

State of Vermont Public Service Board

Motion to Intervene Form

Intervenor and Case Information	
Case Number	8816
Name	D. Gregory Pierce and Paula J. Kane
Mailing Address	12 Farrar Street Saint Albans Vermont 05478-1540
Daytime Phone	802-524-6340 Home 802-524-7338 Paula work
E-mail Address	greg.pierce9@myfairpoint.net paula@pkanelaw.com
Name of Legal Counsel (if any)	Pro se
Mailing Address of Legal Counsel (if any)	Street and # Not Applicable Town Not Applicable State and Zip Not Applicable
E-mail Address of Legal Counsel (if any)	
The Rule 2.209 Criteria	
<p><u>Intervention as of Right</u> (this is uncommon, leave blank if not applicable to your situation)</p> <p>Please identify any statute, legal rule, or Board order that you think gives you a legal right to be a party in the case. If this right is conditional, please describe how you satisfy these conditions.</p>	
<p><u>Permissive Intervention</u></p> <p>Please describe all the interests you have that you think will be adversely affected by the outcome of the case. Please be as specific as possible. Attach additional sheets if necessary.</p>	See Attached

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Please state whether there are other ways to protect your interest(s) besides as a party participating in this proceeding. If there is no other way for you to protect your interests, please state this fact. Please also explain whether there is already a party in the case who has the same or similar interest(s) to be protected in the case.

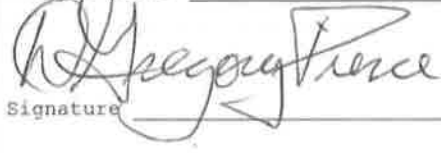

There is no other way for me to protect my interests.

Certification This section may be completed by the intervenor or a duly authorized representative.

I certify that the information provided on this form is true and accurate to the best of my knowledge.

D. Gregory Pierce and Paula J. Kane

Print Name _____

Signature _____

14 February 2017

Date _____

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 8816

Petition of Swanton Wind

MOTION TO INTERVENE

D. Gregory Pierce and Paula J. Kane hereby move the Public Service Board to grant their intervention in the above-numbered petition before the Board pursuant to Public Service Board Rule 2.209(A)(3), or, alternatively, pursuant to Public Service Board Rule 2.209 (B). The Public Service Board rule pertaining to intervention states as follows:

Rule 2.209 Intervention

- (A) Intervention as of right. Upon timely application, a person shall be permitted to intervene 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.
- (B) Permissive intervention. 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; (2) whether the alternative means exist by which the applicant's interest can be protected; and (3) whether intervention will unduly delay the proceeding or prejudice interests of existing parties or of the public.

Paula Kane and Gregory Pierce ask that they be allowed to intervene based on the following facts.

1. - They own property at 192 Bloody Rock Road in the Town of Fairfield, Vermont. The property consists of three contiguous lots lying on the southwesterly side of Fairfield Pond. Gregory Pierce purchased the first lot in the 1960s and later acquired the two adjoining lots from a brother and his father's estate. All of the property has been in the family since the sixties. Gregory Pierce, his father and brother constructed a summer home on the middle lot which the Pierce/Kane family uses as a vacation home. Paula Kane married Gregory Pierce in 1986 and has a marital interest in the property.

2. - Fairfield Pond is a small lake with summer camps which lies to the east of the Rocky Ridge, the site of the proposed development. Fairfield Pond is ordinarily quiet, with swimmers, canoers, kayakers, and fisherman primarily using the Pond; although on weekends, there might be a few motorboats. The Pond is located only seven miles from the City of St. Albans, however, it feels remote and is teeming with wildlife. At the southeast end of the Pond there is a "swamp" not far from our summer home. The swamp has a beaver dam and beavers, many ducks and other waterfowl, including blue heron. We have seen mink and muskrat. There has also been a pair of loons which has built a nest and attempted to raise young on Fairfield Pond for many years. The loons do not always successfully nest due to either disturbance of the nest or because of predators which destroy the eggs. They are territorial and there generally is just one pair of loons on a small lake such as Fairfield Pond. Many of the ducks, geese and other fowl often fly along the shore of the pond and soar over the ridge where the Swanton wind turbines are proposed to be located.

3.- Gregory Pierce was a founder of the Fairfield Pond Recreational Association (FPRA) in the nineteen seventies. Individually and through the FPRA the campers on Fairfield Pond have endeavored to protect the Pond and its wildlife for many years. Campers have volunteered to take regular water samples; have cleaned up trash; cleared milfoil and participated in projects to contain the growth of milfoil and spread of other invasive species, and they have fostered and guarded the loon nesting area by building a loon nesting raft and educating the public about not disturbing the nest. The FPRA has also presented educational speakers at its meetings about such topics as invasive species and loon habitat. It has sponsored a research project on milfoil containment.

4. - The nearest turbines of the proposed project will be located approximately 4000 feet from the westerly edge of Fairfield Pond and will directly impact our view in that our camp will face the turbines and we believe that all seven of the turbines will all be clearly visible and audible from our property. We believe that the turbines will disturb our sleep and enjoyment of our property because of the noise and flashing red lights on top of them and will greatly disturb the serenity of the Pond. We also believe that because of their massive size and their height of 499 feet, that vibration will travel through the ledge on which the turbines are sited and that this will greatly disturb the fish and other wildlife that live in and around the Pond.

5. - Gregory Pierce and Paula Kane believe that the use of their property as a summer home will be negatively impacted, at a minimum, by elements of the project in relation to certain

section 248 criteria: 30 V.S.A. sections 248(b)(1), (3), (4), (5), (6), and (8) and by 10 V.S.A sections 6086(a)(1w)(C), (E) and (G) and by (a)(3), (4), (5) and (8).

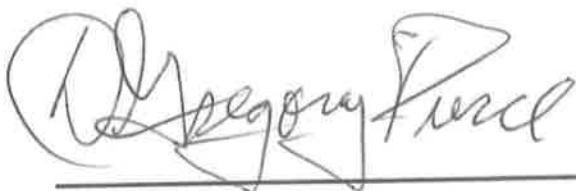
6. - Additionally Gregory Pierce and Paula Kane believe they bring unique perspectives into the process which will expand the fund of knowledge regarding developer Swanton Wind's Petition for a Certificate of Public and particularly with respect to the following important areas:

- a.) - Sound issues relating to industrial wind turbines
- b.) - Unresolved defects in the Swanton Wind petition
- c.) - Wildfowl kills by wind turbines
- d.) - Devaluation of our property

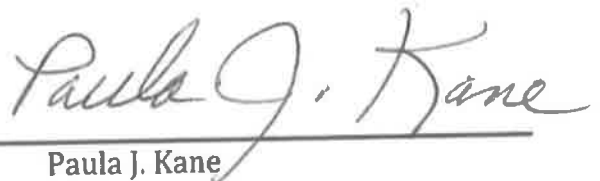
7. - No other party will adequately protect the interests of the Movants and there are no alternative means by which these interests may be protected.

Wherefore, D. Gregory Pierce and Paula J. Kane ask that they be permitted to Intervene in Docket No. 8816 as parties in accordance with PSB Rule 2.209(A)(3) or alternatively, under PSB Rule 2.209(B) in regard to all of the section 248 criteria listed above.

Dated this 14th day of February, 2017.



D. Gregory Pierce



Paula J. Kane

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. § 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)



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CERTIFICATE OF SERVICE

We, Brian and Penny Dubie, et.al., certify that on February 16, 2017, copies of the foregoing *Notices of Appearance*, and *Motion to Intervenes of Brian and Penny Dubie, Jeanne Royer, Judith and Patrick Luneau, Karen and Leo McLaughlin, Sally and Bruce Collopy, Kaye and Frank B. Mehaffey, Jr., Terrance Smith, David A. Goodrich, Robert Perkins, Patricia Messier, Sarah & Ed Ferguson, Ian and Danielle Garrant, Curtis Swan and Sara Luneau-Swan, Dan and Nancy Dunne, Erynn & Tyrell Boudreau, Dennis Hendy and Diane Bell, Mary and Mark Bushey, Steve Woodward, Kenneth Fox, Michelle and Luc Deslandes, David Butterfield, Bradley Stott and Jennifer Belanger, Clark and Carol Palmer, Paula Pearsall, Greg Pierce and Paula Kane, Mark and Marianne Dubie, Marie and Gil Tremblay, Patricia Rainville and John Smith, Kevin and Dolores Nichols, Jessica Decker and Lance Desautels, Suzanne Seymour, Mary Hunter, Todd Poirier* in the above-referenced matter, were served via First-Class U.S. Mail on the interested persons designated in the following Service List.

Respectfully submitted this 16th day of February, 2017.

By:

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