting a license to construct and maintain electric lines over and across public waters.

<http://puc.nh.gov/Regulatory/Docketbk/2014/14-195.html>. On October 13, 2014, the Commission Safety Staff (Staff) filed a memorandum with the Commission recommending that the license be granted.

A. History

The Commission approved the existing river crossings in *Public Service Co. of N.H.*, Order No. 10,338 (July 19, 1971) (structures 71 and 72), and granted PSNH a license to construct and maintain electric transmission lines over and across the Ammonoosuc River in Littleton, New Hampshire.

B. Crossing Location and Construction

According to the petition, PSNH proposes to rebuild a one-mile section of the U199 line within the existing right-of-way and replace two transmission structures. The new structures will enable the U199 to better withstand Ammonoosuc River flooding, which has repeatedly damaged transmission structures in the past. The petition states that these lines are integral to meet the reasonable requirements of service to the public.

The petition states that the design of the proposed alterations and new construction demonstrates that the material, height, and location of the support structure, the conductor size and material, and the conductor clearance over the public waters will comply with applicable requirements of the National Electrical Safety Code (NESC), Puc 306.01 (Standard Practice in Construction, Operation and Maintenance), and Puc 1303.07 (Installation and Maintenance). PSNH provided attachments to its petition describing the configurations of the proposed crossing showing that the design satisfies the wire-to-wire clearance requirements and the wire-to-ground

sag requirements, and showing that sag and tension calculations were done pursuant to NESC requirements.

C. Regulatory Requirements

A New Hampshire Department of Environmental Services (NHDES) alteration of terrain permit is not required. *See* Administrative Rule Env-Wq 1406.04 (d) (7) (Activities in Protected Shoreland That Do Not Require a Shoreland Permit). The required permit for installation of the new structures within the protected shore land was approved by NHDES on September 22, 2014, in a permit by notification in Shoreland File #2014-01952.

D. Property Rights

The petition indicates that the new structures and wires associated with this crossing are located within right-of-way easements owned by PSNH on each side of the Ammonoosuc River. Staff's recommendation states that the orientation, structures, and approximate distances from the edge of the right-of-way will all remain as originally built.

E. Public Interest

According to Staff, the proposed construction and line crossing will not substantially affect the rights of the public in the public waters of the Ammonoosuc 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 Ammonoosuc River will not be diminished in any material respect as a result of the overhead line crossing.

II. SUMMARY OF STAFF REVIEW

Staff's recommendation states that the proposed construction and sagging designs comply with the NESC. Staff recommends approval of PSNH's petition with the following three

conditions: (1) that the reconstruction of the line shall be implemented as depicted in the petition documents; (2) that all future alterations to the crossing that may impact the public must conform to the 2012 edition of the NESC and be submitted to the Commission 60 days prior to the alteration; and (3) that PSNH must maintain and operate the crossings in conformance with the NESC or risk future revocation of the license. *See* Staff Memorandum dated October 13, 2014.

III. COMMISSION ANALYSIS

RSA 371:17 requires utilities to obtain a license from the Commission to construct and maintain cable, conduit or poles, and associated wires and fixtures over, under, or across any public waters of the state. The petition must establish that the 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. RSA 271:20 requires NHDES to publish an official list of all public waters in the state. The Ammonoosuc River is on that list. *See* http://des.nh.gov/organization/divisions/water/dam/public_waters/index.htm.

Based on the petition, attachments, and Staff's recommendation, we find that the proposed crossing is 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 Ammonoosuc River as required for approval under RSA 371:20. We find that the crossing is in the public good and therefore approve the petition on a *nisi* basis, subject to the conditions contained in the ordering clauses below. 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 crossing 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 the New Hampshire Department of Transportation's oversight of railroads, roads, and bridges, we require that notice of the proposed alterations be sent to both agencies. We also require that notice of the crossing be sent to the Town of Littleton.

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 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 crossing, 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) and 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 Town Clerk of Littleton, 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

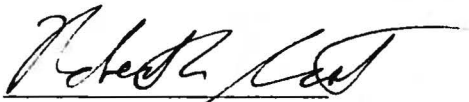
FURTHER ORDERED, that PSNH shall cause a summary of this Order *Nisi* to be published once in a statewide newspaper of general circulation or of circulation in those portions of the state where operations are conducted, such publication to be no later than November 3, 2014 and to be documented by affidavit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