

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 21-070

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

**Petition of Public Service Company of New Hampshire d/b/a Eversource Energy
For License to Construct and Maintain Electric Lines Over and Across State
Owned Land in Merrimack, New Hampshire**

Order *Nisi* Granting License

O R D E R N O. 26,531

October 8, 2021

This order grants Eversource a license to replace two existing laminated wood structures with weathered steel structures on an existing electric transmission line that crosses land owned by the State of New Hampshire in Merrimack. 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 March 31, 2021, 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 115 kilovolt (kV) electric transmission line, designated as the Eversource K105 Line, over and across State-owned land owned by the State of New Hampshire in Merrimack. In support of its petition, Eversource filed a location plan, a plan and profile drawings with structure details, and a plan view map.

On April 28, 2021 staff of the Safety Division ("Safety"), which is now a part of the New Hampshire Department of Energy ("Energy"), recommended that Eversource's petition be granted.

On August 12, 2021 Eversource amended its petition to include the additional information that the proposed project would also entail replacing the existing pole top communication cable with an updated optical power ground wire (OPGW) communications cable for consistency across the entire K105 circuit. On October 7, 2021, Safety filed a revised recommendation based on Eversource's amended petition. Safety found no material change in its original recommendation.

The petitions and additional docket filings, other than any information for which confidential treatment is, are posted on the Commission's website at:

<https://www.puc.nh.gov/Regulatory/Docketbk/2021/21-070.html>

II. SUMMARY OF REQUEST

Eversource previously constructed and currently operates and maintains, an existing overhead 115 kV transmission line designated as the Eversource K105 Line (K105 Line), originally constructed in 2002, which crosses State-owned land in Merrimack. Eversource proposes to replace two existing laminated wood structures with weathered steel structures. The existing three conductors and one OPGW communications cable will be transferred to the new steel structures. The OPGW wire will be vertically attached above the conductors. The current pole top communication cable will be replaced with an updated OPGW communications cable. According to Eversource, the modifications and replacements are necessary to meet requirements for reasonable service to the public.

III. COMMISSION ANALYSIS

A. History

The State land crossing was not previously licensed. The K105 maintenance also included replacement of Structure 21 in December of 2020 without first obtaining a license after field inspection revealed a heavy amount of checking to that laminated

wood structure and a scheduled outage enabled prompt replacement without compromising public safety or system reliability on account of the severely degraded structure condition. Structure 21's location on the end of a span crossing the F.E. Everett Turnpike created a heightened urgency around timely replacement. The original laminated wood Structures 21, 22, and 23 have and shall be replaced with weathering steel that will have the same configuration as the original structures and will be located within 10' of the original structure location.

B. Crossing Location and Construction

The proposed modification begins in Merrimack, approximately 3,300 feet south of the Bedford Toll Plaza and the westerly side of the F.E. Everett Turnpike (U.S. Route 3) at Structure 19 and runs in a westerly direction across the F.E. Everett Turnpike to Structure 21 on the easterly side of Back River Road. The State-owned land begins on the west side of U.S. Route 3 (F.E. Everett Turnpike) and extends approximately 910.8' west, to a point before where the line crosses another utility line right-of-way where multiple lines occur.

The crossing will create a total span of 539.8 feet between Structures 19 and 21, with 48.9 feet spanning the State-owned land. 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 constructed according to the 2012 National Electrical Safety Code (NESC).

C. Regulatory Requirements

Eversource stated that a New Hampshire Department of Environmental Services (NHDES) wetland statutory permit by notification (SPN) will be obtained prior to commencement of the replacement of Structures 22 and 23 for temporary wetland impacts associated with the construction. No other environmental permits are required. An SPN (Permit # 2020-00583) was obtained before the commencement of the replacement of Structure 21, and no other environmental permits were required at that time.

D. Property Rights

Eversource represented that abutters will not be affected by the K105 Line project in Merrimack 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 K105 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 State-owned land in Merrimack.

F. Legal Review

"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.

Based on the petition, we find 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 State-owned land in Merrimack, 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.

We require notice to be provided to the Town of Merrimack; NHDES; and, pursuant to RSA 371:19, 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, modify, rebuild, install, operate, and maintain electric lines and OPGW over and across the State-owned land in Merrimack, as described in its petition and depicted in its filings, and as specified in Energy'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 Merrimack, New Hampshire; (ii) the New Hampshire Department of Environmental Services; and (iii) the New Hampshire Attorney General, as required by RSA 371:19; by first class mail, no later than October 18, 2021, to be documented by affidavit filed with the Commission on or before November 3, 2021; and it is

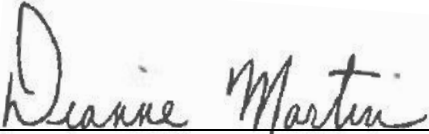
FURTHER ORDERED, that Eversource shall cause a copy of this order *nisi* to be published on its website within one business day of this order, such publication to be documented by affidavit filed with the Commission on or before November 3, 2021; and it is

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 October 25, 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 November 1, 2021; and it is

FURTHER ORDERED, that this order shall be effective November 8, 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 eighth day of October, 2021.



Dianne Martin
Chairwoman



Daniel C. Goldner
Commissioner

Service List - Docket Related

Docket# : 21-070

Printed: 10/8/2021

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