

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 17-167

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

**Petition for License to Construct and Maintain Electric Lines Over and Across
the Sugar River in the City of Claremont, New Hampshire**

Order *Nisi* Granting License

ORDER NO. 26,155

July 9, 2018

In this order, the Commission grants Eversource a license to modify existing electric lines over and across the public waters of the Sugar River in Claremont, 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 24, 2017, Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource) filed a petition pursuant to RSA 371:17 requesting a license to modify an existing overhead electric line, known as the 75W2 Line. The line spans the Sugar River, south of Washington Street, in Claremont. In support of its petition, Eversource submitted a plan and profile drawing, two construction drawings, 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 on the Commission's website at <http://puc.nh.gov/Regulatory/Docketbk/2017/17-167.html>.

II. SUMMARY OF PETITION

Eversource seeks modification of an existing electric line to create a loop configuration between its 60W1 and 75W2 circuits, and the 74W1 circuit. Specifically, this requires Eversource to install new conductors, replace one utility pole, and modify the line that runs across the Sugar River.

A. Crossing Location and Construction

Eversource did not previously obtain a license for the existing 75W2 Line crossing. The proposed modification begins at existing Pole Number 3/8 on the west side of the Sugar River, which will remain unchanged in its present location. The line will continue in a northerly direction to Pole Number 46-3-1A, which will be changed to a new, taller pole. The new pole, a 55-foot, class 1, single wood pole, will be set approximately 100 feet southeast from its present position on the east side of the Sugar River. The new configuration will create a 401-foot crossing span. Eversource asserts that the modification of the 75W2 Line is designed and will be constructed in accordance with the 2012 National Electrical Safety Code (NESC).

B. Property Rights and Regulatory Requirements

According to Eversource, Pole Number 3/8 and new Pole Number 46-3-1A will remain in easements it currently possesses. Modification of the 75W2 Line will not require use and occupancy agreements from the New Hampshire Department of Transportation prior to construction. Eversource does not anticipate that the abutters on either side of the Sugar River will be affected because this is a modification of an existing crossing for which it has easement rights.

C. Service to the Public and Effect on Public Rights

According to the petition, the existing crossing was constructed, operated, and maintained to meet the reasonable requirements of service to the public. The proposed modification will

continue to meet that public need by creating a loop configuration between Eversource's 60W1 and 75W2 circuits, and its 74W1 circuit. In addition, the crossing modification will not substantially affect the public's use and enjoyment of the Sugar River. Minimum safe line clearances above the river and the affected 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

Staff reviewed the petition and supporting documentation, applicable statutes, rules, NESC requirements, and 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 Sugar 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

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

RSA 371:17. We further find that the requested license may be exercised without substantially affecting the public rights in the Sugar 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 City of Claremont, 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 the Sugar River described in its petition and depicted in its filings in this docket; and it is

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 to the crossing license granted herein at least 60 days prior to undertaking any such alteration; and it is

FURTHER ORDERED, that Eversource shall provide a copy of this order to (i) the City Clerk of Claremont, 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 July 19, 2018, to be documented by affidavit filed with this office on or before August 6, 2018; and it is


FURTHER ORDERED, that Eversource shall cause a summary of this order, 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 July 19, 2018, and to be documented by affidavit filed with this office on or before August 6, 2018; and it is

FURTHER ORDERED, that all persons interested in responding to this order 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 July 26, 2018, for the Commission's consideration; and it is

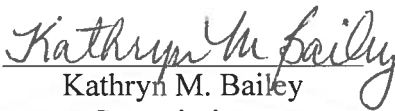
FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than August 2, 2018; and it is

FURTHER ORDERED, that this order shall be effective August 9, 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 ninth day of July, 2018.



Martin P. Honigberg
Chairman



Kathryn M. Bailey
Commissioner



Michael S. Giaimo
Commissioner

Attested by:



Debra A. Howland
Executive Director