

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 21-076

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

**Petition of Public Service Company of New Hampshire d/b/a Eversource Energy
For License Amendments to Construct and Maintain Electric Lines Over and
Across the Nashua River in Nashua and Merrimack River in Nashua and Hudson,
New Hampshire**

Order *Nisi* Granting License

O R D E R N O. 26,524

September 23, 2021

This order grants Eversource license amendments to construct and maintain an existing electric transmission line that crosses the Nashua and Merrimack Rivers in Nashua and Hudson. 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 April 14, 2021, Public Service Company of New Hampshire (PSNH) d/b/a Eversource Energy (Eversource, or the Company) filed a petition pursuant to RSA 371:17 requesting amendments to two licenses to modify, reconstruct, operate, and maintain an existing overhead 115 kilovolt (kV) electric transmission line, designated as the Eversource G192 Line, over and across the Nashua and Merrimack Rivers in Nashua and Hudson. In support of its petition, Eversource filed an overview map and plan and profile drawings with structure details.

On April 29, 2021 staff of the Safety Division ("Safety"), which is now a part of the New Hampshire Department of Energy ("Energy"), recommended that Eversource's petition be granted. The petition and additional docket filings, other than any

information for which confidential treatment, are posted on the Commission's website at: <https://www.puc.nh.gov/Regulatory/Docketbk/2021/21-076.html>.

II. SUMMARY OF REQUEST

Eversource previously constructed and now currently operates and maintains an overhead 115 kV transmission line that crosses the Nashua and Merrimack Rivers in Nashua and Hudson. This line was constructed in 1941, and is designated as the Eversource G192 Line (G192 Line). The proposed modification will replace Structure 5 on this line. The scope of work also includes removing and eliminating an underbuilt ADSS wire and replacing two existing pole top shield wires with OPGW communications wire. According to Eversource, modifications and replacements are necessary to meet requirements for reasonable service to the public.

III. COMMISSION ANALYSIS

A. History

The G192 Line was constructed in 1941. The Merrimack River crossing was initially licensed under Order No. 12,219 dated April 21, 1976, in DE 76-22 as part of a petition seeking to bulk license lines throughout the state. Exhibit 27A of Order No. 12,219 contains the Merrimack River crossing.

The Nashua River crossing was licensed under Order No. 22,454 dated December 11, 1996, in DE 96-370 as part of another bulk crossing license covering multiple lines and 10 public water crossing locations.

B. Crossing Location and Construction

The proposed modification of G192 at the Nashua River crossing is between Structures 1 and 2 in Nashua. The proposed modification of G192 at the Merrimack River crossing is between structures 5 and 6 in Nashua and Hudson. The line originates from the Bridge Street Substation, located off Bridge Street in Nashua

where Armory and Bridge Street intersect. The line extends east from the substation and immediately crosses the Nashua River between Structures 1 and 2. The line continues east as it passes through an intersection with another transmission line right-of-way, crosses the Pan-Am railroad and meets and crosses over the Merrimack River into the Town of Hudson. The crossing over the Merrimack River into Hudson is approximately 460 feet west of where the line crosses Webster Street, approximately 365 feet north of the intersection of Daw Street and Webster Street.

Through Eversource's ongoing program of field inspection, Eversource has determined that Structure 5 on G192 Line at the crossing of the Merrimack River requires replacement to continue to function safely and reliability. Structure 6 on the opposite side of that public water span was previously replaced in 2017 (wood to weathering steel) without obtaining a license due to an apparent oversight. Structure 5 will similarly be replaced with weathering steel. The current G192 Line maintenance project includes work at both the Nashua River and Merrimack River crossing, including removing and eliminating an underbuilt ADSS wire and replacing two existing pole top shield wires with OPGW communications wire noted on Exhibits 2 and 3 hereto, respectively. The three existing conductors will be transferred to the new replacement Structure 5 and shall otherwise remain unchanged.

The crossing will create a total span of 997.1 feet between structures 212 and 213, with 305.2 feet spanning the Nashua and Merrimack Rivers. Minimum water clearances for the new OPGW cable, as well as the existing conductors and remaining static wire that was transferred at the time of the 2019 structure replacements, were determined based on projected 100-year flood levels, a more conservative requirement than the 10-year flood levels permitted by the NESC. All replacements and

modifications are designed and constructed according to the 2012 National Electrical Safety Code (NESC).

C. Regulatory Requirements

Eversource stated that the previously replaced Structure 6 required a New Hampshire Department of Environmental Services (NHDES) Utility Maintenance Notification to the Town of Hudson (Permit # 2017-00188) to account for temporary wetland impacts associated with construction. Eversource stated that no other permitting was necessary for the Structure 5 and 6 replacements due to only temporary disturbance and no grading needed in the proximity of the Nashua and Merrimack River crossings.

The Company further stated that the U.S. Army Corps of Engineers (USACE) does regulate the subject portion of the Merrimack River as navigable waters. However, the scope of work discussed in this petition at that crossing location is covered through the self-verification process under the USACE New Hampshire Programmatic General Permit #4. USACE has requested to receive a copy of the plans depicting the replacement crossing, which Eversource will provide.

D. Property Rights

Eversource represented that abutters on either side of the Nashua River or Merrimack River crossings will not be affected by the G192 Line structure and wire replacements because the proposed modifications will occur within the Company's existing utility easement (Structures 5 and 6 on the outside edges of the Merrimack River) and within parcels owned in fee by Eversource (Structures 1 and 2 on the outside edges of the Nashua River).

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

According to Eversource's petition, the existing crossing was constructed and has been operated and maintained to meet the reasonable requirements of service to the public. The company represented that modifications will ensure that the G192 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 Nashua and Merrimack Rivers in Nashua and Hudson.

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.

F. Legal Review

"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 Nashua and Merrimack Rivers as a "public water."¹

Based on the petition, we find that the proposed crossing modification 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 public rights in the Nashua and Merrimack Rivers in

¹ See <https://www.des.nh.gov/sites/g/files/ehbemt341/files/documents/olpw.pdf>.

Nashua and Hudson, 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.

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 Nashua and Hudson; NHDES; 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 and OPGW over and across the Nashua and Merrimack Rivers in Nashua and Hudson, as described in its petition, including the supplemental petition, and depicted in its 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 constructs, 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 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 Nashua, New Hampshire; (ii) the Town Clerk of Hudson, New Hampshire; (iii) the New Hampshire Department of Environmental Services; and (iv) the New Hampshire Attorney General; and (v) all owners of the land bordering on said public waters at the location of the crossing, as required by RSA 371:19; by first class mail, no later than October 4, 2021, to be documented by affidavit filed with the Commission on or before October 20, 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 October 20, 2021; and it is

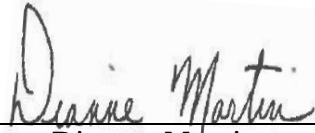
FURTHER ORDERED, that persons interested in responding to this order be notified that they may submit their comments or file a written request for a hearing that states the reason and basis for a hearing no later than October 11, 2021, for the Commission's consideration; and it is

FURTHER ORDERED, that any party interested in responding to such comments or request for a hearing shall do so no later than October 18, 2021; and it is

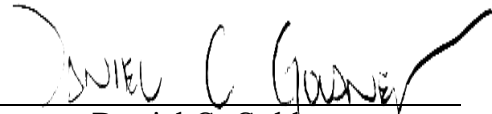
FURTHER ORDERED, that this order shall be effective October 22, 2021, unless Eversource fails to satisfy the notice and publication obligations set forth

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 twenty-third day of September, 2021.



Dianne Martin
Chairwoman



Daniel C. Goldner
Commissioner

Service List - Docket Related

Docket# : 21-076

Printed: 9/23/2021

Email Addresses

ClerksOffice@puc.nh.gov
richard.t.chagnon@energy.nh.gov
lynn.h.fabrizio@energy.nh.gov
thomas.c.frantz@energy.nh.gov
paul.g.kasper@energy.nh.gov
randall.s.knepper@energy.nh.gov
Erik.newman@eversource.com
ocalitigation@oca.nh.gov
Kenneth.G.Walsh@energy.nh.gov