

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 18-079

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

**Petition for License to Construct and Maintain Electric Lines Over and Across the
Winnepesaukee River in Belmont and Tilton**

Order *Nisi* Granting License

ORDER NO. 26,170

August 24, 2018

In this order, the Commission grants Eversource a license to construct and maintain electric lines over and across the public waters of the Winnepesaukee River in the Towns of Belmont and Tilton. This order is being issued on a *nisi* basis to ensure that interested parties receive notice and have the opportunity to comment or request a hearing before the order becomes effective.

I. PROCEDURAL HISTORY

On April 30, 2018, Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource) filed a petition pursuant to RSA 371:17 requesting a license to construct and maintain electric lines over and across the Winnepesaukee River. The crossing is located near where the river enters Silver Lake and will span approximately 567.5 feet between structures in Belmont and Tilton. In support of its petition, Eversource submitted a geographic drawing depicting the location of the crossing and a plan and profile design drawing.

Commission Staff (Staff) filed a memorandum on July 9, 2018, recommending that the Commission grant the license. 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/2018/18-079.html>.

II. SUMMARY OF PETITION

To accommodate current and projected future electricity demands, Eversource proposes to rebuild and maintain a three-phase 115 kV transmission line, designated as the L176 line, and a three phase 34.5 kV distribution line, designated as the 398 line, across the Winnepesaukee River in Belmont and Tilton.

A. History

The Commission previously licensed the existing crossing in Order No. 11,949 (August 4, 1975). In November 2002, Eversource petitioned the Commission for permission to upgrade the reliability and capacity of the then-existing transmission system due to increasing load growth in the Lakes Region. That petition was granted in Order No. 24,271 (January 30, 2004).

B. Crossing Location and Construction

The crossing will span approximately 567.5 feet, running east-west between structures in Belmont and Tilton. Eversource states that the existing structure 93 on the east side of the river in Belmont will not be rebuilt or replaced. Only structure 92 will be replaced. Structure 92 is a 90-foot steel tangential structure located on the west side of the river in Tilton; it will be replaced with a 110-foot tall tangential steel monopole (Type DCSDE-1). Existing conductors and wires will be transferred to the new structure. Eversource stated that the line modification is designed and will be constructed with the required wire crossing clearance, in accordance with the 2017 National Electrical Safety Code (NESC).

C. Regulatory Requirements

As this crossing involves construction activities near Silver Lake, Eversource submitted the required New Hampshire Division of Environmental Services (NHDES) Shoreland Permit by Notification application on August 31, 2017 (File #2017-02627). In addition, Eversource applied for the NHDES Standard Wetlands Permit on August 10, 2017 (NHDES File# 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. Eversource also received United States Army Corps of Engineers (USACE) Permit #NAE 2017-02316 on December 7, 2017.

D. Property Rights

Eversource does not anticipate that the abutters on either side of the Winnepesaukee River will be affected by the modifications. Adjacent shoreline properties not owned by Eversource are subject to existing licensing rights or Eversource easements.

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

According to Eversource, the crossing modifications will be constructed, operated, and maintained to meet the reasonable requirements of service to the public. Eversource asserted that the modifications will not substantially affect the public use and enjoyment of the Winnepesaukee River, as minimum safe line clearances above the river and affected shorelines will be maintained at all times. Eversource calculated its clearance requirement in accordance with the NESC and the NHDES projected 100-year-flood-level reference line for the Winnepesaukee River (Silver Lake outflow).

III. SUMMARY OF STAFF REVIEW

Staff reviewed Eversource's 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 applicable state statutes and rules. Staff also calculated the clearance over the Winnepesaukee River to be 46.8 feet for the 398 line, which is well above the required 20.5 foot clearance. 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, ... 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 Winnepesaukee River to be "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 Winnepesaukee 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 any interested person the opportunity to submit comments or request a hearing.

¹ NHDES prepares, maintains, and publishes an official list of all public waters in the state. See <https://www.des.nh.gov/organization/commissioner/pip/publications/wd/documents/olpw.pdf>.

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 Belmont and Tilton, the NHDES, the USACE, 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 and across the Winnepesaukee River as described in its petition and depicted in its filings; 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 maintain proper clearances for its lines at all times across the entire length of the span pursuant to the National Electrical Safety Code Rules 232B and 235C; 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 Belmont and Tilton, 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; (iii) the United States Army Corps of Engineers; and (iv) the New Hampshire Department of Environmental Services, by first class mail, no later than September 3, 2018, to be documented by affidavit filed with this office on or before September 21, 2018; and it is


FURTHER ORDERED, that Eversource shall cause a summary of this order, issued concurrently, 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 September 3, 2018, and to be documented by affidavit filed with this office on or before September 21, 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 September 10, 2018, for the Commission's consideration; and it is

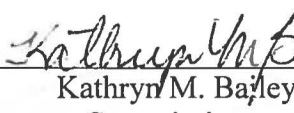
FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than September 17, 2018; and it is

FURTHER ORDERED, that this order shall be effective September 24, 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-fourth day of August, 2018.



Martin P. Honigberg
Chairman

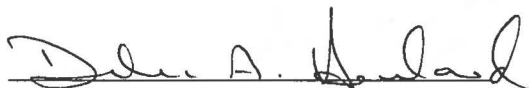


Kathryn M. Bailey
Commissioner



Michael S. Giaimo
Commissioner

Attested by:



Debra A. Howland
Executive Director