

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 19-099

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

**Petition for Licenses to Construct and Maintain Electric Lines Over and Across the
Ashuelot River and Land Owned by the State in Winchester, New Hampshire**

Order *Nisi* Granting Licenses

ORDER NO. 26,327

January 22, 2020

This order grants Eversource licenses to construct and maintain existing electric lines, including an optical fiber ground wire, over and across the public waters of the Ashuelot River, and over and across land owned by the State in Winchester. 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 May 23, 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 licenses to modify, construct, and maintain several structures on an existing overhead 345 kV electric transmission line. In support of its petition, Eversource submitted an overview map (Exhibit 1) and a plan and profile drawing (Exhibit 2).

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/2019/19-099.html>.

II. SUMMARY OF PETITION

Eversource seeks to modify or rebuild portions of an existing electric line in the Town of Winchester. Specifically, the Company plans to modify or rebuild several structures of an overhead 345 kV electric transmission line, designated as the Eversource 381 Line (381 Line). The proposed work begins at Structure 30 of the existing transmission line, goes over and across the Ashuelot River and land owned by the State, and runs southerly to Structure 31.

A. History

The existing electric line crossing was approved by the Commission in Order No. 9885, issued on February 24, 1970, in Docket D-E5812. That Order granted Eversource a license to construct and maintain electric transmission lines over and across the Ashuelot River.

Eversource replaced Structure 30 in 2018, but did not obtain a license for that replacement. Eversource now seeks a license for the 2018 replacement of Structure 30, the pending replacement of Structure 31, and the crossing that spans between the two structures.

The State-owned land parcel was formerly part of a Boston and Maine Corporation (B&M) railroad bed. It was acquired by the State in 1995 and is situated south of Ashuelot Main Street in Winchester, designated as Tax Map 05, Lot 0RR in Winchester's tax records. The parcel is currently part of the Ashuelot Recreational Rail Trail administered by the Division of Parks and Recreation's Bureau of Trails. The 381 Line crossing of the State's land was not previously licensed by the Commission, as the parcel was in private railroad ownership when the 381 Line was originally constructed in 1970.

B. Crossing Location and Construction

The proposed modification will begin at Structure 30 on the north side of the Ashuelot River, and continue in a southerly direction to Structure 31, on the south side of the river.

Structure 31, an existing wooden structure, will be replaced with a steel structure as part of Eversource's ongoing maintenance projects to meet current and future projected electricity demands. The existing conductors and wires, including an optical fiber overhead ground wire, will be transferred to the new Structure 31. The span from Structure 30 to Structure 31 is approximately 600 feet including approximately 111 feet over state land. 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) State Wetland Permit is required for the proposed crossing. Eversource stated that the permit application was amended in September 2018 and approved by DES on December 5, 2018 (DES File #2018-00282). Eversource represented that no permit was required from the United States Army Corps of Engineers and that all construction would be undertaken in accordance with any permitting requirements.

D. Property Rights

Eversource does not anticipate that the abutters on either side of the Ashuelot River will be affected because the 381 Line is an existing line and the crossing structures are being replaced and rebuilt within Eversource's existing utility corridor in existing utility easements.

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

The existing crossing was constructed, operated, and maintained to meet the reasonable requirements of service to the public. Modification of the existing line will not substantially affect the public's use and enjoyment of the Ashuelot River or the State-owned land. Minimum safe line clearances above the river and the shorelines, as well as land surfaces, will be

maintained at all times. Eversource calculated its clearance over the river using the 100-year flood level, a more conservative analysis than the NESC 10-year flood elevation requirement, and conductor clearances over land will be maintained at 33.2 feet, which exceeds the requirements of the NESC.

III. SUMMARY OF STAFF REVIEW

Commission Staff reviewed the petition and supporting documentation, applicable statutes, rules, NESC requirements, and land ownership records, and assessed the public need, safety, and potential impact of the proposed crossing modifications. Staff determined that the licenses Eversource requests in this docket may be exercised without substantially affecting public rights in the waters of the Ashuelot River or State land, 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 as a “public water.”¹

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

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>.

RSA 371:17. We further find that the requested licenses may be exercised without substantially affecting public rights in the Ashuelot River or the State-owned parcel of land, 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 lines with the specifications proposed in this docket. Should the Company 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.

We also require notice be provided to the Town of Winchester, DES, and, pursuant to RSA 371:19, to the Office of the Attorney General and owners of land bordering the Ashuelot River at the crossing location.

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 lines over and across the Ashuelot River and State land as described in its petition and depicted in its filing in this docket, and as specified in Staff's recommendation; and it is

FURTHER ORDERED, that approval is limited to the construction or modification of the 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. Admin. R. 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 licenses 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 Winchester, 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) the New Hampshire Department of Environmental Services, by first class mail, no later than February 3, 2020, to be documented by affidavit filed with the Commission on or before February 19, 2020; and it is

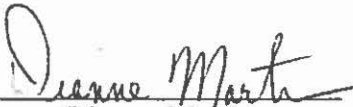
FURTHER ORDERED, that Eversource shall cause a summary of this order, issued concurrently with this order, to be published once in a statewide newspaper of general circulation or of circulation in those portions of the state where operations are conducted, such publication to occur no later than February 3, 2020, and to be documented by affidavit filed with the Commission on or before February 19, 2020; and it is

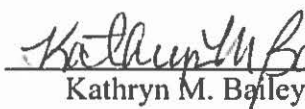
FURTHER ORDERED, that persons interested in responding to this order be notified that they may submit their comments or file a written request for a hearing that states the reason and basis for a hearing no later than February 10, 2020, for the Commission's consideration; and it is

FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than February 17, 2020; and it is

FURTHER ORDERED, that this order shall be effective February 24, 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.

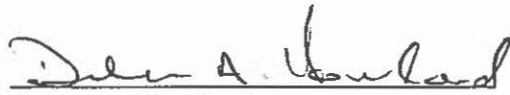
By order of the Public Utilities Commission of New Hampshire this twenty-second day of January, 2020.

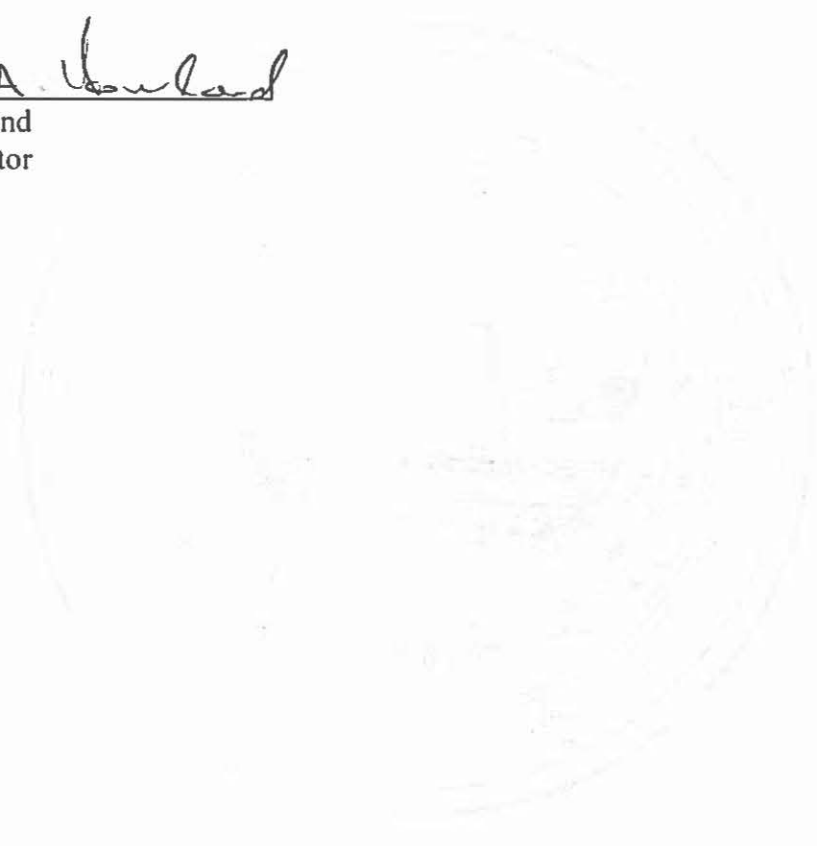

Dianne Martin
Chairwoman


Kathryn M. Bailey
Commissioner


Michael S. Giaimo
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Attested by:


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