

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DE 10-322**

**PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE**

**Petition for License to Construct and Maintain Electric Lines, Static Wire and Fiber Optic  
Cable Over and Across the Public Waters of the Merrimack River in Merrimack and  
Litchfield**

**Order *Nisi* Granting License**

**ORDER NO. 25,190**

**January 7, 2011**

On December 3, 2010, Public Service Company of New Hampshire (PSNH or the Company) filed a petition pursuant to RSA 371:17 requesting a license to construct and maintain electric lines, static wire and fiber optic cable at one location over and across the Merrimack River in Merrimack and Litchfield, New Hampshire. According to PSNH, the Company had previously constructed and currently operates a 345 kV transmission line at this location, designated as Line 380, pursuant to licenses granted in Order No. 9,883 (1970) (licensing phase conductors and static wires) and Order No. 22,660 (1997) (licensing optical ground wire as a replacement for one of the static wires).<sup>1</sup>

PSNH proposes to replace the existing wooden pole structure located on Company-owned land adjacent to the westerly edge of the river in Merrimack with a taller steel pole H-frame structure (designated as structure 91), and to raise the height of the existing lines across the river. The height of structure 91 would be raised from 80 to 120 feet, including a buried

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<sup>1</sup> When those orders were issued, the transmission line was designated as Line 379.

depth of 14 feet. The Company does not propose any changes to the wooden pole structure on the east side of the river in Litchfield.

According to PSNH, the need for the project results from the planned addition of a new 115 kV transmission substation, to be named Eagle Substation, which is now being permitted and will be constructed adjacent to Line 380 on Company-owned property on the west side of the Merrimack River in Merrimack. The Eagle Substation is needed to power a new PSNH distribution substation, also currently being permitted for construction on PSNH's property in Merrimack in the same vicinity as the Eagle Substation, to improve reliability in the area. Several 115 kV interconnection lines to be run in to and out of these two new PSNH substations will need to cross under the existing 380 Line, as a result of which the 380 Line must be raised to maintain clearances required by the National Electrical Safety Code. The project will entail the replacement of four transmission line structures (91 through 94) and the raising of existing conductors, shield wire and optical ground wire cable for a half-mile length of line between those structures on the westerly side of the Merrimack River. A planned outage on the 380 Line to allow this project's construction is scheduled between January 10, 2011 and January 22, 2011.

PSNH calculated the flood water elevations for the crossings based on information found on FEMA flood Map #33011C0503D Panel 503 of 701 and Flood Insurance Study #33017CV001A. PSNH states that in accordance with note 18, section 232 of the National Electrical Safety Code, clearance is required to the 10-yr flood elevation standard and that the clearances will be above this level. According to PSNH, no new crossing structures will be set inside of jurisdictional wetlands or other areas that require New Hampshire Department of Environmental Services (NHDES) permitting or any other regulatory agency permitting at the

location of the crossing. In addition, PSNH states that although replacement of structure 91 will occur within the protected shoreland of the Merrimack River as defined by RSA 483-B, N.H. Code Admin. Rules Env-Wq 1406.04(d)(7) exempts from NHDES shoreland permitting requirements the replacement of utility poles and guy wires using mechanized equipment, provided that appropriate siltation and erosion controls are used and all temporary impacts are restored. PSNH commits to comply with this rule in the installation of replacement structure 91. PSNH further affirms that because the project only increases wire and cable clearances over those presently in place, no United States Army Corps of Engineers permit modifications are required. Finally, PSNH commits to maintain and operate the proposed crossing in accordance with the applicable requirements of the National Electrical Safety Code.

In summary, PSNH states that the requested license may be exercised without substantially affecting the rights of the public in the public waters of the Merrimack River. In addition, PSNH affirms that minimum safe line clearances above all water surfaces and affected shorelines will be maintained at all times and the use and enjoyment by the public will not be diminished in any material respect as a result of the overhead line and cable crossings. Accordingly, PSNH requests that the Commission approve the license petition and, by means of an order *nisi*, grant PSNH a license to construct and maintain electric lines, static wire and fiber optic cable over and across the public waters of the Merrimack River as specified in the petition.

On January 5, 2011, PSNH filed certain revisions to its Exhibit 2 plan and profile drawing originally filed with its petition. Subsequently, on January 5, 2011, based on its review of the filing and communications with the Company, Commission Staff filed a recommendation that PSNH's petition be approved subject to two conditions, first, that all future alterations that

may impact the public to the crossing conform to the requirements of both the 2002 and 2007 editions of the National Electrical Safety Code and be submitted to the Commission 60 days prior to the proposed alteration and, second, that PSNH be required to maintain and operate the crossings in conformance with the National Electrical Safety Code or risk revocation of the license.

RSA 371:17 provides in relevant part that “[w]henver it is necessary, in order to meet the reasonable requirements of service to the public, that any public utility should construct a line of poles or towers and wires and fixtures thereon, over, under or across any of the public waters of” New Hampshire, “it shall petition the Commission for a license to construct and maintain the same.” “Public waters,” as defined in RSA 371:17, includes the portions of the Merrimack River covered by this petition.

Based on the information presented by PSNH and the review and recommendation of Staff, we find that this crossing is necessary for PSNH to meet the reasonable requirements of reliable service to the public within PSNH’s authorized franchise area as required by RSA 371:17, and that the requested license may be exercised without substantially affecting the public rights in the affected public waters, as required for approval under RSA 371:20. We find that the crossing is for the public good and 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.

The petition and subsequent docket filings are posted to the Commission’s website at <http://www.puc.nh.gov/Regulatory/Docketbk/2010/10-322.htm>

**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 other lines over and across the public waters described in its petition and depicted in its December 3, 2010 filing, as revised by its January 5, 2011 filing, and on file with this Commission; and it is

**FURTHER ORDERED**, that that all construction and future reconstruction to this approved crossing shall conform to the requirements of the National Electrical Safety Code, in accordance with N.H. Code Admin. Rules Puc 306.01 and Puc 1303.07 and all other applicable safety standards in existence at that time; and it is

**FURTHER ORDERED**, that PSNH shall maintain and operate this crossing in conformance with the National Electrical Safety Code, in accordance with N.H. Code Admin. Rules Puc 306.01 and Puc 1303.07; and it is

**FURTHER ORDERED**, that PSNH submit any future proposed alterations to the crossing license granted herein at least 60 days prior to the proposed alteration; and it is

**FURTHER ORDERED**, that PSNH shall provide a copy of this order to the (i) Town Clerks of Merrimack and Litchfield, New Hampshire, (ii) New Hampshire Attorney General and the owners of the land bordering on the easterly edge of said public waters at the location of the crossing, pursuant to RSA 371:19, and (iii) pursuant to RSA 422-B:13, the New Hampshire Department of Transportation and the Office of Secretary, U.S. Department of Commerce by first class mail, no later than January 11, 2011, and to be documented by affidavit filed with this office on or before January 17, 2011; 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 January 11, 2011 and to be documented by affidavit filed with this office on or before January 17, 2011; 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 January 13, 2011 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 January 14, 2011; and it is

**FURTHER ORDERED**, that this Order *Nisi* shall be effective January 17, 2011, unless the Petitioner fails to satisfy the publication obligation 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 seventh day of January, 2011.



Thomas B. Getz  
Chairman



Clifton C. Below  
Commissioner



Amy L. Ignatius  
Commissioner

Attested by:



Debra A. Howland  
Executive Director

CHRISTOPHER J ALLWARDEN  
PUBLIC SVC OF NEW HAMPSHIRE  
780 NORTH COMMERCIAL ST  
PO BOX 330  
MANCHESTER NH 03105

MEREDITH A HATFIELD  
OFFICE OF CONSUMER ADVOCATE  
21 SOUTH FRUIT ST STE 18  
CONCORD NH 03301

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**FILING INSTRUCTIONS: PURSUANT TO N.H. ADMIN RULE PUC 203.02(a),  
WITH THE EXCEPTION OF DISCOVERY, FILE 7 COPIES (INCLUDING COVER LETTER) TO:**  
DEBRA A HOWLAND  
EXEC DIRECTOR & SECRETARY  
NHPUC  
21 SOUTH FRUIT STREET, SUITE 10  
CONCORD NH 03301-2429