

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 21-064

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

**Petition for License to Construct and Maintain Electric Lines
Over and Across the Merrimack River in Northfield and Franklin
and Land Owned by the State of New Hampshire in Franklin**

Order *Nisi* Granting License

ORDER NO. 26,479

May 12, 2021

This order grants Eversource a license to modify, construct, maintain, and operate an existing electric transmission line over and across the Merrimack River in Northfield and Franklin and land owned by the State of New Hampshire in Franklin. This order is being issued on a *nisi* basis to ensure that interested persons receive notice and have an opportunity to comment or request a hearing before the order becomes effective.

I. PROCEDURAL HISTORY

On March 24, 2021, Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource, or the Company) filed a petition pursuant to RSA 371:17 requesting a license to modify, construct, operate, and maintain an existing overhead 115 kilovolt (kV) transmission line, designated as the Eversource F139 Line (the F139 Line), over and across the Merrimack River in Northfield and Franklin and land owned by the State in Franklin. In support of its petition, Eversource filed an overview map of the crossing location, and plan and profile drawings with structural details of the crossing span.

Commission Staff (Staff) recommended that Eversource's petition be granted. The petition and additional 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/2021/21-064.html>.

II. SUMMARY OF REQUEST

Eversource previously constructed, and currently operates and maintains the F139 Line, which crosses the Merrimack River in Northfield and Franklin and land owned by the State in Franklin. Eversource proposes certain modifications to the line, including structure replacements in Northfield and Franklin. According to Eversource, the modifications are necessary to meet the reasonable requirements of service to the public.

A. History

The F139 Line was originally constructed in 1966. The existing crossing over the Merrimack River was approved by the Commission in Order No. 12,219 issued on April 21, 1976 in Docket No. 76-22.¹

Eversource stated in its petition that the state land crossing was not previously licensed by the Commission. However, a license was obtained from The Boston and Maine Corporation in 1967 for the railroad corridor that now comprises a portion of the Northern Rail Trail. Eversource now seeks a license for the construction and maintenance of replacement structures at the crossing location.

B. Crossing Location and Construction

The F139 Line extends in a northwesterly direction from Northfield to Franklin, crossing the Merrimack River and state-owned land in Franklin between Structures 280 and 281. The state-owned land parcel (Map 126, Lot 401) encompasses a portion of the Northern Rail Trail and a parcel of land between the western edge of the Merrimack River and the eastern edge of the rail

¹ See Petition Attachments at p. 11 of 26.

trail. The crossing will extend approximately 740 feet from Structure 280 to Structure 281, with 226 feet spanning the Merrimack River and 195 feet spanning state land.

The southeastern end of the crossing, at Structure 280, is located in Northfield on the east bank of the Merrimack River approximately 0.65 miles west of where the F139 Line crosses Fiddlers Choice Road in Northfield. The northwestern end of the crossing, at Structure 281, is located just east of where the F139 Line crosses Route 3 in Franklin, approximately one mile north of the intersection of Route 3 and Stirrup Iron Road in Boscawen.

Eversource proposes to replace existing wood structures 280 and 281 with steel poles that will be located within 10 feet of the existing structure locations. The three existing conductors and two existing static wires will be transferred to the new structures.

All replacements and modifications are designed and will be constructed in accordance with the 2012 National Electrical Safety Code (NESC), in accordance with N.H. Admin. R., Puc 306.01.

C. Regulatory Requirements

Eversource stated that a New Hampshire Department of Environmental Services (DES) Statutory Permit by Notification (SPN) will be obtained for temporary wetland impacts associated with the replacement of Structure 280, and that no other environmental permitting is required.

D. Property Rights

Eversource represented that abutters will not be affected by the F139 Line project in Northfield and Franklin because the proposed modifications will occur within existing right-of-way easements with respect to the parcels on which Structures 280 and 281 are located and within an area formerly subject to a railroad crossing license with respect to what is now the Northern Rail Trail corridor. The crossing was not previously licensed by the Commission,

likely because the original construction of the line pre-dated the State's acquisition of title to the rail corridor. A license, however, was obtained in 1967 from The Boston and Maine Corporation, with concurrent agreement of the Western Union Telegraph Company, for the railroad corridor that now comprises the Northern Rail Trail.²

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

According to Eversource, the existing crossing was constructed and has been operated and maintained to meet the reasonable requirements of service to the public, and the proposed modifications will ensure that the F139 Line will continue to meet that public need. Eversource asserted that the proposed modifications will not substantially affect the public's use and enjoyment of the Merrimack River in Northfield or Franklin, or of the state-owned land in Franklin.

The Company calculated applicable clearance requirements over water based on a 100-year flood level, and determined that minimum safe line clearances above the public waters and associated shorelines will be maintained at all times. As noted above, the Company calculated applicable clearance requirements for the land crossing based on NESC requirements.

Eversource further stated that the rail trail in Franklin will not be utilized for access in support of this project but will be temporarily blocked from public use through appropriate signage to ensure the safety of the public during the course of the project work.

III. SUMMARY OF STAFF REVIEW

Staff reviewed the petition and supporting documentation, applicable statutes, rules, NESC requirements, and land ownership, and assessed the public need, safety, and potential impact of the requested license. Based on its review, Staff determined that the proposed

² See Petition Attachments at pages 20-26 of 26 (B&M RR License FDA-306).

construction meets the requirements of the NESC and applicable state statutes and rules. Staff concluded that the license requested in this docket may be exercised without substantially affecting public rights in the Merrimack River in Northfield and Franklin, or in the identified state land in Franklin. Accordingly, 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 (Supp. 2020). 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 Merrimack River as a “public water.”³

Based on the petition and Staff’s recommendation, we find that the proposed crossing span 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 public rights in the Merrimack River in Northfield and Franklin, or the identified state-owned land in Franklin, as required for approval under RSA 371:20. We therefore approve the petition subject to the conditions contained in the ordering clauses below. We issue our decision on a *nisi* basis to provide interested persons the opportunity to submit comments or request a hearing.

³ See <https://www.des.nh.gov/sites/g/files/ehbemt341/files/documents/olpw.pdf>.

This approval applies only to the lines and structures specified in this docket. Should Eversource seek further modifications, 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 require notice to be provided to the Towns of Northfield and Franklin, DES, DOT, and, pursuant to RSA 371:19, the Office of the Attorney General and owners of land bordering the public 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, modify, rebuild, install, operate, and maintain electric lines over and across the Merrimack River in Northfield and Franklin, and across public land owned by the State of New Hampshire, as described and depicted in its petition filings, and as specified in Staff's recommendation; and it is

FURTHER ORDERED, that approval is limited to the lines and supporting structures under consideration in this docket, and is conditioned on the requirement that Eversource construct, operate, maintain, and, if necessary, alter the lines and supporting structures 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 alterations to the crossing license 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 Clerks of Northfield and Franklin, New Hampshire; (ii) the New Hampshire Department

of Environmental Services; (iii) the New Hampshire Department of Transportation; and (iv) the New Hampshire Attorney General and all owners of the land bordering on said public waters at the crossing location, as required by RSA 371:19; by first class mail, no later than May 21, 2021, to be documented by affidavit filed with the Commission on or before June 7, 2021; 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 of this order, such publication to be documented by affidavit filed with the Commission on or before June 7, 2021; and it is

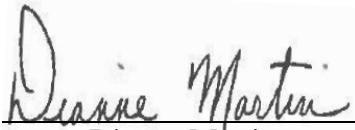
FURTHER ORDERED, that the Executive Director of the Commission shall cause a copy of this order *nisi* to be published on the Commission's website within one business day; and it is

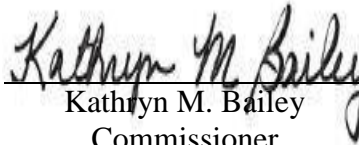
FURTHER ORDERED, that persons interested in responding to this order be notified that they may submit their comments or file a written request for a hearing that states the reason and basis for a hearing no later than May 28, 2021, for the Commission's consideration; and it is

FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than June 4, 2021; and it is

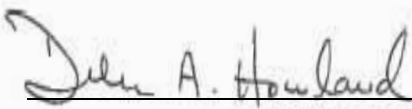
FURTHER ORDERED, that this order shall be effective June 8, 2021, unless Eversource fails to satisfy the notice and publication obligations set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date.

By order of the Public Utilities Commission of New Hampshire this twelfth day of May,
2021.


Dianne Martin
Chairwoman


Kathryn M. Bailey
Commissioner

Attested by:


Debra A. Howland
Executive Director

Service List - Docket Related

Docket# : 21-064

Printed: 5/12/2021

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