

## **Information about this Motion to Intervene Form**

### **What is this form?**

You can use this form to request party status in a case at the Vermont Public Utility Commission (also known as "intervening" in a case). This form is for use in any type of Commission case, including rate cases, Section 248 and 248a<sup>1</sup> cases related to siting utility infrastructure such as cell towers, solar and wind facilities, and electric transmission lines (Section 248 cases), and the review of net-metering applications. Please note that the form does not become effective until you (or your duly authorized representative) complete, sign, and file the form with the Commission, with copies to those who are entitled to receive a copy.

### **Who can use this form?**

- Anyone who has a legal right to intervene in a Commission case (also known as "intervention as of right")
- Anyone who has no legal right to intervene, but who wants to ask the Commission for permission to be a party and participate in the case (also known as "permissive intervention")

However, if you fit into one of the following categories, you can become a party in a Commission case without completing and filing this form:

- Regional and Municipal Planning Commissions (for Section 248 cases and net-metering cases)
- Municipal Legislative Bodies (for Section 248 cases and net-metering cases)
- Adjoining landowners (net-metering cases only)
- Electric utilities and certain state agencies (net-metering cases only)

If you fit into one of these categories, you can simply file a "Notice of Intervention" form, which is available at [www.puc.vermont.gov](http://www.puc.vermont.gov) or by contacting the Clerk of the Commission at [puc.clerk@vermont.gov](mailto:puc.clerk@vermont.gov).

### **When should I file this form?**

This form must be filed in a "timely manner." You can file your completed form with the Commission after the case has started. It is best to file your form as soon as you know that you want to participate in the case. Early on in almost all cases, a deadline is set by order for filing intervention requests. If you file your form after the intervention deadline, it is possible that your request will be denied because it is considered untimely under the circumstances of the case. If the intervention deadline has passed before you realize that you need or want to participate in the case, you can still file this form. Your intervention request may still be granted, provided you can show that no party objects to your late filing, or that it would not be unfair or cause undue delay to let you

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<sup>1</sup> 30 V.S.A. §§ 248 and 248a.

participate in the case.

### **What if I need more space to complete this form?**

You can attach additional sheets of paper if your responses do not fit in the fields provided on this form. If you have any questions, please contact the Clerk of the Commission at (802) 828-2358.

### **Where do I send this form?**

You must mail the original of the completed form to the Vermont Public Utility Commission at 112 State Street, Montpelier, VT 05620-2701. Copies of the completed form must be mailed to all parties in the case. You can obtain a list of names and addresses of the parties in the case by contacting the Clerk of the Commission at [puc.clerk@vermont.gov](mailto:puc.clerk@vermont.gov). Alternatively, if the case is being processed in ePUC (the Commission's online filing and case management system), you can use ePUC to both file this form and send it to the parties in the case. More information about how to file using ePUC is available at [www.puc.vermont.gov](http://www.puc.vermont.gov).

### **What happens after this form is filed?**

First, the parties in the case will be given an opportunity to respond to your intervention request. Next, your request (and any responses) will be reviewed under the standards of Commission Rule 2.209. (The text of this rule is reproduced below for your convenience). An order will then be issued that states whether your request has been granted or denied.

If your intervention request is granted, your name will be added to the list of parties in the case (also known as the "service list"). If this case is being processed using paper, you will receive paper copies of all filings in this case. If this case is being processed using ePUC, then you can choose to receive either paper or electronic copies of filings in the case. If your intervention request is denied, your name will not be added to the service list. However, you can still follow the case by receiving notices of any hearings and rulings. For more information about this option and any other questions you may have, please visit [www.puc.vermont.gov](http://www.puc.vermont.gov) or contact the Clerk of the Commission at (802) 828-2358.

### **Text of Commission Rule 2.209**

#### **2.209 Intervention**

(A) Intervention as of right. Upon timely application, a person shall be permitted to intervene in any proceeding (1) when a statute confers an unconditional right to intervene; (2) when a statute confers a conditional right to intervene and the condition or conditions are satisfied; or (3) when the applicant demonstrates a substantial interest

which may be adversely affected by the outcome of the proceeding, where the proceeding affords the exclusive means by which the applicant can protect that interest, and where the applicant's interest is not adequately represented by existing parties.

(B) Permissive intervention. Upon timely application, a person may, in the discretion of the Commission, be permitted to intervene in any proceeding when the applicant demonstrates a substantial interest which may be affected by the outcome of the proceeding. In exercising its discretion in this paragraph, the Commission shall consider (1) whether the applicant's interest will be adequately protected by other parties; (2) whether alternative means exist by which the applicant's interest can be protected; and (3) whether intervention will unduly delay the proceeding or prejudice the interests of existing parties or of the public.

(C) Conditions. Where a party has been granted intervention, the Commission may restrict such party's participation to only those issues in which the party has demonstrated an interest, may require such party to join with other parties with respect to appearance by counsel, presentation of evidence or other matters, or may otherwise limit such party's participation, all as the interests of justice and economy of adjudication require.

(D) Procedure. An application to intervene shall be by motion made in accordance with these rules. The motion shall be made within a reasonable time after the right to intervene first accrues and shall specifically state the manner in which the condition of this rule are satisfied.

## State of Vermont Public Utility Commission

### Motion to Intervene Form

Intervenor and Case Information	
<b>Case Number</b>	20-1261-NMP
<b>Name</b>	MaryFran and Joseph Charbonneau
<b>Mailing Address</b>	Street and # 374 Green Mountain Road Town Manchester Center State and Zip VT, 05255
<b>Daytime Phone</b>	(802) 379-1084
<b>E-mail Address</b>	jos.charbonneau@gmail.com
<b>Name of Legal Counsel (if any)</b>	none
<b>Mailing Address of Legal Counsel (if any)</b>	Street and # P.O. Box 456 Town Manchester Center State and Zip VT, 05255
<b>E-mail Address of Legal Counsel (if any)</b>	
The Rule 2.209 Criteria	
<p><b>Intervention as of Right</b>                      (this is uncommon, leave blank if not applicable to your situation)</p> <p>Please identify any statute, legal rule, or Commission order that you think gives you a legal right to be a party in the case. If this right is conditional, please describe how you satisfy these conditions.</p>	
<p><b>Permissive Intervention</b></p> <p>Please describe all the interests you have that you think will be adversely affected by the outcome of the case. Please be as specific as possible. Attach additional sheets if necessary.</p>	<p>My first concern would be that the site for the solar farm in a floodzone. During flooding(2011 and 2019), water levels entered our neighborhood with devastating effects. This area has been known to flood since I was a kid back in the 1970s. The waters adversely effected us with long term damage. When the solar array is constructed with its boundary fence, the water flow and sheeting will be obstructive and thus be forced into our neighborhood and my home with even more adverse effects. This project will make a bad situation worse. Secondly, I am concerned about my property value in this very residential neighborhoss. It does not fit with the area.</p>

Please state whether there are other ways to protect your interest(s) besides as a party participating in this proceeding. If there is no other way for you to protect your interests, please state this fact. Please also explain whether there is already a party in the case who has the same or similar interest(s) to be protected in the case.

The only way to protect our interest is for this field to remain open without the solar array. As bad as it the flooding frequency/magnitude has been,, we will have the field to act as an area for the water to run off and minimize the damage to our property as it has for decades.

**Certification** This section may be completed by the intervenor or a duly authorized representative.

I certify that the information provided on this form is true and accurate to the best of my knowledge.

Print Name Joseph Charbonneau

Signature \_\_\_\_\_

Date June 24, 2020

*Note: A signature is not required if this form is filed using ePUC, the Commission's online document management system, which is accessible at <http://epuc.vermont.gov>*