

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Docket No. 7970

Amended Petition of Vermont Gas Systems, Inc. )  
for a certificate of public good, pursuant to )  
30 V.S.A. § 248, authorizing the construction of )  
the "Addison Natural Gas Pipeline" consisting )  
of approximately 43 miles of new natural gas )  
transmission pipeline in Chittenden and )  
Addison Counties, approximately 5 miles of )  
new distribution mainlines in Addison County, )  
together with three new gate stations in )  
Williston, New Haven and Middlebury, )  
Vermont )

Order entered: 4/2/2014

**ORDER RE: INTERVENTION AND MOTION TO ALTER AND AMEND**

In this Order, the Vermont Public Service Board ("Board") grants a motion to intervene but denies a motion to amend the Order issued on December 23, 2013 (the "December 23<sup>rd</sup> Order") in which the Board granted a Certificate of Public Good ("CPG") for the construction of the pipeline extension (the "Project") that is the subject of this proceeding.

On March 3, 2014, Ms. Kristin Lyons filed a motion to intervene in this Docket, as well as comments regarding pages 6-7 and 57-58 of the December 23<sup>rd</sup> Order which raise issues concerning heat pumps and the visual and land use impacts of the Project on Ms. Lyons' land. Ms. Lyons specifically requested an opportunity for a hearing to present evidence regarding these issues.

The December 23<sup>rd</sup> Order was the final order in this Docket, resolving the question of whether the construction of a natural gas pipeline would promote the general good of the state.<sup>1</sup> In that Order, we determined that Vermont Gas Systems, Inc., will be able to construct the

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1. Docket 7970, Order of 3/10/14.

Project in a manner that will not create an undue adverse impact under any of the relevant Section 248 criteria, and we established the route for the proposed pipeline. After issuance of the December 23<sup>rd</sup> Order, this proceeding progressed to the post-certification phase of the regulatory review of the Project.<sup>2</sup> Post-certification review is focused on the design details of the construction and may result in additional changes to the route. However, the post-certification process occurs within the confines of the Board's previous determination under Section 248; any changes will be made without altering the overall final judgment of the Board as to the Project as a whole. The post-certification process will also ensure that the construction of the Project will occur in a manner consistent with our final judgment on the merits of the CPG petition as set forth in the December 23<sup>rd</sup> Order.<sup>3</sup> Finally, the post-certification process provides for any newly-affected landowners to have an opportunity for comment and additional process as warranted.

As an adjoining landowner of the pipeline route as originally proposed, Ms. Lyons received notice of that route and its general impacts, but did not seek to intervene in the case at that time. However, because her interest changed when we moved the route of the Project onto her property, we find it is now appropriate to afford Ms. Lyons an opportunity to participate in the post-certification review of the Project in order to comment on the impact of the move onto her property.

More than fifteen days have passed since the filing of Ms. Lyons' motion to intervene. Having received no objections, we find that Ms. Lyons has set forth a substantial interest requiring post-certification review that is sufficient for permissive intervention under Rule 2.209(B). Consistent with Rule 2.209(C) her participation is restricted to only the visual and land use impacts on Ms. Lyons' land in which she has demonstrated an interest.<sup>4</sup> The Board directs Ms. Lyons, in consultation with all of the parties to this Docket, to propose a procedural schedule that culminates in a hearing date to consider the interests for which she has been granted leave to intervene in this proceeding.

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2. We employed a similar post-certification process in the regulatory review of the Northwest Reliability Project. *See Northwest Reliability Project*, Docket 6860, Order of 1/28/05, *aff'd In re Petitions of Vt. Elec. Power Co. & Green Mountain Power Co.*, 2006 VT 21, ¶ 21, 179 Vt. 3370, 895 A.2d 226.

3. *See* Docket 6860, Order of 1/28/05, at 214.

4. As specifically addressed in her motion at 11, these include Findings 448, 450, 454, 455, 456, and 458 and the Conclusions on pp. 125-127.

As for Ms. Lyons' request that the Board re-open the proceedings under this Docket under V.R.C.P. Rules 52 and 59 to alter or amend the December 23<sup>rd</sup> Order, we note that both rules have ten-day filing limitations, both of which expired in January 2014. Therefore, Ms. Lyons' motion to alter or amend is denied as untimely.

**SO ORDERED.**

Dated at Montpelier, Vermont, this 2nd day of April, 2014.

<u>s/ James Volz</u>	)	
	)	PUBLIC SERVICE
	)	
<u>s/ John D. Burke</u>	)	BOARD
	)	
	)	OF VERMONT
<u>s/ Margaret Cheney</u>	)	

OFFICE OF THE CLERK

FILED: April 2, 2014

ATTEST: s/ Susan M. Hudson  
Clerk of the Board

*NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)*