

STATE OF NEW HAMPSHIRE

Inter-Department Communication

DATE: April 16, 2020

AT (OFFICE): NHPUC

FROM: Paul Kasper PGK
Assistant Director – Safety Division

SUBJECT: Docket No. DE 19-172 Public Service New Hampshire d/b/a Eversource Energy
Petition for a License to Construct and Maintain Electric Lines Over and across Otter Brook, North Branch River, an Unnamed Outflow Stream of Island Pond and the Ashuelot River in the City Of Keene and Towns of Stoddard and Sullivan, New Hampshire
Staff Recommendation

TO: Debra Howland, Executive Director
Thomas Frantz, Director, Electric Division
Richard Chagnon, Assistant Director, Electric Division
Lynn Fabrizio, Senior Staff Attorney

CC: Randall Knepper, Director, Safety Division

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

- Petition contents and history;
- Applicable State Statute;
- Review of the existing crossing(s) not licensed by the PUC;
- 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 October 15, 2019, Public Service New Hampshire d/b/a Eversource Energy (ES), filed a petition pursuant to RSA 371:17 for a license to re-construct, maintain and operate the Eversource L163 line, which is a 115 kV transmission line. This is a project to modify or rebuild (8) eight structures on its existing L163 transmission line. No conductors, shield wire, Fiber Optic Wire or neutral wire will be replaced in the project. All wires shall be transferred from existing structures to new structures replaced at the same locations. The existing Ashuelot River crossing in the City of

Keene had been previously licensed by the Commission, under Order No. 21,817, dated September 6, 1995.

The existing water crossings over and across the North Branch River, Unnamed outflow stream of Island Pond and Otter Brook public waters were not previously licensed. The existing L163 line structures and associated transmission components are approximately 65 years old, have been subject to environmental damage and require replacement for the line to continue to function safely and reliably. This structure replacement and repair project is part of a capital reliability project - necessary for the L163 line to continue to meet current as well as future projected electricity demands. See a detailed NHPUC Safety Division map/schematic in the Attachments A, B, C, and D of this recommendation.

In their petition Eversource states that between 2015 and 2017, Eversource completed (2) two structure replacements, (Str. 49 and 132) along the existing L163 Transmission Line impacting the Otter Brook and the Unnamed outflow stream of Island Pond spans, and that a petition was not submitted prior to this work being completed, and as such, will be licensed under this petition.

In ES Exhibit #2 Structure # 30 will be constructed with 3-70 ft.(OAL) CL H1 LD steel poles The structure will have conductors for the 115 kv L163 transmission line consisting of (3) 336.4 kcmil ACSR 26/7 cables and (3) #6 Copperweld stranding neutral wires. The fiber optic cable will be (1) ADSS-72 Fiber and will be vertically attached 10 ft below the conductors. The fiber optic cable clearance requirements were met using the NESC heavy conditions (0.5 inch radial ice) and at 32 deg F. This scenario was the governing condition, which yielded the greatest sag and lowest clearance. In its petition, ES provides sufficient detail to show how the required clearance from the fiber optic cable to the water surface will be maintained at (47.3 feet). Staff verified the computed sags with SAG 10 commercial software using inputs as stated in the petition. Only 18.6 ft. is required by the NESC Table 232-1.

Structure # 31 will be constructed with 2-70 ft.(OAL) CL H1 LD steel poles The structure has conductors for the 115 kv L163 transmission line consisting of (3) 336.4 kcmil ACSR 26/7 cables and (3) #6 Copperweld stranding neutral wires. The fiber optic cable will be (1) ADSS-72 Fiber and will be vertically attached 10 ft below the conductors. The span between str# 30 and str# 31 is 353 ft.

The water clearances are taken from the projected 100 year flood levels. This is more conservative than the 10 year flood levels allowed by the NESC (note 12 to Table 232-i). ES uses floodwater elevations for the North Branch River in the Town of Stoddard that are identified on FEMA flood map #33011C0180E. The 100-year flood elevation for the river in this location is approximately 1212 feet, and is based on the North American Vertical Datum of 1988 (NAVD88). The Safety Division verified the 1212-foot flood level from the FEMA flood map.

In ES Exhibit #3 Structure # 48 will be constructed with 2-65 ft. (OAL) CL H1 LD steel poles The structure will have conductors for the 115 kv L163 transmission line consisting of (3) 336.4 kcmil ACSR 26/7 cables and (3) #6 Copperweld stranding neutral wires. The fiber optic cable will be (1) ADSS-72 Fiber and will be vertically attached 10 ft below the conductors. The fiber optic cable clearance requirements were met using the NESC heavy conditions (0.5 inch radial ice) and at 32 deg F. This scenario was the governing condition, which yielded the greatest sag and lowest clearance. In its petition, ES provides sufficient detail to show how the required clearance from the fiber optic cable to the water surface will be maintained at (45.2 feet). Staff verified the computed sags with SAG 10 commercial software using inputs as stated in the petition. Only 18.6 ft. is required by the NESC Table 232-1.

Structure # 49 was constructed with 3-55 ft. (OAL) CL H1 LD steel poles The structure has conductors for the 115 kv L163 transmission line consisting of (3) 336.4 kcmil ACSR 26/7 cables and (3) #6 Copperweld stranding neutral wires. The fiber optic cable is (1) ADSS-72 Fiber and is vertically attached 10 ft below the conductors. The span between str# 48 and str# 49 is 608 ft.

The water clearances are taken from the projected 100 year flood levels. This is more conservative than the 10 year flood levels allowed by the NESC (note 12 to Table 232-i). ES uses floodwater elevations for the Unnamed outflow stream of Island Pond in the Town of Stoddard that are identified on FEMA flood map #33011C0180E. The 100-year flood elevation for the Unnamed outflow stream in this location is approximately 1270 feet, and is based on the North American Vertical Datum of 1988 (NAVD88). The Safety Division verified the 1270-foot flood level from the FEMA flood map.

In ES Exhibit #4 Structure # 132 was constructed with 3-60 ft. (OAL) CL H1 LD steel poles The structure has conductors for the 115 kv L163 transmission line consisting of (3) 336.4 kcmil ACSR 26/7 cables and (3) #6 Copperweld stranding neutral wires. The fiber optic cable is (1) ADSS-72 Fiber and is vertically attached 10 ft below the conductors. The fiber optic cable clearance requirements were met using the NESC heavy conditions (0.5 inch radial ice) and at 32 deg F. This scenario was the governing condition, which yielded the greatest sag and lowest clearance. In its petition, ES provides sufficient detail to show how the required clearance from the fiber optic cable to the water surface will be maintained at (19.4 feet). Staff verified the computed sags with SAG 10 commercial software using inputs as stated in the petition. Only 18.6 ft. is required by the NESC Table 232-1.

Structure # 133 will be constructed with 3-60 ft. (OAL), CL H1 LD steel poles The structures have conductors for the 115 kv L163 transmission line consisting of (3) 336.4 kcmil ACSR 26/7 cables and (3) #6 Copperweld stranding neutral wires. The fiber optic cable will be (1) ADSS-72 Fiber and will be vertically attached 10 ft below the conductors. The span between str# 132 and str# 133 is 621 ft.

The water clearances are taken from the projected 100 year flood levels. This is more conservative than the 10 year flood levels allowed by the NESC (note 12 to Table 232-i). ES uses floodwater elevations for Otter Brook in the Town of Sullivan that are identified on FEMA flood map #33005C0165E. The 100-year flood elevation for the river in this location is approximately 1004 feet, and is based on the North American Vertical Datum of 1988 (NAVD88). The Safety Division verified the 1004-foot flood level from the FEMA flood map.

In ES Exhibit #5 Structure # 207 will be constructed with 3-60 ft. (OAL) CL H1 LD steel poles. The structure will have conductors for the 115 kv L163 transmission line consisting of (3) 336.4 kcmil ACSR 26/7 cables and (3) #6 Copperweld stranding neutral wires. The fiber optic cable will be (1) ADSS-72 Fiber and will be vertically attached 10 ft below the conductors. The fiber optic cable clearance requirements were met using the NESC heavy conditions (0.5 inch radial ice) and at 32 deg F. This scenario was the governing condition, which yielded the greatest sag and lowest clearance. In its petition, ES provides sufficient detail to show how the required clearance from the fiber optic cable to the water surface will be maintained at (26.1 feet). Staff verified the computed sags with SAG 10 commercial software using inputs as stated in the petition. Only 18.6 ft. is required by the NESC Table 232-1.

Structure # 208 will be constructed with 3-60 ft. (OAL), CL H1 LD steel poles. The structures have conductors for the 115 kv L163 transmission line consisting of (3) 336.4 kcmil ACSR 26/7 cables and (3) #6 Copperweld stranding neutral wires. The fiber optic cable will be (1) ADSS-72 Fiber and will be vertically attached 10 ft below the conductors. The span between str# 207 and str# 208 is 446 ft.

The water clearances are taken from the projected 100 year flood levels. This is more conservative than the 10 year flood levels allowed by the NESC (note 12 to Table 232-i). ES uses floodwater elevations for the Ashuelot River in the City of Keene that are identified on FEMA flood map #33005C0267E. The 100-year flood elevation for the river in this location is approximately 478.2 feet, and is based on the North American Vertical Datum of 1988 (NAVD88). The Safety Division verified the 478.2-foot flood level from the FEMA flood map.

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 commission 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 commission may prescribe. Every corporation and individual desiring to cross any public water or land for any purpose herein defined shall petition the commission for a license in the same manner prescribed for a public utility.

Source. 1921, 82:1. PL 244:8. RL 294:16. 1951, 203:48 par.17. 1953, 52:1, eff. March 30, 1953. 2013, 82:1, eff. June 19, 2013.

3. Review of existing license(s) and permissions previously granted by the PUC for this location of the Merrimack River

This public water crossing license application for the North Branch River, Otter Brook, and Unnamed outflow stream of Island Pond is part of the reliability replacement project on the L163 (115 kV) Transmission Line for ES and had not been previously licensed by the Commission.

The North Branch River, Outflow of Robb Reservoir in Stoddard is listed under the category “Public Rivers And Streams” in the Official List of Public Waters (OLPW). under the category “List of freshwater Public Rivers and Streams. The entire list of public waters can be accessed through the following web link:

The Otter Brook, Outflow of Chandler Meadow in Sullivan is listed under the category “Public Rivers And Streams” in the Official List of Public Waters (OLPW). under the category “List of freshwater Public Rivers and Streams. The entire list of public waters can be accessed through the following web link:

The Unnamed outflow stream, Outflow of Island Pond in Stoddard is listed under the category “Public Rivers And Streams” in the Official List of Public Waters (OLPW). under the category “List of freshwater Public Rivers and Streams. The entire list of public waters can be accessed through the following web link:

<http://des.nh.gov/organization/commissioner/pip/publications/wd/documents/olpw.pdf>

A New Hampshire Department of Environmental Services (NHDES) Shoreland Permit by Notification application is required for construction activities in the vicinity of the North Branch River and Ashuelot River. The permit by notification approved by NHDES for the Town of Stoddard is (#2020-602) and for the City of Keene is (#2020-563). No SPN was required for the proposed work in the Town of Sullivan

The U.S. Army Corps of Engineers (ACOE) does not regulate the subject portions of the Steels Pond or North Branch River as navigable waters and does not require a crossing permit from ACOE.

ES asserts in the petition that the existing crossing will be exercised without substantially affecting the rights of the public in the public waters of the Ashuelot River, Otter Brook, Unnamed outflow stream of Island Pond, or North Branch River. Minimum safe line clearances above the river, brook and stream surfaces and affected shorelines

will be maintained at all times. The use and enjoyment of the river, brook and stream by the public will not be diminished in any material respect as a result of the overhead line crossings.

Review of NESC code requirements as described in Puc 300

N.H. Code of Administrative Rules Puc 306 requires:

each utility shall construct, install, operate and maintain its plant, structures and equipment and lines, as follows:

In accordance with good utility practice;

After weighing all factors, including potential delay, cost and safety issues, in such a manner to best accommodate the public; and

To prevent interference with other underground and above ground facilities, including facilities furnishing communications, gas, water, sewer or steam service.

For purposes of this section, “good utility practice” means in accordance with the standards established by:

The National Electrical Safety Code C2-2012....

ES states that the current crossings have been designed and will be re-constructed, maintained and operated in accordance with 2012 National Electrical Safety Code C2-2012.

Safety Division Staff reviewed the specifications related to the design and re-construction of this crossing project as provided in the petition, the attachments, and all supplemental support documents, and found them to be in conformance with the applicable sections of NESC code C2-2012 and Puc 300.

Review of public need and public impact

In order to meet the reasonable requirements of electric service to the public, ES proposes to re-construct and maintain a three-phase 115 kV transmission line, designated as the L163 line and a fiber optic cable over and across the Ashuelot River, Otter Brook, Unnamed outflow stream of Island Pond, or North Branch River in the Towns of Stoddard and Sullivan and the City of Keene, New Hampshire. This transmission line is an integral part of ES’s electric transmission system in this area.

ES asserts in the petition that the proposed licenses for these crossings may be exercised without substantially affecting the rights of the public in the public waters of

the Ashuelot River, North Branch River, Otter Brook and Unnamed outflow stream of Island Pond. Minimum safe line clearances above the river and pond surfaces and affected shorelines will be maintained at all times. The use and of which is the subject of this petition. Minimum safe line clearances above the public waters will be maintained at all times. The use and enjoyment by the public of these public waters will not be diminished in any material respect as a result of the modification and replacement of the existing overhead line crossings.

This project does not require use and occupancy agreements be in place prior to construction of these crossings from the New Hampshire Department of Transportation.

Safety Division Staff concludes the impact to the public will be de minimis and not measurable. The crossings do not appear to affect the rights of the public on the public waters because minimum safe line clearances above the water surface will be maintained at all times.

Staff Recommendation:

Based on the results of its review of the petition, its attachments, and all other supporting documents filed to this docket, the Safety Division Staff recommends that the Commission:

- 1) Find that the licenses ES requests in this docket may be exercised without substantially affecting the public rights in the public waters of the North Branch River, Otter Brook, Unnamed outflow stream of Island Pond and the Ashuelot River in the City of Keene and Towns of Stoddard and Sullivan which are the subject of the petition;
- 2) Grant ES a license to construct, operate and maintain electric lines, including neutral and fiber optic cable over and across the public waters of the North Branch River, Otter Brook, Unnamed outflow stream of Island Pond and the Ashuelot River in the City of Keene and Towns of Stoddard and Sullivan as specified in this petition; and
- 3) Issue an Order Nisi and orders for its publication.

Staff Attachments

Attachment A

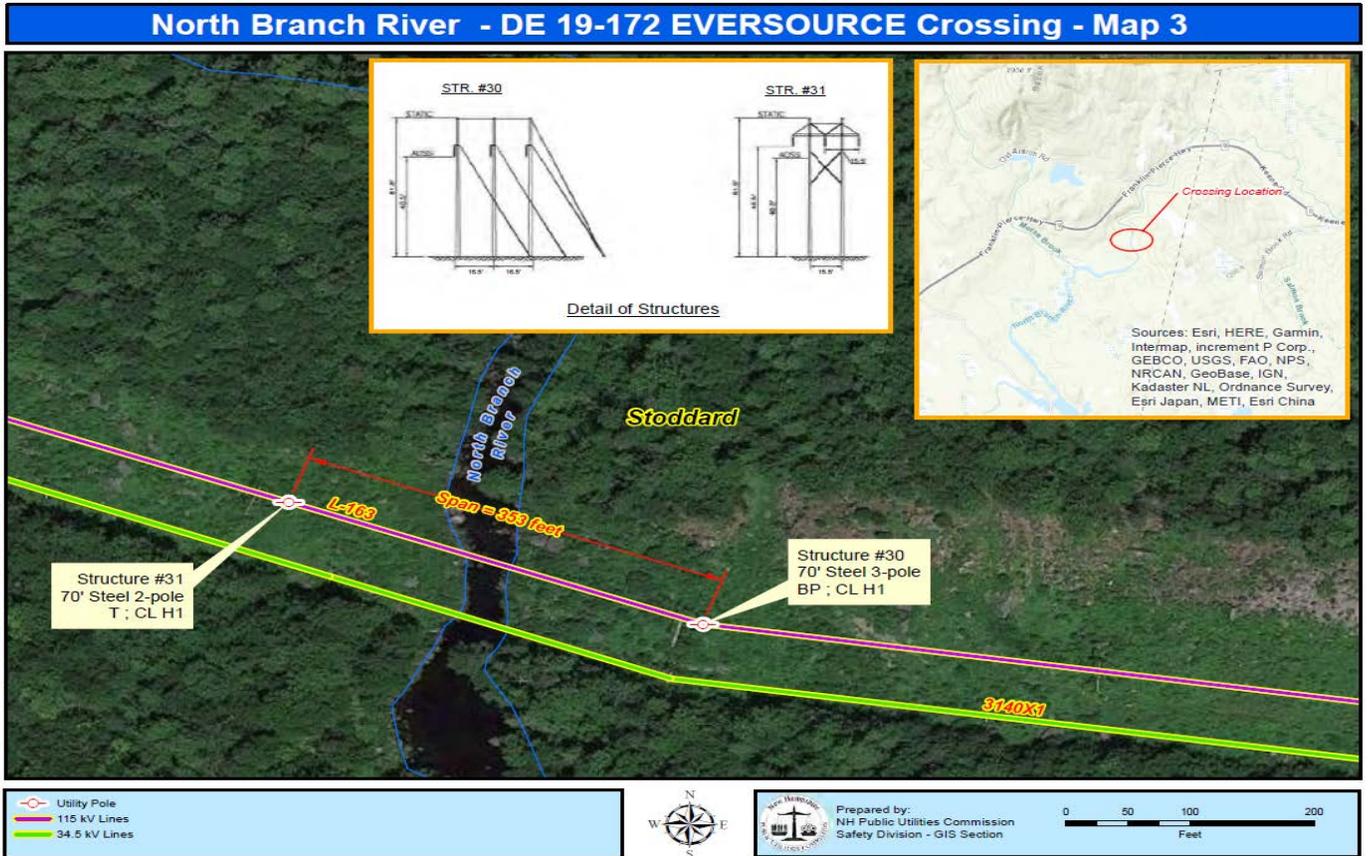


Figure 1: 115kV line, designated as the L163 Transmission Line, is a span of approximately 353 feet between structures # 30 and # 31 across the North Branch River in the Town of Stoddard, NH.

Attachment B

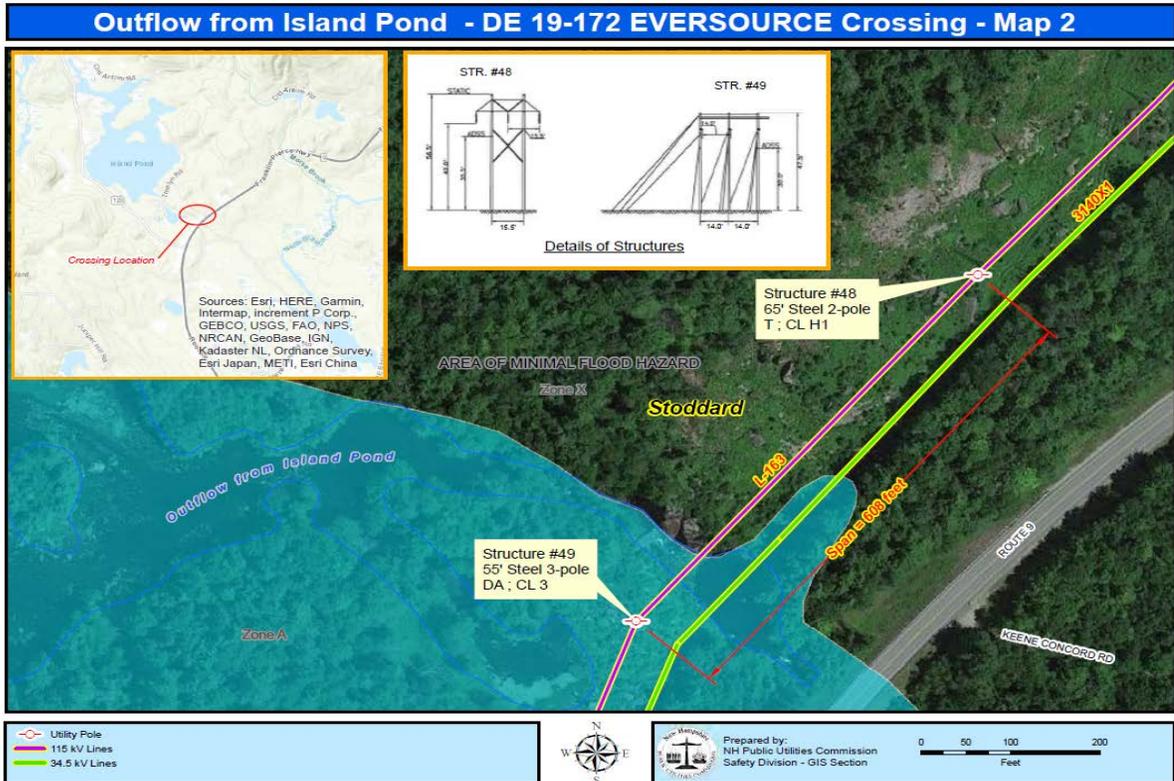


Figure 1: 115kV line, designated as the L163 Transmission Line, is a span of approximately 608 feet between structures # 48 and # 49, across the Outflow from Island Pond in the Town of Stoddard.

Attachment C

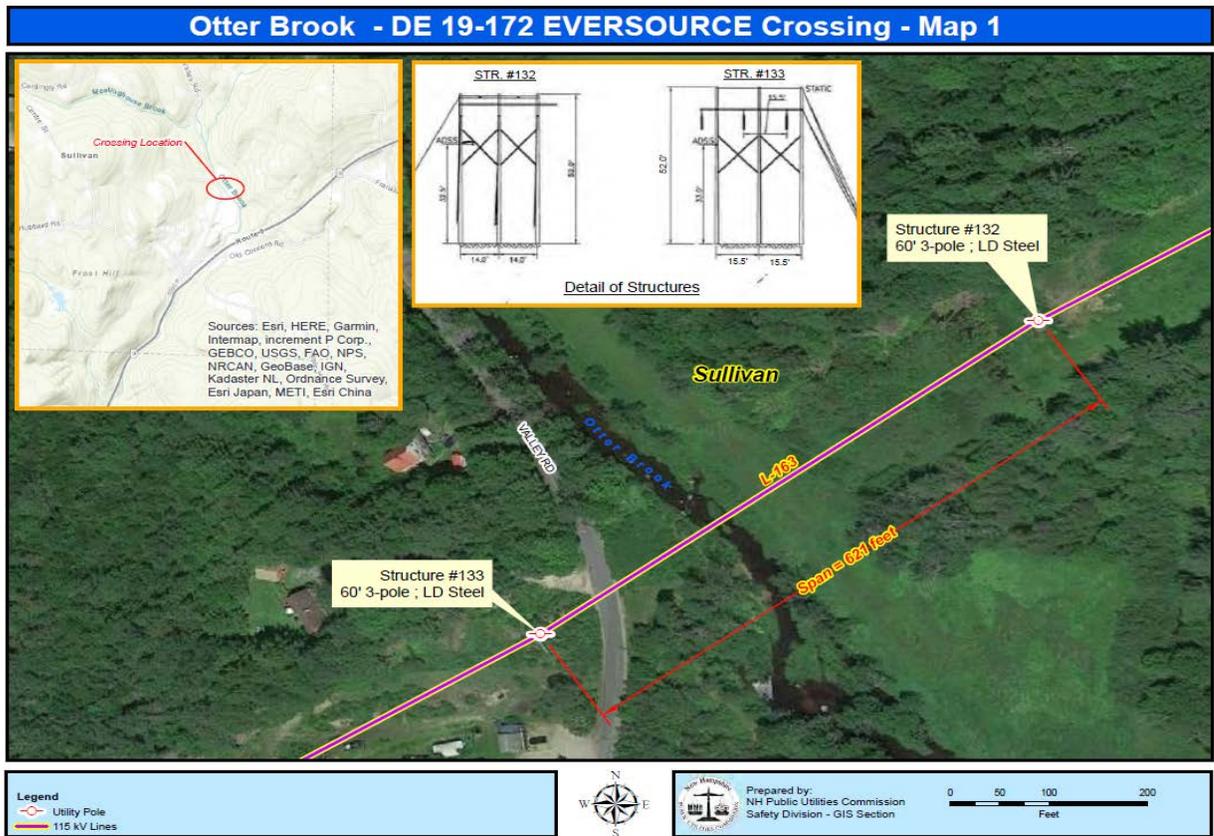


Figure 1: 115kV line, designated as the L163 Transmission Line, is a span of approximately 621 feet between structures # 132 and # 133, across Otter Brook in the Town of Sullivan, NH.

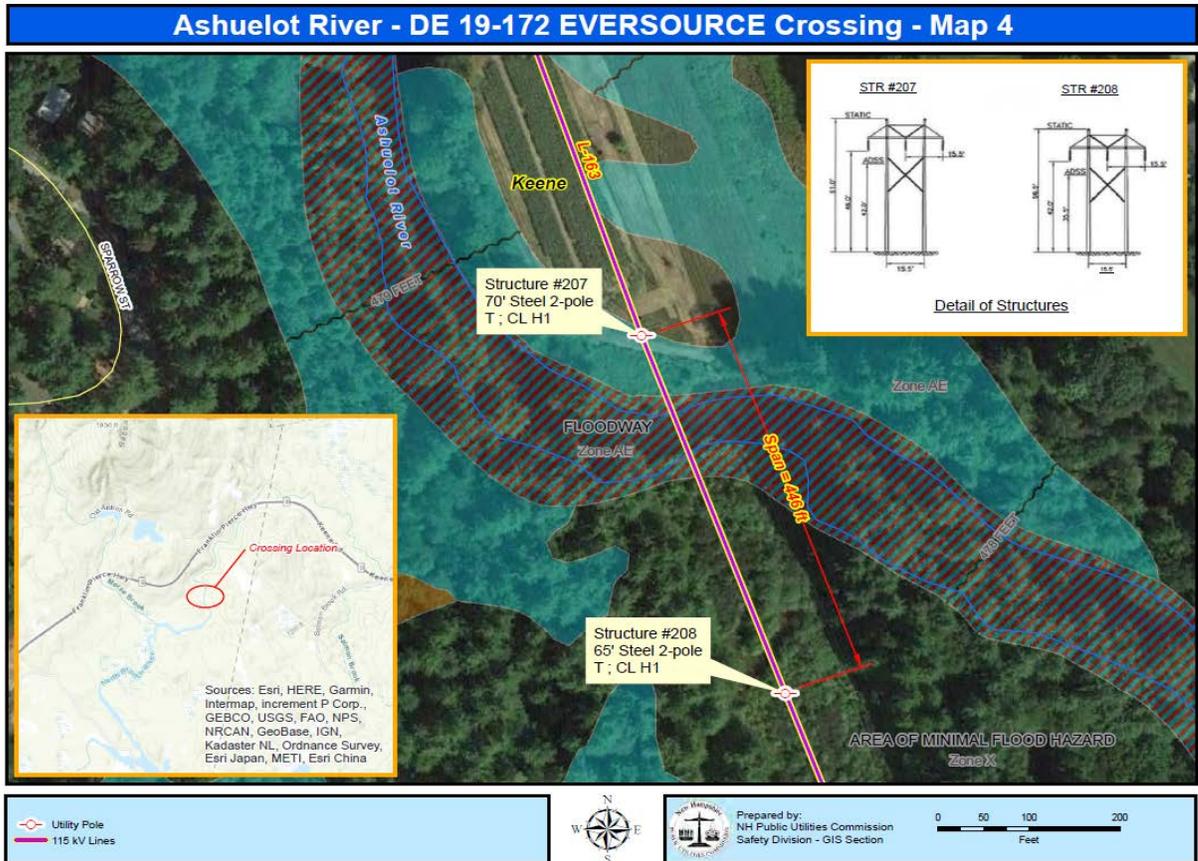


Figure 1: 115kV line, designated as the L163 Transmission Line, is a span of approximately 446 feet between structures # 207 and # 208, across the Ashuelot River in the City of Keene, NH.

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