

October 2, 2019

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Via Federal Express and Electronic Mail

State of New Hampshire
Public Utilities Commission
Attn: Debra A. Howland, Executive Director
21 S. Fruit St., Suite 10
Concord, NH 03301-2429
executive.director@puc.nh.gov

NHPUC 30OCT19AM10:36

Re: ^{DE}~~DT~~ 19-109
Vermont Transco LLC: License for existing K149 Transmission Line over the
Connecticut River in Claremont, New Hampshire

Dear Ms. Howland:

On behalf of Vermont Transco LLC ("VT Transco"), this letter is submitted in connection with the Order *Nisi* Granting Licenses issued by the New Hampshire Public Utilities Commission (the "Commission") on September 16, 2019. In that Order *Nisi*, the Commission noted:

Further, *unless VT Transco can produce licenses*, we require the Company to promptly file a petition for licenses to operate and maintain the K149 Transmission Line, across the public waters of the Connecticut and the Sugar River in Claremont, New Hampshire.

September 16, 2019 Order Nisi, at 5 (emphasis added).

In response to the Order *Nisi*, VT Transco contacted the New Hampshire Law Library for assistance in finding the underlying licenses for the existing transmission lines over the Connecticut and Sugar Rivers. With the librarian's assistance, VT Transco was able to locate the following:

- New Hampshire PUC D-E5903, Order 10,067 re: Vermont Electric Power Company, Inc. ("VELCO") Petition for authority to operate as an interstate public utility in New Hampshire, 55 NH PUC 522, July 27, 1970
- New Hampshire PUC D-E5904, Order 10,068 re: Vermont Electric Power Company, Inc. ("VELCO") Petition for a license to construct and maintain electric transmission lines over and across the Connecticut River in the City of Claremont and Town of Monroe, 55 NH PUC 524, July 27, 1970

Both Orders are attached as Exhibit A.

The first order, Order No. 10,067, acknowledges the existence of a then-existing 115 KV line crossing the Connecticut River in Claremont, completed in 1958, and authorizes VELCO to do business as an electric interstate public utility in New Hampshire. It further explains that VELCO is authorized to do business within the City of Claremont specifically, “and for that purpose to construct and maintain the necessary lines and apparatus.” 55 NH PUC at 523.

The second order, Order No. 10,068, grants VELCO a license “to construct and maintain an electric transmission line over and across approximately three hundred (300) feet of the Connecticut River from Barnet, Vermont to Monroe, New Hampshire *and seven hundred (700) feet of the Connecticut River from Ascutney, Vermont to Claremont, New Hampshire...*” 55 NH PUC at 525 (emphasis added).

Taken together, the two Orders from 1970 provided VELCO with the license to operate the existing transmission lines over the Connecticut River in Claremont. In granting the license to VELCO, the Commission recognized the then-existing 1958 line, and granted the license to construct and maintain the secured line over the Connecticut River to Claremont from what is referenced as “Ascutney” (but which is in point of fact VELCO’s Ascutney substation in Weathersfield, Vermont).

Attached as Exhibit B is Order No. 24,628 issued in Docket DE-057 on June 1, 2006, whereby the PUC authorized the transfer of prior operating and river crossing licenses—including the two Orders from 1970—from Vermont Electric Power Company to VT Transco. Moreover, VT Transco presently holds the license to operate the transmission lines over the Connecticut River and into Claremont.

Although the 1970 VELCO petitions more than likely included site plans showing the transmission lines crossing the Sugar River, none of the Orders in Exhibits A or B make any direct mention of the license to cover the Sugar River crossings. To date, neither VT Transco nor the PUC Staff have been able to locate the original petition for Order 10,068. Consequently, VT Transco will shortly be submitting a petition to the Commission to operate and maintain that portion of the K149 line, in accordance with the Commission’s September 16, 2019 Order *Nisi*.

In light of the discovery of the Connecticut River licenses, and having complied with the notice and publication requirements set forth in the September 16, 2019 Order *Nisi*, VT Transco respectfully requests that the license for the fiber optic cable crossing over the Connecticut and Sugar Rivers be issued as expeditiously as possible. VT Transco has re-scheduled its work

associated with the fiber optic cable to Monday, November 12, 2019 in order to allow sufficient time for the license to issue.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. J. Dodge', written over a light gray background.

William J. Dodge

WJD:hht

Attachments: **Exhibit A:** Order Nos. 10,067 and 10,068 (1970)
Exhibit B: Order No. 24,628 (2006)

cc: S. Mark Sciarrotta, Esq., Assistant General Counsel, Vermont Electric Cooperative, Inc. (via e-mail msciarrotta@velco.com)
Office of the Consumer Advocate (via e-mail: ocalitigation@oca.nh.gov)

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