

**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 Littleton

Order *Nisi* Amending Order No. 25,817 Granting License

ORDER NO. 25,838

November 3, 2015

In this amended 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 at two locations in Littleton. We issue this amended order pursuant to RSA 365:28 because the original order may not have provided sufficient notice that the crossings at issue are in the Town of Littleton.¹ This amended order is also 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 transmission structures, over and across the public waters of the Connecticut River at two locations in Littleton. The petition involves a 34.5 kV electric transmission line known as the "3315 circuit" currently operated and maintained by NEP and a tap line to the Waterford Substation in Vermont. This circuit runs approximately

¹ "At any time after the making and entry thereof, the commission may, after notice and hearing, alter, amend, suspend, annul, set aside, or otherwise modify any order made by it." RSA 365:28.

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.

Currently, 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 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 that is in New Hampshire for the majority of the circuit.

The proposed route for the relocated circuit includes two crossings of the Connecticut River. The first crossing is part of a tap line from the new route of the 3315 circuit to a substation in Waterford, Vermont (the Waterford tap line). The crossing for the Waterford tap line will be approximately 910 feet from a location on the Vermont side of the river south of the Waterford substation to a point on the Littleton side of the river approximately half way between the Comerford substation in Monroe and the Moore Dam substation in Littleton. For the Waterford tap line crossing, NEP proposes to construct steel pole structures with conductor cables, a fiber optic cable, and shield wires. The second crossing is entirely within Littleton and spans the confluence of Bill Little Brook and the Connecticut River. This proposed crossing is approximately 666 feet and will include wood structures with conductor cables and a fiber optic cable. 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 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 the 3315 circuit which will require two new crossings of the Connecticut River. One new crossing will span the Connecticut River between Vermont and Littleton. The second new crossing will traverse a portion of the Connecticut River near Bill Little Brook, within the Town of Littleton. The proposed crossings are approximately 910 feet and 666 feet, respectively, are within existing rights-of-way, and 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 the 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 the crossings are located within right-of-way easements owned by NEP on each side of both crossings.

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 crossings.

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 crossings 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.

Based on the information presented in NEP's petition and Staff's recommendation, we find that the proposed crossings are 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 licenses 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 crossings are 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 crossings. 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 crossings 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 crossings be sent to the Town of Littleton and, as a courtesy, to the Town of Monroe. 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, if it has not already done so, 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 locations of the crossings, 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 November 13, 2015, and to be documented by affidavit filed with this office on or before November 30, 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

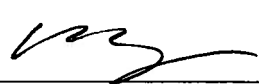
circulation or of circulation in those portions of the state where operations are conducted, such publication to be no later than November 13, 2015, and to be documented by affidavit filed with this office on or before November 30, 2015; and it is

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 November 20, 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 November 27, 2015; and it is

FURTHER ORDERED, that this Order *Nisi* shall be effective December 3, 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.

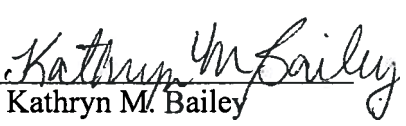
By order of the Public Utilities Commission of New Hampshire this third day of November, 2015.



Martin P. Honigberg
Chairman

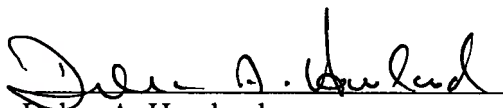


Robert R. Scott
Commissioner



Kathryn M. Bailey
Commissioner

Attested by:



Debra A. Howland
Executive Director