

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 19-134

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

**Petition for License to Construct and Maintain Electric Lines Over and Across
Franklin Pierce Lake in the Town of Antrim**

Order *Nisi* Granting License

ORDER NO. 26,334

February 25, 2020

This order grants Eversource a license to construct and maintain an existing 115 kV electric transmission line over and across the public waters of Franklin Pierce Lake 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 before the order becomes effective.

I. PROCEDURAL HISTORY

On August 7, 2019, Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource and the Company) filed a petition, pursuant to RSA 371:17, requesting a license to construct and maintain an overhead 115 kilovolt (kV) electric transmission line, designated as the Eversource X104 Line (X104 Line), over and across Franklin Pierce Lake. The proposed construction includes the replacement of existing wooden structures with steel structures and transfer of the existing transmission line to the new structures. In support of its petition, Eversource submitted a location map (Exhibit 1) and a plan and profile drawing (Exhibit 2) of the proposed modifications.

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/2019/19-134.html>.

II. SUMMARY OF PETITION

Eversource seeks a license to modify its X104 Line, an existing 115 kV electric transmission line over Franklin Pierce Lake in Antrim, New Hampshire. Specifically, Eversource will replace two wooden pole structures with steel structures. The existing conductors and wires along that portion will be transferred to the new structures.

A. History

The existing crossing has not previously been licensed by the Commission. Eversource now seeks a license for the modification and rebuild of this crossing, including the replacement of the existing 65-year old wooden structures with new steel structures.

B. Crossing Location and Construction

The proposed modification begins at Structure 26 on the southern shoreline of Franklin Pierce Lake and continues in a westerly direction over lake waters to Structure 27. Structure 26.5, currently located midway between Structures 26 and 27, will be removed. The existing wooden structures will be replaced with steel structures, and the existing conductors and wires will be transferred to the new structures. The crossing span between Structures 26 and 27 will be approximately 557 feet. The line modification is 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 for the Town of Antrim is required for construction access and work activities. A DES Shoreland Permit by Notification application is also required for construction activities in

the vicinity of Franklin Pierce Lake. According to Eversource, no permits or permit modifications are required by the United States Army Corps of Engineers. The Company also stated that it will submit all required permits as part of the project.

D. Property Rights

Eversource does not anticipate that abutters of the crossing on Franklin Pierce Lake will be affected because the X104 Line is an existing line and the crossing structures will be replaced and rebuilt within existing easements owned by Eversource.

E. 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. Eversource stated that the proposed modification will continue to meet that public need and will not substantially affect the public's use and enjoyment of Franklin Pierce Lake. The Company also stated that minimum safe line clearances above the lake and its shorelines will be maintained at all times, and that the clearance requirement was calculated using the 100-year flood level, which is a more conservative analysis than the NESC 10-year flood elevation requirement.

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. Based on its review, Staff determined that the proposed construction meets the requirements of the NESC, 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 Franklin Pierce Lake 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 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 Franklin Pierce Lake, 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 the Company’s petition. 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. Should Eversource seek further modification, it must make the appropriate filing.

¹ See https://www.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>.

We also require notice to be provided to the Town of Antrim, the New Hampshire Department of Environmental Services, and, pursuant to RSA 371:19, the Office of the Attorney General and owners of land bordering the 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 Franklin Pierce Lake 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, *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 to the crossing license granted herein at least 60 days prior to undertaking any such alteration; and it is

FURTHER ORDERED, that Eversource shall provide a copy of this order to (i) the Town Clerk of Antrim, 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 March 6, 2020, to be documented by affidavit filed with the Commission on or before March 23, 2020; and it is

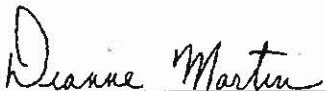
FURTHER ORDERED, that Eversource shall cause a summary of this order, issued concurrently with this order, to be published once in a statewide newspaper of general circulation or of circulation in those portions of the state where operations are conducted, such publication to occur no later than March 6, 2020, and to be documented by affidavit filed with the Commission on or before March 23, 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 March 12, 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 March 19, 2020; and it is

FURTHER ORDERED, that this order shall be effective March 25, 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 twenty-fifth day of February, 2020.


Dianne Martin
Chairwoman


Kathryn M. Bailey
Commissioner


Michael S. Giaimo
Commissioner

Attested by:


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