

STATE OF NEW HAMPSHIRE
Intra-Department Communication

Date: January 27, 2024

At (Office): NH Dept. of Energy

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

Subject: **CRE 2024-011** **Vermont Transco LLC**
Application for License to Construct and Maintain Fiber Optic Cable Over and Across
State-Owned Land and Public Waters in Hinsdale, 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
Michael Soucy, Director of 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 En 300.
- Review of public need and public impact, including applicability of other State regulations; and
- Conclusions and Recommendations.

1. Application Contents and History

On October 22, 2024, Vermont Transco LLC, applied pursuant to RSA 371:17 for a license to construct and maintain a fiber optic cable that will run along with Green Mountain Power's (GMP) L25 Line, which is an existing 115 kV line that crosses public waters and State-owned land in Hinsdale. The land crossing is owned by the New Hampshire Department of Natural and Cultural Resources.

On October 31, 2024, Vermont Transco LLC, resubmitted this application due to errors and clarifications as identified and as required by Department of Energy (DOE) Enforcement staff.

On November 18, 2024, Vermont Transco LLC, resubmitted this application due to errors and clarifications as identified and as required by Department of Energy (DOE) Enforcement staff.

On December 12, 2024, Vermont Transco LLC, resubmitted this application due to errors and clarifications as identified and as required by Department of Energy (DOE) Enforcement staff.

On January 24, 2025, Vermont Transco LLC, resubmitted application supporting documentation and clarifications as identified and as required by Department of Energy (DOE) Enforcement staff.

Vermont Transco LLC is requesting that the DOE issue a license for the purpose of the proposed installation of a fiber optic communications cable as well as the removal of an existing fiber optic communications cable on the L25 Line.

This proposed project is to install (1) new All-Dielectric Self-Supporting (ADSS) 144 communications fiber optic cable, which will be attached vertically below the existing power conductors, as well as removing (1) existing fiber optic cable that is also attached vertically below the power conductors. The new fiber optic cable specifications detailed under the Cable Schedule will be installed onto the existing structures.

The scope of this project begins in Brattleboro, VT. at Structure #81, where the L25 Line traverses east, crossing the Connecticut River and State-owned land to Structure #80 in Hinsdale, NH. The L25 Line then continues east, crossing State-owned land to Structure #79, which is east of NH Route 119 (Brattleboro Rd.).

In Brattleboro, Vt., from the Riverside Drive L25 Line crossing, head approximately 283 feet southeast to Structure #81. The L25 Line then spans 772 feet east, crossing the Connecticut River into Hinsdale, NH., to Structure #80.

In Hinsdale, NH., from the intersection of Old Brattleboro Road and Brattleboro Road (Route 119), head approximately 1,637 feet north to where the L25 Line crosses Brattleboro Road and then approximately 150 feet west to Structure #80. The L25 Line then spans approximately 416 feet east, crossing State-owned land to Structure #79.

The public water crossing between Structures #81 and #80 spans 772.0 feet, with 614.0 feet over the Connecticut River and 55 feet of State-owned land in Hinsdale.

The State-owned land span between Structures #80 and #79 spans 416.0 feet, with 126.0 feet crossing State-owned land in Hinsdale.

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 water and State-owned land crossings in Hinsdale, New Hampshire.

The L25 Line was originally built in the early 1930s and runs between GMP’s Vernon Road Substation in Brattleboro, Vermont, and a tap structure located in Hinsdale, New Hampshire. The public land and water crossing that is the subject of this application was licensed in 1967 in New Hampshire Public Utilities Commission (“PUC”) Order #8639 (D-E4539). An existing fiber optic cable runs below the L25 line along the span that pertains to this application. This fiber crossing was licensed in 2001 in PUC Order #23,810 (DE 01-170). The State-owned land is operated by the Department of Natural and Cultural Resources, from the border of the east edge of the Connecticut River and eastward between Structures #80 and #79.

Vermont Transco LLC states that the U.S. Army Corps of Engineers (“USACE”) regulates the Connecticut River as navigable waters. The scope of work discussed in this application at the subject crossing location has been authorized by the USACE (File Number: NAE-2024-01835) under the USACE General Permit #6 of the Vermont and New Hampshire General Permits.

Vermont Transco LLC states that the project does not require any permits from the New Hampshire Department of Environmental Services (“NHDES”).

4. Review of land ownership at proposed pole structures

Vermont Transco LLC attests that the proposed fiber optic cable installation and the removal of an existing fiber optic cable 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 Vermont Transco LLC in addition to the application and exhibits.

5. Review of National Electrical Safety Code (NESC) requirements as described in N.H. Admin. R., En 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 Vermont Transco LLC and found them to be in conformance with N.H. Admin. Rule En 306 and applicable sections of the National Electrical Safety Code (NESC) C2-2023.

The fiber optic cable clearance requirements were met using the NESC Rule 250D based on the design conditions for all crossings within this application. This scenario was the governing condition, which yielded the greatest sag and lowest clearance.

VT Transco LLC will maintain and operate the clearance of the crossing at a height no less than what is required by the 2023 National Electrical Safety Code (NESC, Table 232-1), which is (a) 25.5 feet for fiber optic cable over water areas suitable for all boating including lakes, ponds, reservoirs, tidal waters, rivers, streams, and canals with an unobstructed surface area of 20to200 acres with respect to the Connecticut River crossing; (b) 15.5 feet for fiber optic cable over other land traversed by vehicles, such as cultivated and grazing land, forests, orchards, industrial sites, and commercial sites, regarding the State-owned land crossing between Structure 80 and the Connecticut River; and (c) 23.5 feet for fiber optic cable over track rails with respect to the State-owned land crossing between Structures 80 and 79. The actual minimum height over the State-owned land and Connecticut River exceeds the minimum NESC requirements, as depicted on Sheets 2 and 3 of Exhibit 1.

6. Review of public need and impact

The L25 line is an integral part of Vermont Transco LLC's existing electric bulk transmission system and distribution system in Vermont as well as serving some areas in New Hampshire along with interconnection to New England's regional power grid. The crossing locations identified in the petition are in Hinsdale, 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 the safety of the public and the preservation of perpetual access and use of public waters and State-owned land in New Hampshire.

Vermont Transco LLC declares that the license, if granted, may be exercised without substantially affecting the use or enjoyment of State-owned land and public waters, 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 and public waters will be maintained during and after construction and, therefore, determines that public use and enjoyment of said land and public waters will not be diminished in any respect because of the proposed project.

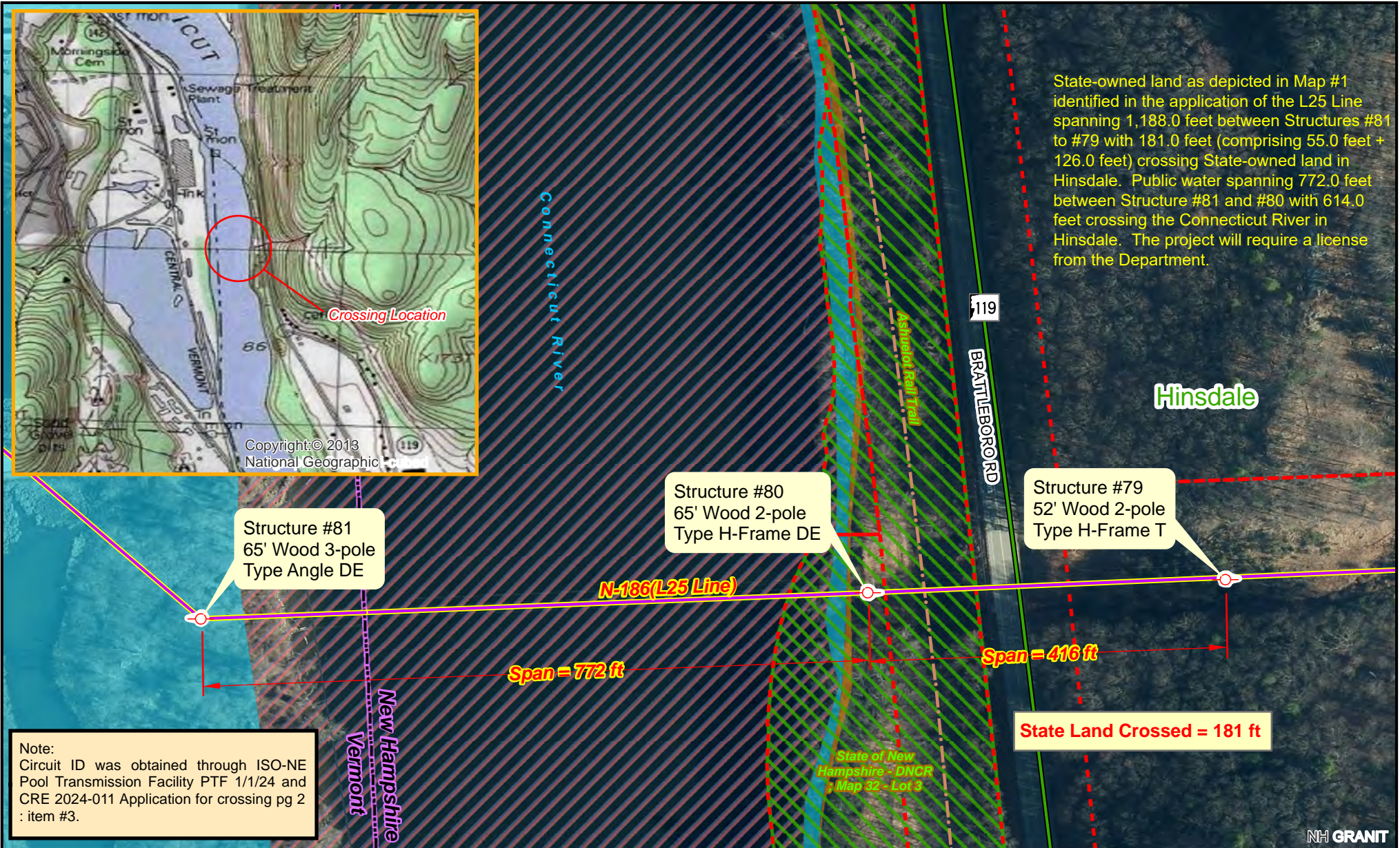
7. Enforcement Division Recommendations

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 Vermont Transco LLC requests in the application may be exercised without substantially affecting public rights on State-owned land and public waters; and
2. Grant Vermont Transco LLC a license to construct and maintain fiber optic cables pursuant to RSA 371:17 and N.H. Admin. R., En 306.01, over and across State-owned land and public waters in Hinsdale, New Hampshire as specified in the application.

Attachment:

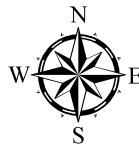
Connecticut River & State Land (DNCR) - CRE 2024-011 VT Transco Crossing



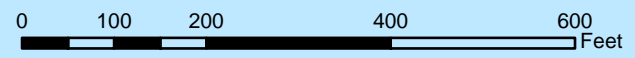
| | | | |
|--|-------------------|--|-------------------|
| | Utility Structure | | Town Parcel |
| | 115 kV Line | | State Land Parcel |

Flood Hazard Zones

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



Prepared by:
NH Department of Energy
Enforcement Division



NH GRANIT