

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 20-034

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

**Petition for Amended License to Construct and Maintain Electric Lines
Over and Across the Isinglass River in Strafford**

Order *Nisi* Granting Amended License

ORDER NO. 26,401

September 2, 2020

This order grants Eversource an amended license to modify, construct, and maintain an electric transmission line over and across the public waters of the Isinglass River in Strafford.

This order is being issued on a *nisi* basis to ensure that interested persons receive notice and have the opportunity to comment or request a hearing before the order becomes effective.

I. PROCEDURAL HISTORY

On March 12, 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 an amended license to modify, construct, and maintain an existing overhead 345 kilovolt (kV) electric transmission line, designated as the Eversource 385 Line (385 Line), over the Isinglass River in Strafford. In support of its petition, Eversource submitted an overview map and a plan and profile drawing.

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/2020/20-034.html>.

II. SUMMARY OF PETITION

Eversource is commencing a project to replace and rebuild a number of structures along the 385 Line to meet current and future electricity demand. The 385 Line crosses the Isinglass River in Strafford. Eversource seeks an amended license for that crossing in connection with the proposed modification of the line. Eversource will transfer three existing conductors and wires to the newly constructed support structures.

A. History

The Commission previously granted a license for the existing crossing over the Isinglass River in Strafford in Order No. 25,483 (March 29, 2013). According to the current petition, the two wooden structures at the existing crossing location are approximately 50-years old and have been subjected to environmental damage. Both structures will be replaced with steel structures to ensure that the 385 Line continues to function safely and reliably.

B. Crossing Location and Construction

Based on the Commission's review of published maps, the proposed modification of the crossing will begin at Structure 87 south of the intersection of N.H. Route 126 (Parker Mountain Road) and Batchelder Lane in Strafford. Structure 87 will be replaced by a 75-foot steel structure placed within 20 feet of the existing wooden structure. The crossing continues in a southwesterly direction to Structure 88. Structure 88 will be replaced with a 105-foot steel structure placed approximately 70 feet from the existing wooden structure to avoid ledge and adjacent wetlands. The two new steel structures will create a crossing span of 690.2 feet between structures, with a public water span of 35.3 feet across the river. The lines will cross the river with a minimum clearance of 49 feet above the surface of the water.

The line modification is designed and will be constructed in accordance with the 2017 National Electrical Safety Code (NESC).

C. Regulatory Requirements

A New Hampshire Department of Environmental Services (DES) statutory permit by notification (SPN) application is required for construction access and work activities that involve the temporary minor alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in the vicinity of the Isinglass River. According to the petition, DES approved the required permit in DES File #2020-00035.

Eversource stated that the U.S. Army Corps of Engineers (USACE) does not regulate the subject portions of the Isinglass River as navigable waters. Accordingly, a USACE permit is not required.

D. Property Rights

The 385 Line is an existing line within existing utility easements. Eversource does not anticipate that abutters on either side of the Isinglass River crossing will be affected because the project will entail the modification of an existing crossing for which the Company holds easement rights.

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

According to Eversource, the existing crossing was constructed and has been operated and maintained to meet the reasonable requirements of service to the public, and the proposed modifications will ensure that the 385 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 Isinglass River. The Company calculated the applicable clearance requirements based on a 100-year flood level, a more conservative analysis than the NESC 10-year flood elevation

requirement, 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 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 proposed modifications and 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 Eversource has requested in this docket may be exercised without substantially affecting public rights in the Isinglass River in Strafford. 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. DES has classified the Isinglass River as a public water.¹

Based on the petition and Staff’s recommendation, we find that the proposed crossing is necessary to meet the reasonable requirements of reliable service to the public, as required by

¹ See http://des.nh.gov/organization/divisions/water/dam/public_waters/index.htm, and <https://www.des.nh.gov/organization/commissioner/pip/publications/wd/documents/olpw.pdf>.

RSA 371:17. We further find that the requested license may be exercised without substantially affecting public rights in the Isinglass River in Strafford, 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 any interested person the opportunity to submit comments or request a hearing.

This approval applies only to the electric lines 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 Town of Strafford, DES, the Office of the Attorney General, and owners of land bordering the crossing.

We note that there is no adequate description of the location of the crossing in the petition. The petition relies on a map that has very little detail other than a circle around an area over the river in Strafford. Streets are not identified on the map. But for the work of Staff, comparing the map provided to published maps of the area, we would be unable to describe to the public where the crossing is located, other than that it is in the Town of Strafford. We expect, and direct, that future petitions will contain a descriptive narrative of where the 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 over and across the Isinglass River in the Town of Strafford, 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 electric lines specified 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(s) to the crossing license granted herein at least 60 days prior to undertaking any such alteration(s); and it is

FURTHER ORDERED, that Eversource shall provide a copy of this order to (i) the Town Clerk of Strafford, New Hampshire; (ii) 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; and (iii) the New Hampshire Department of Environmental Services, by first class mail, no later than September 14, 2020, to be documented by affidavit filed with the Commission on or before September 21, 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, such publication to be documented by affidavit filed with the Commission on or before September 21, 2020; 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

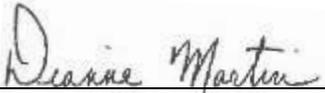
and basis for a hearing no later than September 10, 2020, for the Commission’s consideration;
and it is

FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than September 17, 2020; and it is

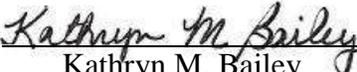
FURTHER ORDERED, that future petitions for license to cross public water or land shall include an adequate description of the location of the crossing that makes it clear to the public where the crossing is located; and it is

FURTHER ORDERED, that this order shall be effective September 24, 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 second day of September 2, 2020.



Dianne Martin
Chairwoman

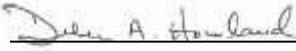


Kathryn M. Bailey
Commissioner



Michael S. Giaimo
Commissioner

Attested by:



Debra A. Howland
Executive Director

Service List - Docket Related

Docket#: 20-034

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