

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DE 16-015**

**GREEN MOUNTAIN POWER**

**Petition for License to Construct and Maintain Electric Lines  
Over and Across the Sugar River in the City of Claremont**

**Order *Nisi* Granting License**

**ORDER NO. 25,894**

**May 6, 2016**

In this order *nisi*, the Commission grants the request of Green Mountain Power Corporation (GMP) for a license to upgrade and maintain electric lines over and across three locations on the Sugar River in Claremont, 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 January 6, 2016, GMP filed a petition pursuant to RSA 371:17 for a license to construct and maintain electric lines over and across the public waters of the Sugar River in Claremont, New Hampshire. One approximately 1.17 mile transmission line segment, Line 102, runs between GMP's Lafayette Street Substation and GMP's Maple Avenue Substation. Another approximately 2.35 mile transmission line segment, Line 92, runs between GMP's Highbridge Substation and its Lafayette Street substation crossing the river in two locations. The petition indicated that the existing overhead crossings have been in existence since at least 1965.

According to the petition, the transmission line segments are an integral part of GMP's transmission system and the overall New England transmission grid. In order to continue to meet the reasonable requirements of service to the public, GMP determined it necessary to upgrade these lines' conductors to increase the power transfer capability of the lines.

Specifically, GMP's petition stated that Line 102 crosses the Sugar River at one location in Claremont. Work on this line will involve replacing existing copper and aluminum conductor steel reinforced (ACSR) conductors with new ACSR conductors that will increase the conductors' capacity. Changing the conductors will require replacing three structures. The petition also indicated that Line 92 crosses the Sugar River at two locations in Claremont. Work on Line 92 will involve replacing existing conductors to increase capacity, and will require replacing approximately 54 poles. GMP asserted that the work is needed to address thermal constraints identified in the Vermont Electric Power Company Long Range Transmission Plan. Upgrading these transmission line segments will allow GMP to continue to provide reliable electric service to customers in this area of the State and regionally.

GMP filed supporting attachments and exhibits with the petition. GMP provided Commission Staff (Staff) with supplemental information during the course of Staff's review. The petition 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.state.nh.us/Regulatory/Docketbk/2016/16-015.html>.

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

The petition states that the structures used to support both of the transmission lines are typical single wood pole structures and will be replaced with single pole and double pole

structures. Modification of these crossings is limited to the poles, conductor and associated hardware. The petition showed that the existing crossing of the Sugar River on Line 102 is accomplished in the span between structures 3 and 4. Structures 3 and 4 are Single Pole Dead End Bell Structure construction. The new construction will be similar and remain at the same height as the existing structures. The span of this crossing is 372 feet.

The petition indicated that the existing crossings of the Sugar River on Line 92 are accomplished in the spans between structures 38 and 39 and between structures 73 and 74. The present transmission line structures are on the north and south sides of Sugar River. Existing Structures 38 and 39 are of H-Frame Dead End Structure type construction and will be replaced in kind. The span of this crossing is 270 feet. Structure 38 will increase in height by five feet to accommodate increased sag into the substation, and Structure 39 will be decreased in height by ten feet. Existing Structures 73 and 74 are of single pole crossarm-type construction and will be replaced with single pole horizontal line post type construction. The span of this crossing is 408 feet. Structure 73 will decrease in height by ten feet, and structure 74 will remain the same height. GMP provided a location map, a project plan schematic, and construction details of the structures in an attachment to its petition.

The petition indicated that the Company will do all work associated with the crossing in a manner that conforms to the National Electrical Safety Code (NESC). GMP confirmed that the proposed crossing has been designed and will be constructed, maintained, and operated by GMP in accordance with the applicable requirements of the 2012 NESC. Finally, the petition provided sufficient detail to show how all required clearances from phase wires to the surface of the water will be maintained.

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

GMP informed Staff that the environmental consulting firm Normandeau Associates has been retained to handle permitting not under the Commission's jurisdiction, such as Wetlands and Shoreline Protection permits from the New Hampshire Department of Environmental Services.

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

In response to information requests from Staff, GMP informed Staff that the Company owns permanent easements at each of the three crossing locations and that construction of the crossings will be within the boundaries of the easements. GMP filed a letter, including copies of easements, on April 21, providing additional supporting information and easement documentation.

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

GMP submitted that it can exercise the rights granted by the license without substantially affecting the rights of the public in the public waters of the Sugar River. The petition stated that minimum safe line clearances above the river surface and affected shorelines will be maintained at all times. According to the Company, the use and enjoyment by the public of the river will not be diminished in any material respect as a result of the overhead line crossing.

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

Safety Division Staff reviewed the Company's petition and supporting documentation; applicable statutes, rules, NESC requirements, and ownership of the land, as well as public need, safety, and impact. Staff recommended approval of the Company's petition for a license to construct, operate and maintain electric cables and lines over and across the public waters of the

Sugar River in the Town of Claremont, as proposed in the petition. (*See* Recommendation of Robert Wyatt dated April 20, 2016.)

### **III. COMMISSION ANALYSIS**

Pursuant to RSA 371:17, Licenses for New Poles, utilities must obtain a license from the Commission to “construct a pipeline, cable, or conduit, or a line of poles or towers and wires and fixtures thereon, over, under or across any of the public waters of this state, or over, under or across any of the land owned by this state,” when such facilities are necessary to meet the reasonable requirements of service to the public. RSA 371:20 authorizes the Commission to grant a license if it “may be exercised without substantially affecting the public rights in said waters or lands.” 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 New Hampshire Department of Environmental Services (NHDES) prepares, maintains and publishes an official list of all public waters in the state. The body of water listed in the petition 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 GMP’s petition and Staff’s recommendation, we find that the proposed crossing is necessary for GMP 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. GMP has confirmed that the crossing is in compliance with the National Electrical Safety Code. We 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 proposed crossing. We issue our decision on a *nisi* basis to provide any interested person the opportunity to submit comments on GMP's petition or to request a hearing.

We note that GMP 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. Our approval is only for the electric lines proposed by GMP in this docket. Because the NHDES is responsible for maintaining the official list of public waters, we require that notice of the proposed alterations be sent to NHDES. We also require notice to be provided to the Town of Claremont and to the private property owner(s) from whom a right-of-way was sought and obtained.

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

**ORDERED *NISI***, that subject to the effective date below, GMP is authorized pursuant to RSA 371:17 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 construction of the line shall be implemented as depicted in the documents filed with the petition; 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 GMP constructs, installs, operates, and 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 GMP 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 GMP shall provide a copy of this Order *Nisi* to (i) the Town Clerk of Claremont, 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; and (iii) the New Hampshire Department of Environmental Services, no later than May 16, 2016, and to be documented by affidavit filed with this office on or before May 31, 2016; and it is


**FURTHER ORDERED**, that GMP 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 May 16, 2016, and to be documented by affidavit filed with this office on or before May 31, 2016; and it is

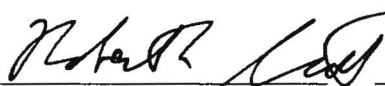
**FURTHER ORDERED**, that all persons interested in responding to this Order *Nisi* be notified that they may submit their comments or file a written request for a hearing which states the reason and basis for a hearing no later than May 23, 2016, for the Commission's consideration; and it is

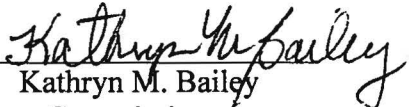
**FURTHER ORDERED**, that any party interested in responding to such comments or request for hearing shall do so no later than May 31, 2016; and it is

**FURTHER ORDERED**, that this Order *Nisi* shall be effective June 3, 2016, unless GMP fails to satisfy the publication obligation set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date.

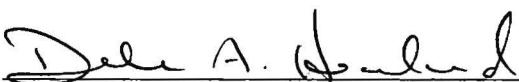
By order of the Public Utilities Commission of New Hampshire this sixth day of May,  
2016.

  
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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