

STATE OF NEW HAMPSHIRE DEPARTMENT OF ENERGY

**PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
D/B/A EVERSOURCE ENERGY**

LICENSE NO. CR 2021-021

January 26, 2022

**License to Construct and Maintain Electric Lines
Over and Across the Merrimack River in Merrimack and Litchfield**

This license is granted to Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource) to modify and maintain its 380 Line, an existing electric transmission line that extends over and across public waters of the Merrimack River in Merrimack and Litchfield. The Merrimack River crossing that is the subject of this petition was most recently licensed in 2011 (DE 10-322 under Order 25,190) which licensed the replacement of original wood structure 91 to a steel equivalent at the west side of the public water crossing span, with structure 90 remaining as the original wood structure. Structure 90 was later replaced in 2016 with a steel equivalent and was not licensed likely owing to oversite.

I. BACKGROUND

On November 12, 2021, Eversource filed a petition with the N.H. Department of Energy (Department), pursuant to RSA 371:17, requesting a license to modify, reconstruct and maintain its 380 Line, a 345 kV electric transmission line that extends over and across public waters in Merrimack and Litchfield. On December 2, 2021, the Department's Enforcement Division Staff filed a recommendation that the petition be approved and a license granted, based on the petition filings, applicable statutes, rules, NESC requirements, as well as public

need, safety, and impact. The petition and subsequent docket filings are posted to the Department's website (energy.nh.gov) at [Utility Crossings Over State Lands and Public Waters | NH Department of Energy](#).

II. SUMMARY OF LICENSE

A. Crossing Locations and Construction

This license pertains to Eversource's 380 Line, a 345 kV electric transmission line that extends over and across public waters in Merrimack and Litchfield. The 380 Line crosses the Merrimack River in the Towns of Litchfield and Merrimack between Structure 90 and 91. The waterbody crossing is located approximately 1,950 feet east from where the line crosses Charles Bancroft Highway in Litchfield, which is approximately 350 feet north from the intersection of Charles Bancroft Highway and Cummings Road. The crossing extends approximately 562 feet west to the west bank of the Merrimack River where it then terminates at the Eagle Substation located between the west bank of the Merrimack River and Pan Am railroad, and which termination point is approximately 325 feet west of where the crossing occurs. The Eagle Substation is located at the end of Star Drive which is off Daniel Webster Highway and on the east side of the Pan Am railroad tracks in Merrimack.

Eversource seeks a license to structure 90 at the east side of the Merrimack River which was replaced in 2016 to steel equivalent. Also included is the replacement of one existing poletop shield wire with OPGW communication wire. The (3) existing conductors and the existing OPGW communication wire shall remain unchanged under this license.

B. Regulatory Requirements

Eversource is responsible for obtaining any and all other federal, state, or local permits required by authorities having jurisdiction for the construction and installation of the proposed

crossing. According to the petition, Eversource will obtain a New Hampshire Department of Environmental Services (DES) wetlands Statutory Permit by Notification (SPN) for temporary impacts to wetlands prior to commencing work on this project. A NHDES Utility Maintenance Notification (UMN) was obtained in 2016 (NHDES #2016-00059) to account for temporary wetland impacts associated with transmission maintenance work in the Town of Litchfield in conjunction with the replacement of Structure 90.

The U.S Army Corps of Engineers (ACOE) does regulate the subject portion of the Merrimack River as navigable waters and the scope of work discussed in this petition at that crossing location is covered through Self-Verification process under the ACOE New Hampshire Programmatic General Permit #4, provided that there will be no decrease in existing clearances, which is the case of this project's scope.

C. Property Rights

According to Eversource, abutters to the public waters in Merrimack and Litchfield will not be affected by the proposed project, because the crossing structures are being replaced and rebuilt within existing right-of-way easements.

D. Service to the Public and the Effect on Public Rights

According to the petition, the existing crossings were constructed, operated, and maintained to meet the reasonable requirements of service to the public. Eversource affirmed that the proposed modifications will continue to meet that public need, and will not substantially affect the public's use and enjoyment of the public waters of Merrimack and Litchfield.

The line modifications are designed and will be constructed and maintained in accordance with the 2012 National Electrical Safety Code (NESC). The clearance

requirement with respect to the water crossing was calculated using a 100-year flood level, which is a more conservative analysis than the NESC 10-year flood clearance requirement.

III. DEPARTMENT DECISION

Eversource is authorized, pursuant to RSA 371:17, *et seq.*, to construct, install, operate, and maintain electric lines over and across public waters of the Merrimack River in Merrimack and Litchfield, as described in its petition and depicted in its filings and as specified in the Enforcement Division's recommendation. Based on the factual representations set forth in the petition and the recommendation, the Department finds that the requested crossing amendments are necessary to meet the reasonable requirements of reliable service to the public, as required by RSA 371:17, and that the requested license may be exercised without substantially affecting public rights in the subject public waters at the crossing locations in Merrimack and Litchfield, as required for approval under RSA 371:20. Therefore, the petition is approved.

We require a copy of this license to be provided to the Town Clerks of Merrimack and Litchfield by first class mail no later than January 31, 2022, with a signed affidavit of compliance filed with the Department no later than 10 days following the issuance of the license.

By order of the Department of Energy of New Hampshire this 26th day of January, 2022.



Jared S. Chicoine
Commissioner