

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DE 19-078**

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

**Petition for a License to Construct and Maintain Electric Lines  
Over and Across the Lamprey River in the Town of Deerfield**

**Order *Nisi* Granting License**

**ORDER NO. 26,283**

**August 8, 2019**

This order grants Eversource a license to construct and maintain electric lines over and across the public waters of the Lamprey River in Deerfield. 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**

On April 10, 2019, Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource) filed a petition pursuant to RSA 371:17 for a license to construct and maintain electric cables and structures over the Lamprey River in Deerfield, New Hampshire. In support of its petition, Eversource submitted a location overview map (Exhibit 1) and a plan and profile drawing of the proposed crossing (Exhibit 2).

On May 17, 2019, Commission Staff (Staff) filed a recommendation that Eversource's petition be granted. On May 21, 2019, Staff revised its recommendation to correct its findings regarding the water clearance of the crossing and to correct the identification of the road in Eversource's Exhibit 2. 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/2019/19-078.html>.

## **II. SUMMARY OF PETITION**

Eversource seeks to rebuild an existing electric transmission line as part of a reliability project to meet current and future electricity needs in the Town of Deerfield. The existing line, designated as Eversource's 391 Line (391 Line), crosses the Lamprey River between structures #216 and #217.

### **A. History**

Eversource constructed the 391 Line in 1970. The current location of the crossing is not licensed by the Commission. Eversource now seeks a license for the crossing in connection with its reliability project.

### **B. Crossing Location and Construction**

The proposed modifications of the 391 Line are at Structure #216 on the north side of the Lamprey River and Structure #217 on the south side, with a total span of 926.29 feet. Those structures will be replaced with new steel towers. The existing 391 Line, including the conductors and wires, will be transferred to the new steel tower structures. According to Eversource, this structure replacement is part of a broader reliability project necessary to ensure that the 391 Line continues to meet current as well as future projected electricity demands. Eversource stated that the line modification is designed and will be constructed in accordance with the 2017 National Electrical Safety Code (NESC).

### **C. Regulatory Requirements**

In its petition, Eversource stated that it would obtain the necessary Shoreland Permit by Notification from the New Hampshire Department of Environmental Services (NHDES).

Eversource further stated that there are no proposed wetland impacts in the Town of Deerfield and, therefore, no NHDES wetlands permit is required for this project.

#### **D. Property Rights**

Eversource does not anticipate that abutters on either side of the Lamprey River will be affected because this is a modification of an existing crossing and the site of each crossing structure to be replaced is owned in fee by Eversource.

#### **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 proposed modifications will continue to meet that public need. Modification of the existing lines will not substantially affect the public's use and enjoyment of the Lamprey 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, which is a more conservative analysis than the NESC 10-year flood elevation requirement.

### **III. STAFF REVIEW**

Commission 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 applicable state statutes and rules, and, therefore, recommended approval of the petition.

### **IV. COMMISSION ANALYSIS**

RSA 371:17 states that “[w]henver 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.” 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 the Lamprey River as a “public water.”<sup>1</sup>

Based on the petition and Staff’s recommendation, we find that the proposed crossing modifications are 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 in the Lamprey 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 interested persons the opportunity to submit comments or request a hearing.

This approval applies only to the electric lines and structures for which the Commission is granting a license, 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.

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

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

**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 Lamprey River as described in its petition 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 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 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 Deerfield, 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 August 19, 2019, to be documented by affidavit filed with the Commission on or before September 5, 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 August 19, 2019, and to be documented by affidavit filed with the Commission on or before September 5, 2019; and it is

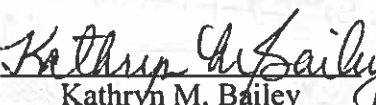
**FURTHER ORDERED**, that persons interested in responding to this order be notified that they may submit their comments or file a written request for a hearing that states the reason and basis for a hearing no later than August 26, 2019, for the Commission's consideration; and it is

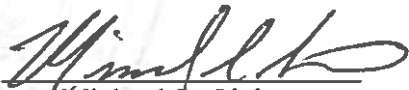
**FURTHER ORDERED**, that any party interested in responding to such comments or request for hearing shall do so no later than September 3, 2019; and it is

**FURTHER ORDERED**, that this order shall be effective September 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.

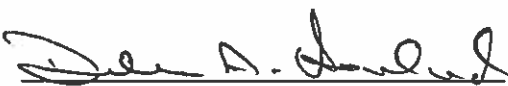
By order of the Public Utilities Commission of New Hampshire this eighth day of August, 2019.

  
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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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