

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 20-033

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

**Petition for License to Construct and Maintain Electric Lines
Over and Across State Owned Land in Raymond**

Order *Nisi* Granting License

ORDER NO. 26,402

September 9, 2020

This order grants Eversource a license to modify, construct, and maintain an electric transmission line over and across the Rockingham Recreational Trail in Raymond. 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 Company) filed a petition pursuant to RSA 371:17 for an amended license to modify, construct, and maintain an existing overhead 345 kilovolt electric transmission line, designated as the Eversource 373 Line (373 Line), over and across a portion of the Rockingham Recreational Trail in Raymond. 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/2020/20-033.html>.

II. SUMMARY OF PETITION

Eversource is replacing and rebuilding a number of structures along its 373 Line to meet current and future electricity demand. The 373 Line crosses the Rockingham Recreational Trail in Raymond which is owned by the State of New Hampshire. Eversource seeks an amended license for the crossing in connection with the proposed modification of the line. Eversource will transfer 6 existing conductors as well as a static wire to newly constructed support structures.

A. History

The Boston & Maine Railroad previously granted a license for the Raymond crossing in file FDA 332. The crossing was not previously licensed by the Commission, because the land in question was owned by the railroad at the time the 373 Line was constructed.

According to the petition, the current wood structures are approximately 50-years old and have been subjected to environmental damage. Eversource will replace the wood structures with steel structures to ensure that the 373 Line continues to function safely and reliably.

B. Crossing Location and Construction

Based on the petition, the proposed modifications begin at Structure 242 north of N.H. Route 101 and the east side of Depot Road. The line will continue in a southwesterly direction to Structure 243. The new structures will create a 712.5-foot crossing span. The state-owned land portion of the crossing will be 70 feet.

Eversource will transfer the existing conductors to the newly constructed support structures and replace the existing shield wire with an optical ground communications wire. The line modifications are designed and will be constructed in accordance with the 2012 National Electrical Safety Code (NESC).

C. Regulatory Requirements

A New Hampshire Department of Environmental Services (DES) statutory permit by notification is required for the structure replacements. According to the petition, DES approved the required permit in DES File #2020-00037.

D. Property Rights

The 373 Line is an existing line within existing utility easements. Accordingly, Eversource does not anticipate that the abutters on either side of the crossing will be affected because the proposed project entails the modification of an existing crossing between structures 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 modification will ensure that the 373 Line will continue to meet that public need. Eversource stated that the modification will not substantially affect the public's use and enjoyment of the Rockingham Recreational Trail. The Company determined that minimum safe line clearances above the public land 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 on the Rockingham Recreational Trail. 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.

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 RSA 371:17. We further find that the requested license may be exercised without substantially affecting public rights in the portion of the Rockingham Recreational Trail where the crossing will be located in Raymond, 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 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 Raymond, DES, the New Hampshire Department of Transportation, and 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, install, operate, and maintain electric lines over and across the public lands 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 Raymond, New Hampshire; (ii) the New Hampshire Attorney General; (iii) the New Hampshire Department of Environmental Services; and (iv) the New Hampshire Department of Transportation, by first class mail, no later than September 18, 2020, to be documented by affidavit filed with the Commission on or before October 6, 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 October 6, 2020; and it is

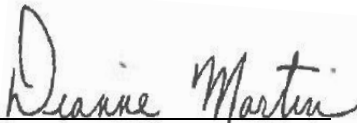
FURTHER ORDERED, that the Executive Director of the Commission shall cause a copy of this order *nisi* to be published on the Commission's website within one business day; and it is

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 23, 2020 for the Commission's consideration; and it is

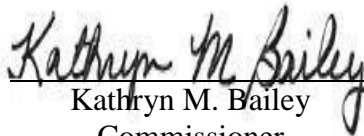
FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than September 30, 2020; and it is

FURTHER ORDERED, that this order shall be effective October 9, 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 ninth day of September, 2020.



Dianne Martin
Chairwoman

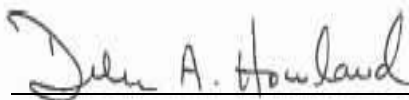


Kathryn M. Bailey
Commissioner



Michael S. Giaimo
Commissioner

Attested by:



Debra A. Howland
Executive Director

Service List - Docket Related

Docket#: 20-033

Printed: 9/9/2020

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