

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 13-250

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

**Petition for License to Construct and Maintain Electric Lines
Over and Across the Nashua River in the City of Nashua**

Order *Nisi* Granting License

ORDER NO. 25,627

February 5, 2014

I. SUMMARY OF PETITION

On August 30, 2013, Public Service Company of New Hampshire (PSNH) filed a petition pursuant to RSA 371:17 requesting a license to construct and maintain electric lines over and across the public waters of the Nashua River in Nashua, New Hampshire. PSNH previously constructed and currently operates and maintains two overhead electric utility lines that cross over the Nashua River at three separate but nearby locations. Two crossings were associated with a 34.5 kV distribution line identified as Line 3891; the other line is a 4.16 kV distribution line, split over two separate circuits, identified as Line 18H1. According to the petition, PSNH proposes to relocate and rebuild the two existing lines as required in order to accommodate the public roadway and bridge improvements associated with the New Hampshire Department of Transportation (NHDOT) Broad Street Parkway project. On January 17, 2014, Staff filed a memorandum with the Commission recommending that the license be granted.

A. History

The existing river crossings were approved by the Commission in Order No. 12,219, issued on April 21, 1976 in Docket No. DE 76-22, which granted PSNH a license to construct and maintain electric transmission lines over and across the Nashua River and several other bodies of water in various towns and cities in New Hampshire. The crossings which are the subject of the instant docket are identified on Appendices 37B2, 37B3 and 37B4 of the PSNH filing referenced in that Order.

B. Crossing Locations and Construction

According to the petition, PSNH proposes to relocate and rebuild the two existing lines in a double circuit configuration at a single location approximately the same as the 18H1 crossing. The relocation and rebuild are required in order to accommodate the public roadway and bridge improvements associated with the NHDOT's Broad Street Parkway project. The petition stated that these lines are an integral part of PSNH's electric distribution system in the Nashua area, and that the improvements are necessary in order to meet the reasonable requirements of service to the public.

The petition stated that the design of the proposed modification demonstrates that the material, height, and location of the support structure, as well as the conductor size and material, and the conductor clearance over the public waters will comply with applicable requirements of the National Electrical Safety Code (NESC). PSNH provided attachments to its petition depicting the technical and design information and proposed construction of the new line crossing. The petition and attachments described the configurations of the proposed crossing, as

well as the clearance and sag requirements, and showed that sag and tension calculations were done pursuant to applicable NESC requirements.

C. Regulatory Requirements

According to the petition, no permits from the NHDOT or the New Hampshire Department of Environmental Services (NHDES) are required for this project.

D. Property Rights

The petition stated that the new poles and wires associated with this crossing are located within easements owned by PSNH on each side of the Nashua River. Staff's memo indicated that, the current crossings are located outside of the State proposed right of way but within limits of PSNH's easements on both sides of the river, however, the proposed new orientation, structures and distances from the easement edges are significantly altered from the original crossings.

E. Public Interest

According to the petition, the proposed new construction and line crossing will not substantially affect the rights of the public in the public waters of the Nashua River. The petition also stated that minimum safe line clearances above the water surface and affected shorelines will be maintained at all times and that the use and enjoyment by the public of the Nashua River will not be diminished in any material respect as a result of the overhead line crossing.

II. SUMMARY OF STAFF REVIEW

After reviewing the petition, Commission Staff filed a memorandum on January 17, 2014, stating that the proposed construction and sagging designs are in conformance with the

applicable sections of the NESC. Staff recommended approval of PSNH's petition without any conditions. *See* Staff Memorandum dated January 17, 2014.

III. COMMISSION ANALYSIS

RSA 371:17 requires utilities and corporations to petition the Commission for a license to construct and maintain cable, conduit or poles and associated wires and fixtures over, under or across any public waters of the state, whenever such facilities are necessary to meet the reasonable requirements of service to the public. Public waters, as defined in RSA 371:17, include all ponds of more than 10 acres, tidewater bodies, and such streams or portions thereof as the Commission may prescribe. The NHDES is assigned responsibility under RSA 271:20 for preparing, maintaining, and publishing an official list of all public waters in the state. The body of water listed in the instant petition, the Nashua River, is included in the official list, which is maintained at http://des.nh.gov/organization/divisions/water/dam/public_waters/index.htm.

Based on the information presented in PSNH's petition and Staff's memorandum recommending approval of the crossing, we find that the proposed crossing is necessary for PSNH to meet the reasonable requirements of reliable service to the public, 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 the crossing is in the public good and therefore approve the petition on a *nisi* basis, subject to the conditions contained in the ordering clauses set out below related to ensuring the safe construction, operation and maintenance of the proposed crossing. Our decision is issued on a *nisi* basis in order to provide any interested party the opportunity to submit comments on PSNH's petition or to request a hearing. We note that PSNH is responsible for obtaining any and

all other permits for the construction and installation of the proposed crossing from any federal, state, and local authorities having jurisdiction. Finally, inasmuch as NHDES is responsible by statute for maintaining the official list of public waters, and given NHDOT's oversight of railroads, roads, and bridges, we require that notice of the proposed crossing be sent to NHDES and NHDOT. We also require that notice of the crossing be sent to the City of Nashua.

The petition and subsequent docket filings, other than any information for which confidential treatment is requested of or granted by the Commission, are posted to the Commission's website at <http://www.puc.nh.gov/Regulatory/Docketbk/2013/13-250.html>.

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, install, operate and maintain electric and other lines over and across the public waters described in its petition and depicted in its filings; and it is

FURTHER ORDERED, that PSNH shall construct, install, operate and maintain the approved crossing, including any future alterations, to conform with 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 submit any future proposed alteration(s) to the crossing license granted herein at least 60 days prior to any such alteration(s); and it is

FURTHER ORDERED, that PSNH shall maintain proper clearances for its lines and cables at all times across the entire span pursuant to NESC 232B and 235C; and it is

FURTHER ORDERED, that PSNH shall file copies of all permits or agreements, if any, required by the New Hampshire Department of Environmental Services, the New Hampshire

Department of Transportation, any other federal, state, or local authorities, and any of the affected municipalities for the crossing, no later than receiving the permit or entering into the agreement, or 30 days from the date of this Order *Nisi*, whichever occurs first; and it is

FURTHER ORDERED, that PSNH shall provide a copy of this Order *Nisi* to the (i) City Clerk of Nashua, New Hampshire; (ii) the New Hampshire Attorney General and the owners of the land bordering on said public waters at the location of the crossing, pursuant to RSA 371:19; (iii) the New Hampshire Department of Environmental Services; and (iv) 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 February 14, 2014, such notice to be documented by affidavit filed with the Commission on or before March 3, 2014; and it is


FURTHER ORDERED, that PSNH shall cause a summary 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 occur no later than February 14, 2014, and to be documented by affidavit filed with the Commission on or before March 3, 2014; and it is

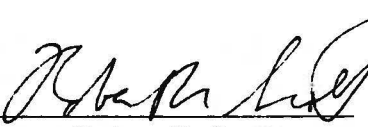
FURTHER ORDERED, that all persons interested in responding to this Order *Nisi* be notified that they may submit their comments or file a written request for a hearing which states the reason and basis for a hearing no later than February 21, 2014 for the Commission's consideration; and it is

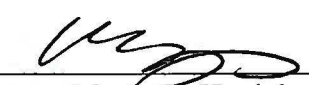
FURTHER ORDERED, that any party interested in responding to such comments or request for a hearing shall do so no later than February 28, 2014; and it is

FURTHER ORDERED, that this Order *Nisi* shall be effective March 6, 2014, unless PSNH 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.

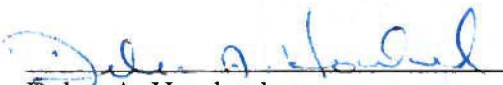
By order of the Public Utilities Commission of New Hampshire this fifth day of February, 2014.


Amy L. Ignatius (KNS)
Chairman


Robert R. Scott
Commissioner


Martin P. Honigberg
Commissioner

Attested by:


Debra A. Howland
Executive Director