

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 19-004

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

**Petition for Licenses to Construct and Maintain Electric Lines Over
and Across the Dudley Brook in the Town of Brentwood, New Hampshire**

Order *Nisi* Granting Licenses

ORDER NO. 26,270

July 9, 2019

This order grants Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource) licenses to construct and maintain two separate electric transmission lines over and across the public waters of Dudley Brook in Brentwood, New Hampshire. This order is being issued on a *nisi* basis to ensure that interested persons receive notice and have the opportunity to comment or request a hearing before the order becomes effective.

I. PROCEDURAL HISTORY

Eversource filed the original petition and attachments in this matter on January 7, 2019. The Company filed revisions on May 10, 2019. Through the revised petition and attachments, Eversource requested two licenses pursuant to RSA 371:17 to construct and maintain electric transmission lines over Dudley Brook. In support, Eversource submitted maps along with plan and profile view drawings.

Commission Staff (Staff) filed recommendations on April 22 and July 1, 2019. Staff recommended that Eversource's revised petition be granted. The petitions, attachments, 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/2019/19-004.html>.

II. SUMMARY OF PETITION

With these licenses, Eversource plans to replace, modify, and relocate two existing 115 kV electric transmission lines as part of a maintenance project to continue to meet current and future electricity needs. The two transmission lines are designated as the A126 and H141 Lines.

A. History

The existing crossings of the A126 and H141 lines over Dudley Brook were not previously licensed by the Commission. Both lines are approximately 50 years old, and require replacement, modification, and relocation (hereinafter "modification" unless otherwise stated).

B. Crossing Location and Construction

The proposed modifications to the A126 Line begin at Structure #221 on the east side of Dudley Brook and will continue in a westerly direction to Structure #222. The proposed modifications to the H141 Line begin at Structure #197 on the east side of Dudley Brook and will continue in a westerly direction to Structure #198. The total span from Structure #221 to Structure #222, after relocation, will be approximately 531 feet, and the total span from Structure #197 to Structure #198, after relocation, will be approximately 602 feet.

Structures #198 and #222 are also changing in height from 70 to 75 feet above ground. The existing wooden structures will be replaced with new steel monopole structures and both transmission lines will be reconstructed using the existing conductors. Eversource stated that the line modifications were designed and will be constructed in accordance with the C2-2017 National Electrical Safety Code (NESC).

C. Regulatory Requirements

Eversource did not provide copies of any permits or licenses with regard to this project.

D. Property Rights

The river crossings are, and after relocation will be, located within Eversource's utility easements in Brentwood, and aligned with adjacent poles. Eversource does not anticipate that the abutters on either side of Dudley Brook will be affected because these are modifications of two existing crossings for which Eversource has easement rights.

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

According to the petition, the existing crossings were constructed, operated, and maintained to meet the reasonable requirements of service to the public. The modifications will continue to meet that public need. Modifications of the existing lines will not substantially affect the public's use and enjoyment of Dudley Brook. Minimum safe line clearances above the brook and the shorelines will be maintained at all times. Eversource asserted that the affected shorelines will be maintained at all times. Furthermore, Eversource calculated its clearance requirements 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 both the petition, the revised petition, and supporting documentation, applicable statutes, rules, NESC requirements, land ownership, as well as public need, safety, and impact. Staff recommended approval of the revised petition after determining that the modified lines will meet the requirements of the NESC, applicable state statutes, and rules.

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 has classified Dudley Brook as a “public water.”¹ Dudley Brook, a juncture of unnamed third order streams in Brentwood, is listed under the category “Public Rivers and Streams” in the *Official List of Public Waters*, and falls under the jurisdiction of the *Comprehensive Shoreland Protection Act* (RSA 483-B: 4, XVI(c)).

Based on Eversource’s revised petition and Staff’s recommendations, we find that the proposed crossings are necessary to meet the reasonable requirements of reliable service to the public, as required by RSA 371:17. Furthermore, we find that the requested licenses may be exercised without substantially affecting the public rights in Dudley Brook, as required for approval under RSA 371:20. Therefore, we approve the revised petition subject to the conditions contained in the ordering clauses below. We issue our decision on a *nisi* basis to provide interested persons the opportunity to submit comments or request a hearing.

This approval is only for the two electric lines, with the specifications proposed in this docket, each of which is being granted an individual license. Should Eversource seek further modifications, it must make the appropriate filing(s).

¹ See http://des.nh.gov/organization/divisions/water/dam/public_waters/index.htm, and <https://www.des.nh.gov/organization/commissioner/pip/publications/wd/documents/olpw.pdf>.

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 crossings. We also require notice to be provided to the Town of Brentwood, the Office of the Attorney General, and owners of land bordering the crossings 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 Dudley Brook as described in its revised petition and depicted in its filings and as specified in Staff's recommendations; and it is

FURTHER ORDERED, that approval is limited to the construction or alteration of the electric 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 submit any future proposed alteration(s) to the crossing licenses 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 Brentwood, New Hampshire; and (ii) the New Hampshire Attorney General and all owners of the land bordering on said public waters at the crossing locations, as required by RSA 371:19, no later than July 19, 2019, to be documented by affidavit filed with the Commission on or before August 2, 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 July 19, 2019, and to be documented by affidavit filed with the Commission on or before August 2, 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 July 26, 2019, for the Commission's consideration; and it is

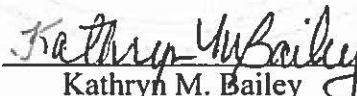
FURTHER ORDERED, that any party interested in responding to such comments or requesting a hearing shall do so no later than August 2, 2019; and it is

FURTHER ORDERED, that this order shall be effective August 9, 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 ninth day of July, 2019.



Martin P. Honigberg
Chairman

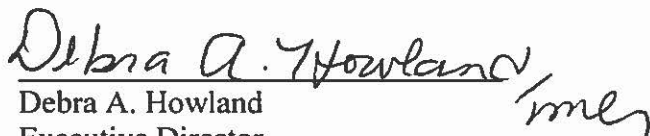


Kathryn M. Bailey
Commissioner



Michael S. Gaimo
Commissioner

Attested by:



Debra A. Howland
Executive Director

Executive.Director@puc.nh.gov

amanda.noonan@puc.nh.gov

leszek.stachow@puc.nh.gov

Mary.Schwarzer@puc.nh.gov

ocalitigation@oca.nh.gov

paul.dexter@puc.nh.gov

Paul.Kasper@puc.nh.gov

randy.knepper@puc.nh.gov

robert.bersak@eversource.com

tom.frantz@puc.nh.gov