

STATE OF NEW HAMPSHIRE

Intra-Department Communication

Date: November 27, 2023

At (Office): NH Dept. of Energy

From: Bryan J Flynn B J F
Utility Analyst IV – Enforcement Division

Subject: CRE 2023-026 **Eversource Energy**
Application for License to Construct and Maintain Electric Lines over and across State-Owned Land and Public Waters in Rochester, New Hampshire and State-Owned Land in Milton, 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 of Enforcement Division
Elizabeth Nixon, Director of Electric Regulatory Support Division
Andrew Harmon, Hearings Examiner, Enforcement Division

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

- Application contents, revised application contents, and history.
- Applicable State statutes.
- Review of existing crossing(s) previously licensed by the State of New Hampshire, if any.
- Review of land ownership and 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
- Recommendations

1. Application Contents and History

On November 6, 2023, Public Service of New Hampshire d/b/a Eversource Energy (ES) submitted an application pursuant to RSA 371:17 to construct and maintain portions of the Y170 Line in Rochester and Milton, New Hampshire. The ES Y170 Line is a 115 kV transmission line that crosses State-owned land and public waters between Structures 11 and 13 in Rochester, and State-owned land between Structures 83 and 87 in Milton. Eversource requests that the Department of Energy (the Department) issue a license for the purpose of structure replacement at these locations.

Through its ongoing asset inspection program, ES has determined that the previously installed wood laminate structures on the Y170 Line need to be replaced in order to continue to function safely and reliably. All of the wood structures at the referenced State-owned land and public water crossings are to be replaced. New weathering steel equivalent structures will be installed and located within 10 feet of the existing wood structures.

A portion of the structures on the Y170 line also carry a 34.5 kV circuit, designated as the ES 386A Line, and will be subject to this license for Structures 11 to 13. The three existing 795 kcmil conductors, three 477 kcmil conductors, and OPG wires at the crossing spans will remain unchanged. Enforcement Division staff have reviewed the application, exhibits, and all supporting documentation.

The locations of the referenced State-owned land and public water crossings are depicted on the Overview Map, submitted by ES as Exhibit 1, and more detailed descriptions of the locations are as follows:

In support of Exhibit 2, the application states that the Y170 Line crosses the public waters of the Cocheco River in the City of Rochester between Structures 11 and 12. The span commences at Structure 11 approximately 100 feet northeast from the east side of St. James Terrace, which is located approximately 265 feet northeast from the intersection of St. James Terrace and Patton Street. The waterbody crossing extends northeast approximately 314 feet to the east bank of the Cocheco River.

- The proposed structure locations create a total span of 594.2 feet, with 247.5 feet crossing the Cocheco River.

In support of Exhibit 3, the application states that the Y170 Line crosses State-owned land in the City of Rochester between Structures 12 and 13. The span commences approximately 420 feet southwest from where the Y170 Line crosses Chestnut Hill Road, which is approximately 475 feet southeast from the intersection of Chestnut Hill Road and Hillsdale Road. The State-owned land crossing extends northeast approximately 83.7 feet where it ends at Structure 13, located approximately 20 feet southwest from the edge of Chestnut Hill Road.

- The proposed structure locations create a total span of 364.5 feet with 83.7 feet crossing State-owned land.

In support of Exhibits 4 and 5, the application states that the Y170 Line crosses State-owned land in the Town of Milton between Structures 83 and 87. The span commences approximately 3,600 feet southeast from where the Y170 Line crosses McKeagney Road, which is approximately 940 feet northwest from the intersection of McKeagney Road and Old Wakefield Road. The State-owned land extends north approximately 1,553.9 feet to the property boundary with Map 49, Lot 21.

- The proposed structure locations create a total span of 1,902.7 feet with 1,553.9 feet crossing State-owned land.

The following table illustrates the structure and span details provided in the application, as well as required NESC clearance and the design clearance at the crossing span:

Eversource Energy Y170 and 386A Lines CRE 2023-026 Proposed State-owned Land and Water Crossing Design Details						
Structure Number	Structure Type	Measured Span	Distance (Feet)	Minimum Clearances NESC Table 232-1 (Feet)	ES Design Clearances (Feet)	Complies with NESC 232-1 (Y/N)
11	SPCC-DCDA Steel	11-12	594.2	18.6 (115 kV)	40.6	Y
				17.0 (34.5 kV)		
12	DCSP Steel	12-13	364.5	18.6 (115 kV)	49.6	Y
13	DCSP Steel			17.0 (34.5 kV)		
83	ST-2 Steel	83-84	409.5	20.1	29.3	Y
84	ST-2 Steel	84-85	419.8	20.1	30.1	Y
85	SA-2 Steel	85-86	507.9	20.1	28.9	Y
86	ST-2 Steel	86-87	565.5	20.1	29.9	Y
87	ST-2 Steel					

2. New Hampshire statute referenced in application (modified by NH House Bill 1258, 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.

3. Review of existing license(s) and permissions previously granted by the State of New Hampshire, including additional permitting requirements, for the public water crossing and State-owned land crossings in Rochester and Milton, New Hampshire

Originally constructed in 2013, the public water crossing of the Y170 Line at the Cocheco River was previously licensed by the State under Order No. 25,487 (DE 12-345) in the same year. The State-owned land crossings in Rochester and Milton were not previously licensed due to oversight or the State not having ownership of the land prior to construction. With the approval of this license by the Department, the Y170 Line will be licensed in entirety.

The application states that a New Hampshire Department of Environmental Services (NHDES) Statutory Permit by Notification will be required for temporary impacts associated with the structure replacements and shall be obtained prior to commencement of construction.

The Army Corps of Engineers (ACOE) does not regulate the referenced portion of the Cocheco River as navigable waters; therefore, a permit is not required.

Per RSA 483-B:4 and RSA 371:17, the Cocheco River is deemed a public waterbody, and a license must be granted for utility installations that cross over or under such waters. The Official List of Public Waters (OLPW) defines the designated segment of the Cocheco River as beginning southeast of March's Pond in New Durham, having begun at the juncture of an unnamed third order stream in New Durham. The entire list of public waters can be found on the NHDES website by using the following link:

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

4. Review of land ownership at proposed pole structures

Eversource states 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. A list of abutters was provided by ES with the application.

5. Review of National Electric Safety Code (NESC) requirements as described in PUC 300

Eversource shall own, maintain, and operate the Y170 line with clearances over public waters and State-owned land at a height of no less that what is required by the 2012 National Electric Safety Code (NESC), which is: 17.0 feet for 34.5 kV wires and 18.6 feet for 115 kV wires over water areas not suitable for sail boating or where sail boating is prohibited; 26.5 feet for 34.5 kV wires and 28.1 feet for 115 kV wires over track rails; and 20.1 feet for 115 kV wires over areas traversed by vehicles such as cultivated, grazing, forest and orchard lands, industrial sites, commercial sites, etc. The actual designed

height over public waters and State-owned land is depicted on Eversource Exhibits 2 through 5 of the application and exceeds the respective minimum requirements.

Eversource proposes to install two DCSP steel structures, four ST-2 steel structures, and one SA-2 steel structure. Structure heights range from 93.5 feet to 71 feet. Line supporting structures are required to conform to strength and loading specifications described in NESC 2012 rule 252, 260, and 261.

Enforcement Division staff reviewed the specifications of the proposed replacement work and proposed structure locations and found them to be in conformance with N.H. admin. Rule PUC 306 and 2012 NESC rules. The minimum clearance requirements with respect to ground level and design conditions at 285° F as well as the FEMA 10-year flood level have been met. Staff verified the depicted sag clearances using Sag10 commercial software and the wire specifications and loading conditions provided by ES in application Exhibits 2 through 5.

6. Review of public need and impact

The Eversource Y170 Line is a 115 kV transmission line that supplies electricity from the Eastport Substation in Rochester to the Tasker Farm Substation in Milton. The line was added in 2013 for greater reliability and load management.

RSA 371:17 requires the Department of Energy to review applications for licenses to construct, maintain, or modify installations that exist or are proposed to exist, over, under, or across public waters or State-owned land. This is to provide for safety of the public and the preservation of perpetual access and use of public waters and State-owned land in New Hampshire.

Eversource declares that the license, if granted, may be exercised without substantially affecting the use or enjoyment of public waters or State-owned land, that safe clearances will be maintained at all times, and precautions undertaken to ensure the safety of recreational users. The Enforcement Division's review of design specifications verified that minimum safe clearances above water and land will be maintained during and after construction; and therefore, determines that public use and enjoyment of said water and land will not be diminished in any respect as a result of the proposed project.

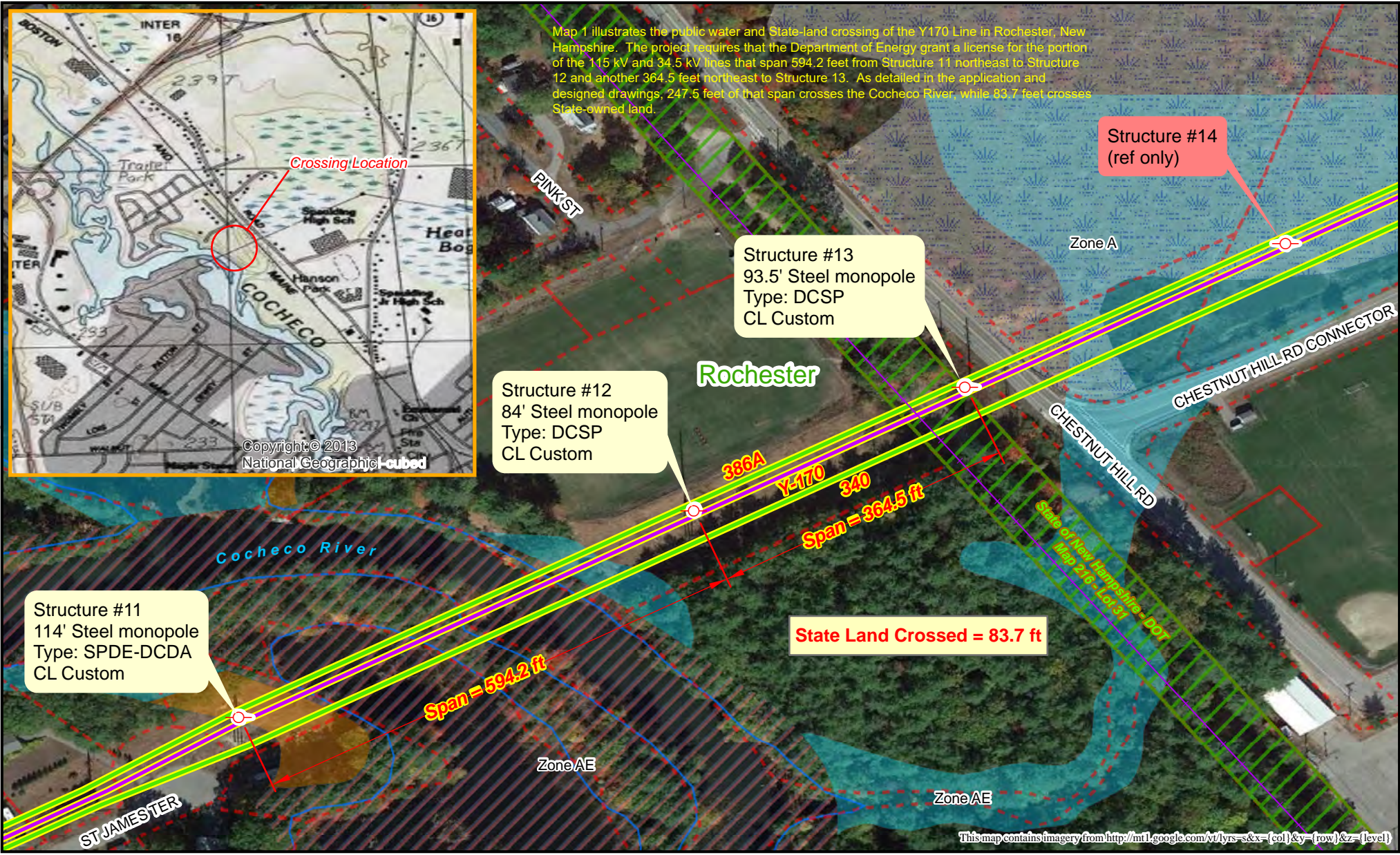
7. Enforcement Division Recommendations

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 the application may be exercised without substantially affecting public rights to public water and State-owned land in Rochester and Milton; 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 water and State-owned land in Rochester, and State-owned land in Milton, New Hampshire, as specified in the application.

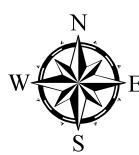
Attachments:

Cocheco River & State Land(NHDOT) - CRE 2023-026 Eversource Crossing - Map 1

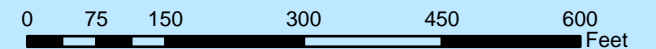


	Utility Structure		Town Parcel
	115 kV Line		State Land Parcel
	34.5 kV Line		

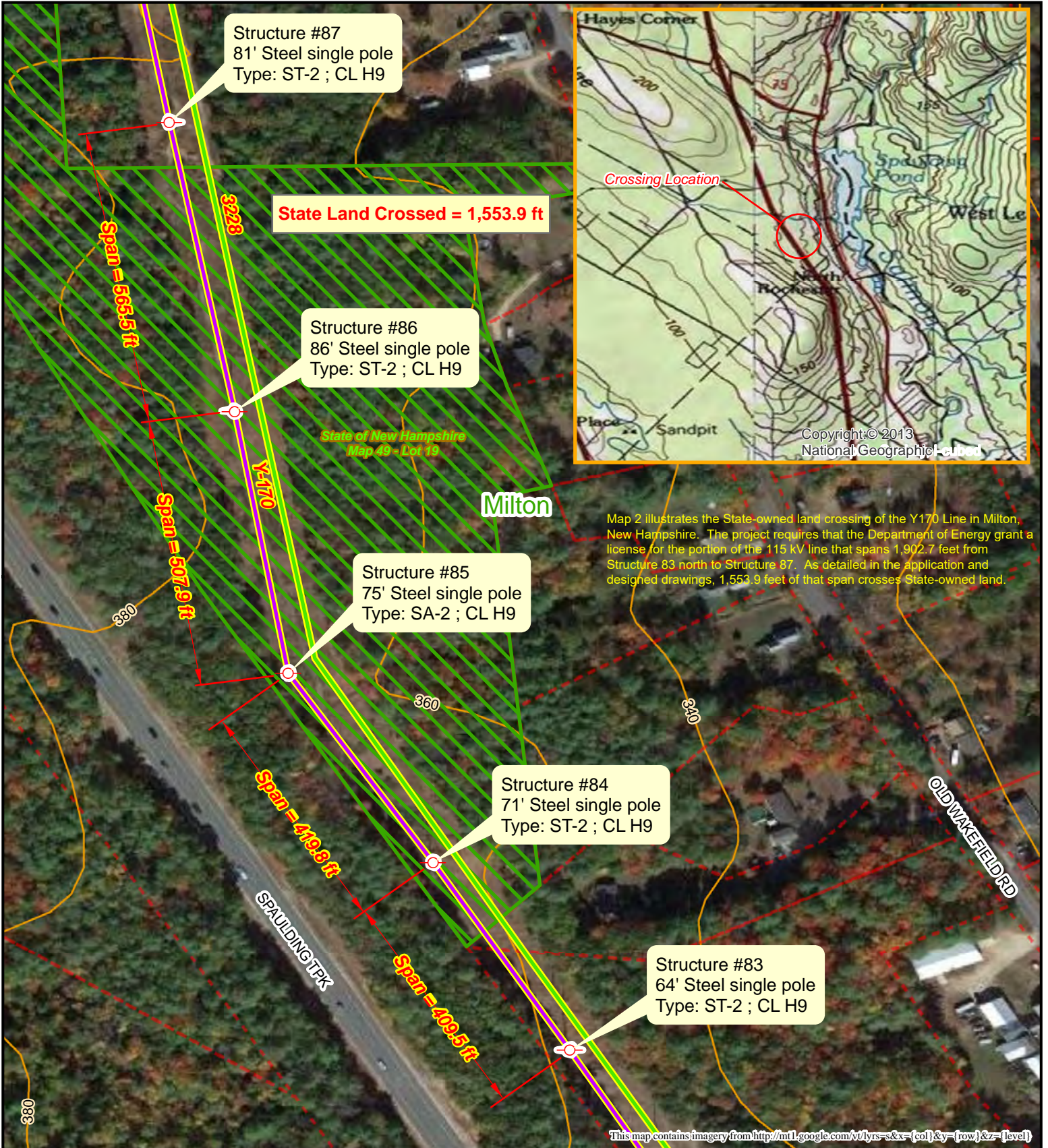
Flood Hazard Zones	
	Regulatory Floodway
	1% Annual Chance Flood Hazard
	0.2% Annual Chance Flood Hazard



Prepared by:
NH Department of Energy
Enforcement Division



State Land - CRE 2023-026 Eversource Crossing - Map 2



	Utility Structure		State Land Parcel
	115 kV Line		Town Parcel
	34.5 kV Line		Elev Contour



Prepared by:
NH Department of Energy
Enforcement Division

