

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Case No. 25-0055-PET

Petition of Vermont Gas Systems, Inc. to amend certificate of public good #7970	
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BRIEF OF THE VERMONT DEPARTMENT OF PUBLIC SERVICE

In this proceeding, Vermont Gas Systems, Inc. (“VGS”) asks the Vermont Public Utility Commission (“Commission”) to approve amendments to the Certificate of Public Good (“CPG”) issued in Docket 7970 for the construction and operation of the Addison Natural Gas Project (“ANGP” or “the pipeline”), pursuant to 30 V.S.A. § 248 and Commission Rule 5.400. VGS’s proposed amendments correspond to the five unapproved substantial changes to the Docket 7970 CPG for the ANGP that the Commission found in the Final Order of April 6, 2023, during the investigation proceedings in Case Nos. 17-3550 INV and 18-0395-PET.¹ VGS asserts that the five substantial changes had no undue adverse impact under the Section 248 criteria and proposes CPG conditions and additional remedial actions intended to ensure there are no future undue adverse impacts. The Vermont Department of Public Service (“Department”) recommends that the Commission find that VGS’s petition satisfies the requirements of Section 248 and issue an amended CPG to VGS that includes VGS’s proposed CPG amendments and proposed CPG conditions, the additional remedial actions proposed by VGS as CPG conditions, and the additional CPG conditions recommended in the prefiled testimony of David Berger.

¹ The five substantial changes identified in the 2023 Final Order are: 1) burying the pipeline using the sink-in-the-swamp burial method, which had not been discussed or approved in the 2013 Final Order and CPG; 2) failing to achieve the required four-foot depth of cover standard at 18 locations in the Clay Plains Swamp; 3) failing to conform to its own specifications regarding pipeline burial on the trench bottom and installation of trench breakers; 4) failing to comply with the compaction requirements for the pipeline in its construction specifications; and, 5) failing to ensure that staffing for the project included a Vermont-licensed professional engineer to serve as the responsible charge engineer for the Project. *Investigation pursuant to 30 V.S.A. §§ 30 and 209 regarding the alleged failure of Vermont Gas Systems, Inc. to comply with the certificate of public good in Docket 7970 by burying the pipeline less than required depth in New Haven, Vermont*, Case Nos. 17-3550-INV and 18-0395-PET, Order of 4/6/2023 at 2-3.

The Department's position in this amendment proceeding is supported by the conclusions and recommendations of David Berger, the Department's expert witness. Mr. Berger is an expert in gas pipeline infrastructure and gas pipeline safety, and he reviewed the five substantial changes and VGS's proposed amendments and mitigation measures for impacts to public health and safety under Section 248(b)(5). In his prefiled direct testimony, Mr. Berger concluded that the substantial changes and mitigation measures proposed by VGS satisfy the Section 248(b)(5) criterion of public health and safety.² Mr. Berger further found that VGS had appropriately adopted the remedial recommendations of experts in the investigation proceeding, including all of those in the Byrd Report, into its proposed CPG amendments and additional remedial actions.³ While ultimately opining that the as-built pipeline can continue to safely operate in the future under the terms VGS proposed in its amendment petition, Mr. Berger recommended that the Commission grant an amended CPG for the ANGP that contains two additional CPG conditions designed to enhance the long-term safety of the pipeline.⁴

Mr. Berger's first recommendation is to require the use of a temporary timber mat bridge or equivalent measure in the event that it is necessary for heavy equipment to cross the ANGP in the area of the Clay Plains Swamp.⁵ As supplemented in Mr. Berger's prefiled surrebuttal testimony, the design of the bridge should be determined by an assessment of the crossing location prior to crossing that includes, at minimum, consideration of the depth of cover in the crossing location, soil conditions, and weight of the vehicle or equipment being used.⁶ Mr. Berger

² David Berger pf. at 4.

³ *Id.* at 11 – 12.

⁴ *Id.* at 12.

⁵ *Id.* at 13; Berger pf. sur. at 5.

⁶ Berger pf. sur. at 4-5.

recommended that VGS preserve a record of the precise mode of crossing and the site-specific assessments at the point of crossing and provide notice to the Department of the crossing.⁷ Second, Mr. Berger recommended addressing the lack of documented trench breakers by requiring VGS to periodically evaluate the locations where they should have been installed to ensure that there is no improper drainage via the pipeline trench.⁸

The Department recommends that the Commission approve VGS's proposed CPG amendments and proposed CPG conditions, incorporate VGS's proposed additional remedial actions as CPG conditions, and also adopt the CPG conditions recommended by Mr. Berger in an amended CPG for the operation of the ANGP.

Dated at Montpelier, Vermont this 10th day of July 2025.

VERMONT DEPARTMENT OF PUBLIC SERVICE

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⁷ Berger pf. sur. at 5.

⁸ Berger pf. at 13-14.