

**THE STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION**

**PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
d/b/a EVERSOURCE ENERGY**

DOCKET No. DE 21-085

**PETITION OF PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE D/B/A
EVERSOURCE ENERGY FOR LICENSE TO CONSTRUCT AND MAINTAIN
ELECTRIC LINES OVER AND ACROSS STATE OWNED LAND IN
NORTHUMBERLAND AND PUBLIC WATERS IN LANCASTER, NEW HAMPSHIRE**

Pursuant to RSA 371:17, Public Service Company of New Hampshire d/b/a Eversource Energy (“Eversource” or “the Company”), a public utility engaged in the transmission, distribution and sale of electricity in the State of New Hampshire, hereby petitions the Public Utilities Commission (“Commission”), for a new license to construct and maintain electric lines over and across State owned land in Northumberland and public waters in Lancaster, New Hampshire. In support of this petition Eversource states as follows:

1. In order to meet the requirements for reasonable service to the public, Eversource has previously constructed and currently operates and maintains an overhead 115 kV electrical transmission line, designated as the Eversource D142 Line, originally constructed in 1948, over and across State owned land in Northumberland and public waters of Otter Brook and the Israel River in Lancaster, New Hampshire. The State owned lands and public waters crossing spans that are the subject of this petition have not been previously licensed.

2. The proposed project for the D142 encompasses a full line rebuild. All 27 original wood structures at the State owned land crossing span will be replaced with weathering steel equivalents and one of the original wood structures (existing Str. 339) will be eliminated entirely. The replacement structures will be renumbered, as detailed under the Structure Table enclosed herewith as Exhibit 21. The project also includes replacement and renumbering of the four structures supporting the two public waters crossing spans, as detailed under the Structure Table. The

proposed project also encompasses reconductoring the three existing conductors, as detailed under the Cable Schedule on Exhibits 2 through 20 hereto. Additionally, both pole top mounted shield wires will be replaced with two OPGW communication cables as specified in the said Cable Schedules. Changes to structure location proposed to minimize impacts to wetlands for this project and future maintenance are detailed under the enclosed Structure Table at Exhibit 21. Also detailed in Exhibit 21 are proposed changes in structure heights required to meet current safety and reliability clearance requirements for the replacement cables and new structure locations and also to address uplift considerations specific to the surrounding terrain.

3. The two public water crossing and one State owned land crossing spans that are subject of this petition are depicted on Exhibit 1 as a high-level perspective of the locations. Additional site location descriptions of the span locations are as follows.

Exhibit 2 through 18 – The D142 Line crosses State of New Hampshire’s Cape Horn State Forest property in the town of Northumberland between the new structures 23 to 49 (existing structures 325 to 352). The southern end of the state property crossing is located between new structure 48 and 49 (existing structures 351 and 352), approximately 590.9 feet south from where the D142 line crosses Page Hill Road, which is approximately 0.6 miles west from the intersection of Page Hill Road and Lost Nation Road. From the southern most boundary, the line runs north over state land approximately 12,682.8 feet within the right-of-way where it ends at the property boundary of Northumberland Map 231, Lot 1.

Exhibit 20 and 21 – The D142 Line crosses Otter Brook between new structures 91 to 92 (existing structures 396 to 397), and Israel River between new structures 93 and 94 (existing structures 398 to 399) in the Town of Lancaster. The line crosses Otter Brook approximately 570 feet south from where the D142 Line crosses North Road, which is approximately 0.44 miles from the intersection of North Road and Grange Road. The D142 Line crosses the Israel river an additional 1,100 feet to the south where the line crosses Otter Brook

4. Wire specifications and loading condition to establish maximum sag for the crossing span that is the subject of this petition are as indicated on the Structure Detail and Profile Views of Exhibits 2 through 20.

5. The location of structures and max sag conditions creates the following crossing span:

I. State Owned Land: Northumberland (Exhibits 2 to 18)

- i. Renumbered Structures: Str. 23 to 49
- ii. Structure Span (ft): 13,125.2
- iii. State Owned Land Span (ft): 12,683.3'

II. Otter Brook: Lancaster (Exhibit 19)

- i. Renumbered Structures: 91 to 92
- ii. Structure Span (ft): 440.5'
- iii. Public Waters Span (ft): 71.7'

III. Israel River: Lancaster (Exhibit 20)

- i. Renumbered Structures: 93 to 94
- ii. Structure Span (ft): 516.5'
- iii. Public Waters Span (ft): 166.7'

6. All conductors and wires have been drawn on Exhibits 2 through 20 to show the minimum clearance at maximum sag conditions in reference to the State owned land and public water crossings.

7. Eversource will maintain and operate the clearances of the crossing at a height no less than what is required by the 2012 National Electrical Safety Code (NESC, Table 232-1), which is 20.1' for other areas traversed by vehicles, such as cultivated, grazing, forest and orchard lands, industrial sites, commercial sites, etc., and is 18.6' for 115 kV over water areas not suitable for sail boating in respect to the two public water crossing spans. The actual minimum height over the State owned land and public waters is depicted on the attached Exhibit 2 through 20 and exceeds the minimum requirement.

8. A 100-year flood elevation level was established based upon consultation of FEMA flood hazard layer firmette with a date of January 16, 2020.

9. The line rebuild project on the D142 will require a New Hampshire Department of Environmental Services (NHDES) Standard Dredge and Fill in Wetland permit for temporary and permanent impacts to wetlands associated with the construction and installation of new poles, including those that are the subject of this petition in Lancaster and Northumberland. Also, a Shoreland Permit by Notification (PBN) for temporary impacts within the shoreland buffer of Otter Brook and the Israel River in Lancaster. Said SPN's and PBN's will be obtained prior to commencement of construction. No other environmental permitting is required.

10. The U.S. Army Corps of Engineers (ACOE) does not regulate the subject portions of the Otter Brook and Israel River in Lancaster as navigable waters. As a result, a crossing permit from the ACOE is not required.

11. It was not anticipated that abutters on either side of the public water crossing spans or State owned lands that are the subject of this petition would be affected by the proposed scope of this project as the D142 is an existing line and the project will be accomplished within existing ROW easements¹.

12. Eversource submits that the license petitioned for herein may be exercised without substantially affecting the rights of the public in the State owned lands and public waters. Minimum safe clearances above the State owned land and public water surface will be maintained at all times. As such, the use and enjoyment by the public of the State owned land and public waters will not be diminished in any material respect as a result of the proposed structure replacements and wire installation.

WHEREFORE, Eversource respectfully requests that the Commission:

¹ The underlying easement to PSNH for Map 234, Lot 017 and Map 247, Lot 007, owned by the State of New Hampshire through the Department of Natural and Cultural Resources, contains evidence of scrivener's error wherein the references to the lots burdened does not match the metes and bounds description, notwithstanding the apparent intent of the common grantor to provide an uninterrupted utility ROW through his land which now includes the subject area of Cape Horn State Forest. Accordingly, Exhibits 7-17 do not reference an underlying easement for those two lots. However, the scope of work that is the subject of this petition should proceed under the statutory authority of RSA 371:17 which allows a utility to be granted a license to construct poles and wires "over, under or across any of the land owned by this state", without additionally requiring an easement from the State over portions of those two lots.

1. Find that the new license petitioned for herein may be exercised without substantially affecting the public rights in the State owned lands and public waters which are the subject of this petition;
2. Grant Eversource a license to construct and maintain electric lines over and across the State owned land and public waters as identified and described in this petition;
3. Issue an order *Nisi* and orders for its publication.

Dated at Manchester, New Hampshire this day of April, 2021.

Respectfully submitted,
PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
D/B/A EVERSOURCE ENERGY
By Its Attorney



Erik R. Newman, Senior Counsel, Legal
780 North Commercial Street
Manchester, NH 03101
(603) 634-2459