

# STATE OF NEW HAMPSHIRE

## Intra-Department Communication

**DATE:** April 13, 2023

**AT (OFFICE):** NH Dept. of Energy

**FROM:** Michael Soucy MRS  
Administrator III – Division of Enforcement

**SUBJECT:** CRE 2023-009 Eversource Energy  
Application for License to Construct and Maintain Electric Lines over and across public waters and State-owned land in Fremont New Hampshire.

### **Staff 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  
Andrew Harmon, Hearings Examiner, Enforcement Division

Review by the Division of Enforcement (DOE) of the above application consisted of the following elements:

- Application contents, replacement application contents, and history;
- Applicable State statutes;
- 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. Application contents and history.**

On April 11, 2023, Public Service New Hampshire d/b/a Eversource Energy (Eversource, ES or the Company) filed an application for a license pursuant to RSA 371:17 to construct and maintain the Eversource R193 Line, over and across public water and state-owned land in Fremont, New Hampshire.

The Eversource R193 Line is a 115kV Transmission line, which was originally built in 1975. The proposed project for the R193 Line encompasses the replacement of existing wooden structures in Fremont. Structures 277, 278, and 279 need to be replaced promptly to continue to function safely and reliably. Those structures will be replaced with weathering steel equivalents that will be located within 10’ of the original structure location. The R193’s existing three phase conductors, single ADSS wire, and single static wire will not be changed in the course of performing the steel structure replacements. Wire specifications are identified on Exhibit 2 submitted by ES.

The specifications and loading conditions to establish maximum sag for the crossing spans that are the subject of this application were indicated on the Profile View and Cable Schedule of Exhibit 2 submitted by ES. The conductor clearance requirements pursuant to the NESC based on the design conditions with ½ of ice at 32 degrees Fahrenheit at the 100-year flood level, have been met.

The location of the public water and state-owned land crossings that are the subject of this application are depicted on the Overview Map as Exhibit 1 submitted by ES, and the DOE Map attached to this recommendation. Exact locations of the structures are expressed with Latitude and Longitude on Exhibit 2 submitted by ES.

The location of Structures 277 to 279 in this application creates a total span of 869.8 feet with a span of 142.9 feet over public water in the Town of Fremont.

The location of structures 278 and 279 creates a total span of 457.8 feet with a span of 93.8 feet crossing State-owned land in the Town of Fremont.

The following table provides the summary of this application with the crossing to include structure numbers, types, spans, ES design criteria, and NESC compliance.

**Department of Energy Enforcement Division Summary Table**

<b>Eversource R193 Line - State Land and Waterbody Crossing Details</b>					
<b>Structures</b>	<b>Type</b>	<b>Span Distance (feet)</b>	<b>Minimum NESC Table 232-1 Clearance (ft.)</b>	<b>ES Vertical Design Clearance (ft.)</b>	<b>Complies with NESC Table 232-1 (Y/N)</b>
277-278	277 – Steel Type T Class H1 278 – Steel Type T Class H1	412	14	36.1	Y
278-279	279 – Steel Type T Class H1	457.8	15.5 Land 14.0 Water	41.2 40.2	Y Y

**2. New Hampshire statute referenced in application (as modified by N.H. House Bill 1258 on August 22, 2022).**

**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, modify a previously licensed installation, or license a previously constructed installation, it shall apply to 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 apply to the department of energy for a license in the same manner prescribed for a public utility. The department of energy may condition any license issued under this paragraph in any manner necessary to assure that the license may be exercised without substantially affecting the public rights in public waters or state-owned lands. Using a non-adjudicative process, the department of energy may reject incomplete or improperly filed applications, and shall, also using non-adjudicative process, issue or deny the license within 90 days of receiving a complete application and all information subsequently requested of an applicant. 371:17 Licenses for New Poles (eff. Aug. 20, 2022)

**3. Review of existing license(s) and permissions previously granted by the PUC for this location over and across public water and state-owned land in Fremont, New Hampshire.**

The R193 Line crosses State-owned land between Structures 278 and 279 and this crossing span was not previously licensed due to the line being built prior to the State having ownership or due to oversight. The public water crossing at the Exeter River between Structures 277 and 279 was not previously licensed due to the waterbody not being designated as public water prior to the line being built, or due to an oversight. As a result of this application, the entire State-owned land and public water crossings between Structure 277 and 279 will be licensed.

The Exeter River, from the headwaters at the Route 102 bridge in Chester to its confluence with Great Brook in Exeter, is listed under the category “Public Rivers and Streams” in the Official List of Public Waters (OLPW). The entire list of public waters can be accessed through the following web link:

<https://www.des.nh.gov/sites/g/files/ehbemt341/files/documents/olpw.pdf>

Eversource asserts that a New Hampshire Department of Environmental Services (NHDES) wetland statutory permit by notification (SPN) and Shoreland Permit Notification (PBN) will be required for temporary impacts associated with structure replacements and will be obtained prior to commencement of construction.

The U.S. Army Corps of Engineers (ACOE) does not regulate any portions of the Exeter River as navigable waters and therefore a wire crossing permit is not required.

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

In its application, Eversource specifies that the structure replacement work will be accomplished within existing 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 Enforcement Division staff reviewed the specifications related to the structure replacement work of this crossing project as described in the application, attachments, and all supplemental support documents filed by the Company 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 R193 Line is an integral part of Eversource's existing electric transmission system in New Hampshire. The crossing locations identified in the application are in Fremont, New Hampshire. The Company asserts in its application that the existing crossing will be exercised without substantially affecting public rights in the identified public waters and state-owned land in Fremont, New Hampshire.

The Enforcement Division staff verified that minimum safe line clearances above the public water and State-owned land will be maintained and determined that public use and enjoyment of the public water and State-owned land will not be diminished in any material respect as a result of the proposed project.

#### **7. Enforcement Division Recommendation:**

Based on the results of its review of the application, attachments, and all other supporting documents, the Enforcement Division recommends that the Department:

- 1) Find that the license Eversource requests in this application may be exercised without substantially affecting the public rights in public waters and state-owned land; and
- 2) Grant Eversource a license to construct and maintain electric lines pursuant to RSA 371:17 and Puc 306.01, over and across public waters and state-owned land in Fremont, New Hampshire as specified in the application.

Attachment:

# Exeter River & State Land (NHDOT) - CRE 2023-009 Eversource Crossing



Public Water as shown in map #1 identified in the application and engineering drawings as State of New Hampshire and located in Fremont. The project will require the Department to grant a license related to this project. The license will be for the 115kV, R193 transmission line from Structure #277 south to Structure #279. This crossing spans 869.8 feet with 142.9 feet over and across state water.

Public Land as shown in map #1 identified in the application and engineering drawings as State of New Hampshire and located in Fremont. The project will require the Department to grant a license related to this project. The license will be for the 115kV R193 transmission line from Structure #277 south to Structure #278. This crossing spans 457.8 feet with 93.8 feet crossing state-owned land.

**Structure #279**  
70' Steel 2-pole  
Type T ; CL H1

**Structure #277**  
74.5' Steel 2-pole  
Type T ; CL H1

**Structure #278**  
74.5' Steel 2-pole  
Type T ; CL H1

**State of New Hampshire DOT, Map 2 - Lot 30**

**Span = 412 ft**

**Span = 457.8 ft**

**State Land Crossed = 93.8 ft**

This map contains imagery from [https://nhgeodata.unh.edu/nhgeodata/services/ImageServices/NH\\_2015\\_1ft\\_RGB/ImageServer/WMS/Server?](https://nhgeodata.unh.edu/nhgeodata/services/ImageServices/NH_2015_1ft_RGB/ImageServer/WMS/Server?)

	Utility Structure		Town Parcel
	115 kV Line		State Land Parcel
<b>Flood Hazard Zones</b>			
	Regulatory Floodway		1% Annual Chance Flood Hazard
			0.2% Annual Chance Flood Hazard



Prepared by:  
NH Department of Energy  
Enforcement Division

