

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 20-115

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

**Petition for License to Construct and Maintain Electric Lines
Over and Across Lands Owned by the State of New Hampshire in
Peterborough and Temple in Miller State Park**

Order *Nisi* Granting License

ORDER NO. 26,465

March 31, 2021

This order grants Eversource a license to modify, reconstruct, maintain, and operate an existing electric distribution line that crosses over land owned by the State of New Hampshire in Miller State Park in Peterborough and Temple. 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 July 22, 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 a license to modify, reconstruct, operate, and maintain an existing overhead and surface mounted 4 kilovolt (kV) electric distribution line, designated as the Eversource 3155x9 circuit (3155x9 Circuit), over and across six parcels of state-owned land in Peterborough and Temple, New Hampshire. In support of its petition, the Company submitted an overview map and plan and profile drawings. On October 6, 2020, the Company filed a supplemental petition with attachments; on January 5,

2021, the Company filed a replacement petition; and on February 25, 2021, the Company filed a second replacement petition.

On March 24, 2021, Commission Staff (Staff) recommended that the 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/2020/20-115.html>.

II. SUMMARY OF REQUEST

Eversource previously constructed and currently operates and maintains an existing overhead and surface-mounted 4 kV electric distribution line, the 3155x9 Circuit, over and across six parcels of state-owned land encompassing Miller State Park in Peterborough and Temple, New Hampshire. The Company is commencing a project to rebuild the infrastructure on the existing 3155x9 Circuit to update the line to meet current code requirements and to continue to meet current and projected future electricity demand. The Company plans to replace 30 existing pole structures on state land along the 3155x9 Circuit and to remove the conductor located within a section of existing surface-mounted conduit on the upper portion of Pack Monadnock Mountain. The petition seeks a license for the pole and conduit work that is proposed to be conducted within the state land parcels that include Miller State Park.

A. History

The existing crossings over six parcels of land owned by the State of New Hampshire in Peterborough and Temple along the 3155x9 Circuit were previously installed by Greenville Electric Lighting Company and not licensed for reasons unknown to Eversource. The existing overhead portions of the 3155x9 Circuit are believed to have been constructed circa 1927, and the portions located on the ground in conduit pre-date 1972. According to Eversource, the existing pole structures have been subject to environmental damage and require replacement for

the circuit to continue to function safely, reliably, and in compliance with the National Electrical Safety Code (NESC) standards. Eversource seeks a license at this time for the modification of crossings that are located within Miller State Park.

B. Crossing Locations and Construction

The locations of the structures are depicted in the petition, creating crossing spans over and across six parcels of state-owned land, as shown in Exhibits 0 through 11. The total length of spans between the 30 new structures will be 5,565.5 feet with 5,106.1 feet crossing state land.

Three of the 30 new poles to be installed on state land are located within the NH Department of Transportation (DOT) right-of-way (poles 81/10, 81/12, and 81/13X) and therefore do not require a license under the current petition. Twenty-seven of the new poles will be installed on state land within Miller State Park and therefore subject to a license; 4 of those new poles will be steel structures; the remaining 23 poles will be wood.

Of the currently existing 19 wood poles on state land, 10 will be replaced in kind with new wooden poles. Four of the existing poles (81/5, 81/6, 81/7 and 81/8) will be replaced with weathered steel structures. Five of the existing poles will be eliminated. On the upper portion of the mountain where the conductor is located within surface mounted conduit, an additional 16 new wood poles will be installed to replace the ground-mounted conduit as part of the circuit modification project. The existing neutral wire and conductor will be removed and replaced on each of the structures included in this petition.

In addition to the reconstruction of the entire 3155x9 Circuit as described in the preceding paragraph, the petition seeks to license existing underground conduit, which will be unchanged by the reconstruction project. Exhibit 11 depicts the location of two existing underground conduits that run from Handhole 81/29 T2J2 to two separate meters located on the

side of the State Police Communications Building, depicted as “1 Sty. Brick Building” on that exhibit. The two underground conduits are located within the DOT right-of-way except for the final 2 and 3 feet, respectively, before they connect to the meters. Those 5 feet of existing underground conduit are included in the summary schedule of state land crossings at Exhibit 0 and in the total calculation under Note 4 on that exhibit.

The Company also seeks to license the replacement of an existing overhead secondary service cable span running from pole 81/29 T2-2 to the DES Building, with an underground secondary service running to the DES Building, the final 40 feet of which is located outside the DOT right-of-way on state-owned land, as depicted on Exhibit 11.

The Company also seeks a license for an underground conductor that will extend from pole 81/13 to the MIT building, crossing 22 feet of state land in existing conduit, as depicted on Exhibit 5.

The Company also seeks to license an existing conductor with the specifications noted on the Exhibit 0 cable schedule that extends from pole 81/13 to pole 81/13X, crossing 81 feet of state land, as depicted on Exhibit 4A.

The proposed line modifications on the 3155x9 Circuit are designed and will be constructed in compliance with the 2012 National Electrical Safety Code, as required by New Hampshire Code of Administrative Rules, Puc 306.01.

C. Regulatory Requirements

Eversource stated that a DES statutory permit by notification (SPN) is required for temporary impacts to non-tidal wetlands and has been obtained for temporary impacts in proximity to Structures 81/3 and 81/5. The SPN was approved by DES on April 27, 2020 (see NHDES File #2020-00867).

Eversource stated that it has obtained the necessary licenses and permits from DOT to construct and maintain the required underground installation of the 3155x9 Circuit on the upper portion of Pack Monadnock Mountain in Miller State Park.

Exhibit 0 provides an overview of the 3155x9 Circuit crossings over the state land parcels within a new utility corridor area that was authorized by the New Hampshire Division of Natural and Cultural Resources (DNCR) pursuant to a Use and Occupancy License approved by the Governor and Executive Council on August 26, 2020. The new utility corridor will be 16 feet wide from the boundary of Miller State Park at the northern boundary of the Route 101 right-of-way to the MIT building (depicted on Exhibits 4 and 5), and 20 feet wide from the MIT building to the summit termination point. The exhibits also depict construction access routes that will be authorized by DNCR through the Division of Parks and Recreation and the Division of Forests and Lands, pursuant to a Special Use Permit, which Eversource will obtain prior to commencement of the 3155x9 Circuit project.

D. Property Rights

Eversource represented that no abutters to the state-owned land crossings will be affected by the petition, as the closest abutters outside Miller State Park are considerably distant from the new license area, which falls within the park, with the exception of Pinnacle Towers Inc., which owns a parcel of land at the summit and whose infrastructure located on that parcel will be served by the upgraded circuit. The Nature Conservancy also owns property in close proximity to the utility corridor. According to the petition, a representative from The Nature Conservancy participated in the initial design of the project.

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 will ensure that the 3155x9 Circuit will continue to meet that public need. Eversource stated that the modifications will not substantially affect the public's use and enjoyment of the state-owned land in Peterborough and Temple.

Due to the number of active community users of Miller State Park, Eversource held several public information sessions in conjunction with representatives of DNCR, DOT, the Commission's Safety Division, Consolidated Communications, and FirstLight Fiber.

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 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 requested in this docket may be exercised without substantially affecting public rights in the identified state land in Peterborough and Temple. 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. 2020). 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 further find that the requested license may be exercised without substantially affecting public rights in the state-owned land in Peterborough and Temple, as required for approval under RSA 371:20. We therefore approve the petition subject to the conditions set forth 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 modifications, 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 require notice to be provided to the Towns of Peterborough and Temple, DES, DOT, DNCR, and, pursuant to RSA 371:19, the Office of the Attorney General.

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, modify, install, operate, and maintain electric lines over and across public land owned by the State of New Hampshire in Peterborough and Temple, 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 lines and supporting structures under consideration in this docket, and is conditioned on the requirement that Eversource construct, operate, maintain, and, if necessary, alter the lines and supporting structures 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 alterations to the crossing license granted herein at least 60 days prior to undertaking any such alterations; and it is

FURTHER ORDERED, that Eversource shall provide a copy of this order to: (i) the Town Clerks of Peterborough and Temple, New Hampshire; (ii) the New Hampshire Department of Environmental Services; (iii) the New Hampshire Department of Transportation; (iv) the New Hampshire Department of Natural and Cultural Resources; and (v) the New Hampshire Attorney General, as required by RSA 371:19, by overnight delivery for receipt no later than April 5, 2021, to be documented by affidavit filed with the Commission on or before April 13, 2021; 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 April 13, 2021; and it is

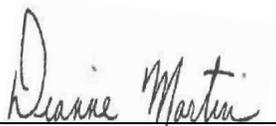
FURTHER ORDERED, that the Executive Director of the Commission shall cause a copy of this order *nisi* to be published on the Commission's website within one business day; and it is

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 April 12, 2021, for the Commission's consideration; and it is

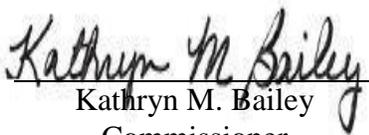
FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than April 14, 2021; and it is

FURTHER ORDERED, that this order shall be effective April 15, 2021, 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 thirty-first day of March, 2021.

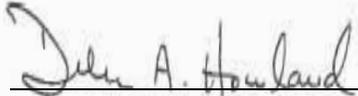


Dianne Martin
Chairwoman



Kathryn M. Bailey
Commissioner

Attested by:



Debra A. Howland
Executive Director

Service List-Docket Related

Docket# : 20-115

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