

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 19-165

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

**Petition for Amended Licenses to Replace Shield Wire Over and Across
the Pemigewasset River and Lake Winnisquam in the Towns of Franklin and Belmont**

Order *Nisi* Granting License

ORDER NO. 26,339

March 10, 2020

This order grants Eversource amended licenses to replace a shield wire with fiber optical ground wire over and across the public waters of the Pemigewasset River and Lake Winnisquam in Franklin and Belmont, respectively. 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.

I. PROCEDURAL HISTORY

On October 7, 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 amended licenses to replace a shield wire with fiber optical ground wire over and across the public waters of the Pemigewasset River and Lake Winnisquam. The proposed construction includes the replacement of the existing static shield wire with fiber optic cable installed on existing structures. In support of its petition, Eversource submitted plans and profile drawings with engineering details.

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 of or granted by the Commission, are posted on the Commission's website at <https://www.puc.nh.gov/Regulatory/Docketbk/2019/19-165.html>.

II. SUMMARY OF PETITION

Eversource seeks licenses to modify the Company's L176 Line, an existing 115 kV electric transmission line that crosses the Pemigewasset River in Franklin, New Hampshire, and Lake Winnisquam in Belmont, New Hampshire. The crossings addressed in the petition are located between Structures 14 and 15 in Franklin, and between Structures 103 and 104 in Belmont. Specifically, Eversource will replace the existing static shield wire with fiber optical ground wire to be installed on existing structures. The existing transmission and distribution wires, located below the ground wire, will not be altered or affected.

A. History

The existing crossings were approved by the Commission in 1975. The Pemigewasset River crossing was approved in Order No. 11,915, in Docket DE 75-148 on July 10, 1975; and the Lake Winnisquam crossing was approved in Order No. 11,949, in Docket No. DE 75-149 on August 4, 1975.

B. Crossing Location and Construction

One proposed modification begins at Structure 14 on the west side of the Pemigewasset River and runs southeasterly to Structure 15 in Franklin. The second proposed modification begins at Structure 103 on the southerly end of Lake Winnisquam and runs northeasterly to Structure 104 in Belmont. The existing static shield wire on each of those structures will be replaced by new fiber optical ground wire. The crossing span between Structures 14 and 15 will be approximately 758 feet. The span between Structures 103 and 104 will be approximately

1,056 feet. The line modifications are designed and will be constructed in accordance with the 2017 National Electrical Safety Code (NESC).

C. Regulatory Requirements

Eversource stated in its petition that a New Hampshire Department of Environmental Services (DES) Utility Maintenance Activity Permit-by-Notification is not required for construction access to replace the shield wire, because the wire replacement will not entail any work activities that involve the temporary impact of non-tidal wetlands, surface waters, or adjacent banks. No other permits were identified in the petition for the proposed modifications.

D. Property Rights

Eversource does not anticipate that abutters on either side of the Pemigewasset River or Lake Winnisquam will be affected by the modification because the L176 Line is an existing line and no crossing structures will be replaced or rebuilt.

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

According to Eversource, the existing crossing was constructed, operated, and maintained to meet the reasonable requirements of service to the public. Eversource stated that the proposed modifications will continue to meet that public need and will not substantially affect the public's use and enjoyment of the Pemigewasset River or Lake Winnisquam.

The Company also stated that minimum safe line clearances above the river and the lake and its shorelines will be maintained at all times, and that the clearance requirement was calculated using the 100-year flood level, which is a more conservative analysis than the NESC 10-year flood elevation requirement.

III. SUMMARY OF STAFF REVIEW

Staff has reviewed the petition and supporting documentation, applicable statutes, rules, NESC requirements, and land ownership, as well as public need, safety, and impact. Based on its review, Staff determined that the proposed modification meets the requirements of the NESC and applicable state statutes and rules. Accordingly, Staff 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. DES has classified both the Pemigewasset River and Lake Winnisquam as public waters.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 the public rights in the Pemigewasset River or Lake Winnisquam, 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 person the opportunity to submit comments or request a hearing.

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>.

This approval is only for electric lines with the specifications proposed in the Company's petition. 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. Should Eversource seek further modification, it must make the appropriate filing.

We also require notice to be provided to the Towns of Franklin and Belmont, the New Hampshire Department of Environmental Services, and, pursuant to RSA 371:19, the Office of the Attorney General and owners of land bordering the crossings.

We note that a number of petitions similar to the one in this docket have been filed in recent months. Specifically, several petitions have included a proposed alteration or modification of existing licensed crossings in the course of broader reliability projects to replace existing poles and/or wires. Based on that observation, the Commission plans to open an investigation that will include a general review of licensing requirements pursuant to RSA 371:17 *et seq.* The purpose of that proceeding will be to clarify expectations for crossing petitions and to consider potential ways to streamline the application and review procedures. An order of notice will be issued in the near future.

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 replace an existing shield wire with a fiber optical ground wire on the L176 Line over and across the Pemigewasset River and Lake Winnisquam 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 and structures 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 to the crossing license granted herein at least 60 days prior to undertaking any such alteration; and it is

FURTHER ORDERED, that Eversource shall provide a copy of this order to: (i) the Town Clerks of Franklin, New Hampshire, and Belmont, New Hampshire; (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; and (iii) the New Hampshire Department of Environmental Services, by first class mail, no later than March 20, 2020, to be documented by affidavit filed with the Commission on or before April 7, 2020; and it is

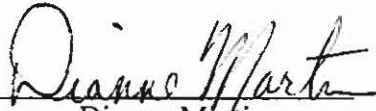
FURTHER ORDERED, that Eversource shall cause a summary of this order, issued concurrently with this order, to be published once in a statewide newspaper of general circulation or of circulation in those portions of the state where operations are conducted, such publication to occur no later than March 20, 2020, and to be documented by affidavit filed with the Commission on or before April 7, 2020; and it is

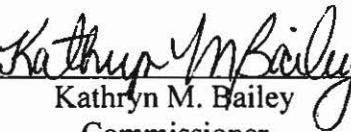
FURTHER ORDERED, that all persons interested in responding to this order be notified that they may submit their comments or file a written request for a hearing that states the reason and basis for a hearing no later than March 27, 2020, for the Commission's consideration; and it is

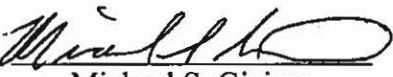
FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than April 3, 2020; and it is

FURTHER ORDERED, that this order shall be effective April 10, 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.

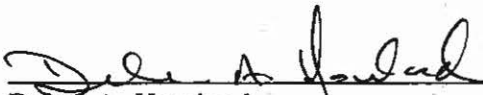
By order of the Public Utilities Commission of New Hampshire this tenth day of March, 2020.


Dianne Martin
Chairwoman


Kathryn M. Bailey
Commissioner


Michael S. Giaimo
Commissioner

Attested by:


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