

**STATE OF VERMONT  
PUBLIC UTILITY COMMISSION**

Petition of Vermont Renewable Gas, LLC requesting )  
a certificate of public good, pursuant to 30 V.S.A. § 248(j), ) Case No. 24-2797-PET  
to construct and operate a 2.2 MW electric generation )  
facility )

**CONSERVATION LAW FOUNDATION'S  
MOTION TO INTERVENE**

Conservation Law Foundation (“CLF”) timely moves to intervene in the above captioned matter as of right under Public Utility Commission (“PUC”) Rule 2.209(A) or, alternatively, by permission under PUC Rule 2.209(B). CLF incorporates the following memorandum of law in support of its motion.

**MEMORANDUM**

Rule 2.209 permits CLF’s intervention as of right. The Rule allows a person, “[u]pon timely application [] to intervene in any proceeding . . . when the applicant claims an interest in the matters that must be resolved in the proceeding and the applicant is so situated that the disposition of the proceeding may as a practical matter impair or impede the applicant’s ability to protect that interest, unless the applicant’s interest is adequately represented by existing parties. ” PUC Rule 2.209(A). CLF meets these requirements.

CLF’s Motion to Intervene is timely. Vermont Renewable Gas (“VRG”) submitted its petition for a Certificate of Public Good (“CPG”) via an expedited process under 30 V.S.A. § 248(j) on August 26, 2024. The PUC sent VRG a Notice of Complete Application Requirements on September 5, 2024, triggering a 30-day public comment period. Given the expedited nature of the proceeding, CLF timely moves to intervene within the 30-day public comment period and before the PUC has issued a CPG.

CLF and its members have substantial interests that may be adversely impacted by the outcome in the above-captioned matter. In this expedited proceeding, the PUC will consider VRG's proposal to create and operate an electric generation facility using high-temperature pyrolysis to convert woody biomass into methane which would then be combusted to create electric energy resulting in biochar as a byproduct. While VRG has undertaken significant steps to obtain a CPG via the 248(j) process, CLF has numerous outstanding questions with respect to the facility's impacts on the natural environment and the health of its members in the surrounding area. CLF believes that these questions are directly related to the substantive criteria found in 30 V.S.A. § 248. Specifically, these questions relate to this facility's impact on the orderly development of the region as well as its effect on air purity, the natural environment, the use of natural resources, and public health and safety. *See* 30 V.S.A. § 248(b)(1), (5). The answers to such questions are best provided by fulsome discovery which must be engaged in by parties to the matter—making CLF's intervention necessary for adequate participation.

CLF and its members have a direct and substantial interest in this matter. CLF is a private, non-profit membership organization dedicated to the protection and responsible use of New England's natural resources, including resources directly and indirectly impacted by the generation, transmission, and distribution of electricity. CLF represents the interests of its members by working to mitigate harm to the natural environment and our members' communities caused by pollution and greenhouse gas emissions resulting from said generation, transmission, and distribution of electricity. CLF also represents the interests of its members by working to secure the public health and environmental benefits traditionally associated with forms of renewable energy. CLF represents the interests of its members by working to mitigate aesthetic as well as other injuries caused by emissions from greenhouse gases and other hazardous air pollutants to the lands and waters our members use and enjoy as well as any

injuries caused by such emissions to the air our members breath. Intervention will allow CLF to protect its members' substantial interests in clean electricity, a reduction of pollution and greenhouse gas emissions, and protection of Vermont's natural resources.

CLF and its members' interests are not adequately represented by any other party or pending intervenor in these proceedings. The interests of the Department of Public Service (DPS), the Agency of Natural Resources (ANR), and the Agency of Agriculture, Food, and Markets (AAFM) as statutory parties are not the same as the specific interests held by CLF and its members, which differ in kind and degree. *See In re Vermont Public Power Supply Authority*, 140 Vt. 424, 433 (1981) (“[I]t is the culmination of the private interests of each of Vermont’s citizens which produces the public interest or the general good, and not the other way around. The Legislature has attempted to provide some representation for the citizenry when no private parties come forward to contest the issues involved, or the parties which do come forward do not fairly represent the needs of most Vermonters. 30 V.S.A. § 217. That provision, however, does not preclude those who wish to come forward on their own from doing so.”). Neither are the interests of the local utility (Lyndon Electric Department) or the town of Lyndon the same as those held by CLF and its members. The siting of this facility employing novel electric generation technology could have implications for the development and use of resources in the state beyond the town of Lyndon.

In the alternative, CLF satisfies the PUC’s permissive intervention requirements. The PUC may allow intervention when the applicant demonstrates a substantial interest which may be affected by the outcome of the proceeding. *See* Rule 2.209(B). In reviewing the application, the PUC shall consider (1) whether the applicant’s claimed interest shares a question of law or fact in common with the matters that must be resolved in the proceeding and (2) whether intervention will unduly delay the proceeding or prejudice the interests of the existing parties or

of the public. *Id.* These considerations substantially mirror those addressed above. CLF's claimed interests, as mentioned, relate directly to questions of fact that must be resolved in this proceeding—questions involving the facility's impacts on the natural environment and any resulting impacts on CLF members' health. CLF's timely application does not unduly delay the proceedings or otherwise prejudice the parties or public. CLF seeks to participate in any proceedings or hearings the PUC determines necessary to evaluate VRG's CPG application within this expedited process. As noted, CLF's interests are not adequately protected by any other party, and there is no alternative means to protect CLF's interests.

CLF respectfully requests that it be granted full intervenor status in these proceedings.

Dated at Montpelier, Vermont, this 4th day of October 2024.

CONSERVATION LAW FOUNDATION

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