

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DE 15-062**

**NEW ENGLAND POWER COMPANY D/B/A NATIONAL GRID**

**Verified Petition for License to Cross the Connecticut River in the Town of Monroe**

**Order *Nisi* Granting License**

**ORDER NO. 25,817**

**September 24, 2015**

In this order *nisi*, we grant the request of New England Power Company d/b/a National Grid (NEP) for a license to construct and maintain a 34.5 kV electric transmission line and associated facilities above and across the Connecticut River in Monroe. 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 for comment in the ordering clauses below.

**I. SUMMARY OF PETITION**

On February 11, 2015, NEP filed a petition pursuant to RSA 371:17 to construct and maintain an electric transmission line, including two transmission structures, over and across the public waters of the Connecticut River in Monroe. The petition involves a 34.5 kV electric transmission line known as the "3315 circuit" currently operated and maintained by NEP. This circuit runs approximately 8.3 miles along the northeastern edge of Vermont and northwestern New Hampshire, beginning at the Moore Hydroelectric Generating Station near the Moore Dam in Littleton, and terminating at the 34.5 kV substation at the Comerford Hydroelectric Generating Station in Monroe. Large portions of the 3315 circuit are located in Vermont and cross the state border in two locations. According to the petition, the 3315 circuit needs to be

refurbished in order to extend its life and to remedy the effects of normal deterioration that has occurred since it was first put into service approximately 90 years ago. Portions of the existing rights-of-way associated with the 3315 circuit will be abandoned, and the circuit will be relocated to another existing right-of-way for the majority of the eastern portion of the circuit. NEP proposes to construct steel pole structures with conductor cables, a fiber optic cable, and shield wires crossing over the river.

The proposed route for the relocated circuit includes approximately 910 feet crossing the Connecticut River from a location approximately 2,500 feet south of the Waterford, Vermont, substation to a point on the New Hampshire side of the river approximately 15,500 feet east of the Comerford substation in Monroe, and 15,250 feet west of the Moore Dam substation in Littleton. The Petition states that the project will also include the installation of conductor cables and a fiber optic cable, supported by wood structures, over Bill Little Brook for a distance of approximately 666 feet. NEP filed maps and drawings that illustrate the crossings.

On August 7, 2015, Commission Staff recommended that the license be granted, subject to certain conditions. The petition, its attachments, Staff's recommendation, 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/2015/15-062.html>.

***A. Crossing Location and Construction***

NEP proposes to relocate and build two sections of cable lines for distances of approximately 910 feet and 666 feet, respectively, within an existing right-of-way, which will replace existing transmission structures. According to NEP, the circuit needs to be replaced due

to years of deterioration. The proposed relocation will also make the lines easier to access for routine maintenance, will reduce operation and maintenance expense, and will reduce vegetation management issues. Although the petition does not explicitly state that these crossings are “necessary ... to meet the reasonable requirements of service to the public,” the petition cites RSA 371:17, which contains that language, and alleges that the crossings satisfy the statute.

The petition states that the design of the proposed relocation and construction demonstrates that the material, height, and location of the support structures, the conductor sizes and materials, and the conductor clearance over the public waters will comply with applicable requirements of the National Electrical Safety Code (NESC) and Puc 306.01. . NEP 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, as well as the clearance and sag requirements, and show that sag and tension calculations were done pursuant to applicable NESC requirements.

### ***B. Regulatory Requirements***

According to Staff, a New Hampshire Department of Environmental Services (NHDES) permit is not required (see Administrative Rule Env-Wq 1406.04 (d) (7)). A Utility Maintenance Notification for work on other areas of the line has been submitted to NHDES and filed as Shoreland File #14-02776. Staff recommended that the Company consult with the United States Army Corps of Engineers (USACE) to obtain a permit because the Connecticut River is a federally-designated navigable water.

### ***C. Property Rights***

The petition indicates, and Staff confirmed, that the new structures associated with this crossing are located within right-of-way easements owned by NEP on each side of the Connecticut River.

### ***D. Public Interest***

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

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

According to Staff, the proposed construction and sag designs are in conformance with the applicable sections of the NESC. Staff recommends approval of NEP's petition with the conditions that: (1) all future alterations to the crossing 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) NEP 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 August 7, 2015.

## **III. COMMISSION ANALYSIS**

RSA 371:17 (Licenses for New Poles) 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. 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 NHDES is assigned responsibility under RSA 271:20 for preparing, maintaining, and publishing an official list of all public waters in the state. The Connecticut River 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 NEP’s petition and Staff’s recommendation, we find that the proposed crossing is necessary for NEP to meet the reasonable requirements of reliable service to the public, as required by RSA 371:17. We find 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 also find that the crossing is in the public good. We 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 NEP’s petition or to request a hearing.

NEP 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. As recommended by Staff, our approval is only for electric lines and associated fiber optic cable with the specifications proposed by NEP in this docket. In addition, because the NHDES is responsible by statute for maintaining the official list of public waters, and given NHDOT’s oversight of tall structures over open water, 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 Town of Monroe and, as a courtesy, to the Town of Littleton. Finally, because the Connecticut River crossings require the authorization of the United States Army Corps of Engineers, we require notice of the crossings to be forwarded to the USACE.

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

**ORDERED *NISI***, that subject to the effective date below, NEP 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 this approval is limited to the construction or alteration of electrical lines under consideration in this docket, and it is conditioned on the requirement that NEP constructs, installs, operates, maintains and, if applicable, alters the lines consistent with the provisions of the National Electrical Safety Code, in accordance with N.H. Code Admin. Rules Puc 306.01, 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 NEP 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 NEP 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 NEP 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, the United States Army Corps of Engineers, and any other federal, state, or local authorities, and any of the affected municipalities, for the crossings no

later than 10 days after 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 NEP shall provide a copy of this Order *Nisi* to the (i) Town Clerks of Monroe and 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; (iv) the U.S. Army Corps of Engineers; and (v) 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 October 2, 2015, and to be documented by affidavit filed with this office on or before October 20, 2015; and it is

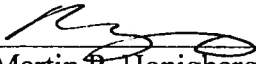
**FURTHER ORDERED**, that NEP shall cause a summary of this Order *Nisi*, issued concurrently with this Order, to be published once in a statewide newspaper of general circulation or of circulation in those portions of the state where operations are conducted, such publication to be no later than October 2, 2015, and to be documented by affidavit filed with this office on or before October 20, 2015; and it is

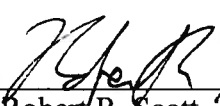
**FURTHER ORDERED**, that all persons interested in responding to this Order *Nisi* be notified that they may submit their comments or file a written request for a hearing which states the reason and basis for a hearing no later than October 9, 2015, for the Commission's consideration; and it is

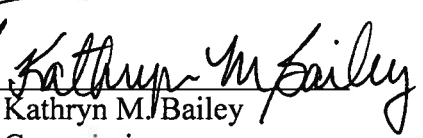
**FURTHER ORDERED**, that any party interested in responding to such comments or request for hearing shall do so no later than October 16, 2015; and it is

**FURTHER ORDERED**, that this Order *Nisi* shall be effective October 23, 2015, unless NEP fails to satisfy the publication obligation set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date.

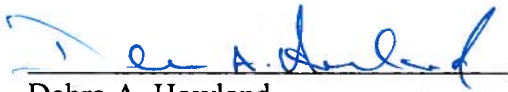
By order of the Public Utilities Commission of New Hampshire this twenty-fourth day of September, 2015.

  
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Martin P. Honigberg  
Chairman

  
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Robert R. Scott  
Commissioner

  
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Kathryn M. Bailey  
Commissioner

Attested by:

  
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Debra A. Howland  
Executive Director