

STATE OF NEW HAMPSHIRE DEPARTMENT OF ENERGY

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

LICENSE NO. CRE 2023-003

January 26, 2023

**Application for License to Construct and Maintain Electric Lines
Over and Across Public Waters and State-Owned Land
in Merrimack and Litchfield, New Hampshire**

This license is granted to Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource) to construct and maintain its H123 Line, an existing electric transmission line that extends over and across public waters and land owned by the State of New Hampshire in Merrimack and in Litchfield. The H123 Line was previously licensed under Order 26,290 (DE 19-028) and CRE2022-014.

I. BACKGROUND

On January 18, 2023, Eversource filed an application with the N.H. Department of Energy (Department), pursuant to RSA 371:17, requesting a license to construct and maintain its H123 Line, an electric transmission line that extends over and across public waters and state-owned land in Merrimack and Litchfield, New Hampshire. On January 23, 2023, the Department's Enforcement Division Staff provided a recommendation that the application be approved, and a license granted, based on the application filings, applicable statutes, rules, NESC requirements, and land ownership, as well as public need, safety, and impact. The application 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 H123 Line, an electric transmission line that extends over and across public waters of the Merrimack River and state-owned land in Merrimack and Litchfield, New Hampshire. The H123 Line crosses the Merrimack River in the towns of Merrimack and Litchfield between Structures 155 and 156.

The H123 line crosses the Merrimack River in the towns of Litchfield and Merrimack between Structures 201 and 202.

The location of Structures 155 and 156 creates a total span of 700.2 feet and the length of span over and across the public waters of the Merrimack River is 539.9 feet.

The location of Structures 181 to 184 creates a total span of 1,214.6 feet with a span of 868.9 feet crossing state-owned land.

The location of Structures 201 to 202 creates a total span of 813.9 feet with a span of 556.1 feet crossing the Merrimack River.

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. In its Application, Eversource stated that because the wire replacement and installation work would be done primarily by a helicopter, there would be no ground impacts associated with the project at the crossing locations and, thus, neither a New Hampshire Department of Environmental Services (NHDES) Statutory Permit by Notification (SPN) nor a Shoreland Permit Notification (PBN) is required.

The U.S. Army Corps of Engineers (ACOE) regulates the subject portion of the Merrimack River as navigable waters in these locations, and the scope of work discussed in the

application at the subject crossing location will be licensed via Self-Verification under the ACOE New Hampshire Programmatic General Permit #4 and the licensing will be accomplished prior to commencement of the project.

C. Property Rights

According to Eversource, abutters to the public waters of the Merrimack River and state-owned land in Merrimack and Litchfield, New Hampshire 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 application, the H123 Line is an integral part of Eversource's existing electric transmission system in New Hampshire. Eversource affirmed that the existing crossing will be exercised without substantially affecting public rights in the identified public waters and state-owned land in Merrimack and Litchfield, New Hampshire.

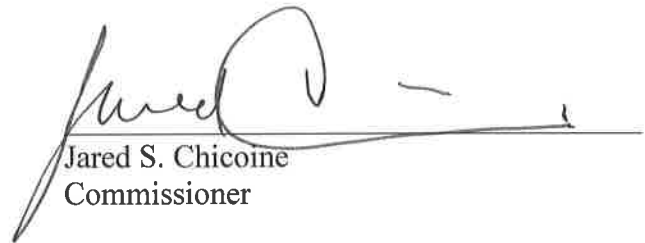
The line modifications are designed and will be constructed and maintained in accordance with the 2012 National Electrical Safety Code (NESC). The clearance requirement with respect to the water crossing was calculated using a 100-year flood level, which is a more conservative analysis than the NESC 10-year flood clearance requirement. The 100-year flood elevations for the subject portions of the Merrimack River were derived from FEMA's National Flood Hazard Layer Firmette, 09/25/2009.

III. DEPARTMENT DECISION

Eversource is authorized, pursuant to RSA 371:17, *et seq.*, to construct, install, operate, and maintain electric lines over and across the public waters of the Merrimack River and state-owned land in Merrimack and Litchfield, New Hampshire, as described in its application and depicted in its filings and as specified in the Enforcement Division's recommendation. Based

on the factual representations set forth in the application 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 and state-owned land at the crossing locations in Merrimack and Litchfield, as required for approval under RSA 371:20. Therefore, the application is approved.

By order of the Department of Energy of New Hampshire this 26th day of January, 2023.



Jared S. Chicoine
Commissioner