

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 15-062

NEW ENGLAND POWER COMPANY d/b/a NATIONAL GRID

Petition for License to Cross the Connecticut River in the Town of Littleton

Order *Nisi* Amending Order No. 25,838 And Granting License

ORDER NO. 25,897

May 9, 2016

In this order *nisi*, we alter the crossing license we approved in Order No. 25,838 and permit New England Power Company d/b/a National Grid (NEP) to relocate a transmission tower approximately 97 feet from its originally licensed location in Littleton, 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. NEP's motion and all other filings in this docket, 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>.

I. SUMMARY OF ORIGINAL CROSSING LICENSE

Order No. 25,838 (Nov. 3, 2015) licensed NEP to construct and maintain transmission facilities that would cross the Connecticut River in two locations in Littleton, New Hampshire. One crossing was to span the Connecticut River between Vermont and Littleton. The second crossing would traverse a portion of the Connecticut River near Bill Little Brook, within the Town of Littleton. The licensed crossings were designed to be approximately 910 feet and

666 feet, respectively; and to replace existing transmission structures within existing rights-of-way.

II. NEP'S REQUESTED CHANGE TO THE LICENSE

NEP seeks permission to relocate one of the planned transmission towers, denominated structure WT2, approximately 97 feet south by southwest from its originally licensed location. NEP makes this request because it learned during site preparation that one leg of structure WT2 would be directly in line with an intermittent stream. Installing the tower as originally licensed would therefore impact the natural drainage of the stream, create construction difficulties, compromise structural integrity of the tower, and increase the potential for construction defects.

The affected crossing is between structures WT2 and WT3 over the Connecticut River between Littleton, New Hampshire, and Vermont. Structure WT2 is located on the New Hampshire side of the crossing. As a result of the relocation of structure WT2, clearance above the Connecticut River will be increased from 40 feet to approximately 50 feet and the length of the crossing will be decreased from 910 feet to 898 feet. The crossing will otherwise remain unchanged and subject to all of the conditions imposed in Order No. 25,838. The petition states that the crossing and proposed alteration are designed and will be constructed in accordance with 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.

III. STAFF'S RECOMMENDATION

Staff supports NEP's proposed alterations to the crossing. According to Staff, the proposed alterations reduce any potential impacts of the crossing. *See* Staff Memorandum dated April 26, 2016.

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 New Hampshire Department of Environmental Services (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.

We previously found 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 also found that the requested license may be exercised without substantially affecting the public rights in the affected waters and that the crossings are in the public good. We now find that the proposed alterations meet these same statutory requirements, and indeed reduce the potential impacts of the crossing. *See* RSA 371:20. We therefore approve NEPs' proposed alterations subject to the conditions imposed in Order No. 25,838. 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. 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 the New Hampshire Department of Transportation's (NHDOT) 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 (USACE), we require notice of the alterations 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 motion and as 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 provide a copy of this Order *Nisi* to the (i) Town Clerks of Littleton and Monroe, New Hampshire; (ii) the New Hampshire Attorney General and the owners of the land bordering on said public waters at the location of the altered 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 May 17, 2016, and to be documented by affidavit filed with this office on or before May 27, 2016; and it is

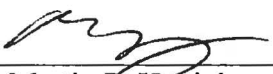
FURTHER ORDERED, that NEP shall cause a summary of this Order *Nisi*, issued concurrently with this Order, to be published once in a statewide newspaper of general circulation or of circulation in those portions of the state where operations are conducted, such publication to be no later than May 17, 2016, and to be documented by affidavit filed with this office on or before May 27, 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

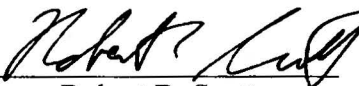
FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than May 27, 2016; and it is

FURTHER ORDERED, that this Order *Nisi* shall be effective May 31, 2016, 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.

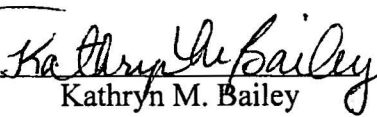
By order of the Public Utilities Commission of New Hampshire this ninth day of May, 2016.



Martin P. Honigberg
Chairman

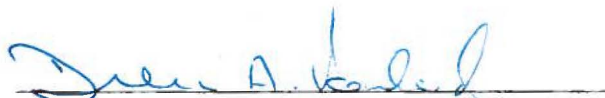


Robert R. Scott
Commissioner



Kathryn M. Bailey
Commissioner

Attested by:



Debra A. Howland
Executive Director