

**APPENDIX 12**

**NORTHERN PASS TRANSMISSION LLC  
PETITION TO CROSS PUBLIC WATERS**

**STATE OF NEW HAMPSHIRE  
BEFORE THE  
PUBLIC UTILITIES COMMISSION**

**NORTHERN PASS TRANSMISSION, LLC**

**DOCKET NO. DE 15- \_\_\_\_\_**

**PETITION TO CROSS PUBLIC WATERS**

Northern Pass Transmission LLC (NPT) requests, pursuant to RSA 371:17, that the New Hampshire Public Utilities Commission (Commission) grant licenses to construct and maintain electric lines at twenty-five locations over, under, or across public waters in Pittsburg, Clarksville, Stark, Lancaster, Dalton, Bethlehem, Franconia, Easton, Plymouth, Woodstock, Ashland, Bridgewater, New Hampton, Hill, Bristol, Franklin, Northfield, Concord, Pembroke, Allenstown, and Deerfield, New Hampshire. Seventeen of the crossings will be overhead and eight will be underground.

1. NPT files this petition, pursuant to RSA 162-H:7, VII, with its Application to the New Hampshire Site Evaluation Committee (SEC) for a Certificate of Site and Facility to construct and operate a 192-mile high voltage electric transmission line comprising a +/-320 kV direct current line from the Canadian border at Pittsburg to Franklin (DC Line) and a 345kV alternating current line from Franklin to Deerfield (AC Line), with related infrastructure (collectively, the Project). NPT understands that the petition will be forwarded to the Commission pursuant to RSA 162-H:7, IV, and that the Commission will then docket the petition for its own administrative purposes.

2. The DC Line will cross over Halls Stream, under the Connecticut River, and over the Upper Ammonussuc River, Otter Brook, Israel River, Johns River, Ammonussuc River, and Baker Brook Pond. It will then cross under the Gale River, the Ham Branch at three locations,

Moosilauke Brook, Gordon Pond Brook, and the Baker River, after which it will cross over the Pemigewasset River at four locations, the Squam River, and Chance Pond. The AC Line will cross over the Merrimack River, Turtle Pond, and the Soucook, Suncook, and Lamprey Rivers. The locations of the crossings are shown on the maps provided as Attachment A. Also provided as Attachment B is a master index of the crossings, which includes NPT and Public Service Company of New Hampshire d/b/a Eversource (PSNH) facilities. PSNH is contemporaneously filing a petition to cross public waters for its facilities identified in Attachment B. In addition, attached are two sets of appendices that provide a detailed description of each crossing, along with relevant construction details, material specifications, flood water elevations, clearance calculations, and design drawings. Part A includes the overhead crossing materials and Part B includes the underground crossing materials.

3. RSA 371:17 requires any utility, corporation or individual seeking to construct and maintain cable, conduit or poles and associated wires and fixtures over, under or across any public waters of the state to petition the Commission for approval of such crossing. Public waters are defined as ponds more than 10 acres, tidewater bodies, and “such streams or portions thereof as the commission may prescribe.” The Commission has prescribed that the list maintained by the Department of Environmental Services at <http://des.nh.gov/organization/commissioner/pip/publications/wd/documents/olpw.pdf> constitutes public waters for purposes of the statute. Pursuant to RSA 371:20, the Commission shall grant such a petition following its review and determination that the license “may be exercised without substantially affecting the public rights in said waters.”

4. NPT has also contemporaneously filed a Petition to Commence Business as a Public Utility.

5. In Dockets No. DG 00-145 and 00-207, the Commission considered a petition by EnergyNorth Natural Gas, Inc. (ENGI) to construct and maintain a natural gas pipeline under Little Cohas Brook and across land owned by the state in Londonderry, i.e., an abandoned railroad bed owned by the Department of Transportation. In that case, the Town of Londonderry argued that ENGI was required to show that the crossing was necessary in order to meet the reasonable requirements of service to the public. The Commission rejected the argument. It held that “the proper standard for reviewing petitions for licenses pursuant to RSA 371:17 is set forth in RSA 371:20: whether the license petitioned for may be exercised without substantially affecting the public rights in said waters or lands.” The Commission also pointed out that “even private corporations and individuals may petition the Commission under RSA 371:17 for private purposes” and that the Commission had previously determined that “service by a public utility to even a single customer constitutes ‘service to the public.’” See Order No. 23, 657 (March 22, 2001) at p. 21.

6. NPT proposes to construct and maintain the Project in order to bring 1,090 MW of low-cost, renewable energy from Hydro-Québec to the New England power grid. The DC Line will run approximately 158 miles, terminating at a converter station to be built in Franklin, and the AC Line will run approximately 34 miles, terminating at a PSNH substation in Deerfield. While not required in order for the Commission to grant this petition, it is nevertheless the case that at the time NPT is authorized to engage in business in New Hampshire as a utility (by virtue of owning, operating and managing plant and equipment used in the transmission of electricity ultimately sold to the public) and it is granted a Certificate of Site and Facility by the SEC, it will be necessary, in order to meet the reasonable requirements of providing transmission service to the public, consistent with federal and state law, to cross the public waters described above.

7. As explained below, NPT has obtained, or petitioned for, the necessary rights to utilize the lands on either side of each crossing location, except for Halls Stream where NPT has the rights on the U.S. side and Hydro Quebec has the rights on the Canadian side. For background purposes, it is noted that the roughly 40-mile portion of the DC Line located between Pittsburg and Dummer, except for two segments totaling approximately eight miles that will be constructed under highways, will be located in new right-of-way (New ROW). NPT has options for a leasehold interest in the approximately 32 miles of the New ROW. There are two crossings in this portion, one overhead at Halls Stream and one underground at the Connecticut River. At the Connecticut River location, NPT is also seeking permission from the Department of Transportation (DOT) pursuant to RSA 231:161 *et seq.* because the crossing will be under the bridge where Route 3 crosses the river.

8. The DC Line intersects with existing PSNH right-of-way at the Dummer Substation. The overhead portions of the DC Line located between Dummer and Bethlehem, and between Bridgewater and Franklin, as well as the entirety of the AC Line, will be located within PSNH right-of-way (Existing ROW). NPT's use of the Existing ROW for the Project, pursuant to a lease agreement between NPT and PSNH, is the subject of another petition that has been contemporaneously filed with the Commission. Sixteen crossings are located within the Existing ROW.

9. Seven crossings are located within the 49-mile underground section between Bethlehem and Bridgewater that is the subject of a petition to the DOT because the DC Line in that section is proposed to cross under public highways. In those locations where the line will also cross under public waters, NPT will have the necessary rights on either side of the crossing by virtue of DOT approval pursuant to RSA 231:160 *et seq.*

10. NPT has filed for all necessary New Hampshire Department of Environmental Services permits and for permission to construct at each proposed crossing as part of its Application to the SEC for a Certificate of Site and Facility for the Project.

11. The proposed overhead crossings will be constructed, maintained, and operated by NPT in accordance with the 2012 National Electrical Safety Code (NESC) C2-2012, consistent with Puc 306.01(b)(1). There are no code requirements for the proposed insulated cable underground crossings. The horizontal directional drill trenchless installations will be designed to maintain a minimum of ten (10) vertical feet of clearance from culverts and stream beds to ensure that any deviation of the boring equipment will not impact the culverts and stream beds. The horizontal bore trenchless installations will be designed to maintain a minimum of five (5) to ten (10) vertical feet of clearance, respectively, from culverts and stream beds to ensure that any deviation of the boring equipment will not impact the culverts and stream beds.

12. Accordingly, the rights granted by the license sought in this Petition can be exercised without substantially affecting the rights of the public to use the waters, and the use and enjoyment by the public will not be diminished as a result of NPT's plan to construct and maintain the Project as proposed.

WHEREFORE, NPT respectfully requests that the Commission:

- A. Find that the licenses petitioned for may be exercised without substantially affecting the public rights in the waters that are the subject of this petition;
- B. Grant NPT licenses to construct and maintain electric lines over, under, or across the public waters identified in the petition;
- C. Issue an Order *Nisi* granting such licenses, consistent with Commission practice;

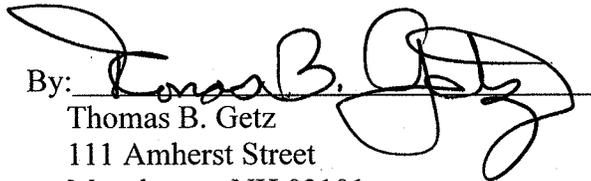
- D. Cause due notice to be given, pursuant to RSA 371:19, to the Attorney General and to such abutting owners of land as the Commission may designate; and
- E. Grant such other and further relief as may be just and equitable.

Respectfully submitted,

NORTHERN PASS TRANSMISSION LLC

By its Attorneys,  
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PROFESSIONAL ASSOCIATION

Dated: October 16, 2015

By: 

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