

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 18-155

**PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
d/b/a EVERSOURCE ENERGY**

**Petition for License to Construct and Maintain Electric Lines
Over and Across the Piscataquog River in the Town of Goffstown**

Order *Nisi* Granting License

ORDER NO. 26,234

April 22, 2019

In this order, the Commission grants Eversource a license to construct and maintain electric lines and fiber optic cable over and across the public waters of the Piscataquog River in Goffstown, 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 October 10, 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 electric lines and fiber optic cable over the Piscataquog River, and to construct and maintain related utility structures and distribution components. Those structures will replace and modify an existing crossing, which was not previously licensed. The proposed crossing is located west of Danis Park Road in Goffstown. In support of its petition, Eversource submitted a location map (Exhibit 1) and a profile and plan drawing (Exhibit 2).

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/2018/18-155.html>.

II. SUMMARY OF PETITION

Eversource seeks to construct and maintain electric lines and fiber optic cable to continue to meet current and future electricity needs in Goffstown. Specifically, this requires Eversource to construct and maintain a new three-phase 34.5kV distribution line, designated as the "328 Line," over and across the Piscataquog River in Goffstown. The existing 328 Line structures and associated distribution components are approximately 40 years old, have been subject to woodpecker and other environmental damage, and require replacement or modification for the lines to continue to function safely and reliably. In addition, the 328 Line is being upgraded to improve capacity from the Rimmon Substation, which is needed due to an upcoming transformer retirement at the Glen Lake Substation. A fiber optic cable is also being added to the structures.

A. History

Eversource stated that due to oversight, or the application of different public water or navigability criteria at the time of the original construction, the existing 328 Line crossing was not previously licensed by the Commission. Accordingly, if granted, this license to "construct and maintain" shall include a license to modify or replace existing lines, cable, utility structures, and distribution components, as described in the petition.

B. Crossing Location and Construction

The proposed crossing is located west of Danis Park Road in Goffstown, and will span approximately 412 feet between two new steel structures. Staff reported that this portion of the

Piscataquog River is an outflow from the outlet of the Deering Lake Dam in Deering, to the confluence with the south branch of the river in Goffstown. It is included in the “List of Freshwater Public Rivers and Streams” in the Official List of Public Waters maintained by the New Hampshire Department of Environmental Services (DES). *See* RSA 271:20, II. The structure on the east side of the river, Structure #42, is a new tangential structure constructed with an 80-foot steel monopole. The structure on the west side of the river, Structure #43, is a new tangential structure constructed with a 60-foot steel monopole. Eversource provided sufficient detail to show how all required clearances from the lowest cable – the fiber optic cable – to the surface of the water will be maintained. Eversource’s petition states that the project is designed and will be constructed, maintained, and operated in accordance with the 2017 National Electrical Safety Code (NESC).

C. Regulatory Requirements

According to the petition, a DES Shoreland Permit by Notification application is required for construction activities in the vicinity of the Piscataquog River. The Shoreland Permit by Notification application was submitted to DES at or about the same time as this filing. In addition, a DES Utility Maintenance Notification is required for temporary impacts to non-tidal wetlands associated with construction activities for this project, including access to one of the crossing structures being replaced. A Utility Maintenance Notification application was submitted to DES and accepted as complete on January 18, 2018.

D. Property Rights

Eversource does not anticipate that the abutters on either side of the Piscataquog River will be affected because this is a modification of an existing crossing for which it has easement rights.

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

According to the petition, the existing crossing was constructed, operated, and maintained to meet the reasonable requirements of service to the public. The construction and maintenance of the identified electric lines and fiber optic cable will continue to meet the reasonable requirements of service to the public. Construction and maintenance of this project 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. Furthermore, Eversource calculated its clearance requirement using the 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, applicable state statutes and rules, and recommended approval of the petition. Staff filed a revised Staff recommendation on April 16, 2019, to clarify the location of the crossing relative to Danis Park Road.

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.

As stated above, DES has classified the Piscataquog River as a “public water.”¹ 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 Piscataquog River, 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. In addition to publication, we will require notice to be provided to the Town of Goffstown, DES, the Office of the Attorney General, and owners of land bordering the crossing pursuant to RSA 371:19.

This approval is only for electric lines and fiber optic cable 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 for the construction and installation of the proposed crossing.

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 and fiber optic cable over and across the Piscataquog River as described in its petition and depicted in its filings; and it is

¹ See <https://www.des.nh.gov/organization/commissioner/pip/publications/wd/documents/olpw.pdf>.

FURTHER ORDERED, that approval is limited to the construction or alteration of the electric lines and fiber optic cable 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 306.01(b)(1), *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 Goffstown, 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; and (iii) the New Hampshire Department of Environmental Services, by first class mail, no later than April 29, 2019, to be documented by affidavit filed with the Commission on or before May 9, 2019; and it is

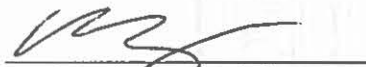
FURTHER ORDERED, that Eversource shall cause a summary of this order, issued concurrently with this order, to be published once in a statewide newspaper of general circulation or of circulation in those portions of the state where operations are conducted, such publication to occur no later than April 29, 2019, and to be documented by affidavit filed with the Commission on or before May 9, 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 May 6, 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 May 9, 2019; and it is

FURTHER ORDERED, that this order shall be effective May 14, 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.

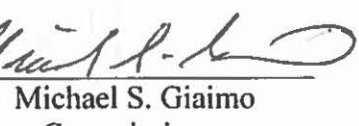
By order of the Public Utilities Commission of New Hampshire this twenty-second day of April, 2019.



Martin P. Flonigberg
Chairman

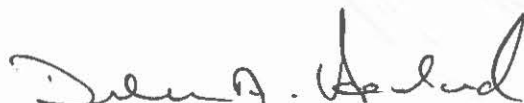


Kathryn M. Bailey
Commissioner



Michael S. Giaimo
Commissioner

Attested by:



Debra A. Howland
Executive Director