

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Case 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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Order entered: 03/02/2017

**PROCEDURAL ORDER RE: INTERVENTIONS**

This Docket concerns the petition filed with the Vermont Public Service Board (“Board”) on September 9, 2016, by Swanton Wind, LLC (“Petitioner”), for a certificate of public good, pursuant to 30 V.S.A. § 248, authorizing the installation and operation of an up to 20 MW wind-powered electric generation plant in Swanton, Vermont (the proposed “Project”).

As described below, in today’s Order the Board permissively grants motions to intervene filed by the Vermont Agency of Transportation (“VTrans”) and Green Mountain Power Corporation (“GMP”) pursuant to Board Rule 2.209(B).

**Legal Standard**

Board Rule 2.209 governs intervention in proceedings before the Board. Rule 2.209(A) provides, upon timely application, that a person shall be entitled to intervene in a proceeding in three circumstances:

- (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.

In addition, Rule 2.209(B) reserves to the Board the authority to grant intervenor status on a permissive basis when an applicant “demonstrates a substantial interest which may be affected by the outcome of the proceeding.” In exercising the discretionary authority reserved in Rule 2.209(B), the Board considers three factors:

- (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.

Rule 2.209(C) further provides that the Board may impose certain restrictions on an intervenor’s participation in a proceeding. Specifically, the Board may restrict such party’s participation to only those issues in which the party has demonstrated an interest; may require such party to join with other parties with respect to appearance by counsel, presentation of evidence, or other matters; or may otherwise limit such party’s participation, all as the interests of justice and economy of adjudication require.

#### The VTrans motion

On February 15, 2017, VTrans filed a motion to intervene in this proceeding. VTrans states that it is the state agency charged with oversight of Vermont’s airports and the promotion of aeronautical safety and notes the proximity of the Project to the Franklin County State Airport. VTrans is concerned about potential impacts to the airport both as a transportation facility as well as a public investment.

The Petitioner does not object to the intervention of VTrans provided its intervention is limited to the interests identified in its motion.

The Vermont Department of Public Service (“Department”) has no objection to VTrans’ intervention request.

The motion to intervene filed by VTrans is hereby granted on a permissive basis pursuant to Board Rule 2.209(B), limited to the interests identified in its motion.

The GMP motion

On February 16, 2017, GMP filed a motion to intervene in this proceeding. GMP seeks to intervene to address whether the Project: (1) is needed to meet a 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 states that it has a substantial interest that may be affected by the outcome of this proceeding because: (1) it would be obligated to purchase Project power under a power purchase agreement proposed by the Petitioner under Board Rule 4.100; (2) the Project may have the potential to cause new power-flow patterns, system upgrades, and operational requirements; and (3) GMP's investments in certain generation facilities in northern Vermont could be impacted by potential curtailments if the Project is developed.

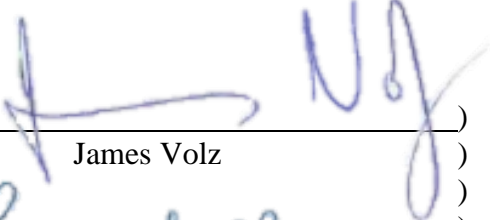
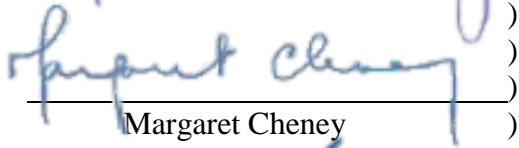

The Petitioner does not object to GMP's intervention on the issues of need for the Project and system stability and reliability. However, the Petitioner does object to GMP's intervention on economic benefit, asserting that GMP has not demonstrated a unique interest on that issue different from that of the general public.

The Department has no objection to GMP's intervention request.

We hereby grant GMP permissive intervention pursuant to Board Rule 2.209(B) for the interests identified in its motion. We find that GMP has sufficiently demonstrated a unique interest in the issue of economic benefit. As the state's largest retail distribution electric utility, impacts to GMP's rates could have an economic impact throughout much of Vermont. GMP also may have both a unique perspective on this issue as well as access to information that may be helpful to the Board in considering the issues before it in this proceeding.

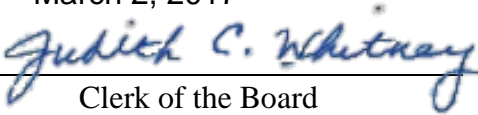
**SO ORDERED.**

Dated at Montpelier, Vermont this 2nd day of March, 2017 .

	)	
James Volz	)	PUBLIC SERVICE
	)	
Margaret Cheney	)	BOARD
	)	
Sarah Hofmann	)	OF VERMONT

OFFICE OF THE CLERK

Filed: March 2, 2017

Attest:   
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) or any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@vermont.gov)*

PSB Case No. 8816 - SERVICE LIST

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