

**STATE OF NEW HAMPSHIRE DEPARTMENT OF ENERGY**

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

**LICENSE NO. CRE 2022-011**

**May 9, 2022**

**Petition for License to Construct and Maintain Electric Lines  
Over and Across Public Waters 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 K165 Line, an existing electric transmission line that extends over and across public waters in Merrimack and Litchfield. The K165 Line was originally constructed in 1966. The public water crossing at the Merrimack River that is included in this petition was previously licensed in 1969 under DE-5747 (Order No. 9829).

**I. BACKGROUND**

On April 12, 2022,<sup>1</sup> 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 K165 Line, a 115 kV electric transmission line that extends over and across public waters in Merrimack and Litchfield. On April 18, 2022, 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, and land ownership, as well as public need, safety, and impact. The petition and subsequent docket filings are posted to the Department's website ([energy.nh.gov](http://energy.nh.gov)) at Utility Crossings Over State Lands and Public Waters | NH Department of Energy.

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<sup>1</sup> The Company resubmitted a revised petition on April 14, 2022.

## II. SUMMARY OF LICENSE

### A. Crossing Locations and Construction

This license pertains to Eversource's K165 Line, a 115 kV electric transmission line that extends over and across public waters of the Merrimack River in Merrimack and Litchfield. The K165 Line crosses the Merrimack River in Merrimack and Litchfield between Structures 183 and 184, which commences approximately 2,500 feet east from where the Eversource transmission line (3195 Line) crosses US Route 3 (Daniel Webster Highway) in Merrimack, between BEST Energy Services located at 237 Daniel Webster Highway, Merrimack to the south, and the entrance to Spraying Systems Co. located at 243 Daniel Webster Highway, Merrimack, to the north. The crossing continues east approximately 866 feet to the east bank of the Merrimack River, approximately 1,900 feet west from where the K165 Line crosses Charles Bancroft Highway in Litchfield, approximately 275 feet north from the intersection of Charles Bancroft Highway and Cummings Drive in Litchfield.

The length of span between Structures 183 and 184 is 866 feet and the length of span over and across public water is 558.9 feet.

The remaining wood structure, Structure 184, needs to be replaced promptly to continue to function safely and reliably. Structure 184 will be replaced with a weathered steel equivalent located within 10' of the original structure location. Structure 183, being the other structure at the subject crossing span on the East side of the Merrimack River, was replaced from wood to a galvanized steel structure in 2012 and was not licensed as an inadvertent oversite. This license seeks to license both Structures 183 and 184 as steel structures.

The K165's existing three phase conductors, a single OPGW wire, and a single static wire between Structures 183 and 184 will remain unchanged in the course of relocation to the replacement steel structures.

## **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 stated that it will obtain a New Hampshire Department of Environmental Services (NHDES) Statutory Permit by Notification (SPN) for temporary impacts to wetlands associated with the construction and installation of new structures. A NHDES Shoreland Permit by Notification (PBN) will also be obtained for the work planned under this petition in relation to temporary impacts to wetlands, and the shoreland buffer to the Merrimack River prior to the commencement of construction.

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 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.

## **C. Property Rights**

According to Eversource, abutters to the Merrimack River 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 the Merrimack River in Merrimack and Litchfield.

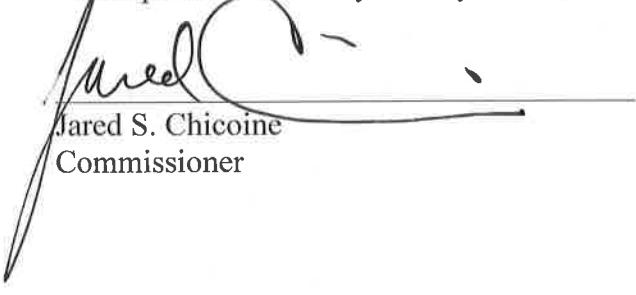
The line modifications are designed and will be constructed and maintained in accordance with the 2012 National Electrical Safety Code (NESC). The clearance requirement with respect to the water crossing was calculated using the NESC 10-year flood clearance requirement.

### 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 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 May 12, 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 9<sup>th</sup> day of May, 2022.

  
Jared S. Chicoine  
Commissioner