

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 19-094

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

**Petition for Licenses to Construct and Maintain Electric Lines
Over and Across the Squamscott River between the Towns of Stratham and Exeter, and
Over and Across Land Owned by the State of New Hampshire in the Town of Sandown**

Order *Nisi* Granting Licenses

ORDER NO. 26,338

March 10, 2020

This order grants Eversource licenses to modify and maintain an existing electric transmission line over and across the public waters of the Squamscott River between Stratham and Exeter, and over and across land owned by the State of New Hampshire in Sandown. 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 May 13, 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, reconstruct, and maintain an existing overhead 115 kV electric transmission line over and across the Squamscott River, which is the boundary between the Towns of Stratham and Exeter, and over and across land owned by the State of New Hampshire in the Town of Sandown. The proposed modification entails the replacement of existing wooden structures with steel structures and the transfer of the existing transmission line to the new structures. In support

of its petition, Eversource submitted an overview map, a plan and profile drawing for the river crossing, and a plan and profile drawing for the land crossing.

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/2019/19-094.html>.

II. SUMMARY OF PETITION

Eversource seeks modification of its H141 Line, an existing overhead 115 kV electric transmission line over the Squamscott River between Stratham and Exeter, and across state-owned land in Sandown. Specifically, Eversource will replace four wooden pole structures with steel structures on portions of the H141 Line that run over and across the Squamscott River and the state-owned land parcel.

No conductor, shield wire, or neutral wire will be replaced as part of this project; existing conductors and wires will be transferred to the new structures.

A. History

The existing water crossing between Structures 137 and 138 was approved by the Commission in Order No. 6668 issued on August 31, 1955, in Docket D-E3442. That Order granted Eversource a license to construct and maintain electric transmission lines over and across the Squamscott River between Stratham and Exeter. Structure 138 was replaced by a new wooden structure in 2000. The crossing between Structures 270 and 271 over state-owned land in Sandown was not previously licensed. Eversource requests licenses for the modification and rebuild of both crossings.

B. Crossing Location and Construction

The proposed modification to the water crossing begins at Structure 137 on the east side of the Squamscott River in Stratham and continues in a northwesterly direction to Structure 138 in Exeter. The crossing over state-owned land in Sandown begins at Structure 270 and continues in a westerly direction to Structure 271.

The existing wooden Structures 137 and 138 will be replaced with steel structures, and the existing conductors and wires associated with the structures will be transferred to the new structures. The crossing span across the Squamscott River between Structures 137 and 138 is approximately 764 feet.

The state-owned land between Structure 270 and Structure 271 consists of a former Boston and Maine Corporation railroad bed that is now part of the Fremont Branch of the Rockingham Recreational Rail Trail; located east of Fremont Road and designated in Sandown tax records as Map 20, Lot 26. Structures 270 and 271 are existing wooden structures that replaced the original structures installed in 1950. Both will be replaced with steel structures. The crossing span at that location is approximately 409 feet between Structures 270 and 271, with 138 feet of that span crossing state-owned land.

The line modifications are 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, and will be submitted as part of this project.

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 stated that it will submit the required permits as part of the project.

Similarly, a DES Standard Dredge and Fill Wetland Permit is required for the portion of the project in Sandown. That permit (Permit #2018-01688) has been obtained.

D. Property Rights

Eversource does not anticipate that abutters on either side of the Squamscott River or the state-owned land at the location of the crossings will be affected by the proposed project, because the H141 Line is an existing line and the crossing structures are being replaced and rebuilt within Eversource's existing utility corridor. The Company owns easements on each side of the Squamscott River and the state-owned land parcel at the location of each crossing structure to be replaced. In addition, Eversource has a pre-existing crossing license agreement with the Boston and Maine Corporation for the H141 Line pertaining to the active railroad bed situated between the Squamscott River and Structure 138.

E. 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 Squamscott River in Exeter or Stratham or state-owned land in Sandown. Eversource noted with respect to the crossings that minimum safe line clearances will be maintained at all times, and that the clearance requirement was calculated using a 100-year flood level, which is a more conservative analysis than the NESC 10-year flood clearance requirement.

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 Squamscott 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 RSA 371:17. We further find that the requested licenses may be exercised without substantially affecting public rights in the Squamscott River or the state-owned land at the crossing location in Sandown, as required for approval under RSA 371:20. Therefore, we approve the petition

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>.

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 for which the Commission is granting a license, 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 crossing.

We also require notice be provided to the Towns of Exeter, Stratham, and Sandown; 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 river crossing.

We note that a number of petitions similar to the one in this docket have been filed in recent months. Specifically, several petitions have included a proposed alteration or modification of existing licensed crossings in the course of broader reliability projects to replace existing poles and/or wires. Based on that observation, the Commission plans to open an investigation that will include a general review of licensing requirements pursuant to RSA 371:17 *et seq.* The purpose of that proceeding will be to clarify expectations for crossing petitions and to consider potential ways to streamline the application and review procedures. An order of notice will be issued in the near future.

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

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. 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 alterations 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 Town Clerk of Sandown, New Hampshire; (iv) the New Hampshire Attorney General and all owners of the land bordering on said public waters of the Squamscott River at the location of the crossing, as required by RSA 371:19; and (v) the New Hampshire Department of Environmental Services, by first class mail, no later than March 20, 2020, to be documented by affidavit filed with the Commission on or before April 7, 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 March 20, 2020, and to be documented by affidavit filed with the Commission on or before April 7, 2020; and it is

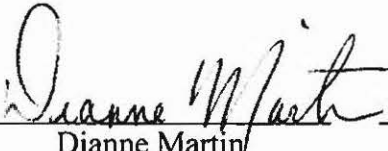
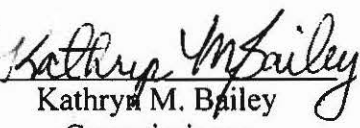
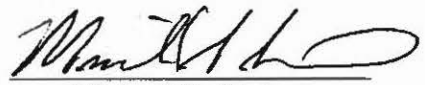
FURTHER ORDERED, that persons interested in responding to this order be notified that they may submit their comments or file a written request for a hearing that states the reason

and basis for a hearing no later than March 27, 2020, for the Commission's consideration; and it is

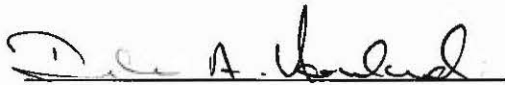
FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than April 3, 2020; and it is

FURTHER ORDERED, that this order shall be effective April 10, 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 tenth day of March, 2020.

| | | |
|--|---|--|
|  Dianne Martin Chairwoman |  Kathryn M. Bailey Commissioner |  Michael S. Giaimo Commissioner |
|--|---|--|

Attested by:


Debra A. Howland
Executive Director

ExecutiveDirector@puc.nh.gov

ocalitigation@oca.nh.gov

robert.bersak@eversource.com

amanda.noonan@puc.nh.gov

catherine.marsellos@puc.nh.gov

Mary.Schwarzer@puc.nh.gov

randy.knepper@puc.nh.gov

richard.chagnon@puc.nh.gov

susan.gagne@puc.nh.gov

tom.frantz@puc.nh.gov