

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 20-200

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

**Petition for an Amended License to Construct and Maintain Electric Lines
Over and Across the North River in Nottingham and the Oyster River in Lee**

Order *Nisi* Granting License

ORDER NO. 26,460

March 4, 2021

This order grants Eversource a license to modify, construct, maintain, and operate an existing electric transmission line that crosses over the North River in Nottingham and the Oyster River in Lee. 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 11, 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 for a license to modify, construct, operate, and maintain an existing overhead 115 kilovolt (kV) electric transmission line, designated as the Eversource L175 Line, over and across the North River in Nottingham and the Oyster River in Lee. In support of its petition, the Company submitted an overview map, site location maps, and plan and profile drawings with structural details.

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/2020/20-200.html>.

II. SUMMARY OF REQUEST

Eversource previously constructed, and currently operates and maintains, an overhead 115 kV transmission line, designated as the Eversource L175 Line (L175 Line), which crosses over the North River in Nottingham and the Oyster River in Lee. The Company proposes to replace existing wood structures along the L175 Line with newly constructed steel support structures to ensure continued safe and reliable operation. All existing cables and wires will be transferred from the existing wood structures to the new steel structures. Eversource seeks a license for the crossings in connection with the proposed structure replacements and modifications.

A. History

The L175 Line was built in 1975. The Commission approved a rebuild of the existing crossings over the North River in Nottingham and the Oyster River in Lee in Order No. 25,073, issued on February 19, 2010, in Docket 09-277.¹ Eversource seeks an amended license for proposed crossing modifications.

B. Crossing Location and Construction

Eversource proposes to replace four existing wood structures with steel structures in Nottingham and Lee. All existing conductors and optical ground wire (OPGW) cables will be transferred to the new steel structures. According to Eversource, the rebuild project is part of a

¹ Order No. 25,073 (2/19/10) in Docket 09-277 granted PSNH a license to rebuild a number of L175 Line crossings in Nottingham, Barrington, and Lee, including the crossings that are the subject of the current petition.

capital reliability project necessary for the L175 line to continue to meet current and future projected electricity demands.

The Nottingham project work will begin east of the NH Route 152/Stage Road overpass over the North River and just west of the North River at Structure 43, and will continue in an easterly direction across the river to Structure 44. Existing wood Structures 43 and 44 will be replaced with 84.0-foot OAL Type ST-1, Class H-9 steel poles. This crossing will create a total span of 549.5 feet between Structures 43 and 44, with 62.7 feet spanning public waters.

Replacement work in Lee will begin at Structure 125 northwest of the NH Route 155/Lee Road overpass that crosses the Oyster River and will continue east across the Oyster River and NH Route 155/Lee Road to Structure 126, which is located on the eastern side of the road. The existing Structures 125 and 126 will be replaced with 84.0-foot OAL Type ST-1, Class H-9 steel poles, creating a span of 648.3 feet between the two structures, with 30.2 feet crossing public waters.

Three of the replacement structures (Structure 43 in Nottingham and Structures 125 and 126 in Lee) will be relocated within 10 feet of their current locations; Structure 44 in Nottingham will be moved approximately 20 feet from its current location to lessen temporary impacts to wetlands and to facilitate replacement and future maintenance.

The three existing conductors and one existing 24-fiber OPGW cable will be transferred to the new structures. The OPGW cable will be vertically attached above the conductors. Minimum cable clearance requirements were determined to be 18.6 feet from the surface of the water, based on the National Electrical Safety Code (NESC) and projected 100-year flood levels, as determined by FEMA. Eversource stated that the design of the four replacement structures for the L175 Line over the North River and Oyster River meet the requirements of the 2012 NESC.

The water clearances to the projected 100-year flood elevations, a more conservative calculation than the 10-year flood levels permitted by the NESC, were confirmed by Safety Division staff.

C. Regulatory Requirements

Eversource stated that a New Hampshire Department of Environmental Services (DES) Statutory Permit by Notification (SPN) and a Shoreland Permit by Notification (PBN) are required for the structure replacements in Nottingham and Lee due to temporary wetland impacts associated with the installation of the new structures within shoreland buffers to the North River in Nottingham and the Oyster River in Lee. Eversource represented that it will obtain all required permits prior to the commencement of construction.

According to Eversource, the United States Army Corps of Engineers (USACE) does not regulate the subject portions of the North River in Nottingham or the Oyster River in Lee 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 L175 Line project because the proposed modifications to each crossing will occur within Eversource's existing utility easements, and in coordination with the New Hampshire Department of Transportation (NHDOT) with respect to the crossing of Route 155 between Structures 125 and 126 in Lee.

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 L175 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 River in Nottingham or the Oyster River in Lee.

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 North River in Nottingham or the Oyster River in Lee. 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 North River and the Oyster River as “public waters.”²

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 North River in Nottingham or the Oyster River in Lee, as required for approval under RSA 371:20. We therefore approve the petition subject to the conditions

² See <https://www.des.nh.gov/sites/g/files/ehbemt341/files/documents/olpw.pdf>.

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 transmission line and structures 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 Nottingham and Lee, DES, NHDOT, 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 River in Nottingham and the Oyster River in Lee, 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 transmission line 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 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 Nottingham and Lee, 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 crossing locations in Nottingham and Lee, as required by RSA 371:19, by first class mail, no later than March 15, 2021, to be documented by affidavit filed with the Commission on or before March 31, 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 March 31, 2021; and it is

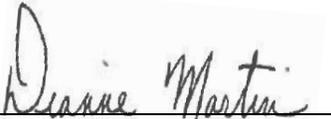
FURTHER ORDERED, that the Executive Director of the Commission shall cause a copy of this order *nisi* to be published on the Commission's website within one business day; and it is

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 March 22, 2021, for the Commission's consideration; and it is

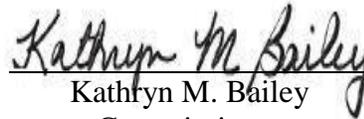
FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than March 29, 2021; and it is

FURTHER ORDERED, that this order shall be effective April 3, 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 fourth day of March, 2021.

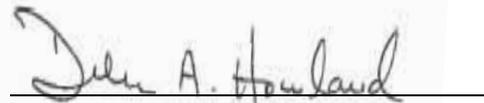


Dianne Martin
Chairwoman



Kathryn M. Bailey
Commissioner

Attested by:



Debra A. Howland
Executive Director

Service List - Docket Related

Docket# : 20-200

Printed: 3/4/2021

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