

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 19-172

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

**Petition for Licenses to Construct and Maintain Electric Lines
Over and Across Otter Brook in the Town of Sullivan, the North Branch River and
an Unnamed Outflow Stream of Island Pond in the Town of Stoddard, and
the Ashuelot River in the City of Keene**

Order *Nisi* Granting Licenses

ORDER NO. 26,356

May 21, 2020

This order grants Eversource licenses to modify, construct, and maintain electric lines over and across the public waters of the Ashuelot River in Keene, the Otter Brook in Sullivan, the North Branch River in Stoddard, and an unnamed outflow stream of Island Pond in Stoddard. 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.

I. PROCEDURAL HISTORY

On October 15, 2019, 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, construct, and maintain an existing 115 kV electrical transmission line, designated the Eversource L163 Line (the L163 Line), over and across the Ashuelot River in the City of Keene, Otter Brook in the Town of Sullivan, and the North Branch River and an unnamed outflow

stream of Island Pond in the Town of Stoddard.¹ In support of its petition, Eversource submitted a map and a plan and profile drawing for each crossing location.

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/2019/19-172.html>.

II. SUMMARY OF PETITION

Eversource seeks licenses to modify an existing overhead 115 kV electrical transmission line, the L163 Line that crosses: the Ashuelot River in Keene; Otter Brook in Sullivan; and the North Branch River and an unnamed outflow stream of Island Pond in Stoddard.

Specifically, Eversource will replace a total of six steel structures at the identified crossings for the L163 Line to continue to function safely and reliably. No existing conductors, shield wire, fiber optic wire, or neutral wire will be replaced as part of this project; existing conductors and wires will be transferred to the newly constructed support structures.

A. History

The existing crossing over and across the Ashuelot River in Keene was approved by the Commission in Order No. 21,817 issued on September 6, 1995, in Docket No. DE 94-272. The existing crossings over Otter Brook, the North Branch River, and the unnamed outflow stream of Island Pond have not been licensed previously by the Commission. Two steel structures affecting the crossing of Otter Brook and the Island Pond outflow stream were installed between

¹ Island Pond in Stoddard, New Hampshire, is designated a public water body on the New Hampshire Department of Environmental Services Official List of Public Waters; one of the crossings in the petition crosses an outflow stream of Island Pond.

2015 and 2017 to replace existing wooden poles on this line, but were not licensed at the time of replacement. Eversource seeks an after-the-fact license for those crossings.

B. Crossing Location and Construction

The petition identifies six structures that require modification or need to be rebuilt on the existing L163 Line at locations adjacent to public water. All existing wires will be transferred to the newly constructed support structures.

The project also includes the retroactive licensing of two structures (Structures 49 and 132) that Eversource installed between 2015 and 2017 to replace existing wooden poles on the same line. According to the petition, those structure replacements impacted the unnamed outflow stream of Island Pond in Stoddard and Otter Brook in Sullivan, respectively.

The L163 transmission line crosses Otter Brook just northwest of the intersection of Valley Road and Centre Road in Sullivan. Structure 132 (formerly Structure 197 and previously replaced) is located on the east side of the brook on Tax Map 6, Lot 9-1. The span runs southwest to Structure 133 (formerly Structure 198), which is located on the west side of the brook, west of Valley Road, and is shown on Tax Map 5, Lot 8. The length of span between Structures 132 and 133 is approximately 613 feet.

The L163 Line crosses the unnamed outflow stream southeast of Island Pond in Stoddard between Structure 48 (formerly Structure 113) and Structure 49 (formerly Structure 114 and previously replaced). It is located just west of Route 9 (Keene Road/Franklin Pierce Highway) and north of the intersection of Routes 9 and 123, and is shown on Tax Map 413, Lot 2.2. The length of span between Structures 48 (formerly Structure 113) and 49 is approximately 598 feet.

The L163 Line crosses the North Branch River in Stoddard between Structures 30 and 31 west of the border of the Antrim town line and just east of where the transmission line crosses

Route 9 (Keene Road/Franklin Pierce Highway). Structure 30 (formerly Structure 95) is located east of Route 9 (Keene Road/Franklin Pierce Highway) within the PSNH transmission right-of-way. The span runs westerly across the river from Structure 30 to Structure 31 (formerly Structure 96), which is located on the west side of the river. The length of span between Structures 30 and 31 is approximately 363 feet.

The modification of the crossing over the Ashuelot River in Keene will include the replacement of Structure 207 (formerly Structure 272) on the west side of the Ashuelot River, shown on Tax Map 219, Lot 1, from which the L163 Line will run southeasterly across the river to Structure 208 (formerly Structure 273) within the PSNH easement (transmission right-of-way), as shown on Tax Map 228, Lot 10. The length of span between Structures 207 and 208 is 416 feet.

The line modifications are designed and will be constructed in accordance with the 2017 National Electrical Safety Code (NESC).

C. Regulatory Requirements

Certain New Hampshire Department of Environmental Services (DES) permits by notification are required. Eversource stated that it had obtained all permits required by DES.² Eversource stated in its petition that no permits or permit modifications are required by the United States Army Corps of Engineers for the crossings.

² Eversource received: Utility SPN # 2020-00563 associated with the Ashuelot River crossing; and Utility SPN # 2020-00602 associated with the North Branch River and the unnamed outflow stream of Island Pond crossings. Eversource also received: Shoreland PBN # 2019-02042 associated with Structures 132 and 133 crossing the Otter Brook; Shoreland PBN # 2020-00108 associated with Structures 30 and 31 crossing the North Branch River; and Shoreland PBN # 2020-00320 associated with Structures 206 and 207 crossing the Ashuelot River.

C. Property Rights

Eversource does not anticipate that abutters of the Ashuelot and North Branch Rivers, the unnamed outflow stream of Island Pond, or Otter Brook will be affected by the identified crossing modifications because each crossing falls within the Company's existing easements.

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

According to Eversource's petition, the existing crossings were constructed, operated, and maintained to meet the reasonable requirements of service to the public. Eversource stated that the proposed modifications will continue to meet that public need and will not substantially affect the public's use and enjoyment of the Ashuelot and North Branch Rivers, the unnamed outflow stream of Island Pond, or Otter Brook. Eversource noted that minimum safe line clearances above the public waters and shorelines will be maintained at all times at each crossing, and that the clearance requirements were calculated using a 100-year flood level, which is a more conservative analysis than the NESC 10-year flood clearance 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, 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, 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 Ashuelot River, the North Branch River, Island Pond, and Otter Brook as “public water[s].”³

Based on the petition and Staff’s recommendation, we find that the proposed crossings are necessary to meet the reasonable requirements of reliable service to the public, as required by RSA 371:17. We further find that the requested licenses may be exercised without substantially affecting the public rights in the Ashuelot River, Otter Brook, the North Branch River, and the unnamed outflow stream of Island Pond 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 the electric lines with the specifications proposed in this docket. Should Eversource seek further modification, it must make the appropriate filing. 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 crossings.

We also require notice to be provided to the Towns of Stoddard and Sullivan and the City of Keene; the New Hampshire Department of Environmental Services; and, pursuant to RSA 371:19, the Office of the Attorney General and owners of land bordering each crossing.

³ 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>.

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 Ashuelot River, the North Branch River, the unnamed outflow stream of Island Pond, and Otter Brook, 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 and structures 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. Admin. R., Puc 306.01, *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 alterations to the crossing licenses granted herein at least 60 days prior to undertaking any such alterations; and it is

FURTHER ORDERED, that Eversource shall provide a copy of this order to: (i) the City Clerk of the City of Keene; (ii) the Town Clerk of the Town of Stoddard; (iii) the Town Clerk of the Town of Sullivan; (iv) the New Hampshire Attorney General and all owners of the land bordering on said public waters at the location of each crossing, as required by RSA 371:19; and (v) the New Hampshire Department of Environmental Services, by first class mail, no later than June 1, 2020, to be documented by affidavit filed with the Commission on or before June 17, 2020; and it is

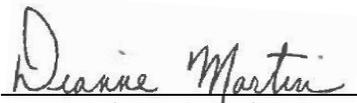
FURTHER ORDERED, that Eversource shall cause a summary of this order, issued concurrently with this order, to be published once in a statewide newspaper of general circulation or of circulation in those portions of the state where operations are conducted, such publication to occur no later than June 1, 2020, and to be documented by affidavit filed with the Commission on or before June 17, 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 June 8, 2020, for the Commission's consideration; and it is

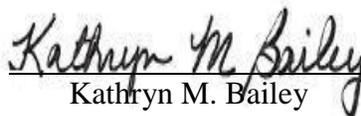
FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than June 15, 2020; and it is

FURTHER ORDERED, that this order shall be effective June 21, 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.

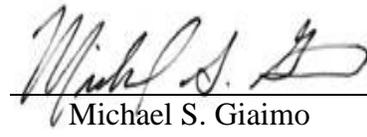
By order of the Public Utilities Commission of New Hampshire this twenty-first day of May, 2020.



Dianne Martin
Chairwoman

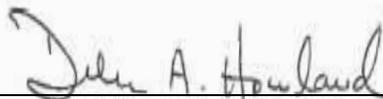


Kathryn M. Bailey
Commissioner



Michael S. Giaimo
Commissioner

Attested by:



Debra A. Howland
Executive Director

Service List - Docket Related

Docket# : 19-172

Printed: 5/21/2020

Email Addresses

ExecutiveDirector@puc.nh.gov
richard.chagnon@puc.nh.gov
paul.dexter@puc.nh.gov
lynn.fabrizio@puc.nh.gov
Jeremy.Fennell@eversource.com
tom.frantz@puc.nh.gov
susan.gagne@puc.nh.gov
randy.knepper@puc.nh.gov
catherine.marsellos@puc.nh.gov
Erik.newman@eversource.com
amanda.noonan@puc.nh.gov
ocalitigation@oca.nh.gov
melissa.price@eversource.com