

STATE OF NEW HAMPSHIRE DEPARTMENT OF ENERGY

**PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
D/B/A EVERSOURCE ENERGY**

LICENSE NO. CRE 2022-009

April 18, 2022

**License to Construct and Maintain Electric Lines
Over and Across State Owned Land
and Public Waters in Concord, Bow and Pembroke**

This license is granted to Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource) to modify and maintain its M108 Line, an existing electric transmission line that extends over and across land owned by the State of New Hampshire and public waters in Concord, Bow and Pembroke.

The M108 Line was originally constructed in 1951 as the V-182 and rebuilt in 2007, and later redesignated the M108, over and across public waters and State-owned land in Concord, Bow, and Pembroke, New Hampshire. The public water crossing at the Merrimack River that is included in this petition was previously licensed in 2007 under DE 08-064 (Order No. 24,859). The State-owned land that is also included in this petition was not previously licensed.

I. BACKGROUND

On March 23, 2022,¹ Eversource filed a petition with the N.H. Department of Energy (Department), pursuant to RSA 371:17, requesting a license to modify, reconstruct and maintain its M108 Line, a 115 kV electric transmission line that extends over and across State-owned land and public waters in Concord, Bow and Pembroke. On March 28, 2022, the

¹ The Company filed a replacement petition on March 28, 2022.

Department's Enforcement Division Staff filed a recommendation that the petition be approved, and a license granted, based on the petition filings, applicable statutes, rules, NESC requirements, and land ownership, as well as public need, safety, and impact. The petition and subsequent docket filings are posted to the Department's website (energy.nh.gov) at [Utility Crossings Over State Lands and Public Waters | NH Department of Energy](#).

II. SUMMARY OF LICENSE

A. Crossing Locations and Construction

This license pertains to Eversource's M108 Line, a 115 kV electric transmission line that extends over and across land owned by the New Hampshire Department of Transportation (NHDOT) in Concord, Bow and Pembroke, and public waters of the Merrimack River in Concord, Bow and Pembroke.

Eversource determined that certain existing wood structures at the Merrimack River crossing and State-owned land crossing spans that are the subject of the petition, Structures 3, 25, 26 and 28, need to be replaced promptly to continue to function safely and reliably. Those structures will be replaced with weathering steel equivalents that will be located within 10 feet of the original structure location. The State-owned land includes structures spanning from Structure 25 to 32, but this petition only seeks to license work on the State-owned land within a subset of those structures from Structure 25 to 29, to accommodate the need for prompt replacement of Structures 25, 26 and 28 owing to asset condition. The entirety of the M108 Line will be rebuilt in 2023 and the State-owned land span will be licensed at that time. The replacement of Structures 25, 26 and 28 petitioned for herein will be incorporated into the rebuild design. The M108's existing conductor specifications identified on Exhibit 2 and 3 submitted by ES, will be unchanged in the course of relocation to the replacement steel structures.

The M108 Line crosses the Merrimack River in Bow and Concord between Structures 2 and 3, which span commences near the end of Garvins Falls Road in the Town of Bow, approximately 265 feet south of where Garvins Falls Road crosses the existing Pan Am railroad and extending east approximately 532 feet to the east bank of the Merrimack River, to Structure 3. That easterly end of the span is approximately 1,500 feet west from where the M108 Line crosses Garvins Falls Road, which is approximately 1.65 miles southeast from the intersection of Garvins Falls Road and Manchester Street (State Route 3).

The M108 Line crosses a State-owned land parcel associated with NH National Guard Facility in the Town of Pembroke between new Structures 25 and 29, which span starts approximately 3,500 feet northeast from where the M108 Line crosses Pembroke Road (State Route 3), which is approximately 1,300 feet northwest from the intersection of Pembroke Street (State Route 3) and Sheep Davis Road (State Route 106). The portion of that State-owned land parcel encompassing the structure replacements petitioned for herein, between Structure 25 to Structure 29, extends approximately 1,920 feet north to the interior of the State-owned parcel. The balance of the State-owned land span from Structure 29 to Structure 32 extends north approximately 1341.5 feet to the State-owned land boundary, which coincides with the southern bank of the Soucook River, which is approximately 2,100 feet south from where the M108 Line crosses Chenell Drive, which is approximately 750 feet west from the intersection of Chenell Drive and Sheep Davis Road (State Route 106).

The length of span between Structures 2 and 3 is 818.2 feet and the length of span over and across public water is 532.7 feet. The length of span between Structures 25 and 29 is 2,184.7 feet and the length of span over and across State-owned land is 1,920.6 feet.

B. Regulatory Requirements

Eversource is responsible for obtaining any and all other federal, state, or local permits required by authorities having jurisdiction for the construction and installation of the proposed crossing. According to the petition, Eversource stated that it will obtain a New Hampshire Department of Environmental Services (NHDES) Statutory Permit Notification (SPN) for temporary impacts to wetlands associated with the construction and installation of new of structures prior to the commencement of construction.

C. Property Rights

According to Eversource, abutters to the NHDOT land in Concord, Bow and Pembroke and the Merrimack River in Concord, Bow and Pembroke will not be affected by the proposed project, because the crossing structures are being replaced and rebuilt within existing right-of-way easements.

According to the petition, the U.S. Army Corps of Engineers (ACOE) does regulate the subject portion of the Merrimack River as navigable waters and scope of work discussed in the petition at that crossing location is covered through Self-Verification process under the ACOE New Hampshire Programmatic General Permit #4, provided that there will be no decrease in existing clearances, which is the case for the scope petitioned herein.

D. Service to the Public and the Effect on Public Rights

According to the petition, the existing crossings were constructed, operated, and maintained to meet the reasonable requirements of service to the public. Eversource affirmed that the proposed modifications will continue to meet that public need and will not substantially affect the public's use and enjoyment of the State land parcel or the public waters of the Merrimack River in Concord, Bow and Pembroke.

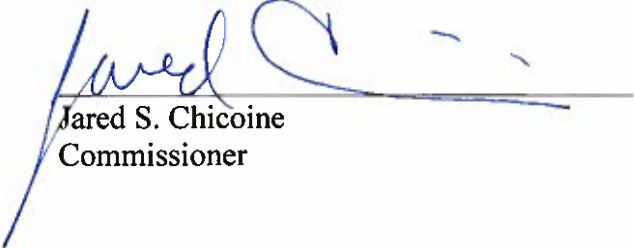
The line modifications are designed and will be constructed and maintained in accordance with the 2012 National Electrical Safety Code (NESC). The clearance requirement with respect to the water crossing was calculated using a 100-year flood level, which is a more conservative analysis than the NESC 10-year flood clearance requirement.

III. DEPARTMENT DECISION

Eversource is authorized, pursuant to RSA 371:17, *et seq.*, to construct, install, operate, and maintain electric lines over and across State land and the public waters of the Merrimack River in Concord, Bow and Pembroke, as described in its petition and depicted in its filings and as specified in the Enforcement Division's recommendation. Based on the factual representations set forth in the petition and the recommendation, the Department finds that the requested crossing amendments are necessary to meet the reasonable requirements of reliable service to the public, as required by RSA 371:17, and that the requested license may be exercised without substantially affecting public rights in the subject land and public waters at the crossing locations in Concord, Bow and Pembroke, as required for approval under RSA 371:20. Therefore, the petition is approved.

We require a copy of this license to be provided to the City Clerk of Concord and the Town Clerks of Bow and Pembroke by first class mail no later than April 21, 2022 with a signed affidavit of compliance filed with the Department no later than 10 days following the issuance of the license.

By order of the Department of Energy of New Hampshire this 18th day of April, 2022.



Jared S. Chicoine
Commissioner