

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 19-118

NEW HAMPSHIRE ELECTRIC COOPERATIVE, INC.

**Petition for License to Reconstruct and Maintain Electric Cable and Conduit
Under Lake Winnepesaukee in the Town of Meredith**

Order *Nisi* Granting License

ORDER NO. 26,318

December 20, 2019

This order grants the New Hampshire Electric Cooperative a license to reconstruct and maintain an existing electric line under the public waters of Lake Winnepesaukee in Meredith, 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 July 2, 2019, the New Hampshire Electric Cooperative, Inc., (NHEC) filed a petition requesting a license to reconstruct and maintain an existing electric cable and conduit under Lake Winnepesaukee in Meredith. *See* RSA 371:17. As reconstructed, the line will span approximately 4,100 feet from Pine Island to Bear Island. In support of its petition, NHEC submitted prefiled testimony of Shauna McNair, Plant Administrator. The petition included project plans and standards, relevant construction details and material specifications, copies of easements and applicable wetland and shoreland permits, and maps of the proposed project.

Commission Staff (Staff) recommended that NHEC'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/2019/19-118.html>.

II. SUMMARY OF PETITION

NHEC seeks to replace and relocate an existing electric cable and conduit that currently connects Meredith Neck at Y Landing on Powers Road to Bear Island in Meredith. The existing cable was installed in 1941. NHEC represents that the cable needs to be replaced to improve reliability to approximately 144 residences on Bear Island and five residences on three additional surrounding islands. Specifically, this requires NHEC to do work on two existing utility poles and the new line that will run between them, from NHEC Pole # 11511/6 on Pine Island, under Lake Winnepesaukee, to NHEC Pole # 11525/1 on Bear Island.

A. History

The existing submarine cable crossing was approved by the Commission in Order No. 3959 issued on July 29, 1941, in Docket No. D-E2119. That Order granted NHEC a license to construct and maintain electric transmission lines under and across Lake Winnepesaukee from Meredith Neck to Bear Island. The crossing currently feeds from Meredith Neck at Y Landing on Powers Road, across Lake Winnepesaukee along the bottom of the lake, to Bear Island.

B. Crossing Location and Construction

NHEC now requests a license for the modification and rebuild of the existing crossing approved in 1941. Removal of the existing line is included in the proposed project. The proposed rebuild will begin at Pole # 11511/6 on Pine Island, which will become the origination point for the new submarine cable that will connect to Pole # 11525/1 on Bear Island. This line will ultimately provide electric service to all of Bear Island as well as Six Mile Island, Little Six Mile Island, and Ozone Island.

The installation process will include trenching and burial of conduit and the new cable from Pine Island, along the lake floor, to Bear Island. Trenching will be conducted under Wetlands Permit File # 2018-00239 for placement of the new cable starting at Pole # 11511/6 on property of the Ahrens Family Trust on Pine Island. Trenching of the conduit/cable will occur to an underwater depth of six feet, and then the cable will be laid along the lake floor from Pine Island, crossing approximately 4,100 feet of lake bottom, and will come ashore onto Bear Island at property owned by Julie Knapp Nelson and Robert Lyle Denit. At that location, the cable will be trenched underground to run approximately 230 feet to an existing riser pole (Pole # 11525/1).

A minimum of two lengths of cable covers at each shoreline will be installed. Cable and conduit will have a minimum of 36 inches of cover in all trenches. Backfill of trenches will be accomplished with sand and removed backfill minus rocks. Environmental mitigation measures will include the installation of a silt fence in accordance with NHEC Construction Standard URD 1W-1. Equipment used to install the cable will include a backhoe and barge. Cable will be hand laid from the barge; cable covers will be placed by mechanical means.

C. Regulatory Requirements

The new origination point for the submarine cable starting at the Ahrens property on Pine Island will use existing conduit trenched and placed into the lake in 2018 from Pole # 11511/6 under New Hampshire Department of Environmental Services (DES) Wetlands Permit File # 2018-00239. All new trenching and installation for the new cable on Pine Island will be covered by the same 2018 permit.

NHEC has obtained wetland and shoreland permits for the installation of the cable from Pine Island to the Nelson/Denit property on Bear Island under DES Wetlands Permit File # 2019-01496. All construction will be undertaken pursuant to permitting requirements. The

New Hampshire Natural Heritage Bureau has determined that there are no recorded occurrences of sensitive species near the project area.

D. Property Rights

NHEC will utilize existing easements located on the Ahrens property on Pine Island and on the Nelson/Denit property on Bear Island. NHEC submitted copies of the original right-of-way easements on both islands and a map of abutting property lots for each island.

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

The existing crossing from Y Landing on Meredith Neck to Bear Island was constructed, operated, and maintained to meet the reasonable requirements of service to the public in 1941. According to NHEC, if it does not replace and reconstruct the existing cable, it cannot ensure the continued provision of reliable electric service to residences on Bear Island, Six-Mile Island, Little Six-Mile Island, and Ozone Island. NHEC determined that replacement of the existing cable is the only feasible solution, as an overhead line would be a safety hazard for sailboats.

The new conduit and submarine cable required for replacement of the existing electric line will be constructed and installed by a contractor from an NHEC-approved listing who historically has been proven to meet NHEC's construction standards and the National Electrical Safety Code (NESC).

III. SUMMARY OF STAFF REVIEW

Commission Staff reviewed the petition and supporting documentation, applicable statutes, rules, NESC requirements, and land ownership records, and assessed the public need, safety, and potential impact of the proposed cable replacement. Staff determined that the proposed construction meets NESC requirements and applicable state statutes and rules. Based on its review, Staff concluded that the license NHEC requests in this docket may be exercised

without substantially affecting public rights in the waters of Lake Winnepesaukee, and 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 has classified Lake Winnepesaukee 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 public rights in Lake Winnepesaukee, 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 applies only to the electric line identified in the petition, for which the Commission is granting a license, with the specifications proposed in this docket. Should NHEC seek further modification of this line, it must make the appropriate filing. NHEC is responsible

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>.

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 to the Town of Meredith; the Department of Environmental Services; and the Office of the Attorney General and owners of land bordering Lake Winnepesaukee at the location of the crossing, pursuant to RSA 371:19.

Based upon the foregoing, it is hereby

ORDERED *NISI*, that, subject to the effective date below, the New Hampshire Electric Cooperative, Inc., is authorized pursuant to RSA 371:17, *et seq.*, to reconstruct, install, operate, and maintain electric lines under and across Lake Winnepesaukee 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 the New Hampshire Electric Cooperative, Inc., 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 the New Hampshire Electric Cooperative, Inc., 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 the New Hampshire Electric Cooperative, Inc., shall provide a copy of this order to (i) the Town Clerk of Meredith, 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 December 30, 2019, to be documented by affidavit filed with the Commission on or before January 3, 2020; and it is

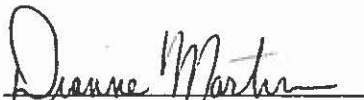
FURTHER ORDERED, that the New Hampshire Electric Cooperative, Inc., shall cause a summary of this order, issued concurrently with this order, to be published once in a statewide newspaper of general circulation or of circulation in those portions of the state where operations are conducted, such publication to occur no later than December 30, 2019, and to be documented by affidavit filed with the Commission on or before January 3, 2020; 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 January 10, 2020 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 January 15, 2020; and it is

FURTHER ORDERED, that this order shall be effective January 21, 2020, unless the New Hampshire Electric Cooperative, Inc., 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.

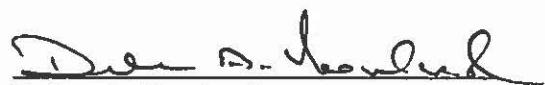
By order of the Public Utilities Commission of New Hampshire this twentieth day of December 2019.


Dianne Martin
Chairwoman


Kathryn M. Bailey
Commissioner


Michael S. Giaimo
Commissioner

Attested by:


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