

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 19-110

**PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
D/B/A EVERSOURCE ENERGY**

**Petition for License to Construct and Maintain Electric Lines Over and Across
Land Owned by the State of New Hampshire in Fitzwilliam, New Hampshire**

Order *Nisi* Granting License

O R D E R N O. 26,325

January 14, 2020

This order grants Eversource a license to modify, construct, and maintain an existing electric transmission line over and across public land owned by the State of New Hampshire in Fitzwilliam. 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 June 11, 2019, Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource or the Company) filed a petition, pursuant to RSA 371:17, requesting a license to modify, construct, and maintain an existing overhead 345 kV electric transmission line, designated as the Eversource 379 Line (379 Line), over and across public land owned by the State of New Hampshire in the Town of Fitzwilliam. In support of its petition, the Company submitted an overview map, and a plan and profile drawing of the proposed crossing project.

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 or granted by the Commission, are posted on the Commission's website at <http://puc.nh.gov/Regulatory/Docketbk/2019/19-110.html>.

II. SUMMARY OF PETITION

Eversource seeks to replace a number of wooden structures on its existing 379 Line that have been subject to environmental damage. The wooden structures are approximately 49 years old and will be replaced with steel structures as part of a reliability project to meet current and future electricity demand. No conductor, shield wire, or neutral wire will be replaced as part of this project. Existing conductors and wires, including a fiber optic ground wire, will be transferred to the new steel structures.

A. History

Eversource did not previously obtain a license for the existing line crossing because the parcel at issue was a railroad corridor under private ownership when the 379 Line was originally constructed. A Commission license was not required when the line was first built. The property was subsequently acquired by the state. The Company now requests a license for the modification and rebuild of this crossing.

B. Crossing Location and Construction

The crossing parcel, situated off Rockwood Pond Road approximately 2,000 feet from Rockwood Pond in Fitzwilliam, is designated as Tax Map 99, Lot 1 in the Town of Fitzwilliam's tax records. The proposed modification begins at Structure 446 just across the town line in the Town of Troy and continues westerly to Structure 447 in Fitzwilliam, crossing an abandoned State-owned railroad bed. The State-owned land is entirely in Fitzwilliam. The span between the two structures is approximately 518 feet. The line modification is designed and will be constructed in accordance with the 2017 National Electrical Safety Code (NESC).

C. Regulatory Requirements

The Company obtained a New Hampshire Department of Environmental Services (DES) Utility Maintenance Notification permit (DES File #2019-00120) on January 14, 2019, for the Town of Fitzwilliam. The permit is required for the maintenance and repair of existing utility services within existing rights of way in or adjacent to wetlands and waterbodies.

D. Property Rights

Eversource stated that abutters on either side of the crossing will not be affected, as the 379 Line is an existing line and the crossing structures will be replaced and rebuilt within existing utility easements, and no new or additional property rights are required to replace the structures.

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

The petition stated that the existing crossing was constructed, operated, and maintained to meet the reasonable requirements of service to the public, and the modification will continue to meet that public need. Modification of the existing line will not substantially affect the public's use and enjoyment of the public land. Minimum safe line clearances over State land at the location of the modified crossing will be maintained at all times.

III. SUMMARY OF STAFF REVIEW

Commission Staff reviewed the petition and supporting documentation, applicable statutes, rules, NESC requirements, and land ownership information, 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 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.

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 the public land where the crossing will be located, as required for approval under RSA 371:20. 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.

This approval is only for the lines 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. The Company 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 to be provided to the Towns of Fitzwilliam and Troy; the Department of Environmental Services; and, pursuant to RSA 371:19, the Office of the Attorney General.

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 lines over and across the public lands 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 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. Admin. R., 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 Clerks of Fitzwilliam and Troy, New Hampshire; (ii) the New Hampshire Attorney General; and (iii) the New Hampshire Department of Environmental Services, by first class mail, no later than January 24, 2020, to be documented by affidavit filed with the Commission on or before February 11, 2020; 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

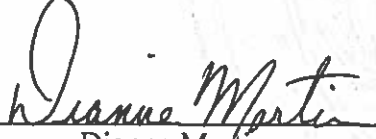
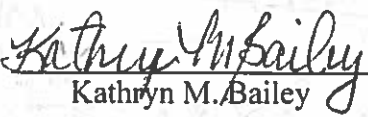
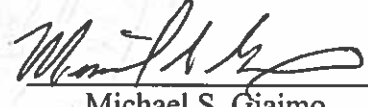
to occur no later than January 24, 2020, and to be documented by affidavit filed with the Commission on or before February 11, 2020; and it is

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 31, 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 February 7, 2020; and it is

FURTHER ORDERED, that this order shall be effective February 14, 2020, 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 fourteenth day of January, 2020.

		
Dianne Martin Chairwoman	Kathryn M. Bailey Commissioner	Michael S. Giaimo Commissioner

Attested by:


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