

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 20-191

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

**Petition for License to Construct and Maintain Electric Lines
Over and Across the North Branch River in Antrim and Hillsborough,
Steels Pond and Franklin Pierce Lake in Antrim, and
Land Owned by the State of New Hampshire in Antrim**

Order *Nisi* Granting License

ORDER NO. 26,462

March 22, 2021

This order grants Eversource licenses to modify, reconstruct, maintain, and operate an existing electric transmission line over and across the North Branch River in Antrim and Hillsborough, Steels Pond and Franklin Pierce Lake in Antrim, and land owned by the State of New Hampshire in Antrim. 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 December 3, 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 and amended licenses to modify, reconstruct, operate, and maintain an existing overhead 115 kilovolt (kV) electric transmission line, designated as the Eversource X104 Line, over and across the North Branch River in Antrim and Hillsborough, Steels Pond and Franklin Pierce Lake in Antrim, and land owned by the State of New Hampshire in Antrim. On February 3, 2021, Eversource filed a replacement petition with corrections and changes to its initial petition and

exhibits. On February 8, 2021, the Company filed a second replacement petition to correct a reference to a prior docket number. In support of its petition, the Company submitted an overview map of the crossing locations, and plan and profile drawings with structural details of each crossing.

Commission Staff (Staff) recommended that the petition be granted. The petition and additional 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/2020/20-191.html>.

II. SUMMARY OF REQUEST

Eversource previously constructed and currently operates and maintains an overhead 115 kV transmission line, designated as the Eversource X104 Line (X104 Line), which crosses over the North Branch River in Antrim and Hillsborough, Steels Pond and Franklin Pierce Lake in Antrim, and land owned by the State of New Hampshire in Antrim. The Company proposes to replace three existing wood structures along this segment of the X104 Line with newly constructed steel support structures to ensure continued safe and reliable operation. The three existing conductors along the line will be transferred to the new steel structures, and two existing static wires will be replaced with optical ground wire cables (OPGW cables). The existing underbuilt fiber cable will be removed.

A. History

The Eversource X104 Line was originally constructed in 1954. Three crossings over the North Branch River in Antrim and Hillsborough, the crossing over Steels Pond, and one of the three crossings over state-owned land in Antrim (Map 214, Lot 34) that are the subject of the current petition were most recently licensed by the Commission in Order No. 26,355 (May 11,

2020) in Docket DE 19-149. Structure 5, which Eversource had petitioned to be replaced with a steel structure in Docket DE 19-149, was not replaced pursuant to Order No. 26,355 due to an error in the petition in that docket; as a result, Eversource seeks a license for the replacement of that structure under the current petition.

One of the two crossings over Franklin Pierce Lake in Antrim (between Structures 26 and 27) was licensed by the Commission in Docket DE 19-134 pursuant to Order No. 26,334 (February 25, 2020). The second crossing over Franklin Pierce Lake in Antrim (between Structures 35 and 36) was never previously licensed; Eversource seeks an after-the-fact license for that crossing.

The land crossings in Antrim encompass three adjoining parcels of land owned by the State of New Hampshire and administered by the New Hampshire Department of Environmental Services (DES). The existing crossing over one of the state land parcels, between Structures 38 and 39, was licensed in Docket DE 19-149 pursuant to Order No. 26,355, as noted above. Eversource requests an after-the-fact license for the crossings over two additional adjoining parcels of state-owned land on either side of the North Branch River, between Structure 38 and Structure 41 (Map 214, Lot 103 and Map 214, Lot 41).

B. Crossing Location and Construction

The petition divides the section of the X104 Line that is the subject of the current petition into six segments:

(1) Two Crossings over the North Branch River in Hillsborough (Petition Exh. 2)

The first and second public water crossings over the North Branch River in Hillsborough occur close to where the X104 Line crosses Saw Mill Road, approximately 550 feet west-southwest of the intersection of West Main Street and Saw Mill Road. The first crossing is

approximately 700 feet further in a southwesterly direction along the X104 right-of-way. The second North Branch River crossing occurs approximately 1,400 feet further southwest along the X104 Line right-of-way. Structure 4 at this crossing span was replaced with a steel structure in 2016 and approved after the fact in Order No. 26,355 in 2020, as noted above. Structure 5 was approved for replacement at the same time but for reasons unknown, was not replaced. In the current petition, Eversource has renewed its request to replace Structure 5 with a steel structure. The span between Structures 3 and 4 is 537 feet, with 84.2 feet crossing the North Branch River. The span between Structures 4 and 5 is 565 feet, with 150 feet crossing the river.

(2) First Crossing over Franklin Pierce Lake in Antrim (Petition Exh. 3)

The third crossing of the X104 Line over Franklin Pierce Lake in Antrim follows the eastern shoreline of the lake, extending over the lake between Structures 26 and 27. Structure 26 is located within the developed shoreline approximately 4,200 feet southwest from where the X104 Line crosses Mountain Side Drive, near the lake's easternmost edge. The span over Franklin Pierce Lake between Structures 26 and 27 is approximately 71.4 feet. Structure 27 is located approximately 2,050 feet from where the X104 Line crosses Pierce Lake Road, approximately 0.35 miles west from the intersection of Pierce Lake Road and Knapton Circle. The span between Structures 26 and 27 is 510 feet, with 71.4 feet crossing the public waters of Franklin Pierce Lake.

(3) Second Crossing over Franklin Pierce Lake in Antrim (Petition Exh. 4)

The fourth public water crossing covered by the petition also spans Franklin Pierce Lake in Antrim. The X104 Line runs southwest along the eastern shore of the lake and then crosses the lake at the southern end. From the point along Pierce Lake Road where the road changes from pavement to dirt, the X104 Line continues approximately 1,450 feet south and crosses over

the lake between Structures 35 and 36. Wooden structures 35 and 36 will be replaced with steel. The span between Structures 35 and 36 is 995 feet, with 485.2 feet crossing the public waters of Franklin Pierce Lake.

(4) Crossing over the North Branch River in Antrim (Petition Exh. 5)

The fifth public water crossing spans the North Branch River near where the river enters Franklin Pierce Lake. From the crossing between Structures 35 and 36 described in (3), above, the X104 Line runs southwest to where it crosses Winklemans Point, approximately 0.23 miles east of the intersection of Franklin Pierce Highway (NH State Route 9) and Winklemans Point Road. The X104 Line continues in a southwesterly direction, crossing the North Branch River between Structures 38 and 39 approximately 325 feet from Winklemans Point. The span between Structures 38 and 39 is 723 feet, with 44.3 feet crossing the public waters of the North Branch River.

(5) Crossing over State-Owned Land in Antrim (Petition Exh. 6)

The X104 Line crosses state-owned land on both sides of the North Branch River at the public water crossing described in (4), above. The state land consists of three parcels administered by NHDES as part of the NH Rivers Management & Protection Program under RSA 483. Petition at 2 and Exhibit 5. The crossing span over the state-owned land begins approximately 280 feet southwest from where the X104 Line crosses Winklemans Point, between Structure 38 and the North Branch River. The X104 Line again crosses state-owned land on the south side of the North Branch River for an additional 863.8 feet where the land span ends at the northeast edge of Algonquin Road, just beyond Structure 40. The span between Structures 38 and 41 is 1,589.2 feet, with 902.7 feet crossing two parcels of state-owned land in Antrim (Staff Recommendation at 12).

(6) Crossing over Steels Pond in Antrim (Petition Exh. 7)

The sixth public water crossing spans Steels Pond in Antrim between Structures 44 and 45. From the state land crossing described in (5), above, the X104 Line continues from Structure 41 southwest across Elm Avenue and then Steels Pond, approximately 1,475 feet southwest of where the line crosses Elm Avenue to Structure 45, approximately 0.19 miles from the intersection of Elm Avenue and Keene Road (NH State Route 9). The span between Structures 44 and 45 is 628 feet, with 458.3 feet crossing the public waters of Steels Pond in Antrim.

Eversource proposes to replace wooden Structures 5, 35, and 36 with steel structures. The three replacement structures will be installed within 10 feet of their current locations. Eversource asserts that with these three steel replacements, all structural supports for the seven spans that are the subject of the petition will have been upgraded from wood to steel. All existing conductors will be transferred to the new steel structures. The X104 Line project also includes replacement of the two existing static wires at the top of each pole structure with OPGW cables. A communication fiber cable that exists below the conductors will be removed.

Eversource calculated clearances over the North Branch River, Steels Pond, and Franklin Pierce Lake based on applicable FEMA 100-year flood level projections and NESC requirements. Staff verified the computed sags based on the inputs provided in the petition and confirmed that NESC Table 232-1 requires clearances of no less than: (i) 18.6 feet over water areas not suitable for sail boating with respect to the two public water crossings over the North Branch River and Steels Pond; (ii) 30.1 feet for water areas suitable for sail boating with a surface area over 20 acres and under 200 acres regarding the two crossings of Franklin Pierce Lake; and (iii) 20.1 feet for roads, streets and other areas subject to truck traffic with respect to the crossings over state-owned land. The proposed line modifications on the X104 Line are

designed and will be constructed in compliance with the 2012 National Electrical Safety Code (NESC), pursuant to New Hampshire Code of Administrative Rules, Puc 306.01.

C. Regulatory Requirements

Eversource stated that all crossing spans over the public waters depicted in its petition entail temporary minor alterations of non-tidal wetlands, non-tidal surface waters, and banks adjacent to non-tidal waters and, therefore, a DES Statutory Permit by Notification (SPN) for temporary impacts to wetlands is required. In addition, a Shoreland Permit by Notification (PBN) for temporary impacts within the shoreland buffer of each of the public waters addressed in the petition will be required. Eversource stated that it will obtain all required permits prior to the commencement of construction.

Eversource stated that the U.S. Army Corps of Engineers (USACE) does not regulate as navigable waters the subject portions of the North Branch River in Hillsborough and Antrim, Franklin Pierce Lake in Antrim, or Steels Pond in Antrim. Accordingly, a USACE permit is not required.

D. Property Rights

Eversource represented that abutters will not be affected by the X104 Line project because the proposed modifications to each crossing 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 X104 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

North Branch River in Hillsborough or Antrim, Franklin Pierce Lake in Antrim, Steels Pond in Antrim, or the state-owned land in Antrim.

As noted above, the Company calculated applicable clearance requirements for the land crossings based on NESC requirements and applicable clearance requirements over water based on a 100-year flood level, a more conservative analysis than the NESC 10-year flood elevation requirement. The Company stated that minimum safe line clearances above the public waters and associated shorelines and the state-owned land 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 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 requested in this docket may be exercised without substantially affecting public rights in the North Branch River in Hillsborough and Antrim, Franklin Pierce Lake in Antrim, Steels Pond in Antrim, or the identified state-owned land in Antrim.

Accordingly, Staff recommended approval of the Company's 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. DES has classified the North Branch River in Hillsborough and Antrim, Franklin Pierce Lake in Antrim, and Steels Pond in Antrim 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 licenses may be exercised without substantially affecting public rights in the North Branch River in Hillsborough and Antrim, Franklin Pierce Lake in Antrim, Steels Pond in Antrim, or on the identified state-owned land in Antrim, 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 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 Antrim and Hillsborough, DES, and, pursuant to RSA 371:19, the Office of the Attorney General, and owners of land bordering the public water crossings.

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, rebuild, install, operate, and maintain electric lines over and across the North Branch River in Hillsborough and Antrim, Franklin

¹ See <https://www.des.nh.gov/sites/g/files/ehbemt341/files/documents/olpw.pdf>.

Pierce Lake in Antrim, Steels Pond in Antrim, and across public land owned by the State of New Hampshire in Antrim, as described and depicted in its petition 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 as specified 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 licenses 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 Antrim and Hillsborough, New Hampshire; (ii) the New Hampshire Department of Environmental Services; and (iii) the New Hampshire Attorney General and all owners of the land bordering on said public waters at the locations of the crossings in Antrim and Hillsborough, as required by RSA 371:19, by first class mail, no later than March 29, 2021, to be documented by affidavit filed with the Commission on or before April 12, 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 12, 2021; and it is

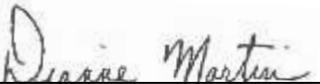
FURTHER ORDERED, that the Executive Director of the Commission shall cause a copy of this order *nisi* to be published on the Commission’s website within one business day; and it is

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 9, 2021; for the Commission’s consideration; and it is

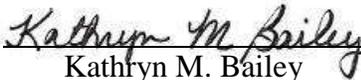
FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than April 12, 2021; and it is

FURTHER ORDERED, that this order shall be effective April 14, 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 twenty-second day of March, 2021.

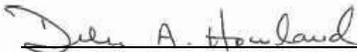


Dianne Martin
Chairwoman



Kathryn M. Bailey
Commissioner

Attested by:



Debra A. Howland
Executive Director

Service List - Docket Related

Docket#: 20-191

Printed: 3/22/2021

Email Addresses

ExecutiveDirector@puc.nh.gov
matthew.cardin@eversource.com
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