

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DE 16-442**

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

**Petition for Licenses to Construct and Maintain Electric Lines, Neutral Wire and  
Fiber Optic Cable Over and Across Public Lands Owned by the State of New Hampshire  
in the Towns of Durham and Newington, New Hampshire**

**Order *Nisi* Granting Licenses in the Town of Durham**

**ORDER NO. 26,145**

**June 14, 2018**

In this order, the Commission grants the petition of Eversource for seven licenses to construct and maintain electric lines, neutral wire, and fiber optic cable over and across public lands owned by the State of New Hampshire in Durham. 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 April 12, 2016, Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource or Company) filed a petition pursuant to RSA 371:17 requesting ten licenses to construct and maintain electric lines, neutral wire, and fiber optic cable at five locations, over and across public lands located in Durham and Newington, New Hampshire.<sup>1</sup>

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<sup>1</sup> This order will only address the seven crossings to be located in Durham. The additional crossings proposed in Newington are located within state Department of Transportation (DOT) easements. Requests for those licenses will be dealt with separately.

On February 8, 2017, Eversource submitted several standard structural configuration engineering design changes to accommodate concerns of abutters to the project. On December 12, 2017, Commission Staff (Staff) recommended that the petition be granted on certain conditions. On June 11, 2018, Staff filed a revision to its recommendation and advised that the Commission grant only seven licenses, because subsequent research revealed that the three licenses requested in Newington were located entirely within state highway rights-of-way.

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/2016/16-442.html>.

## **II. SUMMARY OF PETITION**

Eversource seeks to install a new 115 kV line (Line F107) to address reliability concerns in the New Hampshire seacoast region. Line F107, also referred to as Eversource's "Seacoast Reliability Project," would run from Eversource's Madbury substation to its Portsmouth substation. Line F107 would be co-located with existing 34.5kV lines and Eversource seeks licenses crossing over public lands for both proposed and existing lines including appurtenances.

### **A. History**

Eversource previously constructed, and currently operates and maintains, three 34.5 kV lines in the seacoast region, designated as Lines 380, 3162, and 3850. Those three lines run between substations in Madbury and Durham (Line 380), between substations within Durham (Line 3162), and between substations in Portsmouth and Newington (Line 3850). All three are unlicensed by the Commission. Eversource now seeks approval for the unlicensed existing lines in addition to the new Line F107 crossing.

## **B. Crossing Locations**

### 1. Durham

There are three crossing locations in Durham, all crossing land maintained by the New Hampshire Fish and Game Department. The first location, north of Bennett Road, involves crossings of the F107, 380, and 3162 lines between structures 46-58. Structures 47-57 will be placed on public land.

The second location, west of NH Route 108, involves crossings of the F107 and 3162 lines between structures 59-61. Structure 60 will be placed on public land.

The third location, east of Sandy Brook Drive, involves crossings of the F107 and 3162 lines between structures 74-80. Structures 75-79 are or will be located on public land.

## **C. Construction**

The existing pole structures for the 380 and 3162 lines in Durham will be replaced. Each crossing will be spanned using steel structures. Three phase wires and one optical ground wire (OPGW) will comprise the F107 span, and three phase wires and one neutral wire will comprise each span of the 380 and 3162 lines. All construction, modification, operation, and maintenance will be in accordance with 2012 National Electrical Safety Code (NESC) requirements.

## **D. Regulatory Requirements and Property Rights**

The necessary wetland permits will be obtained from the New Hampshire Department of Environmental Services and the United States Army Corps of Engineers. All construction will be undertaken pursuant to any permitting requirements. The newly constructed lines will require prior approval and certificate of site and facility from the New Hampshire Site Evaluation Committee (SEC) in SEC Docket No. 2015-04. The overhead crossings will be constructed

within the limits of the Eversource-owned permanent, minimum 100-foot wide easement on public land.

#### **E. Service to the Public and Effect on Public Rights**

Installation of Line F107 will provide a parallel path to enhance the current 115 kV loop between Eversource's Deerfield and Scobie Pond substations. This enhancement addresses regional reliability concerns identified by ISO New England (ISO-NE), the operator of the region's electric transmission system. Furthermore, according to Eversource and ISO-NE, the line is necessary for continued, reliable electric service as it will provide additional transmission capacity required to meet the present and future needs of the seacoast region. Line F107, which includes optical ground wire throughout, will also improve and enhance the reliability and capacity of the communications system used in electric system operations.

The licenses requested will not substantially affect the public's rights in the public lands where the crossings will be located because minimum safe line clearances will be maintained at all times.

### **III. SUMMARY OF STAFF REVIEW**

Staff reviewed the petition and supporting documentation, applicable statutes, rules, NESC requirements, land ownership, as well as public need, safety, and impact. Staff suggested that the Commission grant licenses only for those crossings in Durham. Staff determined that the proposed construction meets the requirements of applicable state statutes and rules and recommended approval of the petition, subject to the following conditions:

1. Eversource must notify the Commission Safety Division within 60 days of any proposed changes related to the location or other technical specifications to any of the seven overhead crossings of public lands identified in the Staff Recommendations; and

2. Eversource must forward this order after 30 days of publication notice to the Site Evaluation Committee for consideration in SEC proceeding 2015-04.

#### **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 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.

Based on the information presented and Staff’s recommendation, we find that the seven proposed crossings in Durham 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 public lands where the crossings will be located, as required by RSA 371:20. Therefore, we grant licenses for the seven crossings located in Durham, subject to the conditions contained in the ordering clauses set out 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, neutral wire, and fiber optic cable 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 crossings.

Finally, because Eversource is responsible for obtaining state and federal wetland permits, as well as various approvals from the DOT and the SEC, we require that this order,

along with the Order Summary, be sent to each of those agencies and the Site Evaluation Committee in SEC Docket No. 2015-04, in addition to any other agency having jurisdiction over any segment or portion of these crossings. We also require Eversource to provide notice of this order to the Town of Durham, the Attorney General, land owners bordering the public lands, and New Hampshire Fish and Game.

**Based upon the foregoing, it is hereby**

**ORDERED *NISI***, that subject to the effective date below, and also subject to project approval by the New Hampshire Site Evaluation Committee, Eversource is authorized pursuant to RSA 371:17, *et seq.*, to construct, install, operate and maintain electric lines, neutral wire, and fiber optic cable over and across the public lands described in its petition and depicted in its filings as Line F107, on land maintained by the New Hampshire Fish and Game Department, including the engineering design changes filed on February 8, 2017; and it is

**FURTHER ORDERED**, that licenses shall be granted for the lines proposed in the petition, already in existence for which authorization was not previously sought, but for which authorization has been requested in this petition depicted as the 380 and 3162 lines; and it is

**FURTHER ORDERED**, that this approval is limited to the construction or alteration of the lines under consideration and authorized in this docket, and it 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 part 306 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 and cables at all times across the entire length of each span licensed pursuant to National Electrical Safety Code requirements 232B and 235C; and it is

**FURTHER ORDERED**, that Eversource must notify the Commission Safety Division within 60 days of any proposed changes related to the location or other technical specifications to any of the seven overhead crossings of public lands identified in the Staff recommendation; and it is

**FURTHER ORDERED**, that Eversource forward this order to the New Hampshire Site Evaluation Committee in SEC Docket No. 2015-04 upon its effective date; and it is

**FURTHER ORDERED**, that Eversource shall provide a copy of this Order *Nisi* to (i) the Town Clerk of the Town of Durham, New Hampshire; (ii) the New Hampshire Fish and Game Department; (iii) the New Hampshire Attorney General and all owners of the land bordering said public land at the location of the crossings, as required by RSA 371:19; (iv) the United States Army Corps of Engineers; and (v) the New Hampshire Department of Environmental Services, by first class mail, no later than June 25, 2018, to be documented by affidavit filed with this office on or before June 29, 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 June 25, 2018, and to be documented by affidavit filed with this office on or before June 29, 2018; and it is

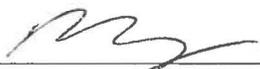
**FURTHER ORDERED**, that all persons interested in responding to this Order *Nisi* be notified that they may submit their comments or file a written request for a hearing which states

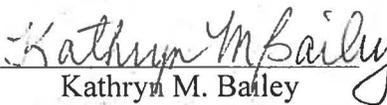
the reason and basis for a hearing no later than July 2, 2018, for the Commission's consideration; and it is

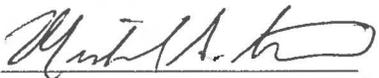
**FURTHER ORDERED**, that any party interested in responding to such comments or request for hearing shall do so no later than July 9, 2018; and it is

**FURTHER ORDERED**, that this Order *Nisi* shall be effective July 14, 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.

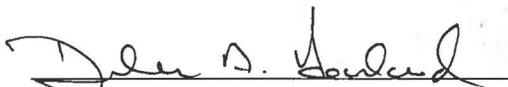
By order of the Public Utilities Commission of New Hampshire this fourteenth day of June, 2018.

  
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Martin P. Honigberg  
Chairman

  
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Kathryn M. Bailey  
Commissioner

  
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Michael S. Giaimo  
Commissioner

Attested by:

  
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Debra A. Howland  
Executive Director