

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7970

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 Project" 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: 8/26/2015

ORDER RE: WILLISTON'S MOTION TO ORDER RESTRICTIONS

I. Introduction

On July 24, 2015, the Town of Williston ("Williston") filed a motion with the Vermont Public Service Board ("Board") requesting that certain restrictions and conditions be placed on Vermont Gas Systems, Inc. ("VGS" or the "Company") in using the construction staging area near Maple Tree Place off Route 2 in Williston. In this Order, the Board denies Williston's motion.

II. Background

On December 20, 2012, VGS filed a petition seeking a certificate of public good ("CPG") for the construction of the Addison Natural Gas Pipeline.

On January 10, 2013, Williston filed a motion to intervene in the proceeding.

On April 12, 2013, the Board permissively granted intervenor status to Williston.

On December 23, 2013, the Board approved a CPG for the construction of the Addison Natural Gas Pipeline.

On July 7, 2015, the chair of the Williston Selectboard submitted a letter (the "Williston Letter") to the Board commenting on VGS's use of a construction staging area and requesting that the Board:

1. Require Vermont Gas to maintain/mow the grass along the outside of the chainlink fence adjacent to the housing development by periodic mowing during the course of the growing season. The un-mowed grass is unsightly and harbors ticks;
2. Require that the hours of operation be limited to 8:00 a.m. through 5:00 p.m. with no activity on Saturday. In the alternative, relocate the staging area further away from the housing; and
3. Require that Vermont Gas provide periodic reports to the Town concerning timeline and planned activities on a quarterly basis.¹

On July 14, 2015, the Board established a deadline of July 31, 2015, for the parties to comment on the Williston Letter.

On July 24, 2015, Williston filed a motion ("the Williston Motion") seeking the same relief sought in the Williston Letter.

On July 29, 2015, the Board established a deadline of August 14, 2015, for the parties to respond to the Williston Motion.

On July 31, 2015, the Vermont Department of Public Service ("DPS" or the "Department") filed comments responding to both the Williston Letter and the Williston Motion (the "DPS Comments").

On August 3, 2015, VGS filed comments responding to both the Williston Letter and the Williston Motion (the "VGS Comments").

No other comments have been received.

III. Discussion

In response to the Board's request for comments on the Williston Letter, the Department contacted both VGS and the Williston Town Manager. The Department was advised that (1) there had been several discussions between VGS and Williston, (2) VGS had gone door-to-door distributing a letter encouraging residents to contact VGS about the operations at the construction

1. Williston Letter at 1.

staging area, and (3) VGS had another meeting scheduled with residents of Maple Tree Place. The Department states that it was "acceptable" to Williston that VGS cut the grass regularly and keep Williston informed of the status of the operations at the staging area on at least a quarterly basis.² The Department argues that, while VGS had accommodated two of Williston's three requests, "[t]o alter and further restrict these operation would be disruptive and difficult to implement."³ After articulating concern about the possible effect on cost and schedule that would result from altering the work hours and use of the construction staging area, DPS concludes that "the Department does not support any Board-ordered relief at this time."⁴

After describing its meetings in Williston and agreeing to two accommodations of the Williston requests, the Company commented that "Vermont Gas does not believe a Board Order is necessary."⁵ VGS states that it will ensure that the lawn is mowed and will provide periodic status reports to Williston. However, VGS does not support changing the working hours or site use at the construction staging area as requested. VGS cites its concern that a reduction to the site's work hours would have a negative impact on the Project schedule, which could potentially result in higher Project costs. VGS also states that the work hours were approved by the Board as part of the Final Order in this Docket, in which Williston participated and in which the staging area was identified.⁶

As related by both DPS and VGS, the Company appears to have taken reasonable steps to respond to Williston's request and to collaborate with Williston in the future use of the construction staging area. We note that during the proceedings leading to the approval of the Project in December 2013, Williston had notice of VGS's intent to use the construction staging area and did not request at that time that any conditions be imposed. We also note that the staging area is temporary and will be in use only during pipeline construction. Two of the three concerns expressed by Williston have been addressed. As to the third request to shorten the construction hours, the Board has decided not to grant the Williston Motion.

2. DPS Comments at 2.

3. *Id.*

4. *Id.*

5. Along with noting the meetings outlined in the DPS Comments, VGS stated that it hosted an ice cream social with the residents of Maple Tree Place last summer, after which it received no complaints from the residents regarding the construction staging area. VGS Comments 2-3.

6. VGS Comments at 1 citing Exhibit Pet. Supp. JH-3.

Granting the Williston Motion effectively would amend the CPG for the Project. Williston has shown no cause for the Board to order such an amendment at this time. The Williston motion is therefore denied.

SO ORDERED.

Dated at Montpelier, Vermont, this 26th day of August, 2015.

<u>s/James Volz</u>)	
)	PUBLIC SERVICE
)	
<u>s/Margaret Cheney</u>)	BOARD
)	
)	OF VERMONT
<u>s/Sarah Hofmann</u>)	

OFFICE OF THE CLERK

FILED: August 26, 2015

ATTEST: s/Judith C. Whitney
Deputy 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@vermont.gov)