

STATE OF NEW HAMPSHIRE DEPARTMENT OF ENERGY

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

LICENSE NO. CRE 2022-014

May 23, 2022

Petition for License to Construct and Maintain Electric Lines Over and Across Public Waters in Merrimack and Litchfield, New Hampshire

This license is granted to Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource) to modify and maintain its H123 Line, an existing electric transmission line that extends over and across public waters in Merrimack and Litchfield, New Hampshire.

I. BACKGROUND

On May 2, 2022, 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 H123 Line, an existing 115 kV electric transmission line that extends over and across public waters in Merrimack and Litchfield. On May 4, 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) at Utility Crossings Over State Lands and Public Waters | NH Department of Energy.

II. SUMMARY OF LICENSE

A. Crossing Locations and Construction

The public water crossing at the Merrimack River that is subject of this petition was previously licensed in 2012 under DE- 11-257 (Order No. 25,333). Structure 202, being the

other structure that is part of this crossing span on the west side of the Merrimack River, was installed as a galvanized steel structure in 2012 and licensed as such under DE 11-257 (Order No. 25,333).

This license pertains to Eversource's H123 Line, a 115 kV electric transmission line that extends over and across public waters of the Merrimack River in Merrimack and Litchfield. The H123 Line crosses the Merrimack River in Merrimack and Litchfield between Structures 201 and 202, which span commences approximately 1,900 feet west from where the H123 Line crosses Charles Bancroft Highway in Litchfield, which is approximately 275 feet north from the intersection of Charles Bancroft Highway and Cummings Drive in Litchfield. The crossing continues approximately 814 feet west to the west bank of the Merrimack River, at a point that is approximately 2,500 feet east from where Eversource transmission line (3195 Line) crosses US Route 3 (Daniel Webster Highway) in Merrimack, which Rte. 3 crossing location is 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 H123 turns northerly just west of Structure 202 (see Exhibit 1) and does not cross any notable landmarks in proximity to the subject span on the westerly side of the Merrimack River.

The length of span between Structures 201 and 202 is 814.2 feet and the length of span over and across public water is 555.1 feet.

The H123's existing three phase conductors, a single OPGW wire, and a single static wire between Structures 201 and 202 will remain unchanged in the course of relocation to the replacement steel structures 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 stated that it will obtain a New Hampshire Department of Environmental Services (NHDES) Statutory Permit by Notification (SPN) and Shoreland Permit Notification (PBN) for the work planned under this petition in relation to temporary impacts to wetlands, and the shoreland buffer and will be secured 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 a 10-year flood level.

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 location 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 26, 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 23rd day of May, 2022.



Jared S. Chicoine
Commissioner