

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 19-008

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

**Petition for a License to Construct and Maintain Electric Lines Over
and Across the Exeter River in the Town of Danville, New Hampshire**

Order *Nisi* Granting License

ORDER NO. 26,273

July 16, 2019

This order grants Eversource a license to construct and maintain electric lines over and across the public waters of the Exeter River in Danville, New Hampshire. This order is 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 January 9, 2019, Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource or the Company) requested a license to construct an overhead 115 kV electric transmission line over and across the Exeter River in Danville. In support of its petition, the Company submitted a location plan map, a plan, and profile plan drawing. Commission Staff (Staff) recommended that the Commission grant the requested license. Eversource's 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:

<http://puc.nh.gov/Regulatory/Docketbk/2019/19-008.html>.

II. SUMMARY OF PETITION

The crossing is part of an approximately 50-year-old transmission line, which must be rebuilt to continue to function in a safe and reliable manner. The transmission line, which Eversource calls the H141 Line, crosses the Exeter River between Structures #267 and #268. The existing crossing is not licensed. As part of its request for a license, Eversource seeks authority to replace support Structures #267 and #268. Eversource plans to place the existing transmission line on the two newly constructed support structures.

A. Crossing Location and Construction

The lines and poles will be rebuilt within Eversource's existing utility easement and in line with existing structures. The proposed modification begins at Structure #267 on the east side of the Exeter River and moves in a westerly direction over the river to Structure #268. Eversource will replace Structures #267 and #268 with single steel poles that are 65- and 75-feet tall respectively. The total span between the structures will be approximately 584 feet. Eversource will not replace the existing H141 line at this time, only the two structures. Eversource stated that the lines and structures are designed, and will be constructed, in accordance with the 2017 National Electrical Safety Code (NESC).

B. Regulatory Requirements

A Shoreland Permit by Notification application is required for construction activities near the Exeter River. Eversource submitted a Shoreland Permit by Notification application (File #2018-02858) to the New Hampshire Department of Environmental Services (NHDES) on September 17, 2018, which was approved the next day.

C. Property Rights

The poles for the river crossing are located within Eversource's utility easements. The Company does not anticipate that the abutters on either side of the Exeter River will be affected because this is a modification of an existing crossing taking place entirely within Eversource easements.

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

According to the petition, the existing crossing was constructed, operated, and maintained to meet the reasonable requirements of service to the public. The modification will continue to meet that public need. Modification of the existing line will not substantially affect the public's use and enjoyment of the Exeter River. Minimum safe line clearances above the river and the shorelines will be maintained at all times. 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

Commission 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. 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. 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. NHDES has classified the Exeter 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 RSA 371:17. We further find that the requested license may be exercised without substantially affecting the public rights in the Exeter River, 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 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 Danville, NHDES, 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

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>.

and across the Exeter River 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 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. Code Admin. Rules Puc 306, *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 Danville, 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 July 26, 2019, to be documented by affidavit filed with the Commission on or before August 13, 2019; and it is

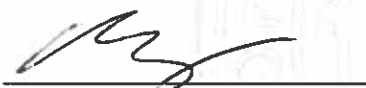
FURTHER ORDERED, that Eversource shall cause a summary of this order, issued concurrently with this order, to be published once in a statewide newspaper of general circulation or of circulation in those portions of the state where operations are conducted, such publication to occur no later than July 26, 2019, and to be documented by affidavit filed with the Commission on or before August 13, 2019; 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 August 2, 2019, for the Commission's consideration; and it is

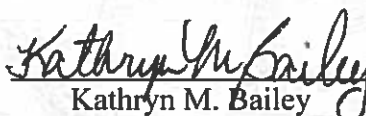
FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than August 9, 2019; and it is

FURTHER ORDERED, that this order shall be effective August 16, 2019, 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.

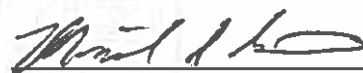
By order of the Public Utilities Commission of New Hampshire this sixteenth day of July, 2019.



Martin P. Honigberg
Chairman

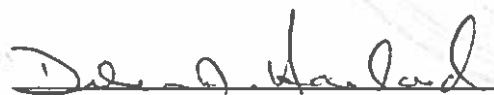


Kathryn M. Bailey
Commissioner



Michael S. Giaimo
Commissioner

Attested by:



Debra A. Howland
Executive Director

ExecutiveDirector@puc.nh.gov

ocalitigation@oca.nh.gov

robert.bersak@eversource.com

amanda.noonan@puc.nh.gov

leszek.stachow@puc.nh.gov

paul.dexter@puc.nh.gov

randy.knepper@puc.nh.gov

tom.frantz@puc.nh.gov