

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 15-020

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

**Petition for License to Construct and Maintain Electric Lines, Static Wire and FiberOptic
Cable Over and Across Great Cohas Brook in Manchester**

Order *Nisi* Granting License

ORDER NO. 25,765

February 20, 2015

In this Order *Nisi*, the Commission grants the request of Public Service Company of New Hampshire, now known as Eversource Energy (Eversource), for a license to construct and maintain electric lines, static wire, and fiber optic cable over and across the public waters of the Great Cohas Brook in the City of Manchester. 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 comment or request a hearing prior to the date set forth in the ordering clauses below.

I. SUMMARY OF PETITION

On January 13, 2015, Eversource filed a petition, pursuant to RSA 371:17, for a license to construct and maintain electric lines, static wire, and fiber optic cable over and across the public waters of the Great Cohas Brook in Manchester, New Hampshire. According to the petition, the proposed water crossing is related to a new 115 kV transmission line between Londonderry and Manchester (the W144 Line).

A. History

The proposed crossing is adjacent to an existing Eversource crossing over the Great Cohas Brook. The proposed W144 Line will occupy the same Right of Way (ROW) as Eversource's existing I158 Line, also a 115 kV transmission line connecting the Scobie and Huse Road substations.

B. Crossing Location and Construction

Eversource proposes to construct the new W144 Line to connect its Scobie Pond Substation in Londonderry to its Huse Road Substation in Manchester. Eversource contends that the new W144 Line is needed to meet the reasonable requirements of service to the public, by increasing service and transmission to the southern part of the state, as determined by ISO New England and Eversource. According to the petition, the W144 Line will span a total of 6.27 miles, supported by steel single-pole and H-frame type structures. The W144 Line will contain three 1272 ACSS 45/7 conductors, and lightning protection. Eversource states that it will construct the new W144 Line between February and June 2015.

The proposed overhead crossing of the Great Cohas Brook will span 528 feet. Eversource provided attachments to its petition depicting the technical and design information and proposed construction of the line crossing. The petition and attachments describe the configurations of the proposed crossing, as well as the associated clearance and sag specifications.

C. Regulatory Requirements

The petition states that the design of the proposed construction demonstrates that the material, height, and location of the support structure, as well as 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). Eversource also asserts that sag and tension calculations were done pursuant to applicable NESC requirements.

Eversource states that the new water crossing structure 73 will be set within the protected shore land of the Great Cohas Brook as defined by RSA 483-B. Accordingly, the New Hampshire Department of Environmental Services (NHDES) issued Permit 2014-01757 (Standard Dredge and Fill) on October 27, 2014, for the temporary construction impact associated with adding the new structures. The petition also states that a permit has been issued by the U.S. Army Corps of Engineers (USACE).

D. Property Rights

The petition indicates that the new structures and wires associated with this crossing are located within ROW easements owned by Eversource, on the north and south side of Great Cohas Brook. The proposed crossing will be constructed and maintained within the limits of the easements.

E. Public Interest

According to the petition, the proposed overhead crossing will not substantially affect the rights of the public in the public waters of the Great Cohas Brook. 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 Great Cohas Brook will not be diminished in any material respect as a result of the overhead line crossing.

II. SUMMARY OF STAFF REVIEW

After reviewing the petition, Commission Staff filed a memorandum on February 15, 2015, stating that the proposed construction and sagging designs are in conformance with the applicable sections of the NESC. Staff recommends approval of Eversource's petition with the condition that: (1) the reconstruction of the line shall be implemented as depicted in the petition; (2) all future alterations to the crossing that may affect the public shall conform to the requirements of the 2012 edition of the NESC and be submitted to the Commission 60 days prior to the alteration; and (3) Eversource maintain and operate the crossing in conformance with the NESC or risk future revocation of the license. *See* Staff Memorandum dated February 15, 2015.

III. COMMISSION ANALYSIS

RSA 371:17 (Rights in Public Waters and Lands) 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 of the public waters of the state, whenever such facilities are necessary to meet the reasonable requirements of service to the public. As defined in RSA 371:17, "public waters" include all ponds of more than 10 acres, tidewater bodies, and such streams or portions thereof as the commission may prescribe. The Commission shall approve the petition if it finds that the water-crossing license, "subject to such modifications and conditions, if any, and for such period as the commission may determine, may be exercised without substantially affecting the public rights in said waters or lands."

RSA 371:20.

NHDES is assigned responsibility under RSA 271:20 for preparing, maintaining, and publishing an official list of all public waters in the state. The Great Cohas Brook is included in

NHDES's official list, which is maintained at

http://des.nh.gov/organization/divisions/water/dam/public_waters/index.htm.

Based on the information presented in Eversource's petition and Staff's recommendation, we find that the proposed crossing is necessary for Eversource 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 the crossing is in the public good and therefore approve the petition, 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. We issue our decision on a *nisi* basis to provide any interested person the opportunity to submit comments on Eversource's petition or to request a hearing.

We note that Eversource is responsible for obtaining any and all other permits for the construction and installation of the proposed crossing from federal, state, and local authorities having jurisdiction. As recommended by Staff, our approval is only for electric lines with the specifications proposed by Eversource in this docket. Finally, because NHDES is responsible by statute for maintaining the official list of public waters, we require Eversource to provide that notice of the proposed alterations to NHDES. We also require that notice of the crossing be sent to the City of Manchester.

The petition and subsequent docket filings, other than 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/2015/15-020.html>.

Based upon the foregoing, it is hereby

ORDERED *NISI*, that subject to the effective date below, Eversource 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 construction of the line shall be implemented as depicted in the petition documents; and it is

FURTHER ORDERED, that this approval is limited to the wire and cable crossing under consideration in this docket, and it is conditioned on the requirement that Eversource constructs, installs, operates, maintains and, if applicable, alters the crossing consistent with the provisions of the National Electrical Safety Code, in accordance with N.H. Code Admin. Rules Puc 306.01 and Puc 1303.07, as may be applicable, and as amended from time to time, and all other applicable safety standards in existence at that time; and it is

FURTHER ORDERED, that Eversource 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 Eversource 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, to the extent not already filed, Eversource shall file copies of all permits or agreements, if any, required by NHDES, 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 effective date of this Order *Nisi*, whichever occurs first; and it is

FURTHER ORDERED, Eversource shall provide a copy of this Order *Nisi* to (i) the City Clerk of Manchester, 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; and (iii) the New Hampshire Department of Environmental Services, by first class mail, no later than March 2, 2015, and to be documented by affidavit filed with this office on or before March 20, 2015; and it is


FURTHER ORDERED, that Eversource 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 March 2, 2015 and to be documented by affidavit filed with this office on or before March 20, 2015; 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 March 9, 2015 for the Commission's consideration; and it is

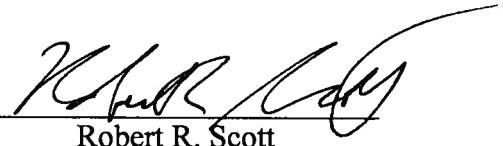
FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than March 16, 2015; and it is

FURTHER ORDERED, that this Order *Nisi* shall be effective March 20, 2015, unless the Eversource fails to satisfy the publication obligations set forth above or the Commission provides otherwise in a supplemental order issued prior to the Order *Nisi*'s effective date.

By order of the Public Utilities Commission of New Hampshire this twentieth day of
February, 2015.




Martin P. Honigberg
Chairman



Robert R. Scott
Commissioner

Attested by:



Debra A. Howland
Executive Director