

BEFORE THE
NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION

DE 19- _____

PETITION OF VERMONT TRANSCO LLC FOR LICENSE TO MAINTAIN AN EXISTING 115KV TRANSMISSION LINE ACROSS THE SUGAR RIVER IN THE CITY OF CLAREMONT, NEW HAMPSHIRE.

Vermont Transco LLC, a Vermont limited liability company (“VT Transco” or “Petitioner”), acting by and through its attorneys at Downs Rachlin Martin PLLC, respectfully petitions the New Hampshire Public Utilities Commission (“Commission”) pursuant to RSA 371:17 for a license for its existing 115KV transmission line known as K149 over public waters owned by the State of New Hampshire, specifically the Sugar River in Claremont, NH. In support of this Petition, VT Transco states as follows:

1. VT Transco operates the bulk transmission system through most of Vermont, serving the delivery needs of Vermont’s distribution utilities, including Green Mountain Power Corporation (“GMP”). VT Transco also serves some areas in New Hampshire, and interconnects with New England’s regional power grid.
2. VT Transco manages and maintains the Vermont electrical grid for itself and for Vermont’s distribution utilities. For reasons of history and efficiency, some of the related infrastructure is situated in the State of New Hampshire.
3. As part of this ongoing effort, VT Transco recently received an Order *Nisi* in DE 19-109 from the Commission to construct and maintain fiber optic cable over and across the public waters of the Connecticut River and the Sugar River in the City of Claremont. DE 19-109, Order *Nisi* No. 26,293, September 16, 2019 (the “Order *Nisi*”).

4. The project in DE 19-109 involves the installation of an All-Dielectric Self-Supporting (“ADSS”) aerial communications fiber optic cable from VT Transco’s Ascutney Substation in Weathersfield, VT, along VT Transco’s existing K149 Transmission Line, crossing over the Connecticut River and the Sugar River in Claremont, NH, terminating on the westernmost K149 Line structure, adjacent to an existing Switching Structure in Claremont, NH.
5. In the Order *Nisi* the Commission noted that the existing K149 electric crossings over the Connecticut and Sugar Rivers has been in place since roughly 1958, but also that the Commission was unable to locate any licenses for these two river crossings. Order *Nisi*, at 2.
6. In the Order *Nisi* the Commission determined:

Further, unless VT Transco can produce licenses, we require the Company to promptly file a petition for licenses to operate and maintain the K149 Transmission Line, across the public waters of the Connecticut River and the Sugar River in Claremont, New Hampshire.

Order *Nisi*, at 5.

7. In response to the Order *Nisi*, VT Transco contacted the New Hampshire Law Library for assistance in finding the underlying licenses for the existing transmission lines over the Connecticut and Sugar Rivers, and was able to locate and provide the license to operate the existing lines over the Connecticut River in Claremont.¹ To date VT Transco has

¹ See Letter from William J. Dodge to Debra A. Howland, Executive Director, New Hampshire Public Utilities Commission, October 2, 2019, Re: DT 19-109 Vermont Transco LLC: License for existing K149 Transmission Line over the Connecticut River in Claremont, New Hampshire.

been unable to locate the license to operate the existing K149 line over the Sugar River in Claremont, and therefore is filing this instant Petition.²

8. In support of this Petition, VT Transco is providing the following exhibits:³ Exhibit 1 [Orthophoto]; Exhibit 2 [Easements and Original Drawings]; Exhibit 3 [OHW Profiles]; Exhibit 4 [National Flood Hazard Mapping]; Exhibit 5 [K149 CT River and Sugar River Crossing Summary]; Exhibit 6 [Order Nos. 10067,10068, and 24628] and Exhibit 7 [Affidavit of William F. McNamara].
9. VT Transco's ownership of the existing K149 Transmission Line is by virtue of four separate easements granted to Vermont Electric Power Company, Inc. ("VELCO"), and which were later transferred to VT Transco through a corporate reorganization in 2006. Copies of the easement deeds are attached as Exhibit 2. Vermont Electric Power Company, Inc. ("VELCO") obtained licenses from the PUC for the lines across the Connecticut River in 1970, which were later transferred to VT Transco in 2006. Exhibit 6.
10. This Petition is for a license to operate the existing K149 line over the Sugar River. VELCO has operated this line in this location since roughly 1958. In the attached VELCO plans from 1958 the crossing over the Sugar River is clearly depicted. Exh. 2, page 2.

² The 1970 VELCO Petitions resulting in the Connecticut River crossing license more than likely included site plans showing the transmission lines crossing the Sugar River, but the Order granting the license does not mention the Sugar River crossing directly. *See* New Hampshire PUC-D-E5904, Order 10,068 re: Vermont Electric Power Company, Inc. ("VELCO") Petition for a license to construct and maintain electric transmission lines over and across the Connecticut River in the City of Claremont and Town of Monroe, 55 NH PUC 524, July 27, 1970 (copies included in Exhibit 6).

³ Exhibits 1 through 5 are copies of the same exhibits used in VT Transco's Petition in DE 19-109; Exhibits 6 and 7 are new exhibits for this petition.

11. The existing Sugar River crossing is shown on Exhibit 1 in red. The Sugar River crossing is located east of Jarvis Hill Road (N.H. Route 12) and west of Main Street (N.H. Route 103) in Claremont. The Sugar River crossing is between Structure #19 and Structure #20. The distance between Structure #19 and Structure #20 is approximately 733 feet. Structure #19 is on the western side of the Sugar River and is a 70 foot tall cross-braced structure. Structure #20 is on the eastern side of the Sugar River and is an 80 foot tall double cross-braced structure. Order *Nisi* at 3.
12. Structures #19 and #20 are already in use for the existing transmission line, as shown on Exhibit 3. Both structures were replaced in 2018 as part of condition-based replacement in VT Transco's maintenance schedule.
13. The Sugar River crossing is entirely aerial, with the K149 cable strung below the existing conductors having a minimum clearance of 47.1' above the ordinary high water level ("OHW") over the Sugar River with a low sag of 352.6' AMSL. Exhibit 5.
14. The location of the pole structures creates a 733' long span over the Sugar River.
15. The Ordinary High Water ("OHW") elevation of the Sugar River at this location is 305.5'. Exhibit 5.
16. The 100-year flood levels were established based on FEMA flood zone maps for both the Connecticut River and the Sugar River using the maps shown as Exhibit 4. The 100-year flood elevation for the Sugar River in the area of the line crossing is 319.9 feet. The low-sag of the existing transmission line is 352.6', which equates to a clearance of 32.7 feet.

17. As this is a petition for a license for an existing line, there is no work being proposed at this time under this petition.⁴
18. As this is a petition for a license for an existing line, it is not anticipated that abutters on either side of the Sugar River will be affected.
19. As this is a petition for a license for an existing line, the rights granted by the license sought in this petition can be exercised by VT Transco without affecting the rights of the public to use the waters of the Sugar River or the property of the State. Moreover, the use and enjoyment by the public of the rivers and the property of the State will not be diminished.
20. All of the property rights necessary to construct and maintain the fiber optic cable are consistent with rights already held by Petitioner. Exhibits 2, 6, 7. Consequently, no taking of private property or other acquisition of rights is required for this purpose. No pole attachment license is needed for the river crossing with any New Hampshire utility.
21. VT Transco has also contacted the New Hampshire Department of Environmental Services (“DES”) and the New Hampshire Division of Historic Resources (“DHR”) in 2018 regarding maintenance work on this line and ROW corridor. DES has confirmed that there are no rare, threatened or endangered species in the vicinity where the structures are located. Similarly, DHR confirmed that there are no identified archeology resources that would be affected by this line.

⁴ As noted above, while this Petition is for an existing transmission line and does not involve any new construction or installations, this Petition is a result of VT Transco’s concurrent petition in Docket DE 19-109, which does involve construction and maintenance, as detailed in that petition.

22. This existing transmission line is part of VT Transco's ongoing effort to provide for constant, accurate communication between substations and operational control centers, thereby increasing control of power flows within the VT Transco bulk transmission system, as well as ensuring optimal functioning of GMP's sub-transmission and distribution system.

WHEREFORE, VT Transco respectfully requests that the Commission:

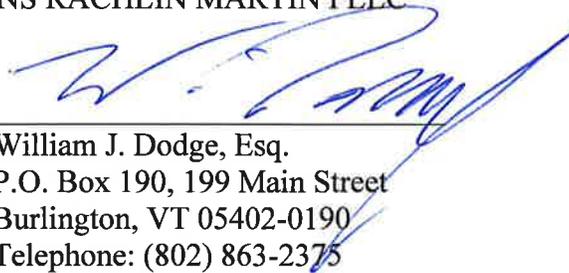
- A. Find that the proposed license for the existing transmission line crossing over the Sugar River may be exercised without substantially affecting public rights in State waters;
- B. Grant VT Transco a license for the existing Sugar River crossing as described above;
- C. Issue an order *nisi* and orders for its publication; and
- D. Grant such other and further relief as the Commission may determine to be just and reasonable and consistent with the public interest.

Respectfully submitted,

VERMONT TRANSCO LLC

October 18, 2019

By its Attorneys,
DOWNS RACHLIN MARTIN PLLC

By: 

William J. Dodge, Esq.
P.O. Box 190, 199 Main Street
Burlington, VT 05402-0190
Telephone: (802) 863-2375
Email: wdodge@drm.com

Copy: S. Mark Sciarrotta, Esq., Assistant General Counsel
Vermont Electric Power Company, Inc.

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Downs
Rachlin
Martin PLLC