

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 18-178

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

Request for a License for Overhead Crossings of the Lovell and Bearcamp Rivers

Order Granting License

ORDER NO. 26,258

June 17, 2019

This order grants Eversource a license to relocate and maintain electric lines over and across the public waters of the Bearcamp River in Ossipee, New Hampshire. The Commission issues this order pursuant to RSA 371:18, which exempts Eversource from the requirement to file a petition and have a hearing, because the license has been requested for the exclusive purpose of relocating facilities at the request of a state agency. In this instance, the New Hampshire Department of Transportation requested relocation of Eversource's lines and facilities as part of a bridge replacement project.

I. PROCEDURAL HISTORY

On November 5, 2018, the Commission received notification from Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource) regarding the relocation of existing overhead electric lines over and across the Lovell River and the Bearcamp River in Ossipee, New Hampshire. By Secretarial Letter dated November 14, 2018, Eversource was advised that it must request a license for the relocated crossings but would be exempt from the petition and hearing requirements under RSA 371:18. On November 27, 2018, Eversource filed a letter requesting a license under RSA 371:18 to relocate its existing 3116X circuit line crossings over the Lovell and

Bearcamp Rivers. The lines are located at or near New Hampshire Routes 16 and 25 in Ossipee. In support of its request, Eversource submitted plans indicating minimum and maximum sag calculations. Eversource also maintained that the new overhead crossings of the Lovell and Bearcamp Rivers have been designed, and would be constructed and maintained, in accordance with the requirements of the National Electrical Safety Code (NESC).

Commission Staff (Staff) met with Eversource representatives on March 6, 2019, to discuss the specifications and associated documents related to the design and construction of the project. Staff filed a memorandum on March 29, 2019, and a revised memorandum on April 17, 2019, in which it recommended that Eversource's license request be granted. Eversource's request 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/2018/18-178.html>.

II. SUMMARY OF REQUEST

Eversource is required to relocate its existing electric lines to accommodate a New Hampshire Department of Transportation (NHDOT) bridge rehabilitation project. Eversource requested a license to relocate, operate, and maintain a three-phase 12.47 kV distribution line, designated as 3116X, over and across the Lovell and Bearcamp Rivers in Ossipee. The existing crossings have not been previously licensed by the Commission.

A. Crossing Location and Construction

Lovell River Crossing

The Lovell River crossing does not require a license because the Lovell River does not meet the definition of "public waters" under RSA 371:17. It is not listed in the New Hampshire Department of Environmental Service's (NHDES) Official List of Public Waters, under the

category “List of Freshwater Public Rivers and Streams.” Regardless, a description and location of the wire crossing over the Lovell River is provided below for the sake of continuity and posterity.

The existing overhead Lovell River wire crossing, a 12.47 kV three-phase distribution line, is part of the 3116X circuit. The line currently crosses the Lovell River starting on the east side of the bridge (traveling north on N.H. Routes 16/25), then diagonally crosses to the west side of the bridge. The new overhead crossing of the Lovell River will be constructed entirely on the east side of the bridge (traveling north on N.H. Routes 16/25) approximately 43 feet from the center line of the roadway.

Bearcamp River Crossing

The existing overhead Bearcamp River crossing is also part of the Eversource 3116X 12.47 kV three-phase distribution circuit. The line currently crosses Bearcamp River on the east side of the bridge (traveling north on NH Routes 16/25). There will be a new temporary overhead crossing, followed by a new permanent overhead crossing, constructed in connection with the NHDOT bridge project. The new temporary crossing of the Bearcamp River will be located approximately 110 feet east of the center line of N.H. Routes 16/25 and will span approximately 218 feet between two new 50-foot tall chromated copper arsenate treated wooden poles.¹ The new permanent crossing of the Bearcamp River will also be located entirely on the east side of the bridge, approximately 37 feet from the center line of the roadway. The structure on the northern side of the river is designated as #3116/104; the structure on the southern side of the river is designated as #3116/105.

¹ Chromated copper arsenate is a water-soluble inorganic pesticide most commonly used as a wood preservative containing compounds of chromium, copper, and arsenic, in various proportions. It is forced under high pressure into timber and other wood products, including utility poles, to protect them from decay caused by fungus, and attacks by microbes, termites, and other wood-boring insects.

B. Regulatory Requirements

Eversource asserted that relocations of the Lovell and Bearcamp River crossings were requested by the NHDOT to accommodate its bridge replacement. In support of that assertion, Eversource provided a copy of the NHDOT Pole Relocation Request dated December 4, 2017, and a confirmation from the NHDOT dated May 23, 2018, that accepted Eversource's relocation designs.

Eversource filed its request for a license under RSA 371:18, which does not require a petition or hearing for approval of the request. That statute does not, however, relieve Eversource from compliance with the NESC and the applicable provisions of N.H. Code Admin. Rules Part Puc 306. Eversource stated that all of the new overhead crossings of the Lovell and Bearcamp Rivers have been designed and will be constructed and maintained in accordance with the requirements of the NESC.

C. Property Rights

Staff confirmed Eversource's representation that crossing structures on either side of the river are located within NHDOT rights-of-way.

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

Staff stated that, according to Eversource, the relocated crossings would be constructed, operated, and maintained to meet the reasonable requirements of service to the public. The relocation would continue to meet the public need, and would not substantially affect the public's use and enjoyment of the Lovell and Bearcamp Rivers. Minimum safe line clearances above the rivers and the shorelines would 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. Eversource stated that all of the new overhead crossings of

the Lovell and Bearcamp Rivers have been designed and will be constructed and maintained in accordance with the NESC requirements.

III. SUMMARY OF STAFF REVIEW

Staff reviewed Eversource's request and supporting documentation, applicable statutes, rules, NESC requirements, and land ownership status, as well as public need, safety, and relevant impacts. Staff determined that the proposed crossing relocation meets the requirements of the NESC and applicable state statutes and rules, and recommended that the Commission grant Eversource's request. Staff also concluded that the proposed crossing would be exercised without substantially affecting the rights of the public in the Bearcamp River.

IV. COMMISSION ANALYSIS

RSA 371:18 exempts a public utility from the requirement to petition for a license to cross public waters, and the Commission from holding a hearing, if the license is requested "for the exclusive purpose of furnishing facilities to, or relocating facilities at the request of, the state, or any department or agency thereof." Any such crossing must "comply with the National Electrical Safety Code." RSA 371:18. Because no hearing is required, no notice of such is required under RSA 371:19.

As stated above the Bearcamp River is classified by the NHDES as a "public water," but the Lovell River is not.² As a result, the proposed Lovell River crossing relocation is not required to be licensed. Based on our review of Eversource's license request and Staff's recommendation, we find that the proposed Bearcamp crossing is necessary for the exclusive purpose of relocating facilities at the request of a state agency. We also find that the Bearcamp crossing will comply with the

² See http://des.nh.gov/organization/divisions/water/dam/public_waters/index.htm for a list of the state's public waters; see also <https://www.des.nh.gov/organization/commissioner/pip/publications/wd/documents/olpw.pdf>.

NESC, and therefore meets the standards set forth in RSA 371:18. In addition, Eversource has represented and Staff has determined that the Bearcamp crossing will be exercised without substantially affecting the rights of the public in the Bearcamp River, and that the use and enjoyment of the river by the public will not be diminished in any material respect as a result of the crossing. We therefore grant Eversource a license for the Bearcamp River crossing relocation, subject to the conditions contained in the ordering clauses below. We also require that notice be provided to the Town of Ossipee, the NHDOT, and the NHDES for informational purposes.

The license covers only the electric lines as described in Eversource's request, with the specifications proposed in this docket. Should Eversource seek further modification of the licensed crossing, it must make an appropriate filing regarding that modification. Eversource remains 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, that Eversource is granted a license to relocate its electric lines and related facilities over and across the Bearcamp River in Ossipee, as directed by the New Hampshire Department of Transportation, in accordance with RSA 371:18; and it is

FURTHER ORDERED, that Eversource is authorized, pursuant to the applicable portions of RSA 371:17, *et seq.*, to construct, install, operate, and maintain electric lines and related facilities over and across the Bearcamp River as described in its request and depicted in its filings and as specified in Staff's recommendation; and it is

FURTHER ORDERED, that approval is limited to the construction or alteration of the electric lines and related facilities under consideration in this docket, and is conditioned on the requirement that Eversource construct, install, operate, and maintain those lines and facilities

consistent with the applicable provisions of the National Electrical Safety Code and N.H. Code Admin. Rules Puc 306, *et seq.*, as amended from time to time, and all other applicable safety standards in existence at any relevant 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

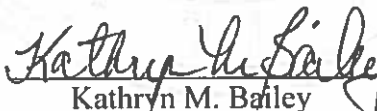
FURTHER ORDERED, that Eversource shall submit any future proposed alteration(s) to the crossing license granted herein at least 60 days prior to undertaking any such alteration(s); and it is

FURTHER ORDERED, that Eversource shall provide a copy of this order to (i) the Town Clerk of Ossipee, New Hampshire, (ii) the New Hampshire Department of Transportation, and (iii) the New Hampshire Department of Environmental Services, by first class mail, no later than 10 days following the issuance of this order.

By order of the Public Utilities Commission of New Hampshire this seventeenth day of June, 2019.



Martin P. Honigberg
Chairman

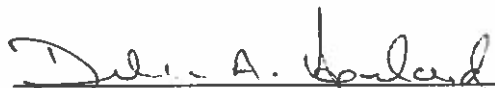


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