

STATE OF NEW HAMPSHIRE

Intra-Department Communication

DATE: February 3, 2023

AT (OFFICE): NH Dept. of Energy

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

SUBJECT: CRE 2023-004 Eversource Energy
Application for License to Construct and Maintain Electric Lines Over
and Across Public Waters and State-Owned Land in the City of Dover,
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 January 20, 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 M183 Line, an existing 115 kV transmission line, over and across public waters and state-owned land in the city of Dover, New Hampshire.

The proposed project for the M183 encompasses a structure replacement whereby Structure 88 at the public water and Structures 81 through 85 at the state-owned land crossing span are to be replaced with a weathering steel equivalent having the design and specification depicted and noted in the Structure Details of Exhibits 2 and 4 submitted by ES. Structure 87 will not be replaced as part of this application.

Specifications for the existing wires and loading conditions to establish maximum sag for the crossing spans that are the subject of this application are as indicated on the Profile View and Cable Schedule of Exhibits 2 and 4 submitted by ES. The conductor cable clearance requirements pursuant to the NESC based on the design conditions at 32 deg F with ½ ice have been met. Staff verified the computed sags as stated in the application

The location of the public water crossings and state-owned land that is the subject of this application is depicted on the Overview Map attached hereto as Exhibit 1 submitted by ES, and the DOE Maps attached to this recommendation. Exact locations of the structures are expressed with Latitude and Longitude on exhibit 2 and 4 submitted by ES

The location of Structures 80 to 85 in this application creates a total span of 2,209.6 feet with a span of 1,405.2 feet crossing state-owned land.

The location of Structures 87 to 88 in this application creates a total span of 500.4 feet with a span of 304.9 feet crossing the Cocheco River.

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

Eversource M183 - State Land and Waterbody Crossing Details					
Structures	Type	Span Distance (feet)	Minimum NESC Table 232-1 Clearance (ft.)	ES Vertical Design Clearance (ft.)	Complies with NESC Table 232-1 (Y/N)
80-81	80 – Steel Type E, Class 3 81 – Steel Type P, Class H1	560.8	15.5	24.8	Y
81-82	81 – Steel Type P, Class H1 82 – Steel Type P, Class H1	241.6	15.5	28.3	Y
82-83	82 – Steel Type P, Class H1 83 – Steel Type P, Class H1	393.7	15.5	26.5	Y

83-84	83 – Steel Type T, Class H1 84 – Steel Type T, Class H1	518.9	15.5	23.8	Y
84-85	84 – Steel Type T, Class H1 85 – Steel Type T, Class H1	494.6	15.5	34	Y
87-88	87 – Wood Type DA, Class H1 88 – Steel Type T-Strain, Class H9	500.4	37.5	42.9	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 Dover, New Hampshire.

The public water crossing at the Cocheco River that is the subject of this application was previously licensed under Order #25,156 (DE 10-224).

In Dover, from the Juncture of unnamed 3rd order stream in New Durham, the Cocheco River 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) will be required for temporary impacts associated with the replacement of Structures 81 through 85, and a Shoreland Permit Notification (PBN) will be required for temporary impacts associated with the Structure 87 replacement described in this application and will be obtained prior to commencement of construction.

The U.S. Army Corps of Engineers (ACOE) does regulate the Cocheco River as navigable waters and the scope of work discussed in this application at the subject crossing location will be licensed via Self-Verification under the ACOE New Hampshire Programmatic General Permit #4 and which licensing will be accomplished prior to commencement of the maintenance project.

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 M183 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 city of Dover, 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.

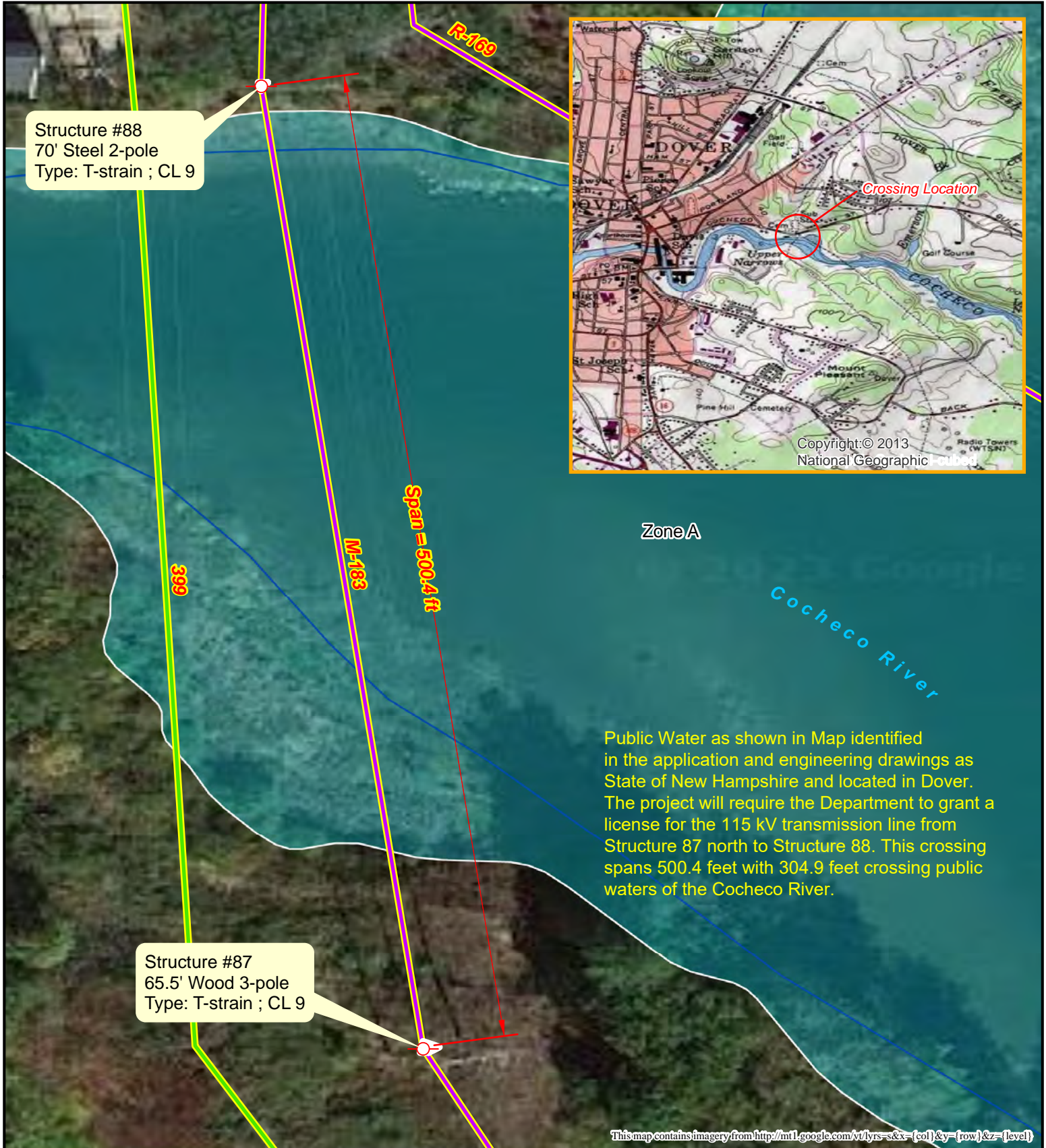
7. Enforcement Division Recommendation:

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 city of Dover, New Hampshire as specified in the application.

Attachments:

Cocheco River - CRE 2023-004 Eversource Crossing - Map 1



Public Water as shown in Map identified in the application and engineering drawings as State of New Hampshire and located in Dover. The project will require the Department to grant a license for the 115 kV transmission line from Structure 87 north to Structure 88. This crossing spans 500.4 feet with 304.9 feet crossing public waters of the Cocheco River.

This map contains imagery from <http://mtl.google.com/vt/lyrs=s&x={col}&y={row}&z={level}>

	Utility Structure	Flood Hazard Zones
	115 kV Line	Regulatory Floodway
	34.5 kV Line	1% Annual Chance Flood Hazard
		0.2% Annual Chance Flood Hazard

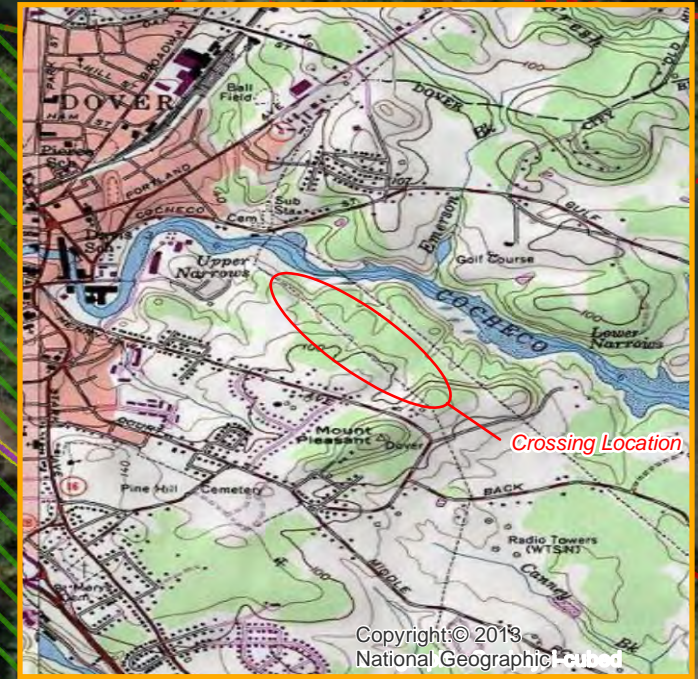


	Prepared by: NH Department of Energy Enforcement Division

State Land (NH Fish & Game) - CRE 2023-004 Eversource Crossing - Map 2

State-owned Land as shown in Map identified in the application and engineering drawings as State of New Hampshire and located in Dover. The project will require the Department to grant a license for the 115 kV transmission line from Structure 80 northwest to Structure 85.

This crossing spans 2,209.6 feet with 1,405.2 feet crossing State-owned land.



Dover

State of New Hampshire
- Dept of Fish and
Game; Map K2-0-0

Structure #85 56.5'
Steel 2-pole ;
Type: T ; Class H1

Structure #84 61'
Steel 2-pole ;
Type: T ; Class H1

Structure #83 60.5'
Steel 2-pole ;
Type: T ; Class H1

Structure #82 79'
Steel 3-pole ;
Type: P ; Class H1

Structure #81 70'
Steel 3-pole ;
Type: P ; Class H1

Structure #80 74.5'
Steel 3-pole ;
Type: E ; Class H3

State Land Crossed = 1,405.2 ft

Pole to Pole	Length (ft)
#80 to #81	560.8
#81 to #82	241.6
#82 to #83	393.7
#83 to #84	518.9
#84 to #85	494.6
Total Span #80 - #85	2,209.6

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399X8

This map contains imagery from <http://mt1.google.com/vt/lyrs=s&x={col}&y={row}&z={level}>

- Utility Structure
- Town Parcel
- 115 kV Line
- State Land Parcel
- 34.5 kV Line



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