

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DE 19-146**

**PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE  
D/B/A EVERSOURCE ENERGY**

**Petition for License to Construct and Maintain Electric Lines  
Over and Across Baboosic Brook in the Town of Merrimack**

**Order *Nisi* Granting License**

**ORDER NO. 26,317**

**December 19, 2019**

This order grants Eversource a license to modify or rebuild a number of structures associated with the existing electric transmission line that crosses the Baboosic Brook in Merrimack, New Hampshire, at four locations. The license authorizes crossings at all four locations. 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 September 4, 2019, Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource) filed a petition, pursuant to RSA 371:17, requesting a “license to construct and maintain electric lines over and across Baboosic Brook.” The petition pertains to a section of the B143 Line, located between Structures #135 and #139, which crosses Baboosic Brook in Merrimack, New Hampshire four times. In support of its petition, Eversource submitted a location plan map and profile plan drawing. On November 7, 2019, Commission Staff (Staff) recommended that the Commission grant the license. The petition and subsequent docket filings,

other than any information for which confidential treatment is requested of or granted by the Commission, is available at <http://puc.nh.gov/Regulatory/Docketbk/2019/19-146.html>.

## **II. SUMMARY OF PETITION**

Eversource seeks a license to modify or rebuild a number of structures on the B143 Line as part of a reliability project. The project will impact four brook crossing locations. The current structures are wood and will be replaced with steel structures. The existing conductors and wires will be transferred to the newly constructed support structures.

### **A. History**

Eversource constructed, and currently operates and maintains, the existing B143 Line; however, the brook crossings were not previously licensed by the Commission. Eversource now seeks a license in connection with its construction and maintenance of new structures and cables.

### **B. Crossing Location and Construction**

The proposed modification begins at Structure #135 on the north side of Baboosic Brook and extends in a southerly direction to Structure #139. The new steel structures will range from 70 to 80 feet in height. The distance between structures involving the crossings are approximately 472 feet from Structure 135 to 136; 440 feet from Structure 136 to 137; 428.5 feet from Structure 137 to 138; and 523 feet from Structure 138 to 139. 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) Utility Maintenance Notification is required for construction access and work activities. The project is designated UMN Permit File number 2019-00268.

A DES Shoreland Permit by Notification application is required for construction activities in the vicinity of Baboosic Brook. The Permit by Notification application is pending approval.

Eversource stated in its petition that no permits or permit modifications are required by the United States Army Corps of Engineers. All construction will be undertaken pursuant to any permitting requirements.

#### **D. Property Rights**

Eversource does not anticipate that the abutters on either side of Baboosic Brook will be affected because this is a modification of an existing crossing for which it has easement rights.

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

According to Eversource's petition, the existing brook crossings were constructed, operated, and are maintained to meet the reasonable requirements of service to the public. Eversource stated that modification of the existing line will not substantially affect the public's use and enjoyment of Baboosic Brook. Eversource also stated that minimum safe line clearances above the river and the shorelines will be maintained at all times. Furthermore, Eversource calculated its clearance requirement using the 100-year flood level, a more conservative analysis than the NESC 10-year flood elevation requirement.

### **III. SUMMARY OF STAFF REVIEW**

Staff reviewed the petition and supporting documentation, applicable statutes, rules, NESC requirements, and land ownership, as well as public need, safety, and impact. Staff determined that the proposed construction meets the requirements of the NESC and applicable state statutes and rules and 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. 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. The New Hampshire Department of Environmental Services has classified Baboosic Brook as a “public water.”<sup>1</sup>

Based on the petition and Staff’s recommendation, we find that issuing the license 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 the public rights in Baboosic Brook, as required for approval under RSA 371:20. Therefore, we 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 is only for electric lines for which the Commission is granting a license, with the specifications proposed 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.

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<sup>1</sup> See [http://des.nh.gov/organization/divisions/water/dam/public\\_waters/index.htm](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>.

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

**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 Baboosic Brook 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 and structures under consideration 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, 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 by first class mail, no later than December 30, 2019 to: (i) the Town Clerk of Merrimack, New Hampshire; (ii) the New Hampshire Attorney General, and to 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, to be documented by affidavit filed with the Commission on or before January 3, 2020; and it is


**FURTHER ORDERED**, that Eversource shall cause the summary of this order, issued concurrently with this order, to be published once in a statewide newspaper of general circulation or of circulation in those portions of the state where operations are conducted, such publication to occur no later than December 30, 2019, and to be documented by affidavit filed with the Commission on or before January 3, 2020; and it is

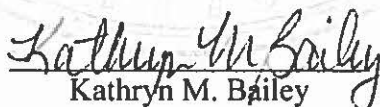
**FURTHER ORDERED**, that all persons interested in responding to this order be notified that they may submit their comments or file a written request for a hearing that states the reason and basis for a hearing no later than January 10, 2020, for the Commission's consideration; and it is

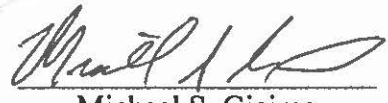
**FURTHER ORDERED**, that any party interested in responding to such comments or request for hearing shall do so no later than January 15, 2020; and it is

**FURTHER ORDERED**, that this order shall be effective January 21, 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.

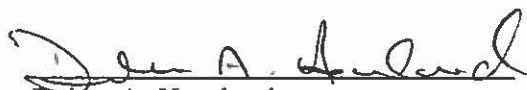
By order of the Public Utilities Commission of New Hampshire this nineteenth day of December, 2019.

  
Dianne Martin  
Chairwoman

  
Kathryn M. Bailey  
Commissioner

  
Michael S. Gaimo  
Commissioner

Attested by:

  
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