

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 2024-009 Eversource Energy**
Application for License to Construct and Maintain Electric Lines Over and
Across State-Owned Land in Winchester, 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 21, 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 3178 Line, which is an existing three phase 34.5 kV distribution line that crosses State-owned land in Winchester. The land crossing is owned by the New Hampshire Department of Natural and Cultural Resources.

Eversource is requesting that the DOE issue a license for the purpose of proposed structure replacements and transfer of (3) existing conductors and (1) neutral conductor on the 3178 Line.

This proposed project is to replace (3) existing steel lattice structures with single pole steel structures. The (3) existing distribution conductors and (1) neutral conductor 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) 1/0 CU 7-strand bare conductors. The (1) 7 No. 6 AW neutral wire will be vertically attached above the conductors.

The scope of this project begins in Winchester where the 3178 Line crosses the State-owned land known as Pisgah State Park, in Winchester between Structures #27D and #30, which span commences within a pull off parking area located along the north side of NH Route 119, approximately 400 feet east from the Ashuelot River Reservoir Dam. The span extends approximately 1,350 east to the property boundary of Map 16, Lot 17 in the Town of Winchester.

The State-owned land span between Structures #27D and #30 comprises two areas of State-owned land, 594.5 feet and 457.6 feet, totaling 1,052.1 feet.

Replacement structure details include:

- Structure #28 – steel, 1-pole, 61.0 feet, Type DE, Class H5
- Structure #29 – steel, 1-pole, 60.4 feet, Type DE, Class H1
- Structure #30 – steel, 1-pole, 60.4 feet, Type ST, Class H1

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 State-owned land crossings in Winchester, New Hampshire.

Eversource previously constructed and currently operates and maintains an overhead 34.5 kV electrical distribution line, designated as the Eversource 3178 Line located between Depot Street Tap in Hinsdale, NH and Howard Street Tap in Winchester. Eversource states that the exact construction date of the current line is unknown, however based on easement records, an electrical line right-of-way existed at the subject location since 1912. The 3178 Line crosses State-owned land, known as Pisgah State Park, operated by Department of Natural and Cultural Resources, between Structures #27D and #30, for which no prior crossing license was identified either owing to possible oversight or because the line was constructed before the State took ownership, but which will be licensed as a result of this application.

Eversource states that a New Hampshire Department of Environmental Services (NHDES) Statutory Permit by Notification (SPN) will be required for temporary impacts associated with the structure replacements described in this application. NHDES SPN application has been submitted (NHDES SPN Application # 2023-03067) and will be obtained prior to commencement of construction within jurisdictional areas.

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 212⁰ F. for all crossings within this application. 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 states that they 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: 18.6 feet for 34.5 kV wires over other areas traversed by vehicles, such as cultivated, grazing, forest, and orchard lands, industrial sites, commercial sites, etc., in respect to the State-owned land crossing

depicted on Exhibits 2 and 3. The actual minimum height over the State-owned land crossing is depicted on the attached Exhibit 3 and exceeds the minimum requirement.

6. Review of public need and impact

The 3178 line is an integral part of Eversource’s existing electric distribution system in New Hampshire. The crossing locations identified in the petition are in Winchester, 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 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 land will be maintained during and after construction; and therefore, determines that public use and enjoyment of said 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 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 State-owned land in Winchester, New Hampshire as specified in the application.

Attachment:

State Land (DNCR) - CRE 2024-009 Eversource Crossing



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



Prepared by:
NH Department of Energy
Enforcement Division

