

**STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

Docket No. 2015-04

**Application of Public Service Company of New Hampshire
d/b/a Eversource Energy for Certificate of Site and Facility**

June 13, 2016

ORDER ACCEPTING APPLICATION

I. Introduction

On April 12, 2016, Public Service Company of New Hampshire d/b/a Eversource Energy filed an application for a Certificate of Site and Facility (Application) with the Site Evaluation Committee (Committee). The Application seeks the issuance of a Certificate of Site and Facility approving the siting, construction, and operation of a new 115kV electric transmission line between existing substations in Madbury and Portsmouth. The new transmission line will be approximately 12.9 miles in length and is comprised of a combination of above ground, underground, and underwater segments, and will be located in the Towns of Madbury and Durham in Strafford County, and the Town of Newington and the City of Portsmouth in Rockingham County.

On April 29, 2016, pursuant to RSA 162-H: 4-a, the Chairman of the Committee appointed a Subcommittee in this docket (Subcommittee).

On June 1, 2016, the Subcommittee reviewed the Application. The Subcommittee determined that the Application contains sufficient information to satisfy the application requirements of each state agency having jurisdiction, under state or federal law, to regulate any aspect of the construction or operation of the proposed facility. *See RSA 162-H: 7, IV.* The Subcommittee also made an independent determination that the Application contains sufficient

information to carry out the purposes of RSA 162-H. *See* RSA 162-H: 7, III.

This Order memorializes that determination.

II. Description of the Project

The Applicant proposes to construct an approximately 12.9-mile 115 kV electric transmission line and associated facilities from the Madbury Substation in Madbury through the Towns of Durham and Newington, to Portsmouth Substation in Portsmouth. *See* Application, at 3. The line will be designated within the PSNH system as Line F107 and will include approximately 150 new overhead structures. *Id.*

The proposed line generally will consist of the following sections:

- Section 1 (approximately .5 miles) – Madbury Substation to NH Route 4 (Structures 1 to 10) – This section of the Project will be located on PSNH-owned property, on a newly acquired easement and on a New Hampshire Department of Transportation easement. *Id.* at 17, 39. The new transmission line will be located approximately 40 feet west of the existing distribution circuit. *Id.* at 17, 39. The cleared width will be widened to 45 feet westerly from the centerline of the proposed line. *Id.* at 17.
- Section 2 (0.9 miles) – Route 4 to University of New Hampshire Parking Lot A (Structures 10-23) - This Section of the Project will predominately be located within an existing Pan Am Railroad corridor. PSNH has contracted to expand the corridor to include 25 feet of new width on University of New Hampshire (UNH) property. *Id.* at 17, 40. One structure will be located on the easement acquired from UNH. *Id.* at 40. The new transmission centerline will be approximately 50 feet from the newly-acquired western corridor edge and 36 feet from the existing rail centerlines. *Id.* at 40. The transmission structures will be constructed approximately 95 feet west of the railroad centerline. *Id.* at 40.
- Section 3 – Structure 23 to UNH Waterworks Road (Underground Cable) – This section will begin on an 80 foot monopole self-supported self-weathering transition structure that will be located on UNH property adjacent to the Pan Am Railroad corridor. *Id.* at 18, 40. The Project will transition from overhead to underground at the transition structure. *Id.* at 18, 40. The underground section will continue for 2,100 feet, crossing under Main Street in Durham to south of Main Street on UNH property adjacent to the Pan Am Railroad corridor. *Id.* at 18, 40. The Project then will transition from underground to overhead at an 80 foot monopole self-supported self-wearing steel transition structure. *Id.* at 40.

- Section 4 (0.7 miles) – University of New Hampshire Waterworks Road to Packers Falls Substation (Structures 24-33) – From the transition station the Project will continue overhead within the existing PSNH right-of-way on UNH property to the Durham Substation. *Id.* at 18.
- Section 5 (5.1 miles) – Durham Substation to Packers Falls Substation to Little Bay Crossing (Structures 33 to 101) – This section of the Project will be constructed within existing PSNH electric utilities easement. *Id.* at 41-44. The deeded right-of-way in this section is 100 feet wide. *Id.* at 18. The right-of-way will be cleared to its full width of 100 feet to accommodate the new transmission line. *Id.* at 18. From Packers Falls Substation to Durham Point Road crossing, the new double circuit transmission line will share the corridor with another existing 34.5 kV electric utility line. *Id.* at 41-43.
- Section 6 (1.4 miles – 1.1 miles underwater segment and 0.3 miles underground segment) – Little Bay Crossing to Little Bay Road (Submarine and Underground Cable) - From a transition structure within the existing right-of-way near the westerly shore of Little Bay, the Project will continue underground to Little Bay, underwater beneath Little Bay, and underground from Little Bay to a transition structure of the easterly side of Little Bay Road. *Id.* at 18. The underwater segment across Little Bay will terminate at a man-hole and will go from the man-hole to three 65 foot self-supported steel transition structures located approximately 10 feet off Little Bay Road. *Id.* at 19.
- Section 7 (2.9 miles) – Little Bay Road to Spaulding Turnpike Crossing (Structures 102-137) – This section of the Project will be located within the 100 foot wide right-of-way. *Id.* at 19. It will consist of two sections: (i) Little Bay Road to Spaulding Turnpike (2.3 miles); and (ii) Spaulding Turnpike to Spaulding Turnpike Crossing (0.6 miles). The 34.5 kV line currently located between Little Bay Road and Fox Point Road (structures 102-115) will be removed. *Id.* at 45. The 34.5 kV line located between Spaulding Turnpike and Spaulding Turnpike Crossing will be relocated. *Id.* at 46. The Spaulding Turnpike/Spaulding Turnpike Crossing portion of the line will be adjacent to a 30-foot corridor for a natural gas line and water main. *Id.* at 19.
- Section 8 (0.3 miles) – Spaulding Turnpike Crossing to Existing E194 Transmission Line (Structures 137-140) – This portion of the Project will be located within a 300 foot wide right-of-way. Most of this area is a parking lot for the Crossings at Fox Run. *Id.* at 19.
- Section 9 (0.8 miles) – E194 Transmission Line to Portsmouth Substation (Structures 147-151) – This section of the Project will consist of two general parts: (i) E194 Transmission Line to Newington Generation Station (0.5 miles) and (ii) Newington Generation Station to Portsmouth Substation (0.3 miles). *Id.* at 19-20. The line will be located within the right-of way that currently accommodates two other 115 kV lines and one 345 kV line. *Id.* at 47. The existing 115 kV (E194) line will be relocated. *Id.*

at 47.

The Applicant also seeks to upgrade the Madbury and Portsmouth substations as a part of the Project. *Id.* at 47. The substation upgrades will not include expansion of the substation sites. *Id.* at 47. At the Madbury Substation, the Applicant seeks to modify an existing steel terminal structure and to install a new 115 kV disconnect switch, circuit breaker, coupling capacitor voltage transformers, lightning arrestors, a 55 foot wood pole and additional controls and relaying. *Id.* at 47. At the Portsmouth Substation, the Applicant seeks to install a new bus extension with a new 50 foot tall galvanized steel terminal structure, rigid aluminum bus, a new 115 kV disconnect switch, a new 115 kV circuit breaker, and three coupling capacitor voltage transformers and lightning arrestors. *Id.* at 48.

III. Standard of Review

Under RSA 162-H: 7, III, “[u]pon filing of an application, the committee shall expeditiously conduct a preliminary review to ascertain if the application contains sufficient information to carry out the purposes of this chapter.” *See RSA 162-H:7.*

IV. State Agency Responses

RSA 162-H: 7, IV states as follows:

[e]ach application shall contain sufficient information to satisfy the application requirements of each state agency having jurisdiction, under state or federal law, to regulate any aspect of the construction or operation of the proposed facility, and shall include each agency's completed application forms. Upon the filing of an application, the committee shall expeditiously forward a copy to the state agencies having permitting or other regulatory authority and to other state agencies identified in administrative rules.

Pursuant to RSA 162-H:7, IV, state agencies having permitting or other regulatory authority were notified of the filing of the Application and asked to conduct a preliminary review to ascertain if the Application contains sufficient information for agency review.

A. Department of Environmental Services – Water Division

The Department of Environmental Services (DES) responded to the Committee's request for review on May 13, 2016. DES advised the Subcommittee that the Application contained sufficient information for the DES to initiate their technical review to consider the issuance of permits, conditions, certifications or licenses for the following: (i) Alteration of Terrain Permit Application; (ii) Wetland Permit Application; (iii) Shoreland Permit Application; and (iv) Application for a Section 401 Water Quality Certification.

B. Division of Historical Resources

The Committee received a response from the New Hampshire Division of Historical Resources (DHR) on May 12, 2016. DHR advised the Subcommittee that it conducted a preliminary review of the Application and could not "consider it sufficient given the incomplete status of resource identification within the project area." Specifically, although DHR determined that the identification of archeological/below-ground resources was complete, it found that identification of architectural/above-ground historic sites located within the area of potential effects was not complete.

On May 31, 2016, DHR filed an updated response. In the updated response, DHR stated the following: "[p]ending final approval of the Durham Point Historic District Area Form at the NHDHR Determination of Eligibility Committee on June 8, 2016, the Applicant concluded the identification process pursuant to NH RSA 162-H:7, IV." Based on the correspondence from DHR it appears that the Applicant has identified historic resources and complied with the requirements of DHR.

C. Public Utilities Commission

The New Hampshire Public Utilities Commission (PUC) responded to the Committee's request on May 13, 2016. The PUC advised the Subcommittee that it conducted a preliminary review of the Application and determined that it contains sufficient information for the PUC to conduct its review for the issuance of licenses under the jurisdiction of the PUC.

D. Department of Transportation

Appendix 17 of the Application contains petitions and forms filed by the Applicant with the State Department of Transportation (DOT). Appendix 17 includes:

1. A petition for a use and occupancy agreement allowing the Applicant to construct and maintain the proposed transmission line across, overhead, underneath and along state-maintained highways.
2. Seven applications for aerial crossings over state maintained highways.
3. A petition to cross controlled-access right-of-ways.
4. An application for an encroachment agreement allowing temporary access across turnpike rights-of-way.

At the time of the hearing, DOT had not responded to the Committee's request for a completeness determination. The Committee surmised that DOT's silence suggested that the applications filed with DOT were sufficient for DOT's purposes. On June 2, 2016, the Committee received a letter from DOT stating that it had reviewed the application and determined that there is sufficient information to consider the issuance of permits.

E. Department of Safety, Division of Fire Safety, Office of the State Fire Marshal

The Office of the State Fire Marshal (Fire Marshal) responded to the Committee's request on May 13, 2016. The Fire Marshal advised the Subcommittee that it did not "see any

enclosed structures or structures that would have fire suppression in the submittal.” Therefore, the Fire Marshal concluded that it did not have any “comments or requirements.”

V. Sufficiency and Acceptance of the Application

In addition to hearing from state agencies, the Subcommittee has an independent obligation to “ascertain if the application contains sufficient information to carry out the purposes” of RSA 162-H. *See RSA 162-H: 7, II.* It is worth noting that this determination is not a determination that the Application deserves the issuance of a Certificate. It is merely a determination that the Application contains sufficient information enabling the Subcommittee to perform the comprehensive review required by RSA 162-H.

RSA 162-H and the Committee’s administrative rules provide guidance on the information that is required in order for the Subcommittee to determine that an application is complete. Our review reveals that the Application as filed, contains sufficient information to carry out the purposes of RSA 162-H. With the exception of certain rules for which the Applicant seeks a waiver, the Application contains all of the material required by our administrative rules. *See N.H. Code of Administrative Rules Site 301.01 – 301.09.* The Application also complies with the statutory requirements set forth at RSA 162-H:7. The Application provides detailed descriptions of the route, the type of construction, and the type of equipment to be installed along the route. The Application contains information identifying the Applicant’s relationship to each section of the route. It identifies those areas owned in fee and those areas to be leased. The Application also contains information about the financial, managerial, and technical capabilities of the Applicant. The Application addresses the expected impacts and benefits on the orderly development of the region and the economy of the region. The Application identifies the preferred choice of routes and explains other alternatives and why

they were not chosen. The Application contains complete applications for each state agency with permitting or other regulatory authority. In addition, the Application addresses the impacts and benefits of the Project on aesthetics, historic sites, the environment, air and water quality, wildlife and public health and safety. The Application contains information about how each major part of the Project will impact the environment and addresses issues of avoidance, minimization, and mitigation of the environmental impacts of the Project. The Application also contains information setting forth factors that the Applicant believes will demonstrate that the Project will serve the public interest. Our review reveals that the Application contains the information required by our administrative rules or contains a request for waiver of rules. *See* N.H. CODE ADMIN. R. ANN. Site 302.05. The Application also contains all information required by RSA 162-H:7. Therefore, the Application is accepted pursuant to RSA 162-H:7.

VI. Effect of the Motions for Waiver of Rules

The Applicant also filed a motion requesting the Subcommittee to waive certain requirements of our administrative rules. The Applicant filed a motion requesting partial waiver of the N.H. Code of Administrative Rules 301.03 (c) – 301.03(c)(5) pertaining to identification and mapping of various resources, and also filed a motion seeking a partial waiver of N.H. Code of Administrative Rules 301.08(c)(2) pertaining to the filing of a decommissioning plan and decommissioning funding assurances.

The acceptance of the Application does not act to grant the motions seeking waiver from the administrative rules. The Subcommittee will determine whether it is in the public interest to waive administrative rules once the presiding officer has considered and ruled on motions to intervene in this docket. If a waiver request is not granted, the Applicant will be required to comply with our administrative rules. Failing to comply may result in dismissal of the

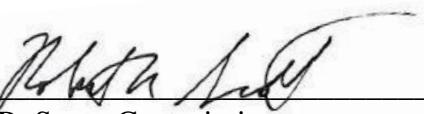
Application.

VII. Conclusion

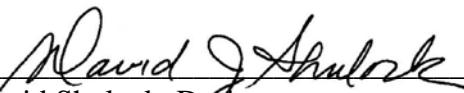
All state agencies that have reviewed the Application deem it sufficient to satisfy the purpose and requirements of the agency. The Application contains sufficient information to carry out the purposes of RSA 162-H.

The Application is accepted.

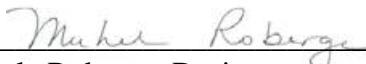
So ordered this 13th day of June, 2016 by the Site Evaluation Committee:



Robert R. Scott, Commissioner
Public Utilities Commission
Presiding Officer



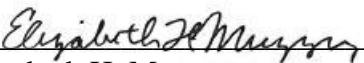
David Shulock, Designee
Director of Legal Division
Public Utilities Commission



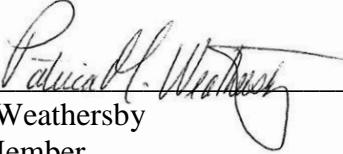
Michele Roberge, Designee
SIP Planning Manager
NH Department of Environmental Services



Charles Schmidt, Designee
Administrator
NH Department of Transportation



Elizabeth H. Muzzey
Director, Division of Historical Resources
NH Dept. of Cultural Resources



Patricia Weathersby
Public Member