

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 20-066

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

**Petition for Licenses to Construct and Maintain Electric Lines
Over and Across the Souhegan River in Greenville and
Land Owned by the State of New Hampshire in Mason and Greenville**

Order Granting Licenses

ORDER NO. 26,417

October 16, 2020

This order grants Eversource licenses to modify, construct, and maintain existing electric lines over and across the Souhegan River in Greenville and land owned by the State of New Hampshire in Mason and Greenville. This order is being issued on a *nisi* basis to ensure that interested persons receive notice and have an opportunity to comment or request a hearing before the order becomes effective.

I. PROCEDURAL HISTORY

On May 4, 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 re-construct and maintain certain sections of an existing 345 kilovolt electric transmission line, designated as the Eversource 367 Line (367 Line), over and across the Souhegan River in Greenville and across parcels of land owned by the State of New Hampshire in Mason and Greenville. On September 11, Eversource filed revised exhibits to correct and support its petition. The petition seeks to consolidate and supersede Dockets DE 19-113 and DE 19-115,

which addressed the same crossings.¹ In support of its petition, Eversource submitted an overview map and plan and profile drawings with structure details.

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/2020/20-066.html>.

II. SUMMARY OF REQUEST

Eversource plans to modify or rebuild a number of structures along the 367 Line to ensure continued safe and reliable operation. The modification project will include the replacement of 18 structures and the transfer of electric lines to those structures over and across the Souhegan River in Greenville and over and across land parcels owned by the State of New Hampshire in Mason and Greenville. Eversource seeks three separate licenses for these crossing rebuilds and after-the-fact licenses for certain crossings over state-owned land in connection with the proposed modifications of the 367 Line. No conductors will be replaced and all existing cables and wires will be or have been transferred from the wooden structures to the new steel structures.

A. History

The petition states that the existing Souhegan River crossing between Structures 251 and 252 in Greenville was previously licensed by the Commission in 1970.² Also in 1970, licenses

¹ This request consolidates two pending petitions requesting licenses to cross the Souhegan River in Greenville, and State-owned parcels of land in Mason and Greenville: Docket DE 19-113, Petition for License to Construct and Maintain Electric Lines Over and Across Land Owned by the State of New Hampshire in Mason and Greenville, filed June 21, 2019; and Docket DE 19-115, Petition for License to Construct and Maintain Electric Lines Over and Across the Souhegan River and Land Owned by the State of New Hampshire in Greenville, filed June 27, 2019.

² See Order No. 9886 (February 24, 1970), Docket D-E5813.

were granted to cross a portion of the Russell-Abbott State Forest in Mason, from east of Pratt Pond Road and continuing in a westerly direction between Structures 233 and 239.³

Licenses across State land for the existing 367 Line crossings in Greenville between Structures 251 and 258, and in Mason between Structures 242 and 244 were not previously requested or obtained by the Company. In addition, Eversource stated that licenses were not previously requested for the following prior structure replacements along the same line: Structures 251 and 252 in 2015; Structures 237, 238, and 239 in 2018; and Structure 258 in early 2020. Eversource stated that licenses were not sought due to the Company's oversight or because the parcels were privately-owned and no crossing licenses were required at the time of the original construction.

B. Crossing Locations and Construction

Eversource requested three licenses in its petition. The first license applies to lines that cross Russell-Abbott State Forest in Mason and include seven structures, from Structure 233, located just east of the State Forest, and continuing in a northwesterly direction across the northeast corner of the Russell-Abbott State Forest, to Structure 239 in the Town of Mason. This portion of the 367 Line runs north and parallel to the Eversource 3155 Line. The second license includes three structures, Structures 242 through 244 in Mason, running across the northeast corner of the Russell-Abbott State Forest, north and parallel to the Eversource 3155 Line. The third license applies to the portion of the 367 Line that crosses the Greenville Rail Trail, Route 31, and the Souhegan River in Greenville, and includes eight structures, Structures 251 through 258, running across the northwestern corner of the Russell-Abbott Forest to just north of the intersection of Route 5 and Old Wilson Road/Richardson Road in Greenville.

³ See Order No. 9965 (June 5, 1970), Docket D-E5850.

Eversource will transfer three existing conductors and one of the two existing static wires to each new or previously replaced support structure, and will replace one of the two existing static wires with an optical ground wire (OPGW) to be installed on the new structures.

Eversource based conductor clearance requirements on National Electrical Safety Code (NESC) conditions at 285°F, which yielded the lowest acceptable clearances. Eversource will maintain clearance of the wires crossing the State-owned land parcels in Mason and Greenville at a height no less than that required by the 2017 NESC (Table 232-1).

Eversource used floodwater elevations for the Souhegan River in Greenville identified on the FEMA flood map.⁴ Eversource calculated water clearances based on applicable projected 100-year flood levels. The 100-year flood elevation for the Souhegan River in this location is approximately 685 feet, based on the North American Vertical Datum of 1988. Staff verified clearances at the 685-foot flood level.

First License – Russell-Abbott State Forest in Mason

Eversource requested a license to cross the Russell-Abbott State Forest in Mason, beginning with Structure 233 east of Pratt Pond Road in Mason, and continuing in a westerly direction over State land to Structure 239. The cumulative span between Structures 233 and 239 will be 4,077 feet, of which 3,403.7 feet will cross public land.

Structure 233 will be replaced by a new structure consisting of two 85-foot steel poles. Structure 234 will be rebuilt with two 90-foot wood poles. Structures 235 and 236 will be rebuilt with two 95-foot wood poles. Structure 237 was replaced in 2018 with two 95-foot steel poles; Structure 238 was replaced in 2018 with two 105-foot steel poles; and Structure 239 was replaced in 2018 with two 85-foot steel poles.

⁴ See FEMA flood map #33011C0439D.

Existing conductors, one existing static wire, and the new OPGW fiber line will be installed on each new structure.

Second License – State-owned Land in Mason

Eversource requested a second license to cross the northeast corner of the Russell-Abbott State Forest north of Nutting Hill Road in Mason. This segment of the 367 Line will proceed in a westerly direction from Structure 242 to Structures 243 and 244. The cumulative span between Structure 242 and Structure 244 will be 1,031 feet, of which 535.1 feet will cross public land.

Structure 242 will be constructed with two 85-foot steel poles; Structure 243 will be constructed with two 90-foot steel poles; and Structure 244 will be constructed with two 100-foot steel poles. Existing conductors, one existing static wire, and the new OPGW fiber line will be installed on each structure.

Third License – Souhegan River and State-owned Land in Mason

Eversource requested a license to cross the Souhegan River in Greenville and State-owned parcels of land in Greenville and Mason, including the Russell-Abbott State Forest and the Mason Railroad Trail east of Fitchburg Road. This segment will begin at Structure 251 and continue in a westerly direction to Structure 258.

The cumulative span between Structures 251 and 258 will be 5,030 feet, of which 3,743.6 feet will cross public land and 38 feet will cross public waters. Eversource stated that clearance from the conductors to the water surface will be maintained at 117.9 feet over the surface of the Souhegan River in Mason. NESC Table 232-1 requires only 23 feet of clearance.

Structures 251-258 were previously constructed or will be constructed as follows:

- Structure 251: two 100/95-foot steel poles (rebuilt in 2015);
- Structure 252: two 95-foot steel poles (rebuilt in 2015);
- Structure 253: two 100/90-foot steel poles;
- Structure 254: two 85-foot steel poles;

Structure 255: three 90-foot wood poles;
Structure 256: two 80-foot steel poles;
Structure 257: two 105/100-foot steel poles; and
Structure 258: two 110-foot steel poles (rebuilt in 2015).

Existing conductors, one existing static wire, and the new OPGW fiber line will be installed on each structure.

C. Regulatory Requirements

New Hampshire Department of Environmental Services (DES) statutory permits by notification (SPN) are required. Eversource stated that it would obtain all required permits prior to commencement of the replacement of Structures 233, 242, 243, 244, 253 and 257. According to the petition, previous structure replacement-related impacts were approved by DES through utility maintenance notifications.⁵

Eversource stated that no permit or permit modification is required by the United States Army Corps of Engineers (USACE) for the Souhegan River crossing.

D. Property Rights

Eversource does not anticipate that abutters will be affected by the project because the proposed modifications of existing crossings will occur within Eversource's existing utility easements.

E. Service to the Public and the 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 will ensure that the 367 Line will continue to meet the public need. Eversource

⁵ Utility maintenance notifications were predecessors to the current SPN permitting process. DES issued UMN# 2019-00275 (Greenville) and UMN# 2019-00324 (Mason).

stated that the modifications will not substantially affect the public's use and enjoyment of the Souhegan River or public rights in the identified State-owned land in Mason or Greenville.

The Company calculated the applicable clearance requirements for the water crossing based on a 100-year flood level, a more conservative analysis than the NESC 10-year flood elevation requirement, and applicable clearance requirements for the land crossings based on 2017 NESC requirements. The Company determined that minimum safe line clearances above the river, shorelines, and State-owned land 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 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 requested in this docket may be exercised without substantially affecting public rights in the Souhegan River in Greenville or the identified State-owned land in Mason and Greenville. 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.

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 find that the requested licenses may be exercised without substantially affecting public rights in the Souhegan River in Greenville or the identified State-owned land in Mason and Greenville, 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 lines and structures 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 Greenville and Mason, 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 public water crossing.

We note, as we have in a number of other recent orders, that there is no adequate description of the locations of the crossings presented in the petition. The petition relies on a map that lacks necessary detail and simply provides circles around general areas that are the subject of this docket. Neither streets nor State-owned lands are identified clearly on the locational map provided by the Company. It is worth noting that absent efforts by Commission Staff to compare the petition to published maps of the areas in question, we would be unable to describe to the public where the crossings are located, other than that they are located in the Towns of Mason and Greenville. While we know recent efforts have been made by Eversource

to improve license petitions, we take this opportunity to underscore our expectation that future petitions will contain a descriptive narrative with specific information regarding where each and every 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 and optical ground wire over and across the Souhegan River in Greenville and across land owned by the State of New Hampshire in Mason and Greenville, 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 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 to the crossing licenses 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 Clerks of Greenville and Mason, New Hampshire; (ii) the New Hampshire Department of Environmental Services; (iii) the New Hampshire Department of Transportation; and (iv) the New Hampshire Attorney General and all owners of the land bordering on said public waters at

the location of the water crossing, as required by RSA 371:19, by first class mail, no later than October 23, 2020, to be documented by affidavit filed with the Commission on or before November 10, 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, to be documented by affidavit filed with the Commission on or before November 10, 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 comments or file a written request for a hearing that states the reason and basis for a hearing no later than October 30, 2020, for the Commission's consideration; and it is

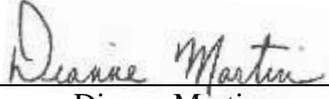
FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than November 6, 2020; and it is

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

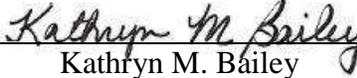
FURTHER ORDERED, that the petition requests filed in Docket DE 19-113 and Docket DE 19-115 are superseded by this order, and that those dockets are hereby closed; and it is

FURTHER ORDERED, that this order shall be effective November 13, 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 sixteenth day of
October, 2020.

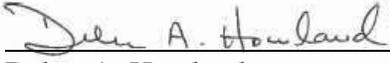


Dianne Martin
Chairwoman



Kathryn M. Bailey
Commissioner

Attested by:



Debra A. Howland
Executive Director

Service List - Docket Related

Docket#: 20-066

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