

BEFORE THE NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

Docket No. DE 24-087

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

Petition for Exemption from Town of Bethlehem Zoning
Ordinance, Art. II, Part D, under RSA 674:30, III

**EVERSOURCE MOTION FOR SUMMARY
RESOLUTION OF PROCEEDING**

NOW COMES Public Service Company of New Hampshire d/b/a Eversource Energy (“Eversource” or the “Company”), pursuant to Puc 203.07(b), and moves the New Hampshire Public Utilities Commission (“Commission”) to cancel the remainder of the procedural schedule in this proceeding and approve by order *nisi* the Company’s request for an exemption under RSA 674:30, III from the Town of Bethlehem (“Town”) zoning ordinance height restriction in connection with the replacement of five support structures for the U199 transmission line located in the Town. Neither the Town nor the Office of the Consumer Advocate (“OCA”) filed testimony or a position statement by the applicable deadline of June 6, 2025, and the Department of Energy (“DOE”) filed a position statement based on supporting testimony recommending approval of the Company’s exemption request. Accordingly, there is no contested issue among the parties in the docket that requires further adjudication, and the Commission may summarily resolve this proceeding through issuance of an order *nisi*. In support of this Motion, Eversource states as follows:

Following issuance of the Commission’s Order No. 28,108 (March 3, 2025) limiting the scope of inquiry in this proceeding under RSA 674:30, II, and its procedural order dated April 14, 2025 approving amendment of the Company’s petition to exclude the X178 from further consideration in this docket in the near term, the scope of this proceeding is limited to review of the proposed replacement of five U199 transmission line structures located in the Town.

Pursuant to the procedural schedule approved by the Commission in the April 14

procedural order, parties were to file testimony or position statements indicating their objections to, or other positions on, the proposed replacement of the five U199 transmission line structures in the Town by June 6, 2025. Neither the Town nor the OCA filed testimony or a position statement by the applicable deadline and the DOE filed a position statement recommending approval of the Company's exemption request for the U199 transmission line structures in the Town (DOE adopted the recommendation of its consultant, Joseph J. DeVirgilio, Jr., as set forth in his pre-filed testimony submitted on that same date).

Accordingly, there was no reason for the Company to file rebuttal testimony by the specified deadline of July 11, 2025, nor should there be any need to hold a hearing in this matter, as currently scheduled for August 12, 2025. Under Puc 203.07(b)(10), any party may make a motion for decision by order *nisi*, stating the "specific reasons why a hearing is not necessary in the proceeding." Puc 203.17 provides that the Commission "shall elect to issue a final order with a delayed effective date referred to as an order *nisi*," if it is "permitted under New Hampshire law" and the Commission "determines that the record is sufficient to support a commission decision without further process."

In this case, although a public hearing would be required under RSA 674:30, III, there is no contested issue among the parties and the record is fully sufficient to support a Commission order *nisi* approving the Company's request for an exemption from the Town zoning ordinance height restriction for replacement of the five U199 transmission line structures in Bethlehem without a hearing or any other further process in this docket.

Eversource has conferred with the other parties to this docket and the DOE and the OCA have indicated they do not object to this Motion. The Town has stated it "agrees with this motion provided it includes language which limits the increase in the height of the poles to that which was represented to the town in Eversource's original application." The Company confirms that it will not construct or install transmission structures for the U199 line in the Town

of Bethlehem that are taller than as was described in the filings it submitted in this proceeding.

Based on the foregoing, the Company respectfully moves the Commission to (1) cancel the remainder of the procedural schedule in this proceeding, (2) approve by order *nisi* the Company's request for an exemption under RSA 674:30, III of an exemption from the Town's zoning ordinance height restriction in connection with the replacement of five support structures for the U199 transmission line located in Bethlehem, and (3) grant such other and further relief as may be just and equitable under the circumstances.

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

Dated: July 22, 2025

By: /s/ **David K. Wiesner**
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CERTIFICATE OF SERVICE

I hereby certify that, on the date written below, I caused the attached to be served pursuant to N.H. Code Admin. Rule Puc 203.11.

July 22, 2025

/s/ **David K. Wiesner**
David K. Wiesner