

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DE 16-308**

**NEW HAMPSHIRE ELECTRIC COOPERATIVE, INC. AND PUBLIC  
SERVICE COMPANY OF NEW HAMPSHIRE d/b/a EVERSOURCE ENERGY**

**Joint Petition to Alter Franchise Areas in Nottingham, New Hampshire**

**Order *Nisi* Approving Franchise Boundary Change**

**ORDER NO. 25,941**

**September 8, 2016**

In this Order *Nisi*, the Commission approves the request of New Hampshire Electric Cooperative, Inc. (NHEC), and Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource) to alter their respective franchise areas in Nottingham, New Hampshire, so that NHEC can provide electric service to all of the lots in Phase I of a new residential subdivision development in that town. The Commission also directs Eversource to submit a proposal regarding service to customers in subsequent phases of that subdivision prior to its commencement of any work related to service to customers located within those phases.

On March 16, 2016, NHEC and Eversource filed a Joint Petition with the Commission in which they requested an alteration of their respective franchise areas in Nottingham, New Hampshire. According to the Joint Petition, the change has been proposed to accommodate the request of Harbor Street Limited Partnership (Harbor Street) to have NHEC provide electric service to all of the lots in Phase I of Harbor Street's new "Maple Ridge" residential subdivision development located between Friar Tuck Lane and Oak Ridge Road in Nottingham.

The Joint Petition stated that NHEC and Eversource jointly agreed that the public interest would best be served by the alteration of their respective franchise areas at this location so as to

permit NHEC to serve all of the lots within Phase I of the Maple Ridge subdivision. Phase II and Phase III of the development are located within the Eversource franchise area, and Eversource would provide electric service to homes built as part of those two development phases. NHEC and Eversource submitted maps with the Joint Petition depicting the location of the proposed alteration of their respective franchise areas.

The Joint Petition stated that the requested relief is authorized under RSA 374:22 (requiring approval of a franchise before operating as a public utility) and RSA 374:26 (requiring that franchises be granted only for the public good), although NHEC and Eversource acknowledged that RSA 374:22 does not apply to NHEC under RSA 362:2, II. The Joint 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.nh.gov/Regulatory/Docketbk/2016/16-308.html>.

On August 23, 2016, Staff filed a memorandum describing its review of the Joint Petition and recommending approval of the proposed franchise area alteration. Staff indicated it had toured Phase I of the Maple Ridge subdivision and found that it is near completion with a paved road, cleared building lots, installed underground conduit for utilities, and installed cement pads for electrical transformers. At the time of Staff's site visit, no utility work had started. Staff found that portions of Phase II of the subdivision had been cleared of trees, but no construction or site-clearing activity had been initiated in the area of Phase III.

Staff indicated its understanding that neighboring residential and commercial customers are currently served by two different electric utilities, consistent with established franchise lines and as a result of unplanned real estate growth. Staff noted, however, that the Maple Ridge

residential subdivision is “planned growth,” and therefore presents a unique opportunity for better planning of utility franchise areas to avoid confusion among customers. According to Staff, allowing the new subdivision to be served by two different electric utilities creates a situation where the neighboring homes in Phases II and III would experience different billing rates, customer service experience, and service restoration following power outages than those in Phase I. Staff noted that similar situations have evolved naturally, but it is not aware of any that have resulted from planned growth, nor is it aware of a case where New Hampshire utilities have petitioned for Commission approval to create this type of situation within a subdivision.

Staff concurred with the joint petitioners that, given the location and configuration of Phase I of the Maple Ridge subdivision, it would be more efficient and cost-effective for NHEC to serve the entirety of that Phase because that geographical area already has electrical distribution available from NHEC. Staff also stated its belief that new home owner customers are best-served by having the entire new subdivision served by one electric utility rather than two. Staff noted that the “build-off point for Eversource's electrical distribution is at the opposite end of the phase III area.”

Staff recommended that the Commission grant approval to NHEC's and Eversource's petition only for Phase I of the Maple Ridge subdivision. Staff further recommended that the Commission require NHEC and/or Eversource to seek Commission approval at such time as development work begins for Phase II and/or Phase III of the subdivision, and prior to the installation of any utility facilities, so that the Commission may consider additional changes to franchise boundaries at that time.

Pursuant to RSA 374:22 and RSA 374:26 and based on our review, we find that it is in the public interest to approve the proposed change in the franchise areas of NHEC and Eversource to allow NHEC to serve Phase I of the Maple Ridge subdivision in Nottingham. We approve the change on a *nisi* basis in order to provide any interested party the opportunity to submit comments or request a hearing. We direct both NHEC and Eversource to update their franchise maps consistent with this approved change.

As noted above, Staff stated that there may be significant benefits to having all three possible phases of the Maple Ridge subdivision served by the same electric distribution utility. While we understand and appreciate Staff's view, that position was not articulated by NHEC and Eversource, and it is not necessary for us to agree or disagree, because only Phase I is before us in this docket. It is thus sufficient for us to approve the specific request regarding Phase I, and accept Staff's recommendation to direct Eversource to submit a proposal regarding service to customers in Phase II and/or Phase III of the subdivision prior to its commencement of any work related to service to customers located within either of those development phases.

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

**ORDERED *NISI***, that, subject to the effective date below, the Joint Petition of New Hampshire Electric Cooperative, Inc., and Public Service Company of New Hampshire d/b/a Eversource Energy to alter their franchise territories in Nottingham, New Hampshire is hereby GRANTED; 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, such publication to be no later

than September 16, 2016, and to be documented by affidavit filed with the Commission on or before October 4, 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 September 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 September 30, 2016; and it is


**FURTHER ORDERED**, that this Order *Nisi* shall be effective on October 7, 2016, unless Eversource fails to satisfy the publication obligation set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date; and it is

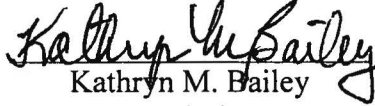
**FURTHER ORDERED**, that, within 30 days of the effective date of this Order *Nisi*, NHEC and Eversource shall file updated franchise maps noting the approved change, annotated with this Order No. and the effective date herein, unless a supplemental order is issued prior to the effective date; and it is

**FURTHER ORDERED**, that Eversource shall submit a proposal regarding service to customers in Phase II and/or Phase III of the Maple Ridge residential subdivision prior to its commencement of any work related to service to customers located within either of those development phases.

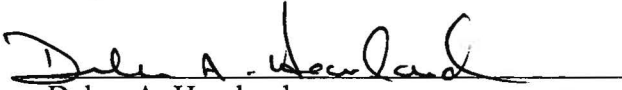
By order of the Public Utilities Commission of New Hampshire this eighth day of  
September, 2016.

  
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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