

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 17-159

**PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
d/b/a EVERSOURCE ENERGY**

**Petition for License to Construct and Maintain Electric Lines Over and Across
the Bearcamp River in the Town of Tamworth, New Hampshire**

Order *Nisi* Granting License

ORDER NO. 26,118

April 10, 2018

In this order, the Commission grants the petition of Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource) for a license to modify existing electric lines over and across the public waters of Bearcamp River in Tamworth, New Hampshire. This order is being issued on a *nisi* basis to ensure that all interested parties receive notice and have the opportunity to comment or request a hearing before the order becomes effective.

I. PROCEDURAL HISTORY

On October 20, 2017, Eversource filed a petition, pursuant to RSA 371:17, requesting a license to modify an existing overhead electric line, known as the 3116X1 line. The line spans the Bearcamp River, west of the bridge on Tamworth Road (also known as NH Route 113), in Tamworth, New Hampshire. In support of its petition, Eversource submitted a plan and profile drawing, a construction drawing, a Federal Emergency Management Agency flood zone map, and a United States Geographical Survey locus map.

Commission Staff (Staff) recommended that Eversource's petition be granted. 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.state.nh.us/Regulatory/Docketbk/2017/17-159.html>.

II. SUMMARY OF PETITION

Eversource seeks modification of an existing electric line to accommodate a New Hampshire Department of Transportation bridge rehabilitation project. Specifically, this requires Eversource to do work on two utility poles and the line between them that runs across the Bearcamp River.

A. Crossing Location and Construction

Eversource did not previously obtain a license for the existing 3116X1 Line crossing. It requests a license for its modification of this crossing. The proposed modification begins at Pole Number 8/246 on the north side of Bearcamp River, which will be relocated northerly and replaced by a taller pole. The line will continue in a southerly direction to Pole Number 8/247, which will also be changed to a taller pole, but reset in its present position. The new structures will be 50-foot, class 2, single wood poles, the location of which will create a 211-foot crossing span. The line modification is designed and will be constructed in accordance with the 2012 National Electrical Safety Code (NESC).

B. Regulatory Requirements

According to the petition, Pole Numbers 8/246 and 8/247 were previously licensed by the applicable highway authority for location in the Tamworth Road (NH Route 113) public right-of-way, and they will remain in the right-of-way after modification despite the relocation of Pole Number 8/246. The proposed pole relocation and lines have been or will be re-licensed with the applicable highway authority.

C. Property Rights

Eversource does not anticipate that the abutters on Bearcamp River will be affected because this is a modification of an existing crossing and the pole structures will remain in the public right-of-way after adjustments are made.

D. Service to the Public and the Effect on Public Rights

According to the petition, the existing crossing was constructed, operated, and maintained to meet the reasonable requirement of service to the public. The modification will continue to meet that public need. Modification of the existing line will not substantially affect the public's use and enjoyment of the Bearcamp River. Minimum safe line clearances above the river and the shorelines will be maintained at all times. Furthermore, Eversource calculated its clearance requirement using the 100-year flood level, a more conservative analysis than the NESC 10-year flood elevation requirement.

III. SUMMARY OF STAFF REVIEW

The Commission's Staff reviewed the petition and supporting documentation, applicable statutes, rules, NESC requirements, land ownership, as well as public need, safety, and impact. Staff determined that the proposed construction meets the requirements of applicable state statutes and rules and recommended approval of the petition.

IV. COMMISSION ANALYSIS

"Whenever it is necessary, in order to meet the reasonable requirements of service to the public, that any public utility should construct a pipeline, cable, or conduit, or a line of poles or towers and wires and fixtures thereon, over, under or across any of the public waters of this state, ... it shall petition the commission for a license to construct and maintain the same."

RSA 371:17. The Commission is authorized to grant such a license if it "may be exercised

without substantially affecting the public rights in said waters or lands.” RSA 371:20. The New Hampshire Department of Environmental Services (NHDES) has classified the Bearcamp River as a “public water.”¹

Based on the petition and Staff’s recommendation, we find that the proposed crossing is necessary to meet the reasonable requirements of reliable service to the public, as required by RSA 371:17. We further find that the requested license may be exercised without substantially affecting the public rights in Bearcamp River, as required for approval under RSA 371:20. Therefore, we approve the petition subject to the conditions contained in the ordering clauses below. We issue our decision on a *nisi* basis to provide any interested person the opportunity to submit comments or request a hearing.

This approval is only for electric lines with the specifications proposed in this docket. Should Eversource seek further modification, it must make the appropriate filing. Eversource is responsible for obtaining any and all federal, state, or local permits required by authorities having jurisdiction for the construction and installation of the proposed crossing.

We also require notice to be provided to the Town of Tamworth, NHDES, the Office of the Attorney General, and owners of land bordering the crossing pursuant to RSA 371:19.

Based upon the foregoing, it is hereby

ORDERED *NISI*, that subject to the effective date below, Eversource is authorized pursuant to RSA 371:17, *et seq.*, to construct, install, operate, and maintain electric lines over and across Bearcamp River described in its petition and depicted in its filings in this docket; and it is

¹ NHDES prepares, maintains and publishes an official list of all public waters in the state. *See* <https://www.des.nh.gov/organization/commissioner/pip/publications/wd/documents/olpw.pdf>.

FURTHER ORDERED, that approval is limited to the construction or alteration of electrical lines under consideration in this docket, and is conditioned on the requirement that Eversource construct, operate, maintain, and, if necessary, alter the lines consistent with the provisions of the National Electrical Safety Code, in accordance with N.H. Code Admin. Rules Puc 306, *et seq.*, as may apply, and as amended from time to time, and all other applicable safety standards in existence at that time; and it is

FURTHER ORDERED, that Eversource shall maintain proper clearances for its lines at all times across the entire length of the span pursuant to the National Electrical Safety Code Rules 232B and 235C; and it is

FURTHER ORDERED, that Eversource shall submit any future proposed alteration(s) to the crossing license granted herein at least 60 days prior to undertaking any such alteration(s); and it is

FURTHER ORDERED, that Eversource shall provide a copy of this Order *Nisi* to (i) the Town Clerk of Tamworth, New Hampshire; (ii) the New Hampshire Attorney General and all owners of the land bordering on said public waters at the location of the crossing, as required by RSA 371:19; and (iii) the New Hampshire Department of Environmental Services, by first class mail, no later than April 20, 2018, to be documented by affidavit filed with this office on or before May 7, 2018; and it is

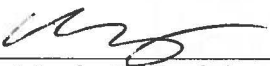
FURTHER ORDERED, that Eversource shall cause a summary of this Order *Nisi*, issued concurrently with this Order, to be published once in a statewide newspaper of general circulation or of circulation in those portions of the state where operations are conducted, such publication to occur no later than April 20, 2018, and to be documented by affidavit filed with this office on or before May 7, 2018; 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 April 27, 2018, for the Commission's consideration; and it is

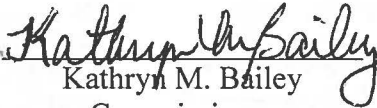
FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than May 7, 2018; and it is

FURTHER ORDERED, that this Order *Nisi* shall be effective May 10, 2018, unless Eversource fails to satisfy the 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 tenth day of April, 2018.



Martin P. Honigberg
Chairman

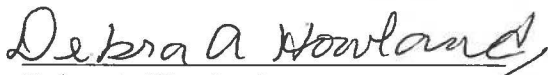


Kathryn M. Bailey
Commissioner



Michael S. Giaimo
Commissioner

Attested by:



Debra A. Howland
Executive Director 