

CHAPTER 82
SB 175 – FINAL VERSION

03/28/13 1067s

2013 SESSION

13-0908
06/01

SENATE BILL **175**

AN ACT relative to crossing public waters of the state for public utility purposes.

SPONSORS: Sen. Bradley, Dist 3; Rep. Borden, Rock 24; Rep. Bradley, Graf 6; Rep. Nickolas
Levasseur, Hills 11; Rep. Cali-Pitts, Rock 30

COMMITTEE: Energy and Natural Resources

AMENDED ANALYSIS

This bill requires the public utilities commission to issue a temporary license to construct and maintain a pipeline, cable, conduit, or a line of poles or towers across land or water owned by the state to certain entities that provide an affidavit that the crossing will be completed in compliance with the pole attachment license and the National Electric Safety Code.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 82
SB 175 – FINAL VERSION

03/28/13 1067s

13-0908
06/01

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to crossing public waters of the state for public utility purposes.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 82:1 Rights in Public Waters and Lands; Licenses for New Poles. Amend the section heading of
2 RSA 371:17 to read as follows:

3 371:17 [~~Petition~~] ***Licenses for New Poles.***

4 82:2 New Sections; Rights in Public Waters and Lands; Existing Utility Poles. Amend RSA 371
5 by inserting after section 17 the following new sections:

6 371:17-a License by Notification of New Attachments on Existing Utility Poles. Whenever it is
7 necessary, in order to meet the reasonable requirements of service to the public, that any public
8 utility other than electric or gas should construct a cable, conduit, or wires and fixtures upon an
9 existing line of poles or towers over, under, or across any of the public waters of this state, or over,
10 under, or across any of the land owned by this state, the public utility shall file written notification
11 with the commission for a license to construct and maintain such cable, conduit, or wires and
12 fixtures. In this section, “public waters” means all ponds of more than 10 acres, tidewater bodies,
13 and such streams or portions thereof as the commission may prescribe. Every corporation and
14 individual desiring to cross any public waters or land for the purposes of this section shall file
15 written notification in the same manner prescribed for a public utility. The notification shall include
16 a description of the specific geographic and pole locations of the crossing and verification that there
17 is a valid pole attachment license or that an application for a pole attachment license has been
18 submitted to the utility or utilities that own such poles or towers. The notification shall include an
19 affidavit signed by the responsible officer confirming that the crossing shall be completed in
20 compliance with such pole attachment license and the National Electrical Safety Code. Upon receipt
21 of such notification, no further inquiries or investigations by the commission shall be required in
22 granting the requested license.

23 371:17-b License by Notification of Existing Crossings on Existing Poles. Existing crossings on
24 existing poles as of the effective date of this section, not previously licensed, shall be considered
25 temporarily licensed without further inquiries or investigations. Any party seeking a license under
26 this section shall file a complete list identifying the specific geographic and pole locations of each
27 existing crossing with the commission within 2 years of the effective date of this section. Upon
28 receipt of such list, no further inquiries or investigations by the commission shall be undertaken and
29 the commission shall issue a final license. Any temporary license shall expire upon the issuance of a

CHAPTER 82
SB 175 – FINAL VERSION
- Page 2 -

1 final license.

2 82:3 Rights in Public Waters and Lands; Exception. Amend RSA 371:18 to read as follows:

3 371:18 Exception. The requirement for petition to and hearing by the commission as provided in
4 RSA 371:17 shall not be required when the license is requested by the public utility for the exclusive
5 purpose of furnishing facilities to, *or relocating facilities at the request of*, the state, or any
6 department or agency thereof. *All such crossings shall comply with the National Electrical*
7 *Safety Code.*

8 82:4 Notice to Attorney General. Amend RSA 371:19 to read as follows:

9 371:19 Notice to Attorney General. The commission shall cause due notice of said petition to be
10 given to the attorney general, and to such owners of lands bordering on such public waters as the
11 commission may designate in its order of notice, which shall state the time and place appointed for
12 hearing on said petition. *Nothing in this section shall apply to filings under RSA 371:17-a or*
13 *RSA 371:17-b.*

14 82:5 Hearing; Order. Amend RSA 371:20 to read as follows:

15 371:20 Hearing; Order. The commission shall hear all parties interested; and, in case it shall
16 find that the license petitioned for, subject to such modifications and conditions, if any, and for such
17 period as the commission may determine, may be exercised without substantially affecting the public
18 rights in said waters or lands, it shall render judgment granting such license. Provided, however,
19 that such license may be granted without hearing when all interested parties are in agreement *and*
20 *in cases involving filings made under RSA 371:17-a and RSA 371:17-b. The executive*
21 *director of the commission may issue licenses under RSA 371:17-a and RSA 371:17-b.*

22 82:6 Repeal. RSA 371:22, relative to deeds, is repealed.

23 82:7 Effective Date. This act shall take effect upon its passage.

24 Approved: June 19, 2013

25 Effective Date: June 19, 2013