

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 18-081

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

**Petition for Licenses to Construct and Maintain Electric Lines Over and Across
State Lands in the Towns of Tilton and Belmont, and the City of Laconia**

Order *Nisi* Granting Licenses

ORDER NO. 26,181

October 25, 2018

In this order, the Commission grants Eversource's petition for four licenses to construct and maintain electric lines over and across public lands owned by the State of New Hampshire in Tilton, Belmont, and Laconia, New Hampshire. This order is being issued on a *nisi* basis to ensure that all interested persons receive notice and have the opportunity to comment or request a hearing before the order becomes effective.

I. PROCEDURAL HISTORY

On May 10, 2018, Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource) filed a petition pursuant to RSA 371:17 requesting licenses to construct and maintain electric lines at seven locations over and across public lands located in the Towns of Tilton and Belmont and the City of Laconia. In support of its petition, Eversource submitted maps, as well as plan and profile drawings.

Commission Staff (Staff) recommended that Eversource's petition be granted for four locations and determined that the remaining three locations fall outside the Commission's jurisdiction. The petition and subsequent docket filings, other than any information for which

confidential treatment is requested of or granted by the Commission, are posted at <http://puc.nh.gov/Regulatory/Docketbk/2018/18-081.html>.

II. SUMMARY OF PETITION

As part of a capital reliability project, Eversource plans to modify or rebuild a number of approximately 40-year-old wooden structures and associated components on its existing 115 kV L176 transmission line (L176). Existing conductors and wires will be transferred to the new structures. L176 is co-located with Line 398 (L398), which is an existing 34.5 kV distribution line.

A. History

Eversource constructed – and currently operates and maintains – the existing lines in crossings that were not previously licensed by the Commission. Eversource now seeks licenses for those crossings.

B. Crossing Locations and Construction

1. NHDOT Rights-of-Way associated with Interstate 93, Route 106, and US-3

The structures for certain of the proposed crossings are all located within rights-of-way owned by the New Hampshire Department of Transportation (NHDOT) for the following state maintained highways: Interstate 93, Route 106, and US-3. Pursuant to RSA 231:161, I, NHDOT has exclusive jurisdiction to issue licenses to erect or install “poles, structures, conduits, cables or wires in, under or across” class I and class III highways and state maintained portions of class II highways. *See also* RSA 231:160 (stating electric power poles and structures may be erected, installed, and maintained “as provided in this subdivision and not otherwise.”). As stated in its petition, Eversource has already obtained NHDOT permits for these crossings.

Accordingly, the Commission dismisses the requests for licenses across state highways, as they fall under exclusive NHDOT jurisdiction.

2. NHDOT Property in Tilton (Tax Map R19, Lot 14A)

This crossing, which is located east and west of Sanborn Road, also known as Route 132, in Tilton, involves the crossing of L176 and L398 between structures 69 through 72 on property owned by NHDOT. It spans approximately 516 feet over public land.

Structures 70 through 72 will be modified, while existing structure 69 will remain unchanged. Structures 70 and 72 will be reconstructed with a 90-foot monopole (Type DCST-1). Structure 71 will be reconstructed with a 100-foot monopole (Type DCST-2). Eversource stated that this crossing modification was designed and will be constructed in accordance with the National Electrical Safety Code (NESC).

3. NHDOT Bureau of Rail and Transit Property in Tilton (Tax Map U04, Lot 73)

The second location, which is west of Silver Lake in Tilton, involves the crossing of L176 and L398 between structures 83 and 84 on property owned by the NHDOT Bureau of Rail and Transit. This crossing spans approximately 118 feet over public land.

Existing structure 84 will remain unchanged, but structure 83 will be reconstructed with an 85-foot monopole (Type DCST-2). According to Eversource, this crossing modification was designed and will be constructed in accordance with the NESAC.

4. NHDES Property in Tilton and Belmont (Tax Map R21, Lots 6-7;
Tax Map 117, Lot 5)

At this location, which is north of Silver Lake in Tilton and Belmont, L176 and L398 cross along structures 91 through 94 on property owned by the New Hampshire Department of

Environmental Services (NHDES). The crossing spans approximately 812 feet over public land.¹

Existing structure 93 will not be changed. Structures 91, 92 and 94, however, will be modified. Structure 91 will be reconstructed with a 95-foot monopole (Type DCST-1); structure 92 will be reconstructed with a 110-foot monopole (Type DCSDE-1); and structure 94 will be reconstructed with a 75-foot monopole (Type DCST-1). Eversource stated that this crossing modification was designed and will be constructed in accordance with the NESC.

5. State Property in Belmont and Laconia (Tax Map 490, Lot 303-5)

The fourth crossing is located between Mile Hill Road to the west in Belmont and Belmont Road to the east in Laconia. At this location, L176 and L398 cross over property owned by the State of New Hampshire between structures 148 through 152. In total, the crossing spans approximately 1,220 feet over public land.

All of the structures at this crossing will be modified. Structures 148 and 150 will be reconstructed with 90-foot monopoles (Type DCST-1). Structure 149 will be reconstructed with an 85-foot monopole (Type DCST-1). Structures 151 and 152 will be reconstructed with type DCST-2 monopoles, which are 85-feet and 90-feet respectively. Eversource represented that this crossing modification was designed and will be built in accordance with the NESC.

C. Regulatory Requirements

Eversource obtained a Standard Wetlands Permit from NHDES (NHDES File No. 2017-02402), as required for construction activities involving the alteration of non-tidal wetlands, non-tidal surface waters, and banks adjacent to non-tidal surface waters in excess of 20,000 square feet in the aggregate.

¹ At this location, L176 and L398 also cross over the Winnepesaukee River. The Commission granted Eversource a license for this water crossing in Order No. 26,170 (August 24, 2018).

D. Property Rights

Eversource submitted that the crossings will be located within its existing easements or permitted by its existing crossing privileges.

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

According to Eversource, the proposed modifications of these crossings are necessary to meet the reasonable requirements of service to the public, because they are required to ensure that L176 and L398 continue to function safely and reliably to meet present and future electricity demands. Eversource anticipates that the crossings will not affect the public use and enjoyment of the public lands, as the crossings involve existing lines. Further, Eversource asserted that it will maintain minimum safe line clearances above the land surfaces at all times.

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.

Based on the petition and Staff's recommendation, we find that the proposed crossings are necessary to meet the reasonable requirements of reliable service to the public, as required by RSA 371:17. We further find that the requested licenses may be exercised without substantially affecting the public rights in the public lands where the crossings will be located, as required for approval under RSA 371:20. Therefore, we grant licenses for the four crossings specified in the Staff recommendation, 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 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 with jurisdiction for the construction and installation of the proposed crossings.

We also require notice to be provided to the Towns of Tilton and Belmont, the City of Laconia, NHDOT, NHDES, 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 above and depicted in its filings in the four locations specified in the Staff recommendation; and it is

FURTHER ORDERED, that licenses shall be granted for the lines proposed in the petition to replace existing lines in the four locations specified in the Staff recommendation, for

which authorization was not previously sought, but for which authorization has been requested in this petition, depicted as L176 and L398; and it is

FURTHER ORDERED, that approval is limited to the construction or alteration of the electrical 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 licenses 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 Clerks of the Towns of Tilton and Belmont, and the City of Laconia; (ii) the New Hampshire Department of Transportation; (iii) the New Hampshire Department of Environmental Services; and (iv) the New Hampshire Attorney General as required by RSA 371:19; by first class mail, no later than November 5, 2018, to be documented by affidavit filed with this office on or before November 19, 2018; 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 November 5, 2018, and to be documented by affidavit filed with this office on or before November 19, 2018; 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 November 13, 2018, for the Commission's consideration; and it is

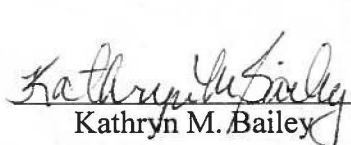
FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than November 20, 2018; and it is

FURTHER ORDERED, that this order shall be effective November 26, 2018, unless Eversource fails to satisfy the publication obligations set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date.

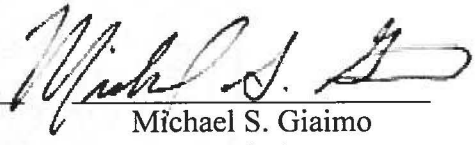
By order of the Public Utilities Commission of New Hampshire this twenty-fifth day of October, 2018.



Martin P. Honigberg
Chairman

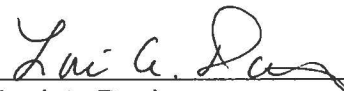


Kathryn M. Bailey
Commissioner



Michael S. Giaimo
Commissioner

Attested by:



Lori A. Davis
Assistant Secretary