



State of Vermont
Division for Historic Preservation
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Agency of Commerce and
 Community Development

TW
 JV
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 SH
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 MK
 DW

October 25, 2016

By U.S. Mail & E-Mail

Judith C. Whitney, Clerk
 Vermont Public Service Board
 112 State Street
 Montpelier, VT 05620-2701

VERMONT PUBLIC
 SERVICE BOARD

2016 OCT 25 PM 4 13

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Re: Docket #8816
 Swanton Wind

Dear Ms. Whitney:

Enclosed, please find the Vermont Division for Historic Preservations' *Notice of Appearance & Motion to Intervene* along with an attached *Certificate of Service*.

Please contact me if you have any questions.

Sincerely,

Dale Azaria, General Counsel
 Vermont Division for Historic Preservation
 1 National Life Drive, Davis Building, 6th Floor
 Montpelier, VT 05620-0501
dale.azaria@vermont.gov

Enclosure
 cc. Service List



2016 OCT 25 PM 4 14

**STATE OF VERMONT
PUBLIC SERVICE BOARD**

Docket No. 8816

Petition of Swanton Wind LLC, for a Certificate)
of Public Good, pursuant to 30 V.S.A. Section)
248, for the construction of an up to 20 MW)
wind-powered electric generation plant powered)
by up to 7 wind turbines located along Rocky)
Ridge in Swanton, Vermont.)

MOTION TO INTERVENE

NOW COMES the Vermont Division for Historic Preservation (“VDHP”), by and through its counsel, pursuant to Vermont Public Service Board (the “Board” or “PSB”) Rule 2.209 (B) and respectfully moves the Board for permission to intervene in this proceeding. In support of the Motion, the VDHP submits the following Memorandum of Law.

MEMORANDUM OF LAW

The VDHP, part of the Department of Housing and Community Development within the Agency of Commerce and Community Development, is the relevant state entity responsible for reviewing matters concerning historic sites arising under 30 V.S.A. § 248(b)(5) and under Section 106 of the National Historic Preservation Act.

PSB Rule 2-209(B) provides in pertinent part:

Upon timely application, a person may, in the discretion of the Board, be permitted to intervene in any proceeding when the applicant demonstrates a substantial interest which may be affected by the outcome of the proceeding. In exercising its discretion in this paragraph, the Board shall consider (1) whether the applicant’s interest will be adequately protected by other parties; and (3) whether intervention will unduly delay the proceeding or prejudice the interests of existing parties or of the public.

The DHP has substantial interests which may be affected by the outcome of this proceeding. The VDHP's interests will not be adequately protected by any other party to this proceeding, and the VDHP has no other way to protect its interests at stake in this proceeding.

The VDHP's intervention will not unduly delay the proceeding or prejudice the interests of any existing party or the public.

For the foregoing reasons the Board should grant the VDHP's intervention as of right under PSB Rule 2.209(A). In the alternative, the Board should exercise its discretion and allow the VDHP's permissive intervention pursuant to PSB Rule 2.209(B).

DATED at Montpelier, Vermont, this 25th day of October, 2016.



Dale E. Azaria
General Counsel
Department of Housing and Community Development

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CERTIFICATE OF SERVICE

I Jennifer Lavoie, hereby certify that I sent a copy of the foregoing Division for Historic Preservation Notice of Appearance and Motion to Intervene, on this 25th day of October, 2016, to the following individuals with email addresses:

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Dated at Montpelier, Vermont this 25th day of October, 2016

Jennifer Lavoie
Jennifer Lavoie
Administrative Assistant
Division of Historic Preservation