

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 19-162

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

**Petition for License to Construct and Maintain Electric Lines
Over and Across the Androscoggin River and Moose Brook, and
Land Owned by the State of New Hampshire in Whitefield, Gorham, and Randolph**

Order *Nisi* Granting License

ORDER NO. 26,396

August 20, 2020

This order grants Eversource a license to construct and maintain electric lines over and across: the Androscoggin River and Moose Brook in Gorham; and land owned by the State of New Hampshire in Whitefield, Gorham, and Randolph. 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 October 3, 2019, Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource) filed a petition pursuant to RSA 371:17. Eversource requested a license to construct and maintain an existing electric cable and conduit over and across the Androscoggin River and Moose Brook in Gorham and land owned by the State of New Hampshire in Whitefield, Gorham, and Randolph. Eversource filed supplemental petitions and attachments on April 1, and June 15, 2020. In support of its petition, Eversource submitted an overview map, plan and profile drawings, and a construction 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/2019/19-162.html>.

II. SUMMARY OF PETITION

Eversource seeks a license to cross public waters and State-owned lands to construct and maintain an existing overhead 115-kV electric transmission line to continue to meet current and future electricity demands. Specifically, the S136 Line crosses the Androscoggin River and Moose Brook in Gorham. The S136 Line also crosses land owned by the State of New Hampshire associated with the Presidential Rail Trail located in Whitefield, Gorham, and Randolph. The existing static wire will be replaced with optical ground wire in all crossing locations. No conductor, shield wire, or neutral wire will be added or replaced as part of the structure replacements; instead, existing conductors and wires will be transferred to the newly constructed steel support structures.

A. History

Eversource constructed, and currently operates and maintains, the S136 Line in crossings not previously licensed by the Commission, due either to an oversight, or because the lands involved were in private ownership when the S136 Line was originally constructed and no Commission license was required at that time. Eversource now seeks a license for these crossings in connection with its construction and maintenance of new structures and cables being replaced on the existing line. Eversource replaced three structures (Structures 264, 265, and 280) in 2017 and two additional structures (Structures 230 and 231) in 2018. Eversource intends to replace two more structures (Structures 293 and 294) in 2020.

B. Crossing Location and Construction

The current wood structures will be replaced with steel structures to enable the S136 Line to continue to function safely and reliably.

The proposed modification in Whitefield is on State land associated with the Presidential Rail Trail and begins at Structure 58 on the west side of the Whitefield and Jefferson town line. It will continue in an easterly direction to Structure 59. The new structures will create a 214-foot crossing span. The State-owned land portion of the crossing is 95 feet.

The proposed modification in Randolph on State land associated with the Presidential Rail Trail begins at Structure 231 on the southwesterly side of Pinkham B Road and will continue in a southwesterly direction to Structure 230. The structures create a 360-foot crossing span. The State-owned land portion of the crossing is 183.7 feet.

The proposed modification in Gorham on State land associated with the Presidential Rail Trail begins at Structure 264 on the southerly side of NH State Route 2 (Lancaster Road) and will continue in a northeasterly direction to Structure 265. The structures create a 927-foot crossing span. The State-owned land portion of the crossing is 115 feet.

Another proposed modification in Gorham on State land associated with the Presidential Rail Trail begins at Structure 280 (previously replaced) on the southerly side of NH State Route 2 (Lancaster Road) and will continue in a northerly direction to Structures 281 and 282. The three structures create a 939-foot crossing span. The State-owned land portion of the crossing is 112 feet.

The proposed modification in Gorham over and across Moose Brook begins at Structure 282 on the northerly side of NH State Route 2 (Lancaster Road) and will continue in a

northerly direction to Structure 283. The structures create a 476-foot crossing span. The Moose Brook crossing is 29.6 feet.

The proposed modification in Gorham over and across the Androscoggin River begins at Structure 293 on the easterly side of NH State Route 16 (Main Street) and will continue in an easterly direction to Structure 294. The structures create a 557-foot crossing span. The Androscoggin River crossing is 243.5 feet.

The S136 Line modifications are 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. A permit application will be submitted by Eversource.

Shoreland Permit by Notification applications are required for construction activities in the vicinity of the Androscoggin River and Moose Brook. The Permit by Notification applications were obtained for the previously completed structure replacements.¹ Permits by Notification have been obtained for the work to be completed in 2020.²

Eversource stated in its petition that no permits or permit modifications are required by the United States Army Corps of Engineers.

D. Property Rights

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

¹ See applications 2019-00269 (Gorham) and 2019-00398 (Randolph).

² See applications 2020-00599 (Whitefield), 2020-00558 (Gorham), and 2020-00592 (Randolph).

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

According to Eversource's petition, the existing crossings were constructed, operated, and maintained to meet the reasonable requirements of service to the public. The modifications will continue to meet that public need. Modifications of the existing line will not substantially affect the public's use and enjoyment of the Androscoggin River and Moose Brook or State-owned land. Minimum safe line clearances above water and land will be maintained at all times. Furthermore, Eversource calculated its clearance requirement above the Androscoggin River and Moose Brook using the 100-year flood level, a more conservative analysis than the NESC 10-year flood elevation requirement.

III. SUMMARY OF STAFF REVIEW

Staff has 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. DES has classified the Androscoggin River and Moose Brook as “public water.”³

Based on the petition, supplemental materials provided by the Company, 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 to use and enjoyment of the Androscoggin River and Moose Brook, and State-owned land in Whitefield, Gorham, and Randolph, 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 any interested person the opportunity to submit comments or request a hearing.

This approval is only for electric lines 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.

We also require notice to be provided to the Towns of Gorham, Whitefield, and Randolph; DES; and pursuant to RSA 371:19, to the Office of the Attorney General, and owners of land bordering the river and brook crossings.

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

³ 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 Androscoggin River and Moose Brook and land owned by the State of New Hampshire in Whitefield, Gorham, and Randolph, 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. 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 Clerks of Gorham, Whitefield, and Randolph, New Hampshire; (ii) the New Hampshire Attorney General and all owners of the land bordering on said public waters at the location of the crossings, as required by RSA 371:19; and (iii) the New Hampshire Department of Environmental Services, by first class mail, no later than August 26, 2020, to be documented by affidavit filed with the Commission on or before August 27, 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, such publication to be documented by affidavit filed with the Commission on or before August 27, 2020; and it is

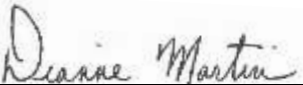
FURTHER ORDERED, that the Executive Director shall cause of copy of this order *nisi* to be published on the Commission's website within one business day; and it is

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 September 3, 2020 for the Commission’s consideration; and it is

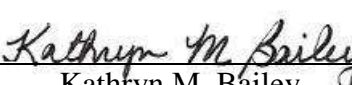
FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than September 7, 2020; and it is

FURTHER ORDERED, that this order shall be effective September 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 twentieth day of August, 2020.



Dianne Martin
Chairwoman

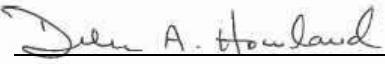


Kathryn M. Bailey
Commissioner



Michael S. Giaimo
Commissioner

Attested by:



Debra A. Howland
Executive Director

Service List - Docket Related

Docket#: 19-162

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