

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7156

Petition of UPC Vermont Wind, LLC, for a Certificate of)
Public Good, pursuant to 30 V.S.A. § 248, authorizing the)
construction and operation of a 52 MW wind electric)
generation facility, consisting of 26 wind turbines, and)
associated transmission and interconnection facilities, in)
Sheffield and Sutton, Vermont)

Order entered: 4/2/2014

ORDER RE MOTION TO INTERVENE

On February 6, 2014, Steve and Luann Therrien (the "Therriens"), filed a letter with the Public Service Board ("Board") requesting to intervene in this docket.

On February 21, 2014, Vermont Wind, LLC ("Vermont Wind") filed a letter in response to the Therriens' motion to intervene.

On February 27, 2014, the Department of Public Service ("Department") filed a letter with the Board in response to the Therriens' motion to intervene.

Discussion

The Therriens' motion requests intervenor status by right pursuant to Board Rule 2.209(A)(3). The Therriens acknowledge that they are seeking intervention "after the CPG was issued" for the wind generation facility.¹ However, they argue that they have a substantial interest in the proceeding that has been adversely affected by the facility, and that their interests are not adequately represented by other parties to the proceeding. The Therriens maintain that intervention "will formalize their role in Board proceedings," allow them to better protect their interests, and stay informed about the facility.²

Vermont Wind argues that the Board should deny the Therriens' motion "[g]iven that the Board issued its final order approving the Project over six years ago and there are no pending

1. Therriens' Motion to Intervene at 1.

2. *Id.* at 2.

compliance filings, there are no ongoing proceedings in this matter."³ Consequently, Vermont Wind maintains that "there is no basis for new parties to intervene" in the docket.⁴

The Department does not offer a specific recommendation regarding the Therriens' motion to intervene as of right pursuant to Board Rule 2.209(A). However, the Department "questions what practical benefit intervention may provide to the Therriens at this time" given that the outcome of the proceeding has already been determined.⁵ The Department argues that the motion "does not identify any potential issues" to be affected by the proceeding.⁶ The Department suggests that the Therriens may wish to seek "interested party" status in order to receive documents and reports submitted in the proceeding.⁷

On April 13, 2006, the Board issued a scheduling Order in this proceeding. The deadline for motions to intervene set in the Order was May 9, 2006. On August 8, 2007, the Board issued an Order approving construction and operation of the facility. The Order was subsequently appealed to the Vermont Supreme Court, and affirmed by the Court in an order issued on February 6, 2009. There are currently no outstanding compliance filings in this docket, and we, therefore, consider the docket closed. The Therriens' motion assumes that there is an open docket to intervene in, but that is not the case. The Therriens have demonstrated no grounds for reopening this docket, and thus there is no proceeding underway in which intervention can be sought or granted. However, should potential issues arise with respect to the continued operation of the facility, and should the Board determine that investigation of these issues is warranted, the Board will open a new docket for that purpose. At that time, the Therriens, and any other persons, will have an opportunity to request intervenor status in any such proceeding.

3. Vermont Wind Response at 1.

4. *Id.*

5. Department Response at 1.

6. *Id.* at 2.

7. In using the term "interested party", we believe the Department may have meant to refer to the procedural status of an "interested person," who is entitled to receive a copy of all Board orders and hearing notices.

SO ORDERED.

Dated at Montpelier, Vermont, this 2nd day of April, 2014.

<u>s/James Volz</u>	)	
	)	PUBLIC SERVICE
	)	
<u>s/John D. Burke</u>	)	BOARD
	)	
	)	OF VERMONT
<u>s/Margaret Cheney</u>	)	

OFFICE OF THE CLERK

FILED: April 2, 2014

ATTEST: s/Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)