

# STATE OF NEW HAMPSHIRE

Intra-Department Communication

**DATE:** April 26, 2022  
**AT (OFFICE):** NH Dept. of Energy

**FROM:** Michael Soucy MRS  
Utility Analyst IV – Division of Enforcement

**SUBJECT:** CRE 2022-012 Eversource Energy  
Petition for License to Construct and Maintain Electric Lines Over and Across  
State-Owned Land in Londonderry, New Hampshire.

## Division of Enforcement, **Safety Bureau 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

The Division of Enforcement's review of the above petition consisted of the following elements:

- Petition contents, replacement petition contents, and history.
- Applicable State statute.
- 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. Petition contents and history

On April 20, 2022, Public Service New Hampshire d/b/a Eversource Energy (Eversource, or ES) filed a petition for a license pursuant to RSA 371:17, which was initially submitted on April 15, 2022, to construct and maintain the Eversource 356 Line, which is an existing 34.5kV distribution line that crosses public land recently acquired by the New Hampshire Department of Transportation (DOT), in Londonderry, New Hampshire.

DOT has requested that Eversource relocate a portion of the 365 Line to accommodate the design and construction of additional exit off I-93, known as Exit 4A, Project #13065A, (“Project”). As a result of the Project, the State of New Hampshire has acquired four parcels of land on the west side of the highway, to which the newly aligned 365 Line will be relocated and which the relocation is the subject of this petition.

The DOT’s Exit 4A design interferes with the existing 365 Line, which currently crosses I-93 between Exit 4 and 5. In order to accommodate DOT’s construction of the new Exit 4A, a section of the 365 Line will need to be rebuilt from where the line crosses Madden Road in Londonderry to where the line crosses Trolley Car Lane in Londonderry. A small section of the line to be rebuilt will also be shifted to the north, which includes the section where it crosses I-93 and the State-owned land along the west side of I-93 and east to Trolley Car Lane. The location of the proposed State-owned land crossing for the relocated 365 Line were depicted on the Overview Map submitted by ES as Exhibit 1 and shown on the DOE map attached to this Staff Recommendation.

Also included in this Staff Recommendation is a map from the DOT website that depicts the new Exit 4A.

Exhibit 2 submitted by ES shows the 365 Line will be relocated starting from existing Structure 13X which is located on the west side of Trolley Car Lane approximately 3,000 feet north from the intersection of Hovey Road and Trolley Car Lane. The State-owned land crossing span begins at the easterly boundary of Trolley Car Lane and common boundary with State-owned parcel Map 10, Lot 29C-A and extends 471 feet east to where the newly established limited access right of way (LAROW) of I-93 at Exit 4A.

The scope of the 365 Line relocation as part of this petition includes, the replacement of the existing conductors with three new 477kcmil ACSR phase conductors and a single 4/0 ACSR neutral conductor between Structures 13X, 63 and 64, whose specifications were identified on Exhibit 2 submitted by ES.

The location of structures 13X, 63 and 64 creates a total span of 531.3 feet, with a span of 313.1 feet over and across State-owned land.

The following table provides the summary of this petition with all crossings to include structure numbers, types, spans, ES design criteria, and NESC compliance:

**Department of Energy Safety Bureau Summary Table**

Eversource 365 Line - State Public Land Crossing Details						
Structure	Type	Span (Pole to Pole)	Distance (feet)	Minimum NESCA Table 232-1 Clearance (ft.)	ES Vertical Design Clearance (ft.)	Complies with NESCA Table 232-1 (Y/N)
13X	Class 1, Wood Monopole	13X-63	259.9	15.5	28.1	Y
63	Class H1, Steel Monopole					
64	Class H1, Steel Monopole	63-64	271.4	15.5	38.6	Y

**2. New Hampshire statute referenced in petition**

**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, it shall petition 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 petition the department of energy for a license in the same manner prescribed for a public utility.

371:17 Licenses for New Poles (2021, 91:260, eff. July 1, 2021)

**3. Review of existing license(s) and permissions previously granted by the PUC for these locations of State-owned land in Londonderry.**

The original crossing in Londonderry that is included in this petition was originally built in 1961 within easements through private-owned land and was not previously required to be licensed by the PUC.

Eversource asserts that a NHDES Wetland Standard Dredge and Fill Permit will be obtained for wetland impacts associated with the Project. No other environmental permits are required for the work at the State-owned land crossing that is the subject of this petition.

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

Eversource specifies that the new poles and conductors to be licensed pursuant to this petition, will be located across State-owned land in Londonderry, New Hampshire. The structure replacement work will be accomplished within the new DOT 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 Safety Bureau reviewed the specifications related to the design and re-construction of this crossing project as described in the petition, attachments, and all supplemental support documents and corrections filed by Eversource 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 365 Line is an integral part of Eversource's existing electric distribution system in New Hampshire. The crossing location identified in the petition is in the Town of Londonderry, New Hampshire. The Company asserts in its petition that the existing crossings will be exercised without substantially affecting public rights in the identified State-owned land. Customers along the relocated 365 Line who are presently served by the 365 Line, will continue to be served by the relocated 365 Line.

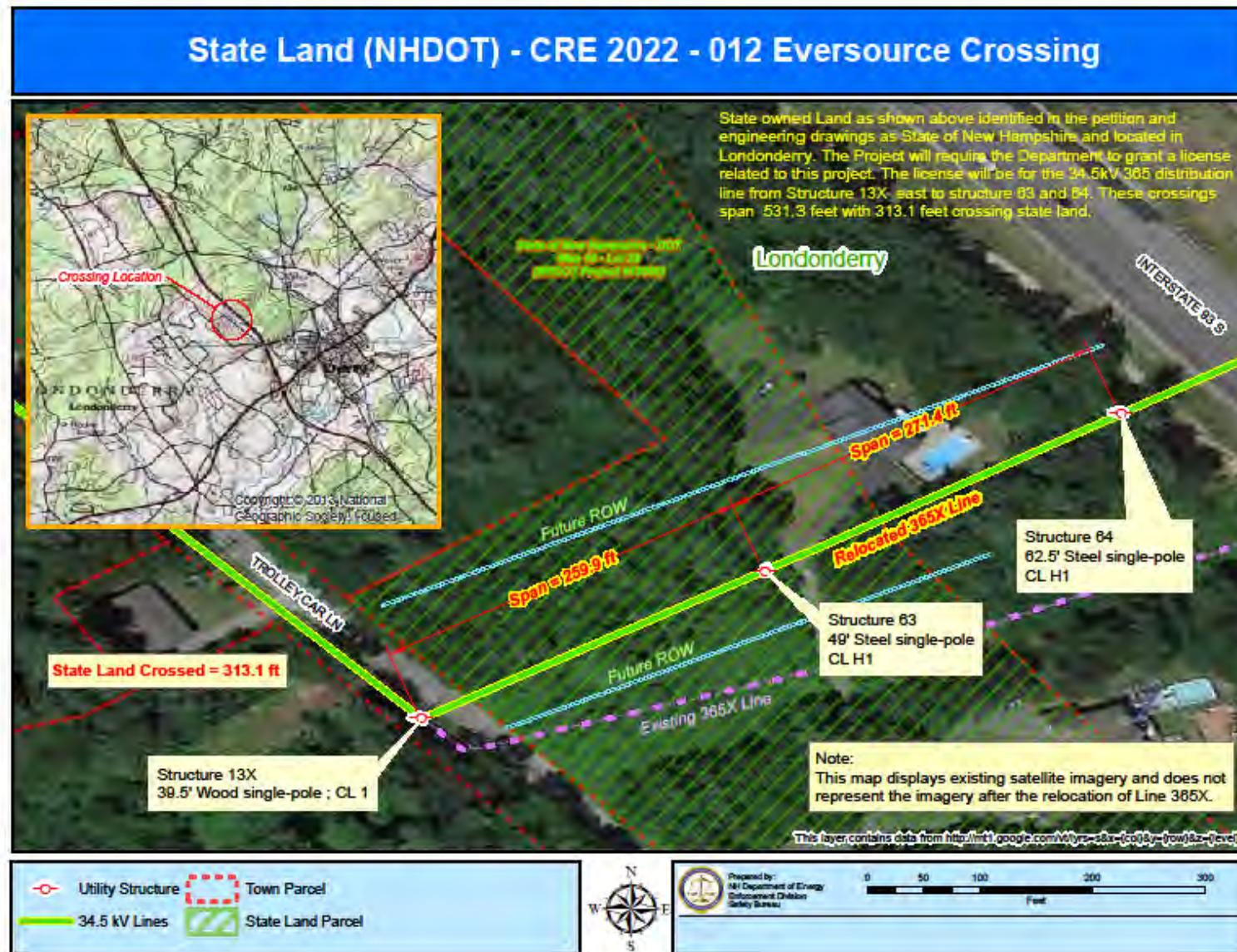
The Safety Bureau verified that minimum safe line clearances above the public land will be maintained at all times and determined that public use and enjoyment of the State-owned land will not be diminished in any material respect as a result of the proposed overhead line crossings.

#### **7. Safety Bureau Recommendation:**

Based on the results of its review of the petition, attachments, and all other supporting documents, the Safety Bureau recommends that the Department:

- 1) Find that the license Eversource requests in this docket may be exercised without substantially affecting the public rights in State-owned land; and
- 2) Grant Eversource a license to construct, install, operate, and maintain electric lines and communication cables pursuant to RSA 371:17 and Puc 306.01, over and across State-owned land in the Town of Londonderry, New Hampshire as specified in the petition.

Attachments:



MATCH TO SHEET 2

