

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DE 20-042**

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

**Petition for Amended License to Construct and Maintain Electric Lines Over and  
Across the Pemigewasset River between Hill and New Hampton**

**Order *Nisi* Granting Amended License**

**ORDER NO. 26,423**

**November 12, 2020**

This order grants Eversource an amended license to modify, construct, and maintain electric transmission lines over and across the Pemigewasset River between Hill and New Hampton. 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 March 31, 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 an amended license to modify, construct, and maintain an existing overhead 115 kilovolt (kV) electric transmission line, designated as the Eversource A111 Line, over the Pemigewasset River between Hill and New Hampton. In support of its petition, Eversource submitted an overview map and a plan-and-profile drawing. Eversource filed a corrected, revised petition on October 16, 2020.

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/2020/20-042.html>.

## **II. SUMMARY OF REQUEST**

The A111 Line crosses the Pemigewasset River in Hill and New Hampton. Eversource plans to replace structure 79, a wood pole on the A111 Line, with a newly constructed three-pole steel support structure, to ensure continued safe and reliable operation. No conductors will be replaced and all existing cables and wires will be transferred from the wooden structure to the new steel structure. Eversource seeks an amended license for the crossing in connection with the proposed structure replacement and modification.

### **A. History**

The Commission previously granted a retroactive license for the existing crossing over the Pemigewasset River in Order No. 12,219, issued in Docket DE 76-22 on April 21, 1976. According to the current petition, the original wood structure was installed in 1953 and has been subjected to environmental damage.

### **B. Crossing Location and Construction**

Based on Commission Staff's review of published maps, the proposed modification of the A111 Line crossing will occur on the west side of the river at Structure 79 in Hill. The replacement structure will be constructed with a 95-foot tall, 3-pole weathered steel Class H3 structure, within 10 feet of the existing wooden structure. The other structure comprising this public water crossing, Structure 81, is located on the east side of the river in New Hampton. Structure 81 is a Class 3 structure constructed with three 80-foot and two 85-foot wooden poles. The modification of Structure 79 will create a crossing span of 1,793 feet between structures, with a public water span of 315.5 feet across the river. The Pemigewasset River crossing

requires at least 18.6 feet in clearance for 115 kV open supply conductors over water not suitable for sail boating. The proposed minimum height over the Pemigewasset River is 37.4 feet, which exceeds the minimum requirement. The line modification is designed and will be constructed in accordance with the 2017 National Electrical Safety Code (NESC).

### **C. Regulatory Requirements**

Eversource stated that a New Hampshire Department of Environmental Services statutory permit by notification (SPN) is not required for this crossing location, as the structure replacement and associated access do not require work activities that involve temporary minor impacts to non-tidal wetlands, non-tidal surface waters, or adjacent banks.

Eversource further stated that the U.S. Army Corps of Engineers (USACE) does not regulate the subject portion of the Pemigewasset River as navigable waters. Accordingly, a USACE permit is not required.

### **D. Property Rights**

The A111 Line is an existing line within existing utility easements. Eversource does not anticipate that abutters on either side of the Pemigewasset River crossing will be affected because the project will entail the modification of an existing crossing for which the Company holds easement rights.

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

According to Eversource, the existing crossing was constructed and has been operated and maintained to meet the reasonable requirements of service to the public, and the proposed modifications will ensure that the A111 Line will continue to meet that public need. Eversource stated that the modifications will not substantially affect the public's use and enjoyment of the Pemigewasset River. The Company calculated 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 has 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 requested license. 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 license Eversource has requested in this docket may be exercised without substantially affecting public rights in the Pemigewasset River in Hill and New Hampton. 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 Pemigewasset River as a public water.<sup>1</sup>

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

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<sup>1</sup> See [http://des.nh.gov/organization/divisions/water/dam/public\\_waters/index.htm](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 license may be exercised without substantially affecting public rights in the Pemigewasset River in Hill and New Hampton, 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 interested persons the opportunity to submit comments or request a hearing.

This approval applies only to the line and structure 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 crossing.

We also require notice to be provided to the Towns of Hill and New Hampton, DES, the Office of the Attorney General, and owners of land bordering the crossing.

We note that the description of the location of the crossing in the petition is not adequate. The petition relies on a map that has very little detail other than a circle around an area over the Pemigewasset River. Although roads are identified, no town lines are identified. But for the work of Staff, comparing the map provided to published maps of the area, we would be unable to describe to the public where the crossing is located, other than that it is in the Towns of Hill and New Hampton and located generally east of Route 3A. We expect, and again direct, that future petitions will contain a descriptive narrative of where the crossing is located, so that the crossing can be easily located and the public can be adequately informed.

**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 Pemigewasset River between the Towns of Hill and New Hampton, 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 lines specified 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 Hill and the Town Clerk of New Hampton, New Hampshire; (ii) the New Hampshire Attorney General and all owners of the land bordering on said public waters at the crossing location, as required by RSA 371:19; and (iii) the New Hampshire Department of Environmental Services, by first class mail, no later than November 23, 2020, to be documented by affidavit filed with the Commission on or before December 4, 2020; and it is

**FURTHER ORDERED**, that Eversource shall cause a copy of this order *nisi* to be published on its website within one business day of this order, such publication to be documented by affidavit filed with the Commission on or before December 4, 2020; and it is

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

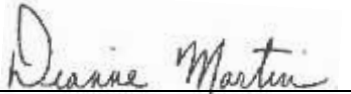
**FURTHER ORDERED**, that persons interested in responding to this order be notified that they may submit their comments or file a written request for a hearing that states the reason and basis for a hearing no later than November 23, 2020, for the Commission’s consideration; and it is

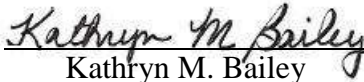
**FURTHER ORDERED**, that any party interested in responding to such comments or request for hearing shall do so no later than December 2, 2020; and it is

**FURTHER ORDERED**, that future petitions for license to cross public water or land shall include an adequate description of the location of the crossing that makes it clear to the public where the crossing is located; and it is

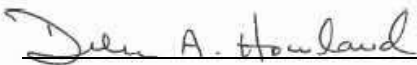
**FURTHER ORDERED**, that this order shall be effective December 7, 2020, unless Eversource fails to satisfy the notice and publication obligations set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date.

By order of the Public Utilities Commission of New Hampshire this twelfth day of November, 2020.

  
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Dianne Martin  
Chairwoman

  
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Kathryn M. Bailey  
Commissioner

Attested by:

  
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Debra A. Howland  
Executive Director

## Service List - Docket Related

Docket#: 20-042

Printed: 11/12/2020

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