

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DE 20-011**

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

**Petition for Licenses to Construct and Maintain Electric Lines  
Over and Across the Isinglass River in Strafford and  
State-Owned Land in Rochester and Raymond**

**Order *Nisi* Granting Licenses**

**ORDER NO. 26,369**

**June 19, 2020**

This order grants Eversource licenses to construct and maintain an existing electric transmission line over and across state-owned land in Rochester and Raymond, as well as the public waters of the Isinglass River in Strafford. 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 January 28, 2020, Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource or the Company) filed a petition requesting three licenses to construct and maintain an existing 345 kV electric transmission line, designated as the Eversource 391 Line (391 Line). *See* RSA 371:17. The 391 Line travels over and across state-owned land in Rochester and Raymond, as well the Isinglass River in Strafford. These three crossings have not been licensed before. On February 18, Eversource filed a “Supplement to Docket 20-011,” to update a description of the public water crossing and the length of the crossing of the state-owned land in Rochester. On May 19, 2020, Eversource filed an additional supplement to clarify

its request. Eversource's petition included project plans and standards, relevant construction details and material specifications, and maps of the proposed project, including plan and profile drawings.

Commission Staff (Staff) recommended that Eversource's petition be granted. *See* Staff Recommendation (May 1, 2020) and Staff's Revised Recommendation (May 21, 2020). 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/2020/20-011.html>.

## **II. SUMMARY OF PETITION**

Eversource seeks three licenses to cross public waters and state-owned lands to construct and maintain an existing 345 kV electric transmission line in order to continue to meet current and future electricity demands. Specifically, the 391 Line crosses state-owned land in Rochester comprising a portion of the former Boston & Maine (B&M) Railroad right of way; public waters – the Isinglass River in Strafford; and finally, state-owned land in Raymond that comprises a portion of the Rockingham Recreational Trail.

### **A. History**

Eversource constructed and currently operates and maintains the existing 391 Line and the three crossings at issue. B&M Railroad previously granted private licenses for the crossings in Rochester and Raymond.

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

The first proposed crossing is over and across state-owned land in Rochester. The crossing begins in the former B&M Railroad right of way at Structure 21, west of the Cocheco River, and runs in a southwesterly direction to Structure 22. *See* Eversource Petition, Exhibit #2.

The span between Structures 21 and 22 is 731 feet, including 116 feet across state land. *See* Eversource Supplement (February 18, 2020) and Staff Recommendation (May 1, 2020) (Map 1). Structure 22, a wooden structure, is not being replaced because it has an “A” structure rating based on a recent field inspection. Modifications at issue include the replacement of Structure 21 with a steel structure and increasing its overall height from 90 to 95 feet. *See* Eversource Supplement (May 19, 2020), Staff recommendation, and Staff’s revised recommendation.

The second proposed crossing is over and across the public waters of the Isinglass River in the town of Strafford. The crossing begins at Structure 92 on the northeast side of the Isinglass River and runs in a southwesterly direction to Structure 93. The span between Structures 92 and 93 is 954 feet, including 75 feet across public waters.<sup>1</sup> *See* Eversource Petition, Exhibit 3. Structure 92 is a steel structure that was replaced in 2018, without a license due to administrative oversight. Structure 93 will be replaced with a two-pole steel structure. Each pole will have a different height upon replacement, due to the structure’s location in a knoll, with overall height going from 90 to 95 feet, and from 95 to 100 feet. The water crossing is part of the Company’s reliability replacement project. *See* Staff Recommendation and Staff’s Revised Recommendation.

The third proposed crossing is over and across state-owned land in Raymond. The crossing begins at Structure 242 within the right of way of the Rockingham Recreational Trail and runs in a southwesterly direction to Structure 243. *See* Eversource Petition, Exhibit 4. The span between Structures 242 and 243 is 656 feet, including 70 feet across state land. Modifications at issue include the replacement of Structure 242 with a steel structure, increasing

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<sup>1</sup> The Commission notes the Company’s petition contains a typing error, which might confuse readers. *See* January 28, 2020, Petition at paragraph 3, “Structure 92, which is opposite structure 91 [*sic* 93] at the Isinglass river crossing (See Exhibit 3), was replaced in 2018”).

the overall height from 70 to 75 feet, and the replacement of Structure 243 with a steel structure, increasing the overall height from 80 to 100 feet. *See* Staff Recommendation and Staff's Revised Recommendation.

No wires will be replaced as part of this project. Instead, existing conductors and wires will be transferred to the new steel structures. The replacement structures will be constructed within ten feet of the original wooden structures.

The Company states that it will maintain and operate the clearances of the 391 Line for these three crossings at a height not less than the 2017 National Electrical Safety Code (NESC) requirements. *See* Petition at 3.

### **C. Regulatory Requirements**

A New Hampshire Department of Environmental Services (DES) Shoreland Permit by Notification (SPN) is required for construction activities in the vicinity of the Isinglass River. Eversource stated that required SPNs have been obtained in Strafford (SPN 2020-00035), Rochester (SPN 2020-00036), and Raymond (SPN 2020-00037).

Eversource stated in its petition that no permits or permit modifications are required by the United States Army Corps of Engineers (USACE) for the water crossing because the USACE does not regulate the subject portions of the Isinglass River as navigable waters. Eversource did not identify any other regulatory requirements for the three crossings.

### **D. Property Rights**

Eversource does not anticipate that abutters on either side of the Isinglass River or state land crossings will be affected because the 391 Line is an existing line. Eversource bases this assertion on its statement that the crossing structures to be replaced are within the Company's existing utility easements. The maps provided by the Company demonstrate that the crossing

structures are within an existing corridor, on land owned by Eversource. *See* Eversource Petition Exhibits 2-4.

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

According to Eversource's petition, the existing crossings were previously constructed, operated, and maintained to meet the reasonable requirements of service to the public. The new licenses and proposed modifications 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 waters of the Isinglass River or of the state-owned land in Rochester and Raymond. Minimum safe line clearances above the river, the shorelines, and state-owned land in Rochester and Raymond will be maintained at all times. Furthermore, Eversource calculated its clearance requirement over the river 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 the petition and supporting documentation, applicable statutes, rules, NESC requirements, and land ownership records, and assessed the public need, safety, and the potential impact of the proposed new licenses and modifications. Staff determined that the proposed construction meets NESC requirements and applicable state statutes and rules. Based on its review, Staff concluded that the licenses Eversource requests in this docket may be exercised without substantially affecting public rights in the waters of the Isinglass River and state lands in Rochester and Raymond. Staff recommended approval of the petition for the three crossings and modifications as described herein. *See* Staff Recommendation (May 1, 2020); Staff Revised Recommendation (May 21, 2020).

#### 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 (Supp. 2019). 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 the Isinglass River as a “public water” from the outflow of Bow Lake Dam in the Town of Strafford to its confluence with the Cocheco River, including the water crossing here.<sup>2</sup>

Based on the petition and Staff’s recommendation, 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. We further find that the requested licenses may be exercised without substantially affecting the public rights in the Isinglass River, and public rights in state-owned lands in Rochester and Raymond, 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 this order on a *nisi* basis to provide interested persons the opportunity to submit comments or request a hearing.

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

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<sup>2</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), and <https://www.des.nh.gov/organization/commissioner/pip/publications/wd/documents/olpw.pdf>.

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 Towns of Strafford, Raymond, and the City of Rochester, DES, the New Hampshire Bureau of Trails, and the Department of Transportation, and for the Isinglass River crossing, also to 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 Energy is authorized, pursuant to RSA 371:17, *et seq.*, to reconstruct, install, operate, and maintain electric lines over and across the Isinglass River as described in its petition and supplements, and depicted in its filings, and as specified in Staff's recommendation and revised recommendation; and it is

**FURTHER ORDERED *NISI***, that subject to the effective date below, Eversource Energy is authorized, pursuant to RSA 371:17, *et. seq.* to construct, install, operate, and maintain electric lines over and across state land in Rochester, New Hampshire, and Raymond, New Hampshire, as described in its petition and supplements, and depicted in its filings, and as specified in Staff's recommendation and revised 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 Energy 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 306.01 *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 Energy 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 Energy shall provide a copy of this order to (i) the Clerks of Strafford, Rochester, and Raymond, New Hampshire; (ii) the New Hampshire Attorney General and all owners of the land bordering on said public waters at the location of the Isinglass River crossing, as required by RSA 371:19; and (iii) the New Hampshire Department of Environmental Services, (iv) the New Hampshire Bureau of Trails, and (v) the New Hampshire Department of Transportation by first class mail, no later than June 29, 2020, to be documented by affidavit filed with the Commission on or before July 17, 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 June 29, 2020, and to be documented by affidavit filed with the Commission on or before July 17, 2020; and it is

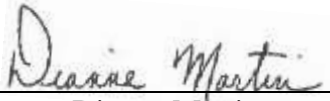
**FURTHER ORDERED**, that persons interested in responding to this order be notified that they may submit their comments or file a written request for a hearing that states the reason and basis for a hearing no later than July 7, 2020, for the Commission's consideration; and it is

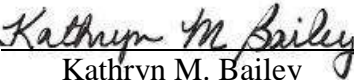
**FURTHER ORDERED**, that any party interested in responding to such comments or request for hearing shall do so no later than July 14, 2020; and it is

**FURTHER ORDERED**, that this order shall be effective July 20, 2020, unless Eversource Energy 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.



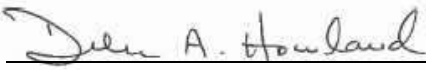
By order of the Public Utilities Commission of New Hampshire this nineteenth day of  
June, 2020.

  
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Dianne Martin  
Chairwoman

  
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Kathryn M. Bailey  
Commissioner

  
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Michael S. Giaimo  
Commissioner

Attested by:

  
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Debra A. Howland  
Executive Director

# Service List - Docket Related

Docket#: 20-011

Printed: 6/19/2020

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