

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 18-186

**PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
D/B/A EVERSOURCE ENERGY**

**Petition for License to Construct and Maintain Electric Lines
Across the Ammonoosuc River in the Town of Bethlehem**

Order *Nisi* Granting License

ORDER NO. 26,219

February 4, 2019

In this order, the Commission grants a license to Eversource to construct and maintain electric lines over and across the public waters of the Ammonoosuc River in Bethlehem, 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 December 14, 2018, Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource) filed a petition, pursuant to RSA 371:17, requesting a license to construct and maintain a three-phase 34.5 kV distribution line, designated as the 348X3 circuit, over and across the public waters of the Ammonoosuc River in the Town of Bethlehem. The line is situated north of the Main Street (NH Route 302) Bridge. In support of its petition, Eversource submitted a plan and profile drawing, a construction drawing, and a United States Geographical Survey locus map.

Commission Staff (Staff) recommended that Eversource'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/2018/18-186.html>.

II. SUMMARY OF PETITION

Eversource seeks to upgrade an existing single-phase electric power line to a three-phase electric power line in order to accommodate the utility needs of a new customer. The planned upgrade requires the reset of two utility poles, one on each side of the proposed crossing, and the replacement of the line across the Ammonoosuc River.

A. History

Eversource previously constructed, and currently operates and maintains, an overhead distribution electric line designated the 348X3 line across the Ammonoosuc River. The existing crossing was not licensed by the Commission. Eversource now seeks a license for that crossing in connection with a planned upgrade of the existing installation.

B. Crossing Location and Construction

The crossing of the Ammonoosuc River is north of the Main Street Bridge in Bethlehem. It will span approximately 256 feet between two wooden poles. The poles at this location are and will be jointly owned with Consolidated Communications, and are located in the Consolidated Communications maintenance area. The structure to be reset on the western side of the river, Pole #352/68, is a tangential structure constructed with a 50-foot tall, Class-1, single wooden pole. The structure to be reset on the eastern side of the River, Pole #352/70, is a tangential structure constructed with a 50-foot tall, Class-1, single wooden pole. Because the poles are located in the Consolidated Communications maintenance area, Consolidated Communications will apply for new pole licenses and will reset the poles.

The design criteria used for the conductors transmitting electrical power at 34.5 kV will be three Phase Hendrix-type 1/0 spacer cable. The neutral will be 1/0 aluminum conductor steel reinforced cable. Eversource will upgrade the system from a single-phase 7.2 kV circuit to a three-phase 34.5 power source. Eversource states that it will construct, maintain and operate the clearance of the wire crossing over the River in accordance with the 2012 National Electrical Safety Code (NESC).

C. Regulatory Requirements

According to the petition, Consolidated Communications will apply, or already has applied, for new pole licenses from the New Hampshire Department of Transportation (NHDOT).

D. Property Rights

The poles are located within the State of New Hampshire right-of-way for Old NH Route 302, and will be subject to an NHDOT utility agreement.

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

The Ammonoosuc River in the area of the crossing is listed under the category of Public Rivers and Streams in the Official List of Public Waters.¹ According to the petition, the existing crossing was constructed, operated, and maintained to meet the reasonable requirement of service to the public. The modification will continue to meet that public need, and will allow Eversource to meet the power requirement of a new customer. The petition states that the proposed modification of the existing line will not substantially affect the public's use and enjoyment of the river. Minimum safe line clearances above the river and the shorelines will be maintained at all times. In addition, Eversource calculated its clearance requirement using the

¹ The list of New Hampshire's public waters is available at <http://des.nh.gov/organization/pip/publications/wd/documents/oplw.pdf>.

100-year flood level, a more conservative analysis than the NESC 10-year flood elevation requirement.

III. SUMMARY OF STAFF REVIEW

Staff reviewed the petition and supporting documentation, applicable statutes, rules, NESC requirements, and land ownership, as well as public need, safety, and impact. Staff determined that the proposed construction meets the requirements of the NESC, and the applicable state statutes and rules. Accordingly, Staff 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. The New Hampshire Department of Environmental Services (NHDES) has classified the Ammonoosuc River as a “public water.”

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 the public rights in the Ammonoosuc River, as required for approval under RSA 371:20. We therefore 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 is only for electric lines with the specifications proposed in this docket. Should Eversource seek further modification, it must make the appropriate filing. Eversource is responsible for obtaining any and all federal, state, or local permits required by authorities having jurisdiction over the construction, installation, operation, and maintenance of the proposed crossing.

We also require notice to be provided to the Town of Bethlehem, the 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, Eversource is authorized, pursuant to RSA 371:17, *et seq.*, to construct, install, operate, and maintain electric lines over and across the Ammonoosuc River as described in its petition and depicted in its filings; 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 Eversource 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 Eversource shall maintain proper clearances for its lines at all times across the entire length of the span pursuant to the National Electrical Safety Code Rules 232B and 235C; and it is

FURTHER ORDERED, that Eversource 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 Eversource shall provide a copy of this order to: (i) the Town Clerk of Bethlehem, 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; (iii) the New Hampshire Department of Transportation; and (iv) the New Hampshire Department of Environmental Services, by first class mail, no later than February 14, 2019, to be documented by affidavit filed with the Commission on or before February 28, 2019; and it is

FURTHER ORDERED, that Eversource 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 February 14, 2019, and to be documented by affidavit filed with the Commission on or before February 28, 2019; 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 February 21, 2019, for the Commission's consideration; and it is

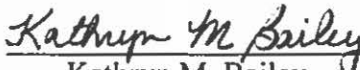
FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than February 28, 2019; and it is

FURTHER ORDERED, that this order shall be effective March 6, 2019, unless Eversource fails to satisfy the notice and 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 fourth day of
February, 2019.



Martin P. Honigberg
Chairman

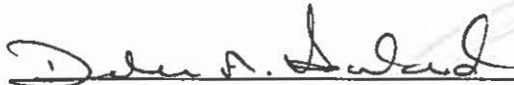


Kathryn M. Bailey
Commissioner



Michael S. Giaimo
Commissioner

Attested by:



Debra A. Howland
Executive Director

