

STATE OF NEW HAMPSHIRE
Intra-Department Communication

Date: August 23, 2024

At (Office): NH Dept. of Energy

From: Kenneth G. Walsh *KGW*
Utility Analyst IV – Enforcement Division

Subject: **CRE 2024-008** **Eversource Energy**
Application for License to Construct and Maintain Electric Lines Over and Across
State-Owned Land and Public Waters in Franklin, New Hampshire

Staff Recommendation

To: Jared Chicoine, Commissioner, Department of Energy
Christopher Ellms, Jr., Deputy Commissioner, Department of Energy

CC: Amanda Noonan, Director of Regulatory Support Division
Paul Kasper, Director of Enforcement Division
Michael Soucy Administrator, Enforcement Division
Elizabeth Nixon, Director of Electric Regulatory Support Division

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

- 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
- Conclusions and Recommendations.

1. Application Contents and History

On August 22, 2024, Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource, ES), applied pursuant to RSA 371:17 for a license to construct and maintain the M127 Line, which is an existing three phase 115 kV line that crosses public waters and State-owned land in Franklin. The land crossing is owned by the New Hampshire Department of Transportation.

Eversource is requesting that the DOE issue a license for the purpose of proposed structure replacements and transfer of (3) existing conductors, a shield wire, and one OPGW on the M127 Line.

This proposed project is to replace (2) existing wood structures with weathered steel structures. The (3) existing transmission conductors, (1) shield wire, and (1) OPGW having the specifications detailed under the Cable Schedule, will be transferred to the replacement structures.

Common to all these noted structures, the existing conductors consist of (3) ACSR 795 36/1 kcmil conductors. The (1) OPGW wire (48F) and the (1) 7#8 Alumoweld shield wire will be vertically attached above the conductors.

The scope of this project begins at the Webster Substation in Franklin where the M127 Line crosses State-owned land, a rail trail operated by Department of Transportation known as the Northern Rail Trail then heading southwest to Structure #0.5 (steel 2-pole, 70.0 feet, Type T, Class H1) and Structure #1 (steel 3-pole, 61.0 feet, Type ADS, Class H1). The span continues southwest crossing Chance Pond Brook in the City of Franklin between Structures #1 and #2 (wood 2-pole, 47.2 feet, Type A3, Class 3).

The land crossing spans 288.6 feet between Webster Substation and Structure #1 with 136.1 feet (comprising 92.8 feet Webster S/S to Structure #0.5 + 43.3 feet Structures #0.5 to #1) crossing State-owned land in Franklin. See Enforcement Division Map 1.

The public water crossing spans 514.1 feet between Structures #1 and #2 with 220.9 feet crossing Chance Pond Brook in Franklin. See Enforcement Division Map 1.

2. New Hampshire statute referenced in application (modified by NH House Bill 1258, August 22, 2022)

RSA 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 applicable public waters and State-owned land crossings in Franklin, New Hampshire.

Eversource previously constructed and currently operates and maintains an overhead 115 kV electrical transmission line, designated as the Eversource M127 Line. The M127 Line was originally built in 1967 and runs between Webster Substation in Franklin and North Road Substation in Sunapee. The M127 Line crosses State-owned land between the Webster Substation, Structure 0.5 and Structure 1, and a public water between Structure 1 and 2, which crossings were licensed under Order # 26,389 (DE 20-014) and are the subject of this application.

Eversource states that for the current project, a New Hampshire Department of Environmental Services (NHDES) Shoreland Statutory Permit by Notification (PBN) will be required for temporary impacts to the shoreland buffer associated with the structure replacement and is covered under NHDES File No. 2023-00825. This project does not require any impacts to wetlands thus a NHDES Standard Dredge and Fill or Statutory Permit by Notification is not required.

The U.S. Army Corps of Engineers (USACOE) does not regulate the subject portion of the Chance Pond Brook as navigable waters. Therefore, no crossing permits are required from USACOE.

4. Review of land ownership at proposed pole structures

Eversource attests that the proposed structure replacements and transfer of cables will be accomplished within existing right-of-way easements, thereby mitigating impacts and concerns of property owners adjacent to the project locations. A list of abutters was provided by Eversource in addition to the application and exhibits.

5. Review of National Electrical Safety Code (NESC) requirements as described in N.H. Admin. R., Puc 306.01 (b)

The Enforcement Division reviewed the specifications related to the design and reconstruction of this crossing project as described in the application, attachments, and all supplemental support documents filed by ES and found them to be in conformance with N.H. Admin. Rule Puc 306 and applicable sections of the National Electrical Safety Code (NESC) C2-2017.

The conductor cable clearance requirements were met using the NESC based on the design conditions at 392⁰ F. for all crossings within this petition. This scenario was the governing condition, which yielded the greatest sag and lowest clearance. Staff verified the computed sags with SAG 10 commercial software using inputs as stated in the application.

Eversource will maintain and operate the clearances of the crossings at a height no less than what is required by the 2012 National Electrical Safety Code (NESC, Table 232-1) which is: 28.1' for 115 kV conductor over top of track rail in respect to the State-owned land crossing between the Webster Substation and Structure #1 (Exhibit 2), and is 18.6' for 115 kV conductor over waterbodies not suitable for sail boating or where sail boating is prohibited in respect to the crossing of Chance Pond Brook

(Exhibit 2). The actual minimum height over State-owned land and the public waterbody is depicted on the attached Exhibit 2 and exceeds the respective minimum requirement.

6. Review of public need and impact

The M127 transmission line is an integral part of Eversource's existing electric transmission system in New Hampshire. The crossing locations identified in the petition are in Franklin, New Hampshire.

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 review 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 always be maintained, 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 because of the proposed project.

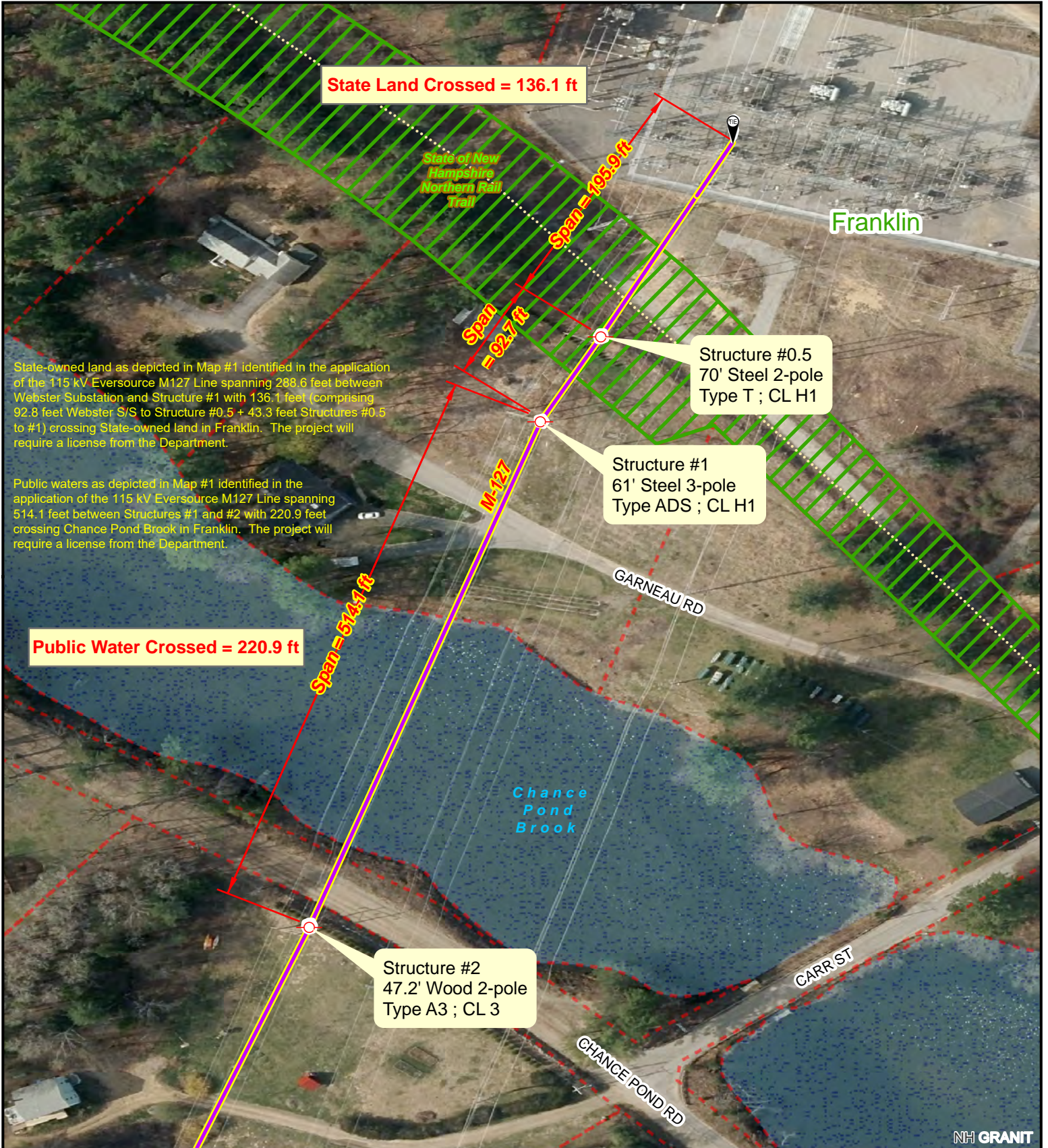
7. Enforcement Division Recommendations

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 that Eversource requests in the application may be exercised without substantially affecting public rights on public waters and State-owned land; and
2. Grant Eversource a license to construct and maintain electric lines pursuant to RSA 371:17 and N.H. Admin. R., Puc 306.01, over and across public waters and State-owned land in Franklin, New Hampshire as specified in the application.

Attachment:

Chance Pond Brook & State Land (NHDOT) CRE 2024-008 Eversource Crossing



State-owned land as depicted in Map #1 identified in the application of the 115 kV Eversource M127 Line spanning 288.6 feet between Webster Substation and Structure #1 with 136.1 feet (comprising 92.8 feet Webster S/S to Structure #0.5 + 43.3 feet Structures #0.5 to #1) crossing State-owned land in Franklin. The project will require a license from the Department.

Public waters as depicted in Map #1 identified in the application of the 115 kV Eversource M127 Line spanning 514.7 feet between Structures #1 and #2 with 220.9 feet crossing Chance Pond Brook in Franklin. The project will require a license from the Department.

	Utility Structure		State Land Parcel
	115 kV Line		Town Parcel
	Rail Trail		



Prepared by:
NH Department of Energy
Enforcement Division

0 50 100 200 300 Feet