

STATE OF NEW HAMPSHIRE

Inter-Department Communication

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DATE: April 7, 2015
AT (OFFICE): NHPUC

FROM: Robert Wyatt, Assistant Director – Safety Division *RTW*

SUBJECT: Docket No. DE 15-066 NH-BIG ISLAND CO.
Petition for a License to Construct and Maintain Cables and Pipelines
beneath State Waters and Lands
Staff Recommendation

TO: Debra Howland, Executive Director
Randy Knepper, Director – Safety Division
Michael Sheehan, Staff Attorney
Service List

Commission Safety Division Staff's review of the above petition consisted of the following elements:

- Petition contents, project overview and history
- Regulatory Requirements
- Private Property, Property Rights
- Public Interest
- Conclusions
- Recommendations

A. Petition Contents, Project Overview and History

On February 15, 2015, NH-Big Island Co. filed a petition, pursuant to RSA 371:17 and RSA 371:20, to construct and maintain an electric cable, internet/TV cable, water pipeline, and sewer pipeline conduits under a state-owned railroad and under and across the public waters of Lake Winnepesaukee. According to the petition, these new electrical, internet/TV cable, sewer and water facilities are necessary to serve structures owned by NH-Big Island Co. located on 2.288 acre Big Island in the City of Laconia.

In its petition NH-Big Island Co. notes the current existence of a submerged electrical line running to Big Island which was licensed by the Commission in 1961, *see Karl A. Steady*, 43 N.H.P.U.C. 34, Docket D-E3936, Order No. 7687 (July 14, 1961). This submerged line is said to be badly damaged and cannot be repaired. Additionally, New England Telephone and Telegraph Company was granted a water crossing license in 1985 for a submerged cable to provide telephone service to the Steady cottage on Big Island. *See New England Telephone and Telegraph Company*, 70 NH

PUC 704, Docket DE 85-217, Order No. 17,798 (August 19, 1985). NH-Big Island Co. is unaware of whether this telephone line continues to exist.

The petition explains that in order to bring the necessary electric, cable, water and sewer services to Big Island, NH-Big Island Co. must install these new facilities at the following locations:

1. **Electric Line.** The underground electric line consists of a three inch diameter high density polyethelene (HDPE) sleeve carrying an electric conductor type 1/0 AL 15 kv/155A rated with a 220 mil Ethylene propylene rubber (EPR) insulated Jacket. The electric cable will have a Concentric Neutral orientation. The buried electric line will begin onshore at PSNH/Eversource pole number 411D, 1-2 ATT 3622. The line will extend approximately 60 feet from the pole to the shoreline of Lake Winnepesaukee at a depth of approximately 12 feet below surface , then underneath the bottom of Paugus Bay for approximately 1,344 feet, and will terminate at a transformer on Big Island, approximately 55 feet from the lake shore. PSNH/Eversource will install a meter at pole number 411D, 1-2 ATT 3622 and the downstream conduit and conductor will be owned by Big Island Co.
2. **Internet/TV Cable Line.** The internet/TV cable line consists of a separate three inch diameter HDPE sleeve carrying the cable wire and will also begin onshore at PSNH/ Eversource pole number 411D, 1-2 ATT 3622, which carries the Metrocast cable line that serves its internet/cable TV customers in the area. The line will extend about 60 feet from the pole to the shoreline of Lake Winnepesaukee, then underneath the bottom of Paugus Bay for approximately 1,344 feet at a depth of approximately 12 feet below the lake bed, and will terminate at the same point as the electric line on Big Island, approximately 55 feet from the lake shore.
3. **Water Line.** The water line consists of a segment of 4-inch diameter HDPE sleeve carrying the 2-inch diameter copper water main line and will begin onshore, approximately 250 feet west of the shore line connecting with the Laconia Water Works main, then traveling between units 15 and 16 of the South Down Beach Condominiums (easement included with the petition). The 4 inch diameter HDPE sleeve will transition to second segment that is a 5-inch diameter steel sleeve located in a horizontal bore hole under the Rail Road right of way (State DOT permit included with the petition), The steel sleeve will be approximately 67 feet in length and will be buried a minimum of 6 feet deep. A third transition of the 2inch diameter will occur back to a 4 inch diameter HDPE sleeve that will cross over the 48-inch sewer interceptor and terminating at the underground Meter Housing vault, approximately 60 feet west of the shore line. The underground Meter Housing vault also contains backflow prevention devices. The final segment consists of a reduced 3-inch HDPE sleeve containing a 1-inch diameter water line from the underground Meter Housing vault, extending east to the lake shore, then underneath the bottom of Paugus Bay for approximately 1,344 feet at a depth of approximately 12 feet from the lake bed, terminating at plumbing associated with the cottage, approximately 70 feet from the lake shore.

4. **Sewer (Force Main) Line.** The sewer line will consist of a segment of 5-inch diameter HDPE sleeve carrying a 2-inch diameter sewer force main line from Big Island to the western shore of Paugus Bay. The sewer line will be underground, beginning approximately 65 feet from the western shore of Big Island, adjacent to a series of septic tanks and pumping chamber. The line will then travel underneath Paugus Bay for a distance of approximately 1,344 feet at a depth of approximately 12 feet below the lake bed, and then for a distance of approximately 70 feet to an existing City of Laconia Public Works municipal sewer manhole, north of Paugus Park Rd.

Detailed construction plans were provided with the petition (see Attachment A). The plans were prepared by Steven J. Smith & Assoc., Inc., Gilford, New Hampshire. The project will bring electric and cable lines plus water and sewer pipes to Big Island, with each line and pipe in separate sleeves. The plan also includes an optional fifth sleeve (empty) for possible future use. The plan calls for the five sleeves to be bundled together as they travel under the lake bed from terminus points on each shore. The bundle of sleeves will pass through the approximate 1,344 foot horizontal directional drill (HDD) bore hole buried approximately 12 feet below the lake bed.

The project requires NH-Big Island Co., through its contractors to coordinate with PSNH/Eversource, Metrocast, Laconia Water Works, Laconia Public Works, Plymouth and Lincoln Railroad and the State of New Hampshire Department of Transportation. Excavation and construction will need to commence shortly after ice-out and is expected to be temporary and limited in scope. When the project is completed, NH-Big Island Co. will take ownership of the lines and pipes and will be responsible for their maintenance.

B. Regulatory Requirements

As defined in RSA 371:17, a license is required to place utility service facilities under or across Lake Winnepesaukee, as is the case with any other New Hampshire public waters of more than 10 acres as well as state land that is under the State owned Rail Road Tracks. The State owned land is approximately 68 feet in width and is a corridor running northerly and southerly. Lake Winnepesaukee is listed on the Department of Environmental Services Water Division's official list of Public Waters.

In its petition NH-Big Island Co. stated that it was required to acquire two Wetlands and Non-Site Specific Permits and two Shoreland Impact Permits from the NH Department of Environmental Services (DES). The DES permits authorize the temporary impacts on shore and beneath the lake bed to facilitate construction. Copies of the DES permits were filed with the petition as Attachments B through E.

C. Private Property, Property Rights

It was necessary for NH-Big Island Co. to acquire a Crossing Agreement from the NH Department of Transportation (DOT) in order to extend a water line to the Laconia Water

Works facilities. The DOT Crossing Agreement authorizes the temporary construction and future maintenance of buried utility services across and near State-owned railroad tracks. A 2-inch diameter water line tied to Laconia Water Works facilities will need to pass under the railroad tracks, in DOT right of way. The Crossing Agreement requires excavation by means of an HDD bore-hole and the installation of a 5-inch diameter steel sleeve for passage of the water line before it terminates at the underground Meter Housing vault. NH-Big Island Co., and its contractors, will be required to comply with all the terms of this Crossing Agreement. A copy of the Crossing Agreement was filed as Attachment F to the Petition.

Additionally, NH-Big Island Co. was required to acquire both an Escrow Agreement and an Easement Deed from South Down Beach Club, in order to excavate and install its buried water line between the Laconia Water Works main and the underground Meter Housing vault. NH-Big Island Co., and its contractors, will be required to comply with all the terms of the Escrow Agreement and Easement Deed. Copies of the Escrow Agreement and Easement Deed were filed as Attachment G to the Petition.

D. Public Interest

NH-Big Island Co. states that there are no existing cable, water and sewer facilities providing service to the island. Furthermore, an existing electric line that had provided service to the island since 1961, is badly damaged and cannot be repaired. In its petition, NH-Big Island Co. asserts that the underwater crossing is the only feasible alternative to provide the necessary electric, cable, water and sewer services, and that NH-Big Island Co. can exercise the rights granted by the license sought in this petition without affecting or diminishing the rights of the public to use and enjoy the waters of Lake Winnepesaukee. Absent the utilities which are the subject of this petition, Big Island has no electricity, internet, or cable service. The island's water supply comes from a dug well and its sewage disposal from an on-site septic system, both of which are less than desirable by today's standards. NH-Big Island argued the license is "necessary" to allow these proposed services to reach Big Island.

When the project is finished, NH-Big Island stated that all the lines and pipes will be buried underground as they travel across the shore to the lake on the mainland and from the shore to their respective endpoints on Big Island. The bundle of services will travel approximately 12 feet below the lake bed as they travel from shore to Big Island. Because the services will be entirely underground or under the lake bed, NH-Big Island argued that the licenses will not diminish the rights of the public to use Lake Winnepesaukee, of the state and the railroad operator to use the railroad or the South Down Beach Club Condominium Association to use its facilities.

E. Conclusions

The proposed facilities are required to meet the reasonable requirements of NH-Big Island Co. to access electric, cable, water and sewer services from its property located on Big Island.

The proposed electric and cable facilities, as proposed, should be in conformance with the National Electric Safety Code C2-2012 Part 3 sections 30 through 37. Staff notes, however, that in its petition, NH-Big Island Co. does not make such a definitive statement. Use of high density polyethylene pipe as conduit for the facilities should minimize water entrance inside of the conduit.

The proposed water and sewer facilities, as proposed, should be in compliance with applicable State statutes, administrative rules and requirements, local plumbing code requirements and municipal water works and public works construction and pipeline rules and requirements. Again, Staff notes that NH-Big Island Co. does not make definitive statements related to the construction of its water and sewer lines.

The method for bundling the 4 conduits was not specified.

5. Recommendations

Staff recommends approval of NH-Big Island's petition for a license to construct and maintain cables and pipelines beneath State lands and waters (State DOT rail road right of way and Lake Winnepesaukee) in the City of Laconia, New Hampshire, with the following conditions:

- a. The Commission should require that the proposed electric and cable lines comply with applicable sections of the National Electric Safety Code C2-2012 (Part 3 sections 30 -37).
- b. To the extent it has the authority to do so, the Commission should require the proposed water and sewer pipelines be constructed in conformance with applicable State statutes, administrative rules and requirements, local plumbing code requirements and municipal water works and public works construction and pipeline rules and requirements.
- c. The Commission should require that any future alterations to the proposed electric or cable facilities meet the applicable sections of the National Electric Safety Code in effect at the time of the alteration, and that requests for such alterations be submitted to the Commission for its consideration at least 60 days prior to the start of construction.
- d. That conformance to the conditions imposed by the DES Wetlands and Non-Site Specific Permits included in the petition as Attachment A-D is required.

SERVICE LIST - EMAIL ADDRESSES - DOCKET RELATED

Pursuant to N.H. Admin Rule Puc 203.11 (a) (1): Serve an electronic copy on each person identified on the service list.

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FILING INSTRUCTIONS:

- a) Pursuant to N.H. Admin Rule Puc 203.02 (a), with the exception of Discovery, file 7 copies, as well as an electronic copy, of all documents including cover letter with:**

DEBRA A HOWLAND
EXECUTIVE DIRECTOR
NHPUC
21 S. FRUIT ST, SUITE 10
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- b) Serve an electronic copy with each person identified on the Commission's service list and with the Office of Consumer Advocate.**
- c) Serve a written copy on each person on the service list not able to receive electronic mail.**