

STATE OF NEW HAMPSHIRE

Intra-Department Communication

DATE: April 29, 2022

AT (OFFICE): NH Dept. of Energy

FROM: Michael Soucy MRS
Utility Analyst IV – Division of Enforcement

SUBJECT: CRE 2022-013 Eversource Energy
Petition for License to Construct and Maintain Electric Lines Over and Across
State Owned Land and Public Water in Winchester, New Hampshire

Division of Enforcement, **Safety Bureau 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

The Division of Enforcement's review of the above petition consisted of the following elements:

- Petition contents, replacement petition contents, and history;
- Applicable State statute;
- 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. Petition contents and history

On April 26, 2022, Public Service New Hampshire d/b/a Eversource Energy (Eversource, or ES) filed a petition for a license pursuant to RSA 371:17 which was originally submitted April 21, 2022, to construct and maintain the Eversource 379 Line, an existing 345kV transmission line that crosses State-owned land and public water Winchester, New Hampshire.

In order to meet the requirements for reasonable service to the public, Eversource has previously constructed and currently operates and maintains an overhead 345 kV electrical transmission

line, designated as the Eversource 379 Line, originally constructed in 1970, over and across public waters and State-owned land in Winchester, New Hampshire.

As part of its ongoing asset condition inspection program, Eversource determined that an original wood structure at the Ashuelot River crossing, Structure 531, needs to be replaced promptly to continue to function safely and reliably. This structure will be replaced with a weathering steel equivalent that will be located within 10' of the original structure location. Structure 532, the other structure at the subject public water crossing span on the west side of the Ashuelot River, which functions as the easterly structure supporting the subject State-owned land span, together with Structure 533 at the westerly side of said State-owned land span, were replaced from wood to weathering steel in 2018 and were not licensed owing to an apparent oversight. This petition seeks to license the two crossing spans between Structures 531, 532 and 533.

The 379 Line's existing three phase conductors, single OPGW wire, and single static wire between Structures 531 to 533, whose specifications were identified on Exhibit 2 submitted by ES, will be unchanged. The conductors on the replacement of Structures 532 and 533 in 2018 were not changed, in the course of relocation to the replacement steel structures.

The location of the State-owned land and public water crossing, which is the subject of this petition, is depicted on the Overview Map, attached hereto, and a more detailed location description is as follows:

Exhibit 2 – The 379 Line crosses the Ashuelot River in the Town of Winchester between Structures 531 and 532, which span commences approximately 1,700 feet west from where the 379 Line crosses NH Route 10 (Keene Road) in Winchester. Said point is approximately 2,800 feet north from the intersection of NH Route 10 (Keene Road) and Mechanic Street. The crossing continues west approximately 135 feet to the west bank of the Ashuelot River, which is approximately 170 feet east from where the 379 Line crosses Old Westport Road in Winchester. Said point being approximately 2,600 feet north from the intersection of Old Westport Road and Old Spofford Road in Winchester.

The 379 Line crosses State-owned land encompassing a portion of the Ashuelot Rail Trail in the town of Winchester between Structures 532 and 533 commencing approximately 9 feet east of Structure 532. Said point is approximately 125 feet west of where the 379 Line crosses Old Westport Road in Winchester. Said point is approximately 2,600 feet north from the intersection of Old Westport Road and Old Spofford Road in Winchester. The span continues west approximately 76 feet, where it ends approximately 1,300 feet east from where the 379 Line crosses Old Spofford Road at approximately 2,400 feet north from the intersection of Old Spofford Road and Old Westport Road in Winchester.

The location of structures 531 through 533 creates a total span of 1,218.4 feet, with a span of 135.6 feet over and across public water and a span of 76 feet over State-owned land.

The following table provides the summary of this petition with all crossings to include structure numbers, types, spans, ES design criteria, and NESC compliance:

Department of Energy Safety Bureau Summary Table

Eversource 379 Line - State Public Land Crossing Details						
Structure	Type	Span (Pole to Pole)	Distance (feet)	Minimum NESC Table 232-1 Clearance (ft.)	ES Vertical Design Clearance (ft.)	Complies with NESC Table 232-1 (Y/N)
531	Steel Class H3, Type A	531-532	501.6	23	68	Y
532	Steel Class H3, Type SAE-HF					
533	Steel Class H3, Type SAE-HF	532-533	716.8	32.8	70.4	Y

2. New Hampshire statute referenced in petition

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, it shall petition 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 petition the department of energy for a license in the same manner prescribed for a public utility.

371:17 Licenses for New Poles (2021, 91:260, eff. July 1, 2021)

3. Review of existing license(s) and permissions previously granted by the PUC for these locations over public water and State-owned land in Winchester.

The public water crossing at the Ashuelot River that is included in this petition was previously licensed in 1970 under DE- 5812 (Order No. 9,885). The state-owned land crossing over the Ashuelot Rail Trail, was licensed through the prior owner, Boston and Maine Corporation, but has not been previously licensed by the State of New Hampshire owing to the State taking ownership of the property after the line was originally built.

There is an additional ADSS cable attached to Structure 532 that is run with the adjacent to the A152 Line which was licensed under Order No. 26,403, (DE 19-157) on September 11, 2020.

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 the structure replacement and will be obtained prior to commencement of construction.

The U.S. Army Corps of Engineers (ACOE) does not regulate the Ashuelot River as navigable waters and therefore a permit from the ACOE is not required.

4. Review of land ownership of proposed pole structures

Eversource specifies that the new poles and conductors to be licensed pursuant to this petition, will be located across State-owned land and public water in Winchester, New Hampshire. 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 Safety Bureau reviewed the specifications related to the design and re-construction of this crossing project as described in the petition, attachments, and all supplemental support documents and corrections filed by Eversource 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 379 Line is an integral part of Eversource's existing electric transmission system in New Hampshire. The crossing location identified in the petition is in the town of Winchester, New Hampshire. The Company asserts in its petition that the existing crossings will be exercised without substantially affecting public rights in the identified State-owned land and public water.

The Safety Bureau verified that minimum safe line clearances above the State-owned land and public water will be maintained at all times and determined that public use and enjoyment of the State-owned land will not be diminished in any material respect as a result of the proposed overhead line crossings. Additionally, a guard structure will be utilized when wires are being transferred from the old structure to the new, to limit the possibilities of the wire falling into the river or on the State-owned land to protect the general public.

7. Safety Bureau Recommendation:

Based on the results of its review of the petition, attachments, and all other supporting documents, the Safety Bureau recommends that the Department:

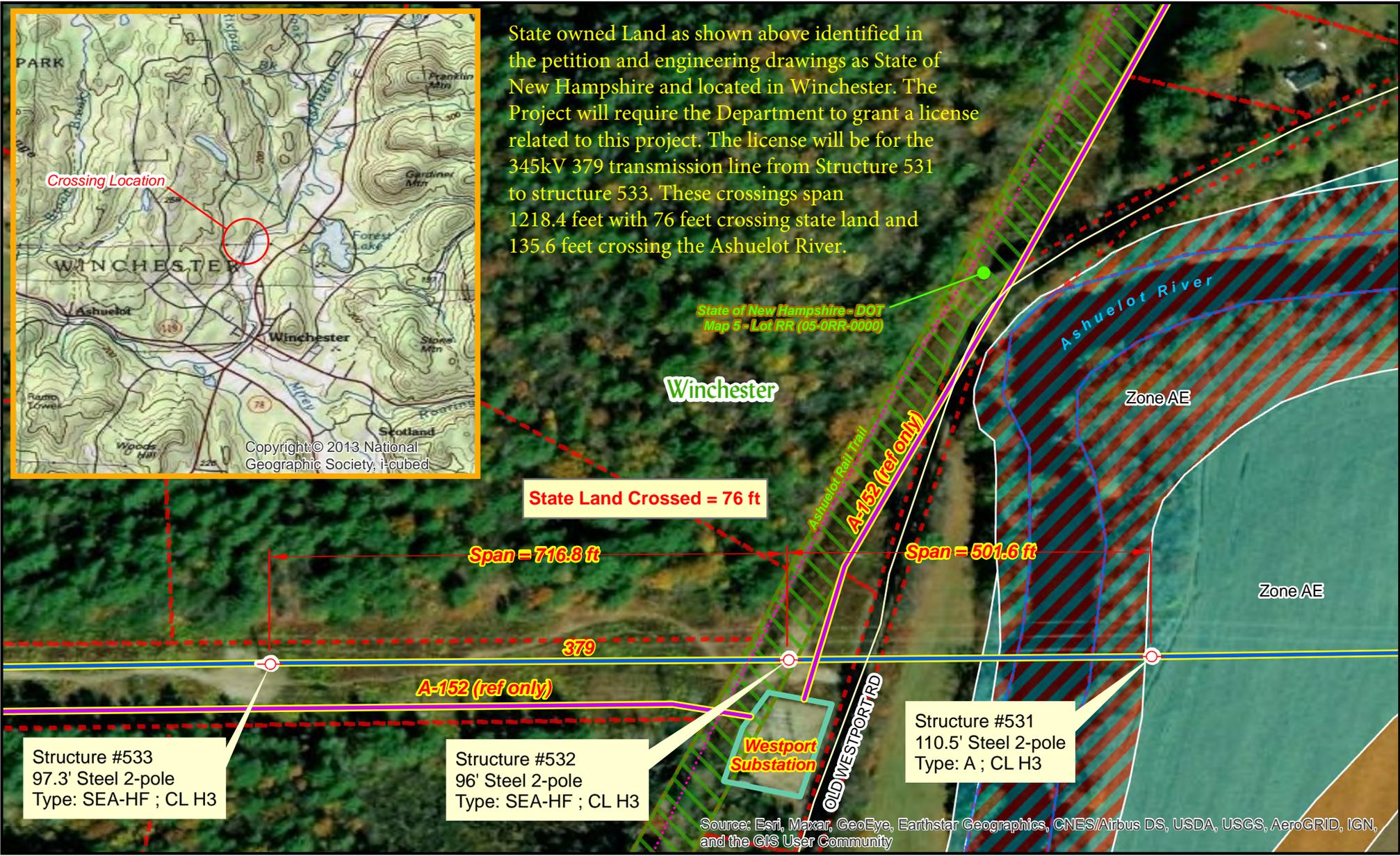
- 1) Find that the license Eversource requests in this docket may be exercised without substantially affecting the public rights in State-owned land and public water; and
- 2) Grant Eversource a license to construct, install, operate, and maintain electric lines and communication cables pursuant to RSA 371:17 and Puc 306.01, over and across State-owned land and public water in the Town of Winchester, New Hampshire as specified in the petition.

Attachments:

State Land (NHDOT) & Ashuelot River - CRE 2022-013 Eversource Crossing



State owned Land as shown above identified in the petition and engineering drawings as State of New Hampshire and located in Winchester. The Project will require the Department to grant a license related to this project. The license will be for the 345kV 379 transmission line from Structure 531 to structure 533. These crossings span 1218.4 feet with 76 feet crossing state land and 135.6 feet crossing the Ashuelot River.



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

	Utility Structure		State Land Parcel	Flood Hazard Zones	
	Rail Trail		Town Parcel		Regulatory Floodway
	345 kV Line				1% Annual Chance Flood Hazard
	115 kV Line				0.2% Annual Chance Flood Hazard



<p>Prepared by: NH Department of Energy Enforcement Division Safety Bureau</p>	<p>0 100 200 400 600 Feet</p>
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