

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 19-095

**PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
D/B/A EVERSOURCE ENERGY**

**Petition for License to Construct and Maintain Electric Lines Over and Across
the Squamscott River between the Towns of Stratham and Exeter**

Order *Nisi* Granting License

O R D E R N O. 26,330

February 5, 2020

This order grants Eversource a license to construct and maintain an overhead 115 kV electric transmission line over and across the public waters of the Squamscott River between Stratham and Exeter. This order is being issued on a *nisi* basis to ensure that interested persons receive notice and have the opportunity to comment or request a hearing before the order becomes effective.

I. PROCEDURAL HISTORY

On May 14, 2019, Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource or the Company) filed a petition, pursuant to RSA 371:17, requesting a license to construct and maintain an overhead 115 kilovolt (kV) electric transmission line, designated as the Eversource A126 Line (A126 Line), over the Squamscott River. The proposed construction entails the replacement of existing wooden structures with steel structures and transfer of the existing transmission line to the new structures. In support of its petition, Eversource submitted an overview map (Exhibit 1) and a plan and profile drawing (Exhibit 2) of the proposed crossing modifications.

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 <https://www.puc.nh.gov/Regulatory/Docketbk/2019/19-095.html>.

II. SUMMARY OF PETITION

Eversource seeks modification of its A126 Line, an existing overhead 115 kV electric transmission line over the Squamscott River, which forms the boundary line between the towns of Stratham and Exeter, New Hampshire. Specifically, Eversource will replace two wooden pole structures with steel structures on the portion of the A126 Line that runs across the Squamscott River. The modified A126 Line will run westerly from Structure 155 in Stratham to Structure 156 in Exeter. No conductor, shield wire, or neutral wire will be replaced as part of this project; however, existing conductors and wires will be transferred to the new structures.

A. History

The existing crossing was approved by the Commission in Order No. 6668, issued on August 31, 1955, in Docket No. D-E3442. In 1975, Eversource replaced the wooden poles at the Squamscott River crossing location with new wooden poles, without varying the crossing characteristics of the A126 Line. In its current petition, the Company requests a license for the modification and rebuild of the existing crossing approved in 1955, including the replacement of the existing 45-year old wooden structures with new steel structures.

B. Crossing Location and Construction

The proposed modification begins at Structure 155 on the east side of the Squamscott River in Stratham and continues in a westerly direction to Structure 156 in Exeter. The existing wooden structures will be replaced with steel structures, and the existing conductors and wires

will be transferred to the new structures. The crossing span between Structures 155 and 156 is approximately 726 feet. The line modification is designed, and will be constructed, in accordance with the 2017 National Electrical Safety Code (NESC).

C. Regulatory Requirements

A New Hampshire Department of Environmental Services (DES) Shoreland Permit by Notification application is required for construction activities in the vicinity of the Squamscott River. A DES Standard Dredge and Fill Wetland Permit is required for the portion of the project in Stratham, and a DES Utility Maintenance Notification Permit is required for the portion of the project in Exeter. Eversource asserted it will submit all required permits as part of the project.

D. Property Rights

Eversource does not anticipate that abutters on either side of the Squamscott River crossing will be affected, because the A126 Line is an existing line and the crossing structures are being replaced and rebuilt within Eversource's existing utility corridor. The utility corridor is comprised of existing easements owned by Eversource. In addition, Eversource has an existing crossing license agreement with the Boston and Maine Corporation pertaining to the active railroad bed on the westerly side of the river crossing in Exeter, situated between the Squamscott River and Structure 156.

E. 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 requirements of service to the public. The proposed modification will continue to meet that public need and will not substantially affect the public's use and enjoyment of the Squamscott River. Eversource stated that minimum safe line clearances above the river and the shorelines will be maintained at all times, and that the clearance requirement was

calculated using the 100-year flood level, which is 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. Based on its review, Staff determined that the proposed construction meets the requirements of the NESC and applicable state statutes and rules. Staff 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, or over, under or across any of the land owned by 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. DES has classified the Squamscott 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 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 the Squamscott River, as required for approval under RSA 371:20. Therefore, we approve the petition subject to the conditions contained in the ordering clauses

¹ See http://des.nh.gov/organization/divisions/water/dam/public_waters/index.htm, and <https://www.des.nh.gov/organization/commissioner/pip/publications/wd/documents/olpw.pdf>.

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 the electric lines with the specifications proposed in this docket. The Company 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. Should Eversource seek further modification, it must make the appropriate filing.

We also require notice to be provided to the Towns of Exeter and Stratham, the New Hampshire Department of Environmental Services, and pursuant to RSA 371:19, to the Office of the Attorney General and owners of land bordering the crossing.

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 Squamscott River as described in its petition and depicted in its filings and as specified in Staff's recommendation; and it is

FURTHER ORDERED, that approval is limited to the construction or alteration of the electric 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 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 Town Clerk of Exeter, New Hampshire; (ii) the Town Clerk of Stratham, New Hampshire; (iii) 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 (iv) the New Hampshire Department of Environmental Services, by first class mail, no later than February 14, 2020, to be documented by affidavit filed with the Commission on or before February 28, 2020; and it is

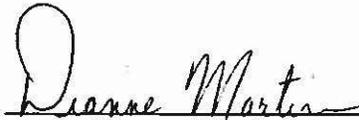
FURTHER ORDERED, that Eversource shall cause a summary of this order, issued concurrently with this order, to be published once in a statewide newspaper of general circulation or of circulation in those portions of the state where operations are conducted, such publication to occur no later than February 14, 2020, and to be documented by affidavit filed with the Commission on or before February 28, 2020; and it is

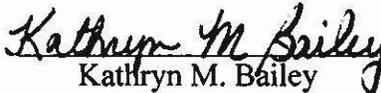
FURTHER ORDERED, that persons interested in responding to this order be notified that they may submit their comments or file a written request for a hearing that states the reason and basis for a hearing no later than February 21, 2020 for the Commission's consideration; and it is

FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than February 28, 2020; and it is

FURTHER ORDERED, that this order shall be effective March 5, 2020, unless Eversource fails to satisfy the notice and 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 fifth day of
February, 2020.


Dianne Martin
Chairwoman


Kathryn M. Bailey
Commissioner


Michael S. Giaimo
Commissioner

Attested by:


Margaret L. Raymond
Assistant Secretary

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