

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DE 18-087**

**NEW HAMPSHIRE ELECTRIC COOPERATIVE, INC.**

**Petition for License to Cross Public Waters of  
Lake Winnepesaukee in the Town of Meredith**

**Order *Nisi* Granting License**

**ORDER NO. 26,182**

**October 25, 2018**

In this order, the Commission grants NHEC a license to reconstruct and maintain an electric line under and across the public waters of Lake Winnepesaukee in Meredith, New Hampshire. This order is being issued on a *nisi* basis to ensure that all interested persons receive notice and have the opportunity to comment or request a hearing before the order becomes effective.

**I. PROCEDURAL HISTORY**

On May 23, 2018, New Hampshire Electric Cooperative, Inc. (NHEC), filed a petition pursuant to RSA 371:17 requesting a license to reconstruct and maintain a submarine electric line across Lake Winnepesaukee. As reconstructed, this line in the Town of Meredith will span approximately 440 feet from the western shore of the lake, off Powers Road, to the eastern shore of Pine Island. In support of its petition, NHEC submitted the testimony of Dean Benton, NHEC Plant Administrator, and related attachments.

Commission Staff (Staff) recommended that NHEC's petition be granted. The petition and subsequent docket filings, other than any information for which confidential treatment is requested of or granted by the Commission, are posted on the Commission's website at

<http://puc.nh.gov/Regulatory/Docketbk/2018/18-087.html>.

## II. SUMMARY OF PETITION

NHEC seeks this license in order to replace a failed submarine cable that is 44 years old and has been fixed temporarily.

### A. History

The original cable in the location in question was put in place by White Mountain Power Company (WMP). In *White Mountain Power Company*, 37 NH PUC 221 (1955), the Commission granted WMP licenses to cross a number of public waters, including “[u]nder Lake Winnepesaukee from Meredith Neck to Pine Island in the Town of Meredith.” *Id.* at 222. NHEC assumed WMP’s assets, liabilities, and contractual obligations as of January 1, 1969, and WMP was subsequently authorized to permanently cease doing business as an electric public utility. *See N.H. Elec. Coop., Inc.*, 54 NH PUC 398, 398-400 (1969).

### B. Crossing Location and Construction

The proposed crossing will begin at NHEC riser pole No. 11511/3, located on property owned by JoAnn and Edward Wilson (Tax Map U36, Lot 4), off Powers Road in Meredith (Wilson Property). *See* Pre-filed Testimony of Dean Benton, dated May 23, 2018 (Benton), at 1, 3. It will continue underground approximately 162 feet to the western shore of Lake Winnepesaukee and then proceed 440 feet at the bottom of the lake before coming ashore on Pine Island on property owned by the Ahrens Family Trust (Tax Map I01, Lot 11). The cable will run underground from the eastern shore of Lake Winnepesaukee approximately 40 feet to NHEC riser pole No. 11511/6. *Id.* at 1. The new 7,200-volt submarine cable will be installed using trenching and burial of the cable and conduit near the shorelines, and placed on the lake floor for the remainder of the crossing. *Id.* at 3. A minimum of two lengths of cable covers will be installed at each shoreline. *Id.* An NHEC-approved contractor will construct the crossing in

compliance with NHEC construction standards and the National Electrical Safety Code (NESC).

*Id.* at 1.

### **C. Regulatory Requirements**

NHEC has obtained the necessary wetlands permits and shoreland permits for the proposed crossing from the New Hampshire Department of Environmental Services (NHDES). NHEC attached the permits to its petition as Exhibits D, E-1, and E-2.

### **D. Property Rights**

NHEC stated that it has an easement allowing it to install the proposed crossing on the Wilson Property. NHEC also has an easement permitting it to construct the crossing on the Ahrens Family Trust property.

### **E. Service to the Public and the Effect on Public Rights**

According to NHEC's petition, if the existing line is not reconstructed and the temporary repair fails, then twenty-three residences on Pine Island and one residence on Three Mile Island, which is served from Pine Island, will be without electrical service. NHEC stated that, to meet the reasonable requirements of service to the public, the proposed crossing must be installed as soon as possible to prevent such a failure.

Although there are abutters where the proposed crossing will be installed on the mainland and on Pine Island, it is not anticipated that the abutters will be affected, because this is a modification of an existing crossing. Further, NHEC has chosen to use a submarine cable in order to avoid any safety hazard to sailboats that would be caused by an overhead line.

## **III. SUMMARY OF STAFF REVIEW**

Staff reviewed the petition and supporting documentation, applicable statutes, rules, NESC requirements, and land ownership, as well as the public need, safety, and impact of the proposed crossing replacement. Staff determined that the proposed construction meets the

requirements of the NESC and applicable state statutes and rules, and recommended approval of the petition.

#### IV. COMMISSION ANALYSIS

“Whenever it is necessary, in order to meet the reasonable requirements of service to the public, that any public utility should 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, it shall petition the commission for a license to construct and maintain the same.” RSA 371:17. The Commission is authorized to grant such a license if it “may be exercised without substantially affecting the public rights in said waters or lands.” RSA 371:20. NHDES has classified Lake Winnepesaukee as a “public water.”<sup>1</sup>

Based on the petition and Staff’s recommendation, we find that the proposed crossing is necessary to meet the reasonable requirements of reliable service to the public, as required by RSA 371:17. We further find that the requested license may be exercised without substantially affecting public rights with respect to Lake Winnepesaukee, as required for approval under RSA 371:20. Therefore, we approve the petition subject to the conditions contained in the ordering clauses below. We issue our decision on a *nisi* basis to provide any interested person the opportunity to submit comments or request a hearing.

This approval pertains only to electric lines with the specifications proposed in this docket. Should NHEC seek further modification, it must make the appropriate filing. NHEC is responsible for obtaining any and all federal, state, or local permits required by authorities having jurisdiction over the construction and installation of the proposed crossing.

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<sup>1</sup> NHDES prepares, maintains, and publishes an official list of all public waters in the state. See [http://des.nh.gov/organization/divisions/water/dam/public\\_waters/index.htm](http://des.nh.gov/organization/divisions/water/dam/public_waters/index.htm).

We also require notice to be provided to the Town of Meredith, NHDES, the Office of the Attorney General, and owners of land bordering the crossing pursuant to RSA 371:19.

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

**ORDERED *NISI***, that subject to the effective date below, NHEC is authorized, pursuant to RSA 371:17, *et seq.*, to construct, install, operate, and maintain electric lines under and across Lake Winnepesaukee as described in its petition and depicted in its filings in this docket; and it is

**FURTHER ORDERED**, that approval is limited to the construction or alteration of the electrical lines under consideration in this docket, and is conditioned on the requirement that NHEC construct, operate, maintain, and, if necessary alter, the lines consistent with the provisions of the National Electrical Safety Code, in accordance with N.H. Code Admin. Rules Puc 306, *et seq.*, as may apply, and as amended from time to time, and all other applicable safety standards in existence at that time; and it is

**FURTHER ORDERED**, that NHEC shall submit any future proposed alteration(s) to the crossing license granted herein at least 60 days prior to undertaking any such alteration(s); and it is

**FURTHER ORDERED**, that NHEC shall provide a copy of this order to (i) the Town Clerk of Meredith, New Hampshire; (ii) the New Hampshire Attorney General; (iii) all owners of the land bordering on said public waters at the location of the crossing, as required by RSA 371:19; and (iv) NHDES, by first class mail, no later than November 5, 2018, to be documented by affidavit filed with this office on or before November 19, 2018; and it is

**FURTHER ORDERED**, that NHEC shall cause a summary of this order, 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 occur no later than November 5, 2018, and to be documented by affidavit filed with this office on or before November 19, 2018; and it is

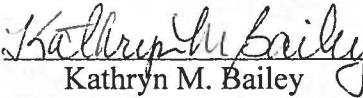
**FURTHER ORDERED**, that all persons interested in responding to this order be notified that they may submit their comments or file a written request for a hearing that states the reason and basis for a hearing no later than November 13, 2018, for the Commission's consideration; and it is

**FURTHER ORDERED**, that any party interested in responding to such comments or request for hearing shall do so no later than November 20, 2018; and it is

**FURTHER ORDERED**, that this order shall be effective November 26, 2018, unless NHEC fails to satisfy the publication obligations 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 twenty-fifth day of October, 2018.

  
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Martin P. Honigberg  
Chairman

  
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Kathryn M. Bailey  
Commissioner

  
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Michael S. Giaimo  
Commissioner

Attested by:

  
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Lori A. Davis  
Assistant Secretary