

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 20-003

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

**Petition for License to Construct and Maintain Electric Lines
Over and Across the Ammonoosuc River and Over and Across
Land Owned by the State of New Hampshire in the Town of Lisbon**

Order *Nisi* Granting License

ORDER NO. 26,357

May 19, 2020

This order grants Eversource a license to modify, construct, and maintain electric distribution lines over and across the public waters of the Ammonoosuc River and over and across state-owned land in Lisbon. 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 January 10, 2020, Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource, or the Company) filed a petition, pursuant to RSA 371:17, requesting a license to modify, construct, and maintain a previously-constructed 34.5 kV electrical distribution line, designated the Eversource 348X2 Line (348X2 Line), over and across the Ammonoosuc River and over and across land owned by the State of New Hampshire in Lisbon. On February 13, Eversource filed a supplement to its petition to clarify that the 348X2 Line is a distribution line; not a transmission line. In support of its petition, the Company submitted plan and profile drawings of the crossing structures and facilities.

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/2020/20-003.html>.

II. SUMMARY OF PETITION

Eversource previously constructed an overhead 34.5 kV distribution line, the 348X2 Line, to meet the requirements for reasonable service to the public. The Company seeks a license after-the-fact to modify the line, which crosses the public waters of the Ammonoosuc River and state-owned land in Lisbon. Specifically, the crossing travels in a westerly direction from the west side of North Main Street (Route 302) over and across the Ammonoosuc Rail Trail and over and across the Ammonoosuc River in Lisbon. After a field inspection, Eversource replaced an original wooden structure (Structure 393) on the western side of the river with a weathered metal structure. No conductor, shield wire, or neutral wires were replaced as part of the modification; existing conductors and wires were transferred to the new metal structure.

A. History

In February 2019, Eversource replaced Structure 393 after a field inspection identified a need for its replacement. The existing cross-arm on that structure was also replaced with a davit-arm, due to the angle of the new structure. According to the petition, a license for the modification could not be timely obtained prior to the replacement of the original structure. The Boston & Maine Railroad previously granted Eversource's corporate predecessor, Public Service Company of New Hampshire, a license for electric lines to cross the railroad right-of-way in Lisbon through a pole and wire agreement. The crossing over the Ammonoosuc River was not

previously licensed. Eversource seeks a license approving both the modification of the line and the pre-existing crossings over both the Ammonoosuc River and the Ammonoosuc Rail Trail.

B. Crossing Location and Construction

The 2019 modification of Structure 393 was undertaken just west of Route 302 and east of the Ammonoosuc River in Lisbon. The 348X2 Line continues from Structure 393 in a westerly direction over and across the Ammonoosuc Rail Trail, owned by the State, and over and across the Ammonoosuc River to Structure 394. The span between the modified Structure 393 and Structure 394 is approximately 922 feet. The line modification was designed and constructed in accordance with the 2017 National Electrical Safety Code (NESC).

C. Regulatory Requirements

According to the petition, a New Hampshire Department of Environmental Services (DES) Shoreland Permit by Notification application is not required for construction activities in the vicinity of the Ammonoosuc River at the crossing site. In addition, Eversource stated that no permits or permit modifications are required by the United States Army Corps of Engineers, because the single-structure replacement did not entail any temporary minor alterations of non-tidal wetlands, non-tidal surface waters, or banks adjacent to non-tidal surface waters.

D. Property Rights

Eversource does not anticipate that the abutters on either side of the Ammonoosuc River or the state-owned land at the crossing sites will be affected by the single-structure replacement, because the 348X2 Line is an existing line and the crossing structure was replaced within Eversource's existing utility easements.

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

According to Eversource's petition, the crossing span was constructed, operated, and maintained to meet the reasonable requirements of service to the public. The 2019 modification will continue to meet that public need, and will not substantially affect the public's use and enjoyment of the Ammonoosuc River. Minimum safe line clearances above the river and the shorelines will be maintained at all times. Eversource calculated its clearance requirement using the 100-year flood level, a more conservative analysis than the NESC 10-year flood elevation requirement.

III. SUMMARY OF STAFF REVIEW

Staff has 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 construction meets the requirements of the NESC, 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 Ammonoosuc River as a “public water.”¹

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>.

Based on the petition and Staff's recommendation, we find that the subject 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 license may be exercised without substantially affecting the public rights in the Ammonoosuc River or the state-owned land at the crossing locations in Lisbon, 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 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. 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 crossing.

We also require notice to be provided to the Town of Lisbon, DES, the New Hampshire Department of Transportation and, pursuant to RSA 371:19, the Office of the Attorney General and owners of land bordering the water crossing.

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 Ammonoosuc River and the state-owned land in Lisbon, 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 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 Lisbon, New Hampshire; (ii) the New Hampshire Attorney General and all owners of the land bordering on said public waters of the Ammonoosuc River, as required by RSA 371:19; (iii) the New Hampshire Department of Environmental Services; and (iv) the New Hampshire Department of Transportation, by first class mail, no later than June 1, 2020, to be documented by affidavit filed with the Commission on or before June 19, 2020; and it is

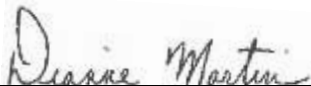
FURTHER ORDERED, that Eversource shall cause a summary of this order, issued concurrently with this order, to be published once in a statewide newspaper of general circulation or of circulation in those portions of the state where operations are conducted, such publication to occur no later than June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

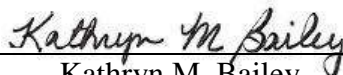
FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than June 15, 2020; and it is

FURTHER ORDERED, that this order shall be effective June 22, 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.

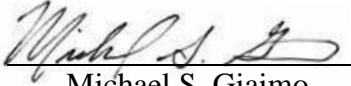
By order of the Public Utilities Commission of New Hampshire this nineteenth day of May, 2020.



Dianne Martin
Chairwoman

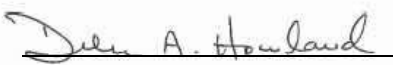


Kathryn M. Bailey
Commissioner



Michael S. Giaimo
Commissioner

Attested by:



Debra A. Howland
Executive Director

Service List - Docket Related

Docket#: 20-003

Printed: 5/19/2020

Email Addresses

ExecutiveDirector@puc.nh.gov
richard.chagnon@puc.nh.gov
lynn.fabrizio@puc.nh.gov
tom.frantz@puc.nh.gov
susan.gagne@puc.nh.gov
Paul.Kasper@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
deandra.perruccio@puc.nh.gov