

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 20-195

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

**Petition for License to Construct and Maintain Electric Lines
Over and Across the Lamprey River in Deerfield**

Order *Nisi* Granting License

ORDER NO. 26,468

April 7, 2021

This order grants Eversource a license to replace one of two existing static shield wires with an optical ground wire (OPGW) on an existing electric transmission line that crosses the Lamprey River in Deerfield. 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 8, 2020, Public Service Company of New Hampshire (PSNH) d/b/a Eversource Energy (Eversource, or the Company) filed a petition pursuant to RSA 371:17 requesting a license to modify, reconstruct, operate, and maintain an existing overhead 345 kilovolt (kV) electric transmission line, designated as the Eversource 373 Line, over and across the Lamprey River in Deerfield. The proposed project will complete the Company's installation of optical ground wire (OPGW) cable from the Deerfield substation to the Scobie Pond substation in Derry. In support of its petition, Eversource filed a location plan, plan and profile drawings with structure details, and a Google Earth site location map. On December 22, 2020, Eversource filed revisions to its petition.

Commission Staff (Staff) recommended that Eversource's 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/2020/20-195.html>.

II. SUMMARY OF REQUEST

Eversource previously constructed, and currently operates and maintains, an overhead 345 kV transmission line, originally constructed in 1971 and designated as the Eversource 373 Line (373 Line), which crosses the Lamprey River in Deerfield. The Company proposes to replace one of two existing static wires with an optical ground wire (OPGW) cable. The original wooden structures at the Lamprey River crossing location in Deerfield, Structures 212 and 213, were replaced in 2019.¹ Eversource stated that the project proposed in the current petition will complete installation of an OPGW communications cable between the Deerfield substation in Deerfield and Scobie Pond substation in Derry.² According to Eversource, the modifications and replacements are necessary to meet requirements for reasonable service to the public.

A. History

Eversource constructed the 373 Line in 1971. In 2019, as part of a reliability project to meet current and future electricity needs in Deerfield, Eversource replaced wooden Structures 212 and 213 with new steel towers. *See* Order No. 26,281 (August 6, 2019).

¹ *See* Order No. 26,281 (August 6, 2019) in Docket DE 19-097.

² According to the petition, the only other crossing span between these terminating substations, located between Structures 242 and 243 in Raymond, was licensed for both structure replacement (from wood to steel) and OPGW communications cable installation pursuant to Order No. 26,402 (September 9, 2020) in Docket DE 20-033. DE 20-195 Petition at ¶ 1 (12/22/20).

B. Crossing Location and Construction

Eversource proposes to replace one of two existing static wires with a 48-fiber OPGW cable between Structures 212 and 213 on its 373 Line. The current crossing modification will begin at Structure 212 north of Route 107, also known as Raymond Road, continue southward over Route 107 and the Lamprey River to Structure 213, and then proceed to the Scobie Pond substation in Derry. This project will entail the replacement of one static wire with an OPGW cable; the existing poles, a second static wire, and six existing conductors will remain unchanged. The OPGW line will be vertically attached above the conductors.

The crossing will create a total span of 997.1 feet between structures 212 and 213, with 305.2 feet spanning the Lamprey River. Minimum water clearances for the new OPGW cable as well as the existing conductors and remaining static wire that were transferred at the time of the 2019 structure replacements were determined based on projected 100-year flood levels, a more conservative requirement than the 10-year flood levels permitted by the NESC. All replacements and modifications are designed and will be constructed in accordance with the 2012 National Electrical Safety Code (NESC).

C. Regulatory Requirements

Eversource stated that there will be no wetland impacts and only limited temporary ground impacts associated with the OPGW cable installation. Accordingly, the proposed modifications to the crossing over the Lamprey River in Deerfield require neither a New Hampshire Department of Environmental Services (DES) Statutory Permit by Notification (SPN) nor a Shoreland Permit by Notification (PBN), and no other environmental permitting is required. The Company further stated that the U.S. Army Corps of Engineers (USACE) does not regulate the subject portion of the Lamprey River in Deerfield as federally designated navigable waters. Accordingly, a USACE permit is not required.

D. Property Rights

Eversource represented that abutters will not be affected by the 373 Line project in Deerfield because the proposed modifications will occur within the Company's existing utility easements.

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

According to Eversource's petition, the existing crossing was constructed and has been operated and maintained to meet the reasonable requirements of service to the public. The modifications will ensure that the 373 Line will continue to meet that public need. Eversource asserted that the proposed modifications will not substantially affect the public's use and enjoyment of the Lamprey River in Deerfield.

As noted above, the Company calculated applicable clearance requirements over water based on a 100-year flood level, 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 requested license. Based on its review, Staff determined that the proposed construction meets the requirements of the NESC and applicable state statutes and rules. Staff concluded that the license Eversource has requested in this docket may be exercised without substantially affecting public rights in the Lamprey River in Deerfield. 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. DES has classified the Lamprey River as a “public water.”³

Based on the petition and Staff’s recommendation, we find that the proposed crossing modification is 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 Lamprey River in Deerfield, 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 crossing.

³ See <https://www.des.nh.gov/sites/g/files/ehbemt341/files/documents/olpw.pdf>.

We require notice to be provided to the Town of Deerfield, DES, and, pursuant to RSA 371:19, the Office of the Attorney General, and owners of land bordering the public water crossing.

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 and OPGW over and across the Lamprey River in Deerfield, as described in its petition, including the supplemental 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 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 Clerk of Deerfield, 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 location of the crossing, as required by RSA 371:19; by first class mail, no later than April 9, 2021, to be documented by affidavit filed with the Commission on or before April 26, 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 26, 2021; and it is

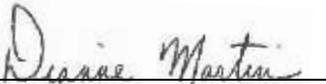
FURTHER ORDERED, that the Executive Director of the Commission shall cause a copy of this order *nisi* to be published on the Commission’s website within one business day; and it is

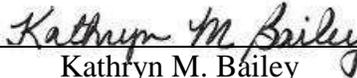
FURTHER ORDERED, that persons interested in responding to this order be notified that they may submit their comments or file a written request for a hearing that states the reason and basis for a hearing no later than April 23, 2021, for the Commission’s consideration; and it is

FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than April 28, 2021; and it is

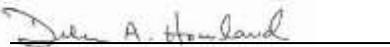
FURTHER ORDERED, that this order shall be effective April 30, 2021, unless Eversource fails to satisfy the notice and publication obligations set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date.

By order of the Public Utilities Commission of New Hampshire this seventh day of April, 2021.


Dianne Martin
Chairwoman


Kathryn M. Bailey
Commissioner

Attested by:


Debra A. Howland
Executive Director

Service List - Docket Related

Docket#: 20-195

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