

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 17-001

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

Joint Petition to Alter Franchise Areas in Sandown, New Hampshire

Order *Nisi* Approving Franchise Boundary Change

ORDER NO. 25,985

February 3, 2017

In this Order *Nisi*, the Commission grants a Joint Petition of New Hampshire Electric Cooperative and Eversource Energy to alter their franchise areas in the Town of Sandown, New Hampshire, to allow service to several customers at a lower overall cost.

I. INTRODUCTION

On January 3, 2017, the New Hampshire Electric Cooperative, Inc. (NHEC), and Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource) filed a Joint Petition with the Commission requesting a change in their franchise areas in Sandown, New Hampshire, to accommodate a request by Eversource to have NHEC provide electric service to the Marchetti residence off Phillips Pond Road. The Joint Petitioners state that the public interest would be served best by changing the franchise areas as requested because that would allow NHEC to serve all the lots abutting Phillips Pond Road, including lot 11 and 11-7, which are owned by the Marchetti family. Joint Petition at 1-2. The Joint Petition includes an aerial photograph and two maps. *Id.* at 4-6. The first map shows the lot lines of the parcels along Phillips Pond Road and the second is the franchise map. Both maps show the current and proposed franchise boundary lines.

In a letter dated January 30, 2017, NHEC stated that currently all existing customers on Phillips Pond Road, with the exception of the Marchetti residence, are already being served by NHEC. NHEC stated that at the time some services along Phillips Pond Road were established it was believed that the loop in the road lay entirely within NHEC's franchise territory. NHEC concluded that while the proposed franchise adjustment will result in several partial lots and three complete lots changing franchises (from Eversource to NHEC) only the Marchetti residence will switch to a new service provider.

The Joint Petitioners state 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 note that under RSA 362:2, RSA 374:22 does not apply to NHEC. *Id.* at 1. 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/2017/17-001.html>.

II. SUMMARY OF PROPOSAL

NHEC and Eversource serve separate parts of Sandown. NHEC serves all existing customers on Phillips Pond Road, except the Marchetti residence. NHEC Letter dated January 30, 2017. Currently, Eversource serves the Marchetti residence using a three phase submarine cable that crosses under Phillips Pond. No other customers are served by this cable. Two of the three phases of this cable have failed and a long term replacement for the cable is needed to ensure safe and reliable service to the Marchetti residence. Joint Petition at 1.

NHEC's existing distribution facilities are located substantially closer and are more accessible to the Marchetti residence than any existing Eversource facility (except for the submarine cable). *Id.* at 1. The cost of NHEC providing service to the Marchetti residence is

substantially less than the cost for Eversource to reconstruct the submarine cable. *Id.* at 1-2. Eversource agrees to bear any cost incurred to connect the Marchetti residence to NHEC's facilities. *Id.* at 2. The Marchettis agree to become customers of NHEC. *Id.* at 7-8.

III. COMMISSION ANALYSIS

As noted above, RSA 374:22 provides that no person or business may commence business as a public utility or exercise any right or privilege under any franchise without first having obtained approval of the commission. RSA 374:26 allows the Commission to grant such permission, after due hearing or without hearing when all interested parties are in agreement, if it finds the franchise would be for the public good.

NHEC and Eversource agree that NHEC should serve the Marchetti residence (and all lots along Phillips Pond Road, including those not yet developed). The Joint Petitioners claim that the overall cost for NHEC to serve the Marchetti residence will be substantially less as proposed, the Marchettis agree to take service from the NHEC, and Eversource agrees to pay any costs incurred to connect the customer to NHEC's facilities. Further, granting the Petition will correct the present situation where NHEC is serving several customers that are currently indicated on the franchise map as being in Eversource's franchise area. Staff filed a memorandum dated January 24, 2017, recommending approval of the Petition. Based on our review of the record, we find the proposed revision to the franchise areas is for the public good. We will approve the petition on a *nisi* basis with a delayed effective date, to ensure all interested persons receive notice and have an opportunity to request a hearing.

Based upon the foregoing, it is hereby

ORDERED *NISI*, that, subject to the effective date below, the franchise areas of NHEC and Eversource in the town of Sandown, New Hampshire, along Phillips Pond Road be adjusted

so that all the lots along Phillips Pond Road are moved into the franchise area of NHEC, as proposed by the Joint Petitioners; and it is

FURTHER ORDERED, that NHEC 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 February 15, 2017, and to be documented by affidavit filed with this office on or before March 1, 2017; and it is

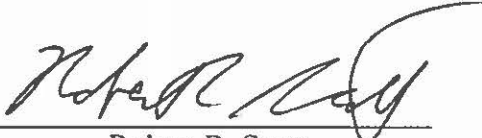
FURTHER ORDERED, that all persons interested in responding to this Order *Nisi* be notified that they may submit their comments or file a written request for a hearing which states the reason and basis for a hearing no later than February 22, 2017, for the Commission's consideration; and it is

FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than March 1, 2017; and it is

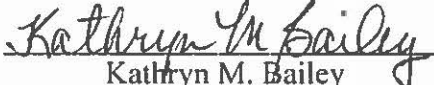
FURTHER ORDERED, that this Order *Nisi* shall be effective March 8, 2017, unless the Petitioner fails to satisfy the publication obligation set forth above or unless otherwise ordered by the Commission; and it is

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.

By order of the Public Utilities Commission of New Hampshire this third day of
February, 2017.

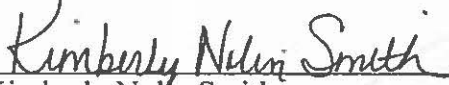


Robert R. Scott
Commissioner



Kathryn M. Bailey
Commissioner

Attested by:



Kimberly Nolin Smith
Assistant Secretary

