

DE 08-102

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Petition for License to Construct and Maintain Electric Lines and a Fiber Optic Communications Cable Over and Across the Public Waters of the Ashuelot River in Keene and Swanzey, New Hampshire

Order *Nisi* Granting License

ORDER NO. 24,892

September 5, 2008

On August 7, 2008, Public Service Company of New Hampshire (PSNH) filed a petition, pursuant to RSA 371:17, for a license to construct and maintain electric and fiber optic communications (OPGW) lines across the Ashuelot River for the purpose of rebuilding a 115 kilovolt (kV) line, designated as line A-152. The A-152 line runs between PSNH's Emerald Street Substation in Keene and Swanzey Substation in Swanzey and crosses the Ashuelot River in three locations. In its petition, PSNH stated that the A-152 line is an integral part of the PSNH transmission system and the New England transmission grid. PSNH states that it is necessary to upgrade the A-152 line conductors to increase the power transfer capability of the line to meet load growth requirements in the central part of New Hampshire.

In support of its petition, PSNH submitted related figures, tables, and exhibits, which are incorporated in this order by reference, as follows: (1) construction detail drawing depicting the construction specifications of the single pole and two pole tangent structures (Figures 1 and 2 respectively); (2) information which correlates crossing locations, waters crossed, previous Commission docket numbers and orders pertaining to these crossing locations, and current petition crossing identification; (3) appendices describing the design conditions of the three proposed crossings (Appendices, A, B, and C); (4) geographic maps depicting the locations of

the three proposed crossings (Exhibits 1, 3, and 5 respectively); (5) plan and profile drawings depicting the locations and projected elevations of the three proposed crossings (Exhibits 2, 4, and 6 respectively); (6) the required New Hampshire Department of Environment Services (NHDES) Wetlands and non-site Specific Permit; and (7) a copy of the Federal Aviation Administration (FAA) "Determination of No Hazard to Air Navigation" regarding elevations and aircraft flight paths in the area of the Dillant-Hopkins Airport in Keene.

The affected crossings consist of two locations on the Ashuelot River in Swanzey and one location on the Ashuelot River in Keene. With the exception of land on the north side of the Ashuelot River in Keene owned in fee by PSNH, it holds permanent easements for its lines and facilities on both sides of the public water bodies at the proposed crossing locations. The crossings will be constructed within the limits of those easements or on PSNH property. According to PSNH, there are no abutters on either side of the crossings.

PSNH plans to replace the existing A-152 pole structures, most of which are H-frame construction, with new structures designed to handle the increased loads of the larger conductors. According to the petition, a majority of the line will be rebuilt with single pole structures with davit arms. In those locations, the two existing static wires will be replaced with one new OPGW cable. The remainder of the line will be rebuilt with two pole structures and H-frame construction, and the two existing static wires will be replaced with one new OPGW cable and a new Alumoweld static wire. PSNH explained that use of the OPGW cable will improve and enhance the reliability and capacity of the communications systems used in its electric system operations.

PSNH investigated various weather and loading conditions to determine the minimum clearance of the conductors to the water and land surfaces of the crossings. All conductors, static wires, and OPGW cables are designed to conform to National Electric Safety Code (NESC), American National Standards Institute (ANSI) C2-2007 sag requirements.

PSNH designed the construction to exceed the applicable NESC standards. The distance of the phase conductors to water surfaces at each of the crossing locations is based on the 100-year flood levels contained in the Federal Emergency Management Agency flood insurance rate maps rather than the required 10-year flood elevation. PSNH also determined the distance of the phase conductors to the land surface and the placement of static wire and OPGW cable in relation to the phase conductors in accordance with the NESC standard.

Two of the crossings will have structures set within jurisdictional wetlands or other areas that require a New Hampshire Department of Environmental Services (NHDES) permit. PSNH supplied a copy of the approved permit with its petition. A review was also conducted by the FAA to assure compliance with federal regulations regarding elevations and aircraft flight paths. A copy of the FAA "Determination of No Hazard to Air Navigation" was included with the filing.

RSA 371:17 requires a utility to obtain Commission approval before constructing poles, towers and associated wires and fixtures over under or across any public waters. "Public waters," as defined in RSA 371:17, means "all ponds of more than 10 acres, tidewater bodies, and such streams or portions thereof as the Commission may prescribe."

Based on the information presented by PSNH, and Staff's September 4, 2008 memorandum recommending approval of the petition, we find that these crossings are necessary

for PSNH to meet the “reasonable requirements of reliable service to the public” as required by RSA 371:17 and that they will not substantially affect the public’s rights in the public waters in question, as required for approval under RSA 371:20. We approve the petition on a *nisi* basis in order to provide any interested party the opportunity to submit comments on said petition or to request a hearing.

Based upon the foregoing, it is hereby

ORDERED *NISI*, that subject to the effective date below, PSNH is authorized, pursuant to RSA 371:17 *et seq.*, to construct, maintain and operate electric and communications lines over and across the public waters described in its petition and depicted in its figures, appendices, and exhibits submitted August 7, 2008, supplemented on August 14, 2008, and on file with this Commission; and it is

FURTHER ORDERED, that PSNH shall conform to all requirements of NHDES and the FAA related to these approved crossings; and it is

FURTHER ORDERED, that all construction and future reconstruction to these approved crossings shall conform to the requirements of the FAA and the NESC and all other applicable safety standards in existence at that time; and it is

FURTHER ORDERED, that PSNH shall maintain and operate these crossings in conformance with the NESC; and it is

FURTHER ORDERED, that PSNH shall provide a copy of this order (1) to the clerks of the affected municipalities, (2) the Attorney General, and other owners of land parcels bordering on public waters at and immediately upstream and downstream of the location of each crossing, (3) the New Hampshire Department of Transportation, the Office of Secretary, U.S.

Department of Commerce, and (4) the New Hampshire Department of Environmental Services by first class mail, no later than September 15, 2008, and to be documented by affidavit filed with this office on or before October 3, 2008; and it is

FURTHER ORDERED, that PSNH shall cause a copy of this Order *Nisi* 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 be no later than September 15, 2008 and to be documented by affidavit filed with this office on or before October 3, 2008; and it is

FURTHER ORDERED, that all persons interested in responding to this Order *Nisi* be notified that they may submit their comments or file a written request for a hearing which states the reason and basis for a hearing no later than September 22, 2008 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 September 29, 2008 and it is

FURTHER ORDERED, that this Order *Nisi* shall be effective October 3, 2008, unless PSNH fails to satisfy the publication obligation or affidavit requirements 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 fifth day of
September, 2008.

Thomas B. Getz
Chairman

Graham J. Morrison
Commissioner

Clifton C. Below
Commissioner

Attested by:

Debra A. Howland
Executive Director & Secretary