

**STATE OF VERMONT
PUBLIC SERVICE BOARD**

Petition of Swanton Wind LLC for a certificate of public)
good, pursuant to 30 V.S.A. § 248, for the construction)
of an up to 20 MW wind-powered electric generation) Docket No. 8816
plant powered by up to 7 wind turbines located along)
Rocky Ridge in Swanton, Vermont)

MOTION TO INTERVENE OF GREEN MOUNTAIN POWER

By this filing, Green Mountain Power (“GMP”) moves to intervene in the above-captioned matter pursuant to Vermont Public Service Board (“Board”) Rule 2.209. As set forth herein, GMP’s unique and substantial interest in this proceeding relates to whether the proposed project, as well the power purchase agreement proposed by Swanton Wind in Docket 8571, (1) is needed to meet present and future demand for service, (2) will result in an economic benefit to the State and its residents, and (3) will adversely affect system stability and reliability. GMP is entitled to intervene as of right in this proceeding because intervention in this particular proceeding is the exclusive means to protect GMP’s interest, and its unique interest is not adequately represented by another similarly situated party. In the alternative, GMP request the Board grant GMP permissive intervention.

MEMORANDUM

Intervention as of right. Under Board Rule 2.209(A) a person shall be permitted to intervene as of right in any proceeding: (1) when a statute confers an unconditional right to intervene; (2) when a statute confers a conditional right to intervene and the condition or conditions are satisfied; or (3) when the applicant demonstrates a substantial interest which may be adversely affected by the outcome of the proceeding, where the proceeding affords the

exclusive means by which the applicant can protect that interest and where the applicant's interest is not adequately represented by existing parties.

Permissive Intervention. Under Board Rule 2.209(B), the Board, in its discretion, may permit intervention 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; (2) whether alternative means exist by which the applicant's interest can be protected; and (3) whether intervention will unduly delay the proceeding or prejudice the interests of existing parties or of the public.

In this proceeding, Petitioner Swanton Wind, LLC (“Swanton Wind”) seeks approval under 30 V.S.A. § 248 for the construction and operation of a wind-powered electric generation plant of up to twenty (20) megawatts located in Swanton, Vermont (the “Project”).¹ The Project will inject up to 20 MW of power into GMP’s 34.5 kV electric line.

GMP is the owner and operator of electric distribution and sub-transmission facilities in Vermont. GMP has also made significant investments in generation located in the northern Vermont region. These resources help GMP manage its overall power supply portfolio and are used strategically to meet its Renewable Energy Standards. Northern Vermont faces issues relating to transmission capacity and some generators, including GMP’s owned-resources, have experienced curtailment by ISO-New England in the past. GMP understands that adding additional generation resources in this area may have the potential to increase curtailment of existing resources and otherwise restrict the benefits of those resources at the same time.

¹ Petition at 1 (filed Sept. 8, 2016).

GMP has a substantial interest that may be affected by the outcome of this proceeding because (1) GMP would be obligated to purchase the power under the power purchase agreement Swanton has proposed through Board Rule 4.100, (2) the Project may have the potential to cause an assortment of new power-flow patterns, system upgrades, and operational requirements that could effect GMP's interest in the reliability impacts of the project, and (3) GMP and its investments in certain generation facilities in northern Vermont could be impacted by potential curtailments that may result from additional development of resources in northern Vermont.

First, GMP has a statutory interest in this proceeding because Swanton Wind has proposed a contract under Superseded Rule 4.100 which would obligate GMP to purchase the output of the Project at avoided cost rates that were determined several years ago. Additionally, the contract proposed by Swanton contains terms that are inconsistent with Rule 4.100 as amended. For these reasons, GMP has moved to dismiss Swanton's Rule 4.100 petition because it is inconsistent with the Rule. Swanton, however, has opposed that motion and moved to consolidate Docket 8816 with its Rule 4.100 proceeding in Docket 8571. Therefore, these Dockets are the only proceedings in which GMP can protect its interest.

Second, the Project may raise potential concerns about system stability and reliability under 30 V.S.A. § 248(b)(3). GMP's associated ownership and operation of related distribution and subtransmission facilities provides it with a unique interest in the potential system stability and reliability impacts of the Project and it is entitled to intervene in order to participate in the consideration of system impacts, related studies, and if necessary, appropriate mitigation of adverse impacts.

Finally, the Project raises potential concerns unique to GMP about the economic benefit of the Project. This interest is two-fold. First, GMP has a unique interest in the economic benefit

of the project in light of Swanton Wind's petition for a Rule 4.100 power purchase agreement at rates substantially above GMP's avoided costs. This would have an adverse impact because it would result in higher costs to GMP and its customers. Second, GMP has significant investments in local generation resources. The Project may raise potential concerns about transmission and other costs, constraints and potential curtailments that could result in adverse economic impacts on existing generating sources in Vermont (and therefore additional net costs to GMP customers). In the event there prove to be such impacts, they could negatively impact costs to GMP and its customers and could conceivably hamper GMP's ability to comply with Renewable Energy Standards in the most cost-effective way. For the above reasons, GMP has an interest in ensuring the Project does not result in higher costs to GMP or its customers.

GMP's interest in the issues described above is unique and substantial because GMP is one of Vermont's largest distribution utilities and grid operators with a substantial number of customers. Accordingly, the Project's impact could have a unique impact on GMP and its customers. Its intervention in this proceeding is also the exclusive means for GMP to protect its unique interest because the above issues will be directly addressed in this proceeding under 30 V.S.A. § 248(b)(2), (3) and (4). Finally, GMP can provide distinct insight and information in this proceeding that cannot be provided by other parties with a similarly unique interest.

Accordingly, GMP is entitled to intervention as a matter of right. In the alternative, GMP requests the Board grant GMP permissive intervention because GMP's interest is not adequately protected by others, there is no alternative means to protect GMP's interest in the outcome of this proceeding, and GMP's timely motion to intervene will not prejudice the interests of existing parties or of the public.

For these reasons, the Company's request for intervention as of right should be granted or, in the event that GMP is not permitted to intervene as of right, the Board should grant the Company's request for permissive intervention.

DATED at BURLINGTON, VERMONT, this 16th day of February, 2017.

GREEN MOUNTAIN POWER,

By:



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