

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 20-014

EVERSOURCE ENERGY

**Petition for Licenses to Construct and Maintain Electric Lines Over and Across
the Blackwater River in Andover, Cascade Brook in Wilmot, and
State-Owned Land in Springfield and Franklin**

Order *Nisi* Granting Licenses

ORDER NO. 26,389

July 31, 2020

This order grants Eversource licenses to modify, construct, and maintain an existing electric transmission line over and across the public waters of the Blackwater River in Andover, Cascade Brook in Wilmot, and state-owned land in Springfield and Franklin. 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 before the order becomes effective.

I. PROCEDURAL HISTORY

On January 20, 2020, Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource, or the Company) filed a petition pursuant to RSA 371:17 for licenses to modify, construct, and maintain an existing 115 kV electric transmission line, designated as the Eversource M127 Line (M127 Line). The M127 Line travels over and across the public waters of the Blackwater River in Andover, and Cascade Brook in Wilmot, and over and across state-owned lands in Springfield and Franklin. One of the four crossings was previously licensed, and three crossings were never licensed due to the inapplicability of licensing requirements at the time of their construction.

In support of its petition, Eversource submitted an overview map as well as plan and profile drawings for each crossing location.

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/2020/20-014.html>.

II. SUMMARY OF PETITION

Eversource plans to modify or rebuild a number of structures along the M127 Line as part of a capital reliability project necessary to continue to meet current and future electricity demand. The M127 Line crosses the Blackwater River in Andover, Cascade Brook in Wilmot, and state-owned lands in Franklin and Springfield. Eversource seeks a license for each crossing in connection with the construction and maintenance of new pole structures and replacement of one of two existing shield wires with optical ground wire cabling.

A. History

Eversource constructed the M127 Line in 1967 and now seeks to modify four separate crossings along that line, three of which were not previously licensed. The Commission previously granted a license for the crossing of the state-owned Northern Rail Trail in Franklin in Order No. 26,025 (June 16, 2017). According to the petition, certain wooden structures are approximately 50 years old and require replacement due to environmental damage.

B. Crossing Locations and Construction

The portion of the M127 Line addressed in Eversource's petition runs generally in a westerly direction from Franklin through Andover, Wilmot, New London, and Springfield.

At the eastern end of the replacement and repair project, proposed modifications over and across the Blackwater River in Andover will begin at Structure 76, northeast of the Blackwater

River and Salisbury Highway (State Route 4), as shown on Tax Map 04, Lot 482. The M127 Line will then cross the river and continue in a southwesterly direction to Structure 77, shown on Tax Map 04, Lot 585, creating a 629-foot crossing span between the two structures, including 102 feet across the Blackwater River.

The modification over and across Cascade Brook in Wilmot will begin at Structure 153 to the west of Campground Road and east of Cascade Brook, as shown on Tax Map 11, Lot 7. The line will continue in a westerly direction to Structure 154, west of the brook, shown on Tax Map 11, Lot 11, creating a 393-foot crossing span, including 46 feet over Cascade Brook.

The modification over and across state-owned Gile State Forest land in Springfield will begin at Structure 231 in New London to the east of New London Road near the Springfield town line, as shown on Tax Map 6, Lot 2. The line will continue in a northwesterly direction to Structure 232, located on the New London/Springfield town line, as shown on Tax Map 11, Lot 563-153. The M127 Line then continues northwesterly and then westerly to Structures 233 through 237, located in Springfield, as shown on Tax Map 11, Lot 563-153 and Tax Map 12, Lot 139-73. The proposed modification continues from Structure 237, shown on Tax Map 11, Lot 563-153, in a southwesterly direction to Structure 242. The total span from Structure 231 to Structure 242 will be approximately 4,867 feet – 4,539 feet of which crosses Gile State Forest land. No structures will be replaced on Gile State Forest land.

The modification of Line M127 in Franklin will cross over a portion of the state-owned Northern Rail Trail, beginning at Substation Structure 0.5 just south of the Webster Switching and Distribution Station located south of Webster Lake Road and north of Chance Pond Road in the City of Franklin. The crossing extends in a southerly direction from Structure 0.5 to Structure 1, just north of Chance Pond Road, creating a 282-foot span, 108 feet of which crosses the Northern Rail Trail.

One of two shield wires currently installed along this section of the M127 Line will be replaced with optical ground wire. All wires will be transferred from existing structures to new structures replaced at the same locations. Existing wooden structures at the Cascade Brook and Blackwater River crossing locations will be replaced with weathered steel structures to ensure continued safe and reliable service.

The proposed line modifications are designed and will be constructed in accordance with the 2017 National Electrical Safety Code (NESC).

C. Regulatory Requirements

New Hampshire Department of Environmental Services (DES) Statutory Permits by Notification are required for structure replacement activities in the vicinity of the Blackwater River and Cascade Brook crossings. Eversource stated in its petition that DES approved the required permits on October 15, 2019, (DES File #2019-03243 and #2019-03241) and that those permits will be renewed prior to construction. Eversource further stated that the United States Army Corps of Engineers (USACE) does not regulate these portions of the Blackwater River and Cascade Brook. Accordingly, a USACE permit is not required.

D. Property Rights

The M127 Line is an existing line within existing utility easements. Eversource does not anticipate that abutters on either side of the Blackwater River or Cascade Brook crossings will be affected, because the structure replacements will entail modification of existing crossings for which the Company holds easement rights.

E. Service to the Public and Effect on Public Rights

According to Eversource, the existing crossings were constructed and have been operated and maintained to meet the reasonable requirements of service to the public, and the proposed modifications to the M127 Line will ensure that the line will continue to meet public need.

Eversource stated that the modifications will not substantially affect the public's use and enjoyment of the Blackwater River or Cascade Brook, or public rights in the identified state-owned lands. Eversource calculated the applicable clearance requirements based on a 100-year flood level, a more conservative analysis than the NESC 10-year flood elevation requirement, and determined that minimum safe line clearances above the public waters and associated shorelines 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, and assessed the public need, safety, and potential impact of the proposed modifications and requested licenses. Staff determined that the proposed construction meets the requirements of the NESC and applicable state statutes and rules. Based on its review, Staff concluded that the licenses Eversource has requested in this docket may be exercised without substantially affecting public rights in the Blackwater River, Cascade Brook, or the state-owned lands in Springfield and Franklin. Accordingly, Staff 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 (Supp. 2019). 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 Blackwater River and Cascade Brook as public waters.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 license may be exercised without substantially affecting public rights in the Blackwater River in Andover, Cascade Brook in Wilmot, or the identified State-owned lands in Springfield and Franklin, 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 applies only to the electric lines specified 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.

We also require notice to be provided to the Towns of Andover, Wilmot, and Springfield; the City of Franklin; DES; the Bureau of Trails; the Department of Transportation; and, with respect to the Blackwater River and Cascade Brook crossings, to the Office of the Attorney General and owners of land bordering those crossings.

Based upon the foregoing, it is hereby

ORDERED *NISI*, that, subject to the effective date below, Eversource Energy is authorized, pursuant to RSA 371:17, *et seq.*, to construct, install, operate, and maintain electric

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>.

lines over and across the Blackwater River in the Town of Andover and Cascade Brook in the Town of Wilmot, and over and across state-owned lands in the Town of Springfield and the City of Franklin, 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 under consideration in this docket, and is conditioned on the requirement that Eversource Energy 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 Energy shall submit any future proposed alteration to the crossing license granted herein at least 60 days prior to undertaking any such alteration; and it is

FURTHER ORDERED, that Eversource Energy shall provide a copy of this order to: (i) the Town Clerks of Andover, Wilmot, and Springfield, and the City Clerk of Franklin, New Hampshire; (ii) the New Hampshire Attorney General and all owners of the land bordering on said public waters at the Blackwater River and Cascade Brook crossing locations, as required by RSA 371:19; (iii) the New Hampshire Department of Environmental Services; (iv) the New Hampshire Bureau of Trails; and (v) the New Hampshire Department of Transportation, by first class mail, no later than August 10, 2020, to be documented by affidavit filed with the Commission on or before August 27, 2020; and it is

FURTHER ORDERED, that Eversource Energy shall cause a copy of this order *nisi* to be published on its website within one business day, such publication to be documented by affidavit filed with the Commission on or before August 27, 2020; and it is

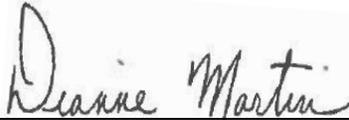
FURTHER ORDERED, that the Executive Director shall cause a copy of this order *nisi* to be published on the Commission’s website within one business day; and it is

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 August 17, 2020, for the Commission’s consideration; and it is

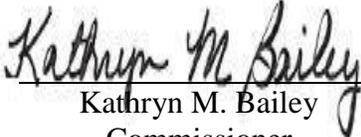
FURTHER ORDERED, that any party interested in responding to such comments or requests for hearing shall do so no later than August 24, 2020; and it is

FURTHER ORDERED, that this order shall be effective August 31, 2020, unless Eversource Energy 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 thirty-first day of July, 2020.



Dianne Martin
Chairwoman

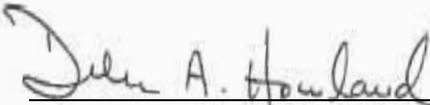


Kathryn M. Bailey
Commissioner



Michael S. Giaimo
Commissioner

Attested by:



Debra A. Howland
Executive Director

Service List - Docket Related

Docket# : 20-014

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