

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 19-007

**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 Exeter River in the Town of Chester**

Order *Nisi* Granting License

ORDER NO. 26,289

August 20, 2019

This order grants Eversource a license to construct and maintain electric lines over and across the public waters of the Exeter River in Chester, New Hampshire. It 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 9, 2019, Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource or the Company) filed a petition for a crossing license pursuant to RSA 371:17. In support of its petition, Eversource submitted a location plan and drawings showing a plan view and a profile view of the crossing. On August 9, 2019, Eversource submitted a revised location plan. 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 <http://puc.nh.gov/Regulatory/Docketbk/2019/19-007.html>.

II. SUMMARY OF PETITION

Eversource seeks to replace Structures supporting an existing 115 kV electric transmission line (designated as the H141 line) over and across the Exeter River in the Town of Chester – specifically Structures #317 and #318 on the H141 line. Eversource plans to replace the Structures as part of a reliability project that is necessary for Eversource to continue to meet current and future electricity needs. The existing Structures are approximately 50 years old, and require replacement or modification for the H141 line to continue to function safely and reliably.

A. History

The existing crossing is not licensed by the Commission. Eversource has requested a license in conjunction with its replacement of the Structures.

B. Crossing Location and Construction

The proposed modification begins at Structure #317 on the east side of the Exeter River. The line will continue in a westerly direction to Structure #318. The Structures will be reconstructed using single, armless, 70-foot tall steel poles creating a span of approximately 921 feet between them. Eversource will continue to use the existing conductors. The Company stated that the modification is designed and will be constructed in accordance with the National Electrical Safety Code (NESC).

C. Regulatory Requirements

A New Hampshire Department of Environmental Services (NHDES) Shoreland Permit by Notification application is required for construction activities in the vicinity of the Exeter River. The Permit by Notification application (File #2018-02858) was submitted on September 17, 2018, and approved the following day.

D. Property Rights

The poles, on both sides of the river crossing, are located within Eversource's existing utility easements in Chester. Eversource does not anticipate that the abutters on either side of the Exeter River will be affected because this is a modification of an existing crossing for which the Company has easement rights.

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

According to the petition, the existing crossing was constructed, operated, and maintained to meet the reasonable requirements of service to the public. The modification will continue to meet that public need and will not substantially affect the public's use and enjoyment of the Exeter River. Minimum safe line clearances above the river and the shorelines will be maintained at all times.

III. SUMMARY OF STAFF REVIEW

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, 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. NHDES has classified the Exeter River 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 the public rights in the Exeter 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 is only for the electric lines and support Structures with the specifications proposed in this docket. Should Eversource seek further modification, it must make the appropriate filing. Eversource is responsible for obtaining 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 Town of Chester, NHDES, the Office of the Attorney General, and owners of land bordering the crossing pursuant to RSA 371:19.

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 Exeter River as described in its petition and depicted in its filings and as specified in Staff’s recommendation; and it is

¹ See 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>.

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 Chester; (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 30, 2019, to be documented by affidavit filed with the Commission on or before September 16, 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 30, 2019, and to be documented by affidavit filed with the Commission on or before September 16, 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 September 9, 2019, for the Commission's consideration; and it is

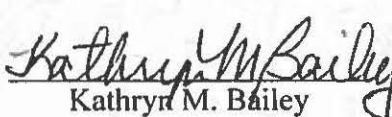
FURTHER ORDERED, that parties interested in responding to such comments or request for hearing shall do so no later than September 16, 2019; and it is

FURTHER ORDERED, that this order shall be effective September 20, 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.

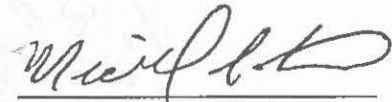
By order of the Public Utilities Commission of New Hampshire this twentieth day of August, 2019.



Martin P. Honigberg
Chairman

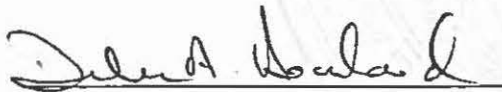


Kathryn M. Bailey
Commissioner



Michael S. Giaimo
Commissioner

Attested by:



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