

July 18, 2023

PUC,

Your acknowledgment letter to my earlier comment included the following language:

*The Vermont Department of Public Service, which is the state agency that represents the interests of the people of the state in matters before the Commission, has also been notified of your public comment. **You may wish to discuss your concerns directly with the Department, at 802-828-2811, psd.consumer@vermont.gov, or 112 State Street, Montpelier, VT 05620-2601.***

I contacted several representatives at DPS in an attempt to discuss my concerns and was told that DPS has no further comment other than what it has already filed.

At a minimum, a public advocate should advocate for following the clear language of the law, which is a representation of the people's will. Your suggestion to contact the DPS is misguided: while the DPS public advocacy program purports to represent the public's interest, it is clear that it does not. It is instead an extension of the public utilities, which seeks to change regulation to help their interests and skirt regulations that interfere with their interests.

The DPS has no plans to ask the PUC to follow the clear language of the act upon which BED is requesting it funds transfer, though these acts represent the people's interests. Please don't be fooled into thinking that it represents the people's interests.

Pike Porter



Burlington Steam Pipe and PUC Case # 23-1870-PET

Pike Porter <pikeporter@gmail.com>

Tue, Jul 18, 2023 at 10:57 AM

To: "Porter, James" <James.Porter@vermont.gov>

Cc: AGO - Info <AGO.Info@vermont.gov>, "Ludwig, Megan" <Megan.Ludwig@vermont.gov>, "Tierney, June" <June.Tierney@vermont.gov>, "Poor, TJ" <TJ.Poor@vermont.gov>

Director Porter,

Thank you for your response. It is the only one I've received. I, and about 20 others have made comments to the PUC. In the PUC acknowledgement form, which is available for review, **the PUC advised:**

*The Vermont Department of Public Service, which is the state agency that represents the interests of the people of the state in matters before the Commission, has also been notified of your public comment. **You may wish to discuss your concerns directly with the Department, at 802-828-2811, psd.consumer@vermont.gov, or 112 State Street, Montpelier, VT 05620-2601,***

under the misguided belief that the DPS will actually represent the interests of the people and be willing to discuss our concerns directly with us.

I have read Ms. Ludwig's filing and I have read that the DPS does not oppose the transfer of funds. Her filing completely ignores the fact that three out of every four trees that will be burned for the DES go right up the smoke stack. The DES is about 26% efficient and will cost 42 million dollars. This DES does not meet the clear language of the acts allowing TEPF funds to be transferred. The DPS remains silent about these concerns, why?

I am seeking to find out why the DPS is ignoring the clear language of the acts. I am seeking to find out why the DPS has expressed no concerns about the extremely poor efficiency of this project. I am seeking to find out why the DPS has expressed no concerns about the exorbitant cost of this project. None of these issues is raised in Ms. Ludwig's filings, and she has gone so far as to oppose my request for party status to raise these issues myself.

You are not representing the public interests.

Pike Porter

On Tue, Jul 18, 2023 at 8:14 AM Porter, James <James.Porter@vermont.gov> wrote:

Hi Mr. Porter:

Thank you for contacting me. I believe you have spoken with Ms. Ludwig, the attorney of record in this case, and she explained to you that the Department's position on this transfer of funds has been filed with the Commission. As you do not agree with the Department's position, I encourage you to file comments with the Commission regarding your position as the Commission will ultimately decide the matter. I have also copied the Commissioner and Mr. Poor as I believe you have also contacted them regarding this matter.

Thank you.

Jim Porter

Jim Porter

Director for Public Advocacy
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112 State Street
Montpelier, VT 05620-2601
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From: Pike Porter <pikeporter@gmail.com>
Sent: Monday, July 17, 2023 11:22 AM
To: AGO - Info <AGO.Info@vermont.gov>; Porter, James <James.Porter@vermont.gov>
Subject: Fwd: Burlington Steam Pipe and PUC Case # 23-1870-PET

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Director James Porter,

I write to express my concern that the DPS is supporting the Burlington request to divert TEPF funds for a district energy system (DES) that clearly does not meet statutory requirements. I also write to express my concerns that the purported public advocate, who has written that she does not oppose the transfer, is not considering the concerns of Vermont residents about this diversion of funds. Over twenty Vermont residents, most of them Burlington residents, have expressed concerns that the Burlington DES plan is inefficient and over-priced, yet the public advocate has ignored these concerns. This behavior follows a long history of the DPS favoring utilities above the public, and it must end. I ask the attorney general to once again look into the public advocacy program at the DPS.

Based on the clear reading of Act 102, 2018, and Act 31, 2019, the PUC must deny the Burlington Electric Department's request to transfer additional TEPF money to fund its District Energy System(DES) support program. Even if these acts allowed a transfer, the request should be denied because BED relies on faulty carbon accounting methods that violate 10 VSA 582(g) and that under-estimate the DES carbon emissions factor by over 300%.

Act 102, 2018 reads in part:

In addition, the Commission may authorize an entity appointed to deliver such services under subdivision (d)(2)(B) of this section to use monies subject to this subsection for the conversion of thermal energy customers using fossil fuels to district heat if the majority of the district's energy is from biomass sources, **the district's distribution system is highly energy**

efficient, and such conversion is cost effective.

The act creates a three part test, and **the DES fails two of these; it is not cost effective, costing \$42,000,000 and it is not “highly efficient,” with an estimated efficiency rating of about 26%.**

Act 31, 2019 reads in part:

In addition, the Commission may authorize an entity appointed to deliver such services under subdivision (d)(2)(B) of this section to use monies subject to this subsection for the engineering, design, and construction of facilities for the conversion of thermal energy customers using fossil fuels to district heat if the majority of the district’s energy is from biomass sources, **the district’s distribution system is highly energy efficient, and such conversion is cost effective.**

By all accounts, McNeil is a highly inefficient electric plant and adding a district heat system to McNeil only creates a highly inefficient district heating system. BED’s own studies reveal that the DES is only 26% efficient, *about 60 points below EPA recognized efficiency rating of 85% for efficient wood-burning thermal systems!* (Please see the hyperlinks at the end of this email.) This proposed system can never and will never be energy efficient in any meaning of the term efficient: it burns wet wood and pumps steam 1.5 miles to its destination before heating any buildings.

In addition to being highly inefficient, the DES, with an estimated price tag of \$42,000,000 is not cost effective. It is much less expensive for the hospital to site boilers on site rather than bury 1.5 miles of steam pipe below city streets in order to pump steam from the McNeil plant. \$42,000,000 would pay for a lot of on-site geothermal that would actually reduce CO2 emissions. Even if UVMCC must burn wood for heating, siting pellet boilers on-site would be less expensive and much more efficient than the DES.

For these reasons, the DPS public advocate must consider the statutory language, and advocate that the BED petition be denied.

Pike Porter

(<https://www.sevendaysvt.com/vermont/in-a-warming-world-new-thinking-imperils-vermonts-wood-fueled-energymarket/Content?oid=28671780>)

(Lane, Damon, and Adam Sherman. VEIC Assessment of Lifecycle GHG Emissions from Joseph C. McNeil Generation Station. 4/29/2022. Page 11. www.burlingtonelectric.com/wp-content/uploads/VEIC-Final-Memo-to-BED-LCA-of-GHG-emissions-4.29.22-.pdf)



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