

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 22-2230-PET

Petition of Vermont Gas Systems, Inc., pursuant to 30 V.S.A. § 248(i), for approval of an out-of-state renewable gas purchase contract with a term exceeding five years	
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Order entered: 08/25/2022

ORDER GRANTING MOTION TO RECONSIDER ORDER DENYING MOTION TO INTERVENE

I. INTRODUCTION

This case involves a petition filed by Vermont Gas Systems, Inc. (“VGS”) with the Vermont Public Utility Commission (“Commission”) seeking approval of an out-of-state renewable gas (“RNG”) purchase contract with Archaea Energy Marketing LLC (“Archaea”) under 30 V.S.A. § 248(i) (the “Contract”). On August 17, 2022, Catherine Bock filed a motion to reconsider my August 15, 2022, Order denying her motion to intervene in this proceeding (the “Denial Order”). In this Order, I grant Ms. Bock’s motion to reconsider and approve her request for permissive intervention in this case under Commission Rule 2.209(B).

II. PROCEDURAL HISTORY

On June 13, 2022, VGS filed the Contract for review by the Commission under 30 V.S.A. § 248(i).

On July 5, 2022, the Vermont Department of Public Service (“Department”) filed a recommendation requesting that the Commission open an investigation into the Contract.

On July 29, 2022, Ms. Bock filed a motion to intervene in this case.

On August 5, 2022, VGS and the Department responded to Ms. Bock’s intervention motion. Neither VGS nor the Department objected to Ms. Bock’s request for permissive intervention under Commission Rule 2.209(B).

On August 15, 2022, I issued an order denying Ms. Bock’s motion to intervene after concluding that Ms. Bock’s stated interests in the outcome of this case are similar to those of VGS’s ratepayers generally and also because those interests will be adequately represented by an existing party to this proceeding.

On August 17, 2022, Ms. Bock filed a motion to reconsider the denial of her motion to intervene.

On August 22, 2022, VGS and the Department filed responses to Ms. Bock's motion to reconsider.

III. POSITIONS OF THE PARTIES

In support of her reconsideration motion, Ms. Bock argues that there is a distinction between the positions and information that she intends to present in this case and the issues that the Department will address. Ms. Bock appears to argue that although the Department has filed detailed discovery and information requests about the scope of potential environmental and greenhouse gas benefits from the Contract, she intends to argue that there will be no environmental benefit for VGS ratepayers as a result of the Contract. In other words, Ms. Bock argues that the Department's filings in this case to date indicate that the Department presupposes that there will be some degree of environmental benefit from the Contract, but her position is that no such benefit exists.

In its response to Ms. Bock's motion, VGS argues that the order denying Ms. Bock's intervention "contains no legal error."¹ VGS, however, maintains that it does not object to Ms. Bock's intervention in this proceeding, but "VGS has some concerns that Ms. Bock's participation as a party could delay progression of this case."²

The Department also maintains that it does not object to Ms. Bock's intervention in this case. However, in its response to Ms. Bock's motion to reconsider, the Department asserts that Ms. Bock's "motion to intervene misstates the Department's interest in this case."³ The Department further argues that it "does not assume the greenhouse reduction benefits associated with the proposed contract as stated by VGS to be true" and that it is "independently verifying VGS's assertions regarding whether the [Contract] presents a cost-effective means of reducing greenhouse gas emissions and the overall impact to ratepayers to achieve those reductions."⁴

¹ VGS's August 22, 2022, Response at 1.

² *Id.*

³ Department's August 22, 2022, Response at 1.

⁴ *Id.* at 2.

IV. DISCUSSION AND CONCLUSION

As discussed in the Denial Order, the Commission considers the following factors in reviewing a motion for permissive intervention under Commission Rule 2.209(B):

- (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.

As also discussed in the Denial Order, the Commission generally requires a showing of a "particularized interest" to obtain permissive intervention, but permissive intervention can be granted where an intervenor or intervenors can show that they are in a "position to contribute insights over the course of the proceeding that will assist [the Commission] in developing a full record."⁵

Having reviewed Ms. Bock's motion for reconsideration, the discovery requests that she served on VGS, and the Department and VGS's responses to her motion, I have determined to reconsider the Denial Order and grant Ms. Bock permissive intervention in this case. Although it appears that Ms. Bock intends to address environmental issues that the Department is evaluating, her motion to reconsider makes clear that there is a potential distinction between the position that she intends to present and the arguments that the Department may make regarding environmental benefits of the Contract. Thus, Ms. Bock's participation should assist in the development of a full and robust evidentiary record in a case that calls for the Commission to examine important policy and environmental considerations. Based on this factor, and given that both VGS and the Department maintain that they do not object to Ms. Bock's permissive intervention, I grant her motion to reconsider. Ms. Bock is therefore granted permissive intervention in this case under Commission Rule 2.209(B).

In response to VGS's concerns about potential delays to this proceeding, I remind the parties, including Ms. Bock, that 30 V.S.A. § 248(i)(3) mandates that this case be completed no later than November 8, 2022. Therefore, I am not making any adjustments to the current

⁵ *Petition of Vermont Gas Systems*, Case No. 7970, Order of 4/12/2013, at 12.

schedule in this case as a result of granting Ms. Bock's motion to reconsider. To the extent that Ms. Bock finds that she needs relief from any existing deadlines, she is requested to work with the parties to this case and file a motion to make any scheduling changes, and she should be aware that the statutory time constraints in this case will weigh against extending deadlines.

I also note that this case includes materials that have been filed as allegedly confidential. On July 7, 2022, I issued a protective order and approved a protective agreement between VGS and the Department that governs the handling and treatment of documents that have been identified as allegedly confidential by the parties. If Ms. Bock seeks access to any materials that have been identified as allegedly confidential, she will need to become a party to the protective agreement and will be bound by my protective order. In that event, to the extent that VGS or the Department contends that Ms. Bock does not need or should not have access to any materials identified as allegedly confidential in this case, they should file a motion seeking appropriate relief as soon as feasible.

SO ORDERED.

Dated at Montpelier, Vermont, this 25th day of August, 2022.



Daniel Burke, Esq.
Hearing Officer

OFFICE OF THE CLERK

Filed: August 25, 2022

Attest: Pamela Lenahan
Deputy Clerk of the Commission

Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Commission (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: puc.clerk@vermont.gov)

PUC Case No. 22-2230-PET - SERVICE LIST

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