

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DE 15-290**

**PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE D/B/A EVERSOURCE  
ENERGY**

**Petition for License to Construct and Maintain Electric Lines Under and Across  
Island Pond in Washington, New Hampshire**

**Order *Nisi* Granting License**

**ORDER NO. 25,848**

**December 9, 2015**

In this order *nisi*, the Commission grants the request of Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource) for a license to construct and maintain electric lines under and across Island Pond in Washington, New Hampshire. 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 July 24, 2015, Eversource filed a petition, pursuant to RSA 371:17, for a license to construct and maintain an electric cable under and across the public waters of Island Pond in Washington, New Hampshire. According to the petition, the new electric lines are necessary to serve residences on Oehlschlager, Spencers, and Peterson Islands. Eversource filed supporting attachments and exhibits with the petition. The petition and subsequent docket filings, other than information for which any 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/2015/15-290.html>.

In order to meet the reasonable requirements of service to the public, Eversource previously constructed, and currently operates and maintains, underwater cables that run from existing Eversource riser pole #19Y2 on the east mainland shore of Island Pond, across Island Pond to Oehlschlager Island, from Oehlschlager Island to Spencers Island, and from the same existing riser pole #19Y2 to Peterson Island. The underwater cables are currently connected to the primary line at riser pole #19Y2, which is tapped off the existing Eversource circuit 3140X2 in Washington.

Due to the age and condition of the underwater cable, and recent, multiple failures of the cable neutral wire, Eversource decided to replace the existing underwater cables serving the three islands. In addition, Eversource determined that existing riser #19Y2 is difficult to access, and proposes to install a new riser at a new location in the existing street right of way, along the southern shore of Island Pond. Eversource proposes to replace an existing utility pole on Oehlschlager Island with a new pad mounted transformer, and to replace the pad mounted transformers on Peterson and Spencers Islands. Eversource said that a wetlands permit is required for the project, and has applied for the permit from the New Hampshire Department of Environmental Services (NHDES). In addition, a Shoreland Permit by Notification has been accepted by NHDES for this project. Eversource supplemented its filing with additional information on September 15, 2015.

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

Eversource will construct the new facilities as follows. Eversource will remove all existing underwater cables. The Company will cut to grade and remove the existing riser pole #19Y2. According to the petition, the location of riser pole #19Y2 does not afford necessary

access for maintenance, and the existing structure #141/10Y will be used as the new riser for service to all three islands.

The first installation will be the placement of new submarine electric cable that will span approximately 2,250 feet from the riser on existing structure #141/10Y to the new pad mounted transformer that will be installed on Oehlschlager Island. The first and last 100 feet of the cable will be buried in a trench; the remaining portion will be laid on the floor of Island Pond.

The second cable segment will be trenched in the same manner as the first, and will extend from Oehlschlager Island to Spencers Island, a distance of approximately 780 feet. Eversource will replace the existing transformer on Spencers Island with a new pad mounted transformer.

The third segment will be similarly trenched and will extend from Spencers Island to Peterson Island, a distance of approximately 1,470 feet. The Company will replace the existing transformer on Peterson Island with a new pad mounted transformer at a different location.

The petition, as modified by the September 15, 2015, update, states that the Company will do all work associated with the crossing in a manner that conforms to the 2012 National Electric Safety Code (NESC) C2-2012.

***B. Regulatory Requirements***

Island Pond is listed under the category “Ponds and Lakes” in the official list of public waters, and falls under the jurisdiction of the Comprehensive Shoreland Protection Act (RSA 483-B:4). As a result, Eversource must obtain a New Hampshire Department of Environmental Service (NHDES) Wetlands Permit and a NHDES Shoreland Permit prior to installing the new crossing and the transformers. Eversource has the Shoreland Permit, number

2015-1790. Eversource applied for the Wetlands Permit, but was informed that the permitting process will likely not be completed in 2015. Eversource requests that the Commission grant the water crossing license with the understanding that the project will not commence until NHDES issues the Wetlands Permit.

***C. Property Rights***

According to its petition, Eversource can perform all the work necessary to complete this project within the bounds of the existing easements. Eversource filed two easements and one pole license (pole #141/10Y) on September 15, 2015.

***D. Public Interest***

Eversource states that the existing underwater electric lines that currently provide service have been in place for over 40 years and have become more frequently problematic. According to the Company, underwater crossing at this location is the only feasible alternative to provide the necessary service to customers on the islands. Without new electric lines, service reliability to island residences will continue to decline. Eversource also asserts that it can exercise the rights granted by the license without affecting or diminishing the rights of the public to use and enjoy the waters of Island Pond because the electric cables will be underwater.

**II. SUMMARY OF STAFF REVIEW**

Staff recommended approval of the petition for a license to construct and maintain electric cables and facilities beneath public waters of Island Pond as proposed by the petition and additional information, subject to Eversource meeting the following conditions:

1. Conformance of all work to the National Electric Safety Code in effect at the time of the work;

2. Receipt of the wetlands permit prior to commencing construction, and provision of a copy of the wetlands permit to the Commission within 30 days of the issuance of the permit;
3. Conformance with all requirements of the NHDES Wetlands Permit and Shoreland Permit by Notification; and
4. Provision of an update of the status of this project no later than October 31, 2016.

### **III. COMMISSION ANALYSIS**

Pursuant to RSA 371:17, Licenses for New Poles, utilities must 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, when such facilities are necessary to meet the reasonable requirements of service to the public. RSA 371:17 defines public waters to include all ponds of more than 10 acres, tidewater bodies, and such streams or portions thereof that the Commission may prescribe. The NHDES prepares, maintains and publishes an official list of all public waters in the state. Island Pond is included on the official list, which can be seen 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 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. 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 safe construction, operation, and maintenance of the 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.

Eversource 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. Because the NHDES is responsible for maintaining the official list of public waters, we also require that notice of the proposed alterations be sent to NHDES. We also require notice be provided to the Town of Washington.

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

**ORDERED NISI**, that subject to the effective date below, and to the issuance of the NHDES wetlands permit, Eversource is authorized pursuant to RSA 371:17 *et seq.* to construct, install, operate, and maintain electric lines under 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 Eversource constructs, installs, operates and maintains, and, if applicable, alters the lines consistent with the provisions of the National Electric 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 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**, Eversource file an update of the status of this project no later than October 31, 2016; and it is

**FURTHER ORDERED**, that Eversource shall provide a copy of this Order Nisi to the (i) Town Clerk of Washington, New Hampshire; (ii) the New Hampshire Attorney General and

all owners of the land bordering on said public waters at the location of the crossing, as required by RSA 371:19; (iii) the New Hampshire Department of Environmental Services; and (iv) the U.S. Army Corps of Engineers, no later than December 18, 2015 and to be documented by affidavit filed with this office on or before January 5, 2016; 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 December 18, 2015, and to be documented by affidavit filed with this office on or before January 5, 2016; and it is

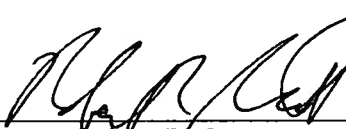
**FURTHER ORDERED**, that all persons interested in responding to this Order *Nisi* be notified that they may submit their comments or file a written request for a hearing which states the reason and basis for a hearing no later than December 28, 2015, for the Commission's consideration; and it is

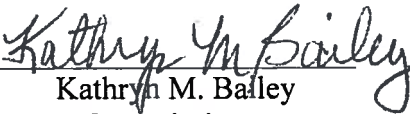
**FURTHER ORDERED**, that any party interested in responding to such comments or request for hearing shall do so no later than January 4, 2016; and it is

**FURTHER ORDERED**, that this Order *Nisi* shall be effective January 8, 2016, unless the Petitioner fails to satisfy the publication obligation set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date.

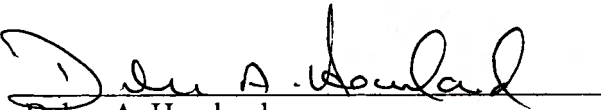
By order of the Public Utilities Commission of New Hampshire this ninth day of  
December, 2015.

  
\_\_\_\_\_  
Martin P. Honigberg  
Chairman

  
\_\_\_\_\_  
Robert R. Scott  
Commissioner

  
\_\_\_\_\_  
Kathryn M. Bailey  
Commissioner

Attested by:

  
\_\_\_\_\_  
Debra A. Howland  
Executive Director