

# STATE OF NEW HAMPSHIRE

## Intra-Department Communication

**DATE:** February 22, 2023

**AT (OFFICE):** NH Dept. of Energy

**FROM:** Michael Soucy *MRS*  
Administrator III – Division of Enforcement

**SUBJECT:** CRE 2023-002 Eversource Energy  
Application for License to Construct and Maintain Electric Lines Over  
and Across Public Waters and State-Owned Land in the Town of Goffstown,  
New Hampshire

### **Staff Recommendation**

**TO:** Jared Chicoine, Commissioner, Department of Energy  
Christopher Ellms, Jr., Deputy Commissioner, Department of Energy

**CC:** Thomas Frantz, Director of Regulatory Support Division  
Paul Kasper, Director, Enforcement Division  
Elizabeth Nixon, Director-Electric Regulatory Support Division  
Andrew Harmon, Hearings Examiner, Enforcement Division

Review by the Division of Enforcement (DOE) of the above application consisted of the following elements:

- Application contents, replacement application contents, and history;
- Applicable State statutes;
- Review of the existing crossing(s) previously licensed by the PUC, if any;
- Review of land ownership of existing pole structures;
- Review of NESC code requirements as described in Puc 300;
- Review of public need and public impact, including applicability of other State regulations; and
- Conclusions and Recommendations.

### **1. Application contents and history.**

On February 16, 2023, Public Service New Hampshire d/b/a Eversource Energy (Eversource, ES or the Company) filed an application for a license pursuant to RSA 371:17 to construct and maintain the Eversource J114 Line, an existing 115 kV transmission line, over and across public waters and state-owned land in the Town of Goffstown, New Hampshire.

The proposed project for the J114 encompasses the replacement of structures 1 through 3 at the public water and state-owned land from wood structures to weathering steel structures. The new structures will be installed within 10 feet of the original structures and have the design and specification depicted and noted in the structure details of Exhibit 2 submitted by ES. Also, part of this project, the existing static wire will be replaced with a new OPGW wire and the installation of a second OPGW wire. The existing phase conductors will remain unchanged.

The specifications and loading conditions to establish maximum sag for the crossing spans that are the subject of this application were indicated on the Profile View and Cable Schedule of Exhibit 2 submitted by ES. The conductor clearance requirements pursuant to the NESC based on the design conditions at 285 deg F and the 100-year flood level have been met. Staff verified the depicted sag clearances using Sag10 commercial software with the data inputs as stated in the application.

The location of the public water crossings and state-owned land that are the subject of this application is depicted on the Overview Map attached hereto as Exhibit 1 submitted by ES, and the DOE Map attached to this recommendation. Exact locations of the structures are expressed with Latitude and Longitude on exhibit 2 submitted by ES

The location of Structures 1 to 2 in this application creates a total span of 928.63 feet with a span of 90.37 feet crossing the Piscataquog River.

The location of Structures 1 to 3 in this application creates a total span of 1298.37 feet with a span of 796.34 feet crossing state-owned land.

The following table provides the summary of this application with the crossing to include structure numbers, types, spans, ES design criteria, and NESC compliance.

**Department of Energy Enforcement Division Summary Table**

<b>Eversource J114 - State Land and Waterbody Crossing Details</b>					
<b>Structures</b>	<b>Type</b>	<b>Span Distance (feet)</b>	<b>Minimum NESC Table 232-1 Clearance (ft.)</b>	<b>ES Vertical Design Clearance (ft.)</b>	<b>Complies with NESC Table 232-1 (Y/N)</b>
1-2	1 – Steel Type ADL, Class H1 2 – Steel Type T, Class H3	560.8	18.6	70.2	Y
2-3	2 – Steel Type T, Class H3 3 – Steel Type T, Class H1	241.6	20.1	45.4	Y

**2. New Hampshire statute referenced in application (as modified by N.H. House Bill 1258 on August 22, 2022).**

**371:17 Licenses for New Poles** – 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, modify a previously licensed installation, or license a previously constructed installation, it shall apply to the department of energy for a license to construct and maintain the same. For the purposes of this section, “public waters” are defined to be all ponds of more than 10 acres, tidewater bodies, and such streams or portions thereof as the department of energy may prescribe. Every corporation and individual desiring to cross any public water or land for any purpose herein defined shall apply to the department of energy for a license in the same manner prescribed for a public utility. The department of energy may condition any license issued under this paragraph in any manner necessary to assure that the license may be exercised without substantially affecting the public rights in public waters or state-owned lands. Using a non-adjudicative process, the department of energy may reject incomplete or improperly filed applications, and shall, also using non-adjudicative process, issue or deny the license within 90 days of receiving a complete application and all information subsequently requested of an applicant.

371:17 Licenses for New Poles (eff. Aug. 20, 2022)

**3. Review of existing license(s) and permissions previously granted by the PUC for this location over and across public waters and state-owned land in the city of Goffstown, New Hampshire.**

The public water crossing at the Piscataquog River that is the subject of this application was not previously licensed owing to oversight, and the state-owned land crossing that is also subject of this application was not previously licensed either owing to oversight or at the time the line was built, the State did not have ownership over the subject parcel. The J114 Line will be licensed in its entirety as a result of this application.

The Piscataquog River in Goffstown, South, Middle and North Branches. North Branch - From the Outlet of Deering Lake Dam in Deering to the confluence with the South Branch in Goffstown (omitting Lake Horace and Everett Flood Control Area) South Branch - From the outlet of Pleasant Pond, is listed under the category “Public Rivers and Streams” in the Official List of Public Waters (OLPW). The entire list of public waters can be accessed through the following web link:

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

Eversource asserts that a New Hampshire Department of Environmental Services (NHDES) Statutory Permit by Notification (SPN), and Shoreland Permit Notification (PBN) will be required for temporary impacts associated with the structure replacements described in this application and will be obtained prior to commencement of construction.

The U.S. Army Corps of Engineers (ACOE) does not regulate the Piscataquog River as navigable waters. As a result, a crossing permit from ACOE is not required.

#### **4. Review of land ownership of proposed pole structures.**

In its application, Eversource specifies that the structure replacement work will be accomplished within existing right-of-way easements, thereby mitigating impacts and concerns of property owners affected by the project scope.

#### **5. Review of NESC code requirements as described in Puc 300.**

The Enforcement Division staff reviewed the specifications related to the structure replacement work of this crossing project as described in the application, attachments, and all supplemental support documents and corrections filed by the Company and found them to be in conformance with N.H. Admin. Rule Puc 306 and applicable sections of NESC C2-2012.

#### **6. Review of public need and public impact.**

The J114 Line is an integral part of Eversource's existing electric transmission system in New Hampshire. The crossing locations identified in the application are in the Town of Goffstown, New Hampshire. The Company asserts in its application that the existing crossing will be exercised without substantially affecting public rights in the identified public waters and state-owned land in New Hampshire.

The Enforcement Division staff verified that minimum safe line clearances above the public water will be maintained at all times and determined that public use and enjoyment of the public water will not be diminished in any material respect as a result of the proposed project.

#### **7. Enforcement Division Recommendation:**

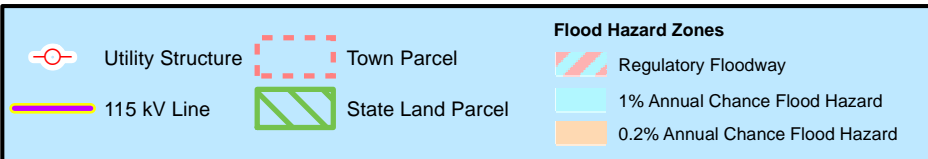
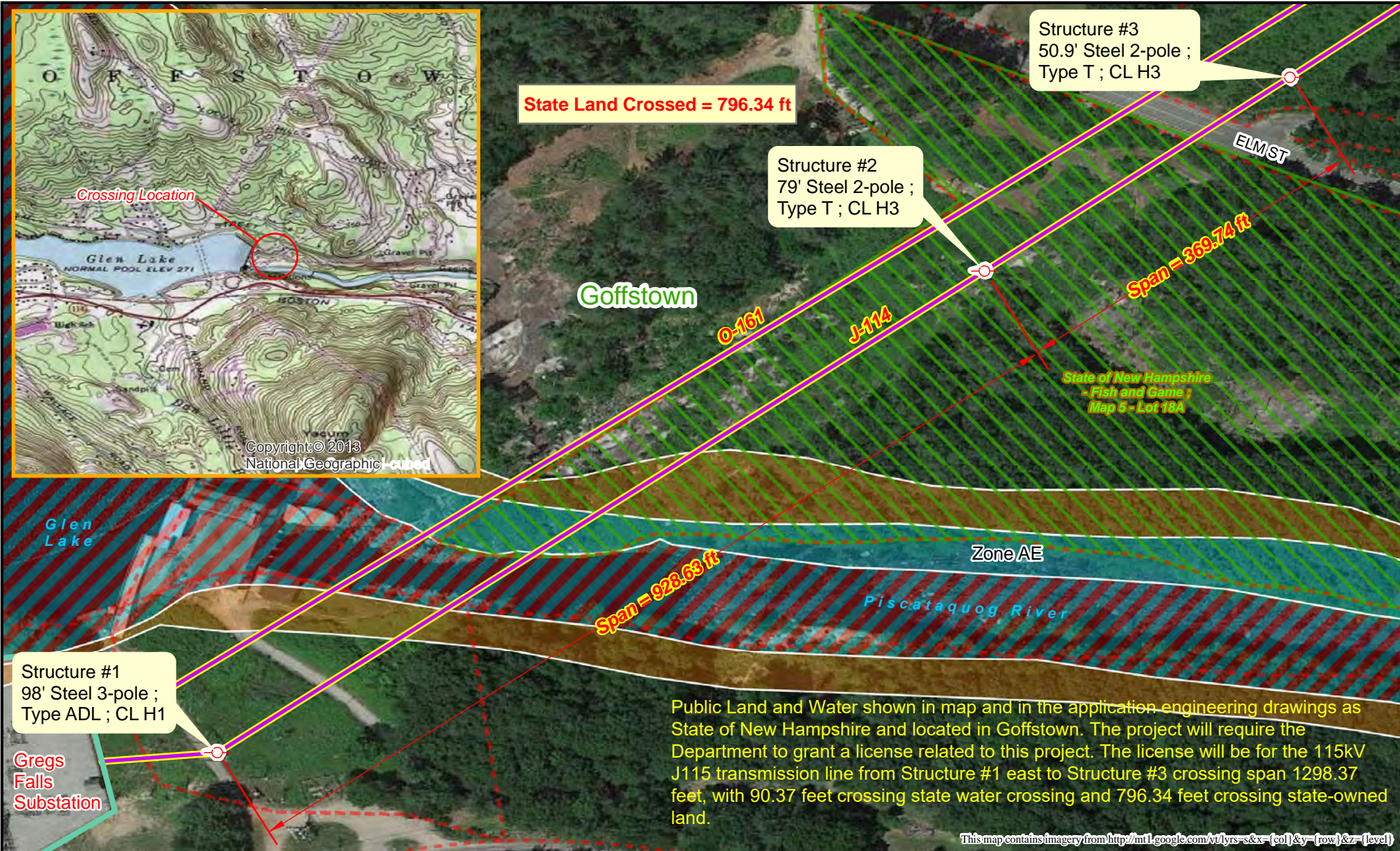
Based on the results of its review of the application, attachments, and all other supporting documents, the Enforcement Division recommends that the Department:

- 1) Find that the license Eversource requests in this application may be exercised without substantially affecting the public rights in public waters and state-owned land; and

- 2) Grant Eversource a license to construct and maintain electric lines pursuant to RSA 371:17 and Puc 306.01, over and across public waters and state-owned land in the Town of Goffstown, New Hampshire as specified in the application.

Attachment:

# Piscataquog River & State Land (NH Fish & Game) - CRE 2023-002 Eversource Crossing



Prepared by:  
NH Department of Energy  
Enforcement Division

