

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 18-125

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

**Petition for License to Construct and Maintain Electric Lines Under and Across
Lake Winnepesaukee to Lockes Island in the Town of Gilford**

Order *Nisi* Granting License

ORDER NO. 26,190

November 14, 2018

In this order, the Commission grants Eversource a license to construct and maintain electric lines under and across the public waters of Lake Winnepesaukee to replace an existing line providing electric service to Lockes Island in Gilford, New Hampshire. This order is being issued on a *nisi* basis to ensure that all interested persons receive notice and have the opportunity to comment or request a hearing before the order becomes effective.

I. PROCEDURAL HISTORY

On August 6, 2018, Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource) filed a petition pursuant to RSA 371:17 requesting a license to construct and maintain a submarine electric line under and across Lake Winnepesaukee to replace an existing line providing service to Lockes Island in the Town of Gilford. The line runs from Varney Point on the mainland to Lockes Island. In support of its petition, Eversource submitted plan drawings 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/2018/18-125.html>.

II. SUMMARY OF PETITION

Eversource wants to replace an existing 4.16 kV circuit, designated as the "Feeder 11W1 Line," due to its age and condition.

A. History

Eversource constructed, and currently operates and maintains, the existing line in a crossing not previously licensed by the Commission. Eversource now seeks a license for that crossing in connection with its construction and maintenance of new cables to replace the existing line.

B. Crossing Location and Construction

The proposed crossing will begin with a new Eversource riser pole No. 951/47. The riser pole will be a new 45-foot, single wooden pole that will be installed near Varney Point Road on Varney Point. It will replace existing pole No. 951/47, which is in a different location. The crossing will descend from pole No. 951/47 and continue underground approximately 162 feet to the shoreline. From the shoreline, it will proceed in a northeasterly direction under Lake Winnepesaukee to the west bank of Lockes Island. From there it will continue underground approximately 92 feet to existing Eversource riser pole No. 953/1. The crossing will span approximately 1,461 feet between the two poles.

Two new single-phase 4.16 kV submarine distribution cables will be installed to replace the Feeder 11W1 Line. The existing line will be abandoned in place. At both ends of the proposed crossing, the cable and conduit will be installed underground using horizontal directional drilling (HDD) and direct burial. Between the two conduits, the cable will lay on the

floor of Lake Winnepesaukee at an underwater depth of not less than 10 feet at mean high water. Eversource stated that it will construct and maintain the crossing in accordance with the 2012 National Electrical Safety Code (NESC).

C. Regulatory Requirements

According to its petition, Eversource has obtained the necessary Shoreland Permit by Notification for each shoreline, both of which have been filed with, and accepted by, the New Hampshire Department of Environmental Services (NHDES). Eversource maintained that the use of HDD installation methods will ensure there are no wetlands impacts, so that wetlands permits are not required.

D. Property Rights

Eversource stated that it owns and is acquiring additional permanent easement rights on Varney Point at the location where the crossing begins. It also owns permanent easement rights at the location on Lockes Island where the crossing ends.

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

According to Eversource's petition, replacement of the Feeder 11W1 Line is necessary to ensure the continued safety and reliability of electric service to its customers on Lockes Island. Eversource anticipates that property owners on shorelines at either end of the crossing will not be affected, because this is effectively the replacement of an existing crossing. In addition, the crossing will not substantially affect the public's use and enjoyment of Lake Winnepesaukee, because minimum safe line clearances below the water surface will be maintained at all times.

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 NESC requirements 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. NHDES has classified Lake Winnepesaukee 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 RSA 371:17. We further find that the requested license may be exercised without substantially affecting the public rights in Lake Winnepesaukee, as required for approval under RSA 371:20. We therefore 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

¹ See http://des.nh.gov/organization/divisions/water/dam/public_waters/index.htm.

having jurisdiction over the construction, installation, operation, and maintenance of the proposed crossing.

We also require notice to be provided to the Town of Gilford, 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 under and across Lake Winnepesaukee as described in its petition and depicted in its filings; and it is

FURTHER ORDERED, that approval is limited to the construction or alteration of the 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 submit any future proposed alteration(s) to the crossing license granted herein at least 60 days prior to undertaking any such alteration(s); and it is

FURTHER ORDERED, that Eversource shall provide a copy of this order to (i) the Town Clerk of Gilford, 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) NHDES, by first class mail, no later than November 26, 2018, to be documented by affidavit filed with the Commission on or before December 10, 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 November 26, 2018, and to be documented by affidavit filed with the Commission on or before December 10, 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 that states the reason and basis for a hearing no later than December 3, 2018, for the Commission's consideration; and it is

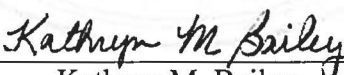
FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than December 10, 2018; and it is

FURTHER ORDERED, that this order shall be effective December 14, 2018, 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 fourteenth day of November, 2018.



Martin P. Honigberg
Chairman



Kathryn M. Bailey
Commissioner



Michael S. Giaimo
Commissioner

Attested by:



Debra A. Howland
Executive Director