

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DE 19-149**

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

**Petition for Licenses to Construct and Maintain Electric Lines  
Over and Across the North Branch River in the Towns of Hillsborough and Antrim, and  
Over and Across Steels Pond and Land Owned by the State of New Hampshire in Antrim**

**Order *Nisi* Granting Licenses**

**ORDER NO. 26,355**

**May 11, 2020**

This order grants Eversource licenses to modify, construct, maintain, and operate electric lines over and across the public waters of Steels Pond and the North Branch River in Antrim and Hillsborough, and over and across state-owned land in Antrim. 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.

**I. PROCEDURAL HISTORY**

On September 12, 2019, Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource, or the Company) filed a petition, pursuant to RSA 371:17, requesting licenses to modify, construct, maintain, and operate an existing overhead 115 kV electric transmission line over and across the North Branch River in Antrim and Hillsborough, New Hampshire, and over and across Steels Pond and State-owned land in Antrim. The existing line is designated as the Eversource X104 Line (X104 Line). The proposed modification includes the replacement of existing wooden poles with steel structures and the transfer of existing electric

lines to the new structures. In support of its petition, Eversource submitted a United States Geological Survey overview map and a plan and profile drawing for each crossing location.

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/2019/19-149.html>.

## **II. SUMMARY OF PETITION**

Eversource seeks to modify its X104 Line, an existing overhead 115 kV electric transmission line that crosses over the North Branch River in Hillsborough and Antrim, and over Steels Pond and state-owned land in Antrim. Existing wooden poles will be replaced by steel structures, and the existing conductors and wires will be transferred to the new steel structures.

### **A. History**

The existing crossing, over and across Steels Pond in Antrim, was approved by the Commission in Order No. 18,782, issued on August 4, 1987, in Docket No. DE 87-131. Eversource did not previously obtain a license for the crossing over the state land parcel in Antrim because the land was in private ownership when the X104 Line was originally constructed. The existing crossings over and across the North Branch River in Antrim and Hillsborough were not previously licensed.

Between 2016 and 2017, Eversource replaced Structure 4 in Hillsborough and Structure 45 in Antrim along the existing X104 Line. Structures 3, 5, 38, 39, and 44 are wooden structures approximately 65 years old that Eversource has determined require replacement or modification for the X104 Line to continue to function safely and reliably. Eversource seeks licenses for these crossing modifications in connection with the construction and maintenance of

new steel structures to replace the existing wood poles and the transfer of existing cables to the new structures.

### **B. Crossing Locations and Construction**

The North Branch River passes through Hillsborough and Antrim. The line crosses the North Branch River at two different locations within Hillsborough. The proposed modifications in Hillsborough begin at Structure 3 and run southwesterly to Structures 4 and 5. The crossing spans are 537 feet from Structure 3 to 4 and 555 feet from Structure 4 to 5.

The crossings over and across the North Branch River and state-owned land in Antrim begin at Structure 38 and run southwesterly to Structure 39, with a span of 723 feet. The state-owned land in Antrim is designated as Tax Map 214, Lot 34.

The crossing over and across Steels Pond in Antrim begins at Structure 44 and runs southwesterly to Structure 45, with a span of 638 feet. The 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 within a utility right-of-way. A permit application was submitted by Eversource on January 7, 2019, and accepted by DES. *See* DES File # 2019-00300.

Statutory Permit by Notification authorization is required for construction activities in the vicinity of the North Branch River in Hillsborough, and a Standard Dredge and Fill Permit is required for construction activities near the North Branch River and Steels Pond in Antrim. Eversource has obtained the required authorizations. *See* DES Files # 2020-00560 and # 2019-03242.

According to the Petition, the United States Army Corps of Engineers (USACE) does not regulate the subject portions of North Branch River and Steels Pond as navigable waters; therefore, a crossing permit from USACE is not required for this project.

**D. Property Rights**

Eversource does not anticipate that abutters on either side of the Steels Pond crossing or the North Branch River crossings will be affected by the proposed project, because the X104 Line is an existing line and the crossing structures will be replaced and rebuilt within Eversource's existing utility corridor at each crossing location.

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

Based on Eversource's petition, the existing crossings will be constructed to meet the reasonable requirements of service to the public, and the proposed modifications will ensure continued service to meet that public need. The requested licenses to modify, construct, maintain, and operate the existing X104 Line may be exercised without substantially affecting the public's use and enjoyment of the North Branch River, Steels Pond, or the state land parcel. Minimum safe line clearances above the river, shorelines, and the state land parcel will be maintained at all times. Furthermore, Eversource calculated the applicable clearance requirements based on a 100-year flood level, which is a more conservative analysis than the NESC 10-year flood-elevation clearance 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. Based on its review, 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. DES has classified the North Branch River and Steels Pond as “public waters.”<sup>1</sup>

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 public rights in the North Branch River in Antrim and Hillsborough, or in Steels Pond, or the state land parcel in Antrim, as required for approval under RSA 371:20. Accordingly, 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 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. The Company is responsible for obtaining any and all federal,

---

<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>.

state, or local permits required by authorities having jurisdiction for the construction and installation of the proposed crossings.

We also require notice to be provided to the Towns of Hillsborough and Antrim, DES, the Office of the Attorney General, and owners of land bordering each water crossing.

**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 North Branch River in Antrim and Hillsborough; and Steels Pond, and the state-owned land in Antrim, 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., Part Puc 306, 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 Hillsborough, New Hampshire; (ii) the Town Clerk of Antrim, New Hampshire; (iii) the New Hampshire Attorney General and all owners of the land bordering on said public waters at the location of each crossing, as required by RSA 371:19; and (iv) the New Hampshire

Department of Environmental Services, by first class mail, no later than May 21, 2020, to be documented by affidavit filed with the Commission on or before June 8, 2020; and it is

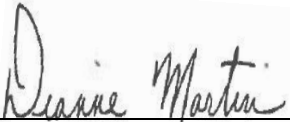
**FURTHER ORDERED**, that Eversource shall cause a summary of this order, issued concurrently with this order, to be published once in a statewide newspaper of general circulation or of circulation in those portions of the state where operations are conducted, such publication to occur no later than May 21, 2020, and to be documented by affidavit filed with the Commission on or before June 8, 2020; and it is

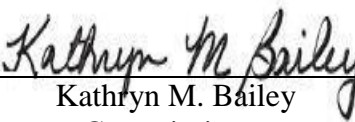
**FURTHER ORDERED**, that persons interested in responding to this order be notified that they may submit their comments or file a written request for a hearing that states the reason and basis for a hearing no later than May 28, 2020, for the Commission's consideration; and it is

**FURTHER ORDERED**, that any party interested in responding to such comments or request for hearing shall do so no later than June 4, 2020; and it is

**FURTHER ORDERED**, that this order shall be effective June 11, 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.

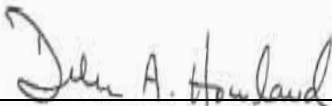
By order of the Public Utilities Commission of New Hampshire this eleventh day of May, 2020.

  
\_\_\_\_\_  
Dianne Martin  
Chairwoman

  
\_\_\_\_\_  
Kathryn M. Bailey  
Commissioner

  
\_\_\_\_\_  
Michael S. Giaimo  
Commissioner

Attested by:

  
\_\_\_\_\_  
Debra A. Howland  
Executive Director

## Service List - Docket Related

Docket# : 19-149

Printed: 5/11/2020

Email Addresses

---

ExecutiveDirector@puc.nh.gov  
robert.bersak@eversource.com  
brian.buckley@puc.nh.gov  
richard.chagnon@puc.nh.gov  
lynn.fabrizio@puc.nh.gov  
Jeremy.Fennell@eversource.com  
tom.frantz@puc.nh.gov  
susan.gagne@puc.nh.gov  
Paul.Kasper@puc.nh.gov  
randy.knepper@puc.nh.gov  
catherine.marsellos@puc.nh.gov  
Erik.newman@eversource.com  
amanda.noonan@puc.nh.gov  
ocalitigation@oca.nh.gov  
melissa.price@eversource.com  
donna.shuman@eversource.com