

STATE OF VERMONT
PUBLIC SERVICE BOARD

DOCKET NUMBER 8791

INVESTIGATION PURSUANT TO 30 V.S.A. SECTIONS 30 AND
209 REGARDING THE ALLEGED TAKING OF HARSH SUNFLOWER
PLANTS BY VERMONT GAS SYSTEMS, INC. IN MONKTON,
VERMONT

April 5, 2017
7 p.m.

112 State Street
Montpelier, Vermont

Public Hearing held before the Vermont Public
Service Board, at Holley Hall, One South Street, Bristol,
Vermont, on April 5, 2017, beginning at 7 p.m.

P R E S E N T

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1 HEARING OFFICER TOUSLEY: Good evening.
2 My name is Mike Tousley and I'm an attorney with the
3 Public Service Board and we're here for a public
4 hearing in Docket 8791 which is an investigation
5 pursuant to 30 V.S.A. Section 30 and Section 209
6 regarding the alleged taking of harsh sunflower
7 plants by Vermont Gas Systems, Inc. in Monkton,
8 Vermont.

9 The purpose of this hearing is to allow
10 for the comments of the public on this investigation.
11 I have before me a sign-up sheet on which about 12
12 people have -- 13 people have signed up. If there
13 are others who want to speak later, just let me know.
14 We have until 10 o'clock. Not that we need to spend
15 the whole night here, but we do have until then.

16 I just wanted to start there was a
17 question earlier as to whether or not this is a
18 docketed case. Yes it is. This is Docket Number
19 8791. Currently there are two events scheduled in
20 this docket other than this event. The other two
21 events are on April 14th the parties are scheduled to
22 either file a stipulation or a schedule for further
23 proceedings, and on April 15th after the parties'
24 filing there will be a public comment heard on a
25 stipulation, if one is filed, from April 15th until

1 April 28th. So if there is a hearing in this matter,
2 it will occur some time in May.

3 Just also to note for people's awareness
4 this is not a Section 248 petition. This is an
5 article -- this is a 3030 as we call it. It's a
6 Section 30 investigation. So the procedure is
7 slightly different and that's reflected in the fact
8 that we don't have a hearing that's scheduled, and if
9 the parties agree that a hearing isn't necessary and
10 the Board agrees, there may not be a hearing because
11 there may be sufficient facts for the Board to move
12 forward based on the stipulation without a hearing.
13 That's just part of what happens in a section -- in
14 an investigation under Section 30 as opposed to a
15 Section 248 case.

16 With that I think we'll begin with our
17 first speaker. First I want to make sure the
18 microphone works here. I would ask the speakers to
19 come up and stand at the microphone here. We'll take
20 the speakers in the order that they signed up and the
21 first one looks like James Chapin. Mr. Chapin.

22 MR. CHAPIN: Yes. It's John. That's a
23 nickname. My full name is Jonathan Chapin.

24 HEARING OFFICER TOUSLEY: Thank you.

25 MR. CHAPIN: So I tend to look at some

1 of these issues, you know, as one side and the other.
2 One side being, you know, Vermont Gas and their
3 interests and how they sort of pursue or proceed in
4 this kind of a situation, and then we have, you know,
5 the general public and those that would be concerned
6 about this sunflower -- harsh sunflower, and there
7 was obviously a discussion, roughly an hour
8 proceeding, in terms of Agency -- was it Agency of
9 Natural Resources? Yes. So a term that did not come
10 up was -- or phrase, you know, the cost of doing
11 business. And so it appears that initially there was
12 a plan to go ahead and have an opportunity to have
13 this taking of the harsh sunflower and possibly
14 transplant them to another location. It may have
15 been determined by Vermont Gas that maybe in the long
16 run between the time it would take to gain that
17 permit and delays and so on, the cost of doing
18 business would make more sense to proceed with this
19 horizontal drilling even though they stated earlier
20 that that cost was rather exorbitant.

21 So I would -- I would like to think that
22 when there's a penalty, the penalty in the business
23 world, if it's -- if it's nominal, then that's the
24 cost of doing business. It happens, you know, for a
25 large corporation that this is probably a very small

1 sum. I would say -- I don't know -- I think was it
2 Mary Martin may have also mentioned the term instead
3 of asking permission you just go ahead and do what
4 you want to do, and you know maybe you're going to
5 get caught or brought to question about it and then
6 you might ask for forgiveness later, and so that
7 could also be what might have taken place on the part
8 of the Vermont Gas Systems Corporation.

9 So that's my concern that essentially
10 you may have a situation where a corporation is
11 deciding this is just expedient for us. It's not
12 very much to have to endure as far as a cost, and
13 then ultimately we'll see if we can just maybe not
14 get any sort of a penalty, but if we do, we'll just
15 pay the price and kind of move on, and so if the
16 price isn't high enough, then this will happen again
17 and again with other corporations and other
18 situations. So I would encourage that there should
19 be some ability for the Public Service Board, in
20 conclusion, to make sure that they state ahead of
21 time in some manner there's a significant cost, and
22 if something was to turn out where they did not
23 adhere to the specific permit or in this case they
24 applied for the permit, they said they didn't need
25 it, and then still this ended up happening. Thank

1 you for the opportunity to present some comments.

2 HEARING OFFICER TOUSLEY: Thank you, Mr.
3 Chapin. There's something I didn't say earlier I
4 should have. We do have a court reporter here. All
5 the comments are being transcribed and will be part
6 of the record for the Board's review when they review
7 the final penalty action. Mr. Conrad.

8 MR. CONRAD: Good evening. Ross Conrad,
9 Middlebury, Vermont. Thank you for holding this
10 hearing and giving the public a chance to provide
11 input on your deliberations. It is my understanding
12 that the purpose for this hearing is to take input on
13 whether or not Vermont Gas violated their Certificate
14 of Public Good. Hopefully I'm correct in that.

15 I think it's very clear that they did
16 because I was looking at the Certificate of Public
17 Good today and it specifically states that they have
18 to abide by all the MOUs or memorandum of
19 understandings that they signed, and they had one
20 signed with -- my understanding, I saw it today, with
21 the Agency of Natural Resources that specifically
22 said that before they do any takings of the
23 sunflowers, specifically talked about the sunflowers,
24 they needed to get a permit, and it's really clear
25 that did not happen. Therefore, it seems very clear

1 that they did not -- they violated their Certificate
2 of Public Good, and unfortunately this is a pattern
3 with the company. They started out trespassing on
4 people's property or their representatives did, they
5 hired contractors to work but didn't have actual
6 contracts for those contractors, they violated safety
7 protocols, the contractors did, doing work for
8 Vermont Gas. They withheld financial information
9 from the Board and were fined for it twice.

10 Basically breaking the law does not seem to be an
11 accident with this company. They have a history of
12 violations and it's a consistent pattern of behavior.
13 A consistent pattern over years now. Many, many,
14 many, many times they have just broken the law, and
15 I'm just wondering like apparently corporations can
16 just do this over and over again and there is -- you
17 know, they can continue to do business without, you
18 know, a slap on the hand. There was a hundred
19 thousand dollar fine was the biggest one they have
20 received so far.

21 I would like to suggest that if during
22 the proceedings you find that they did indeed violate
23 their Certificate of Public Good, then -- and a fine
24 is the appropriate course of action as opposed to
25 maybe shutting them down, which I think may be more

1 appropriate because that's what we do to individuals
2 that break the law and do it over and over again;
3 habitual criminals, they go to jail, they are taken
4 out of society, I would suggest that's probably more
5 appropriate, but if you do not come to that
6 conclusion and you decide to fine them, I would like
7 to suggest you fine the maximum allowed by law, the
8 maximum fine. It has to fit their bottom line. They
9 have to know this is serious and they just can't keep
10 acting this way. This is not the way a good
11 neighbor, a responsible company, acts and yet they do
12 this over and over. In this one project over the
13 past three years they have broken the law at least a
14 half dozen times and it just -- it seems like it
15 never ends. Maybe it will end when the project is
16 finally done. I don't know, but it's really
17 frustrating, and so thank you again for hearing my
18 thoughts.

19 HEARING OFFICER TOUSLEY: Thank you, Mr.
20 Conrad. Ms. Ward.

21 MS. WARD: Hi. My name is Theora Ward
22 and I would like to also thank you for having this
23 hearing. I would also like to thank the two
24 gentlemen who just spoke before me who said exactly
25 what I wanted to say and much more eloquently I must

1 say than I probably would have said it, but I would
2 like to say that I applaud every word that we've
3 heard so far. It is the truth, and I would like to
4 once again ask that please we have to make the
5 penalty appropriate. We are dealing with a company
6 who is doing a project that is worth 166 million
7 dollars. A lot of us have a hard time getting around
8 -- our heads around a million dollars, let alone 166
9 of them, and they do something egregious which they
10 knew about and they get charged this pittance little
11 fine. It doesn't work. They are going to keep doing
12 it. We have to make the punishment fit the crime and
13 that's what I'm asking please. Look at this
14 realistically. There's something really terrible
15 going on here and nobody is doing anything about it,
16 and we're here to ask the people who we expect to
17 protect us to do their job and protect us. Thank
18 you.

19 HEARING OFFICER TOUSLEY: Thank you, Ms.
20 Ward. Ms. Palmer.

21 MRS. PALMER: My name is Jane Palmer and
22 I live in Monkton. I guess we're here tonight
23 because Vermont Gas didn't live up to many of its
24 promises including the one when it said it would not
25 harm any of the rare, threatened, and endangered

1 plants for that permit.

2 As other people have said this is kind
3 of becoming monotonous. It happens again and again,
4 and being someone who lives near this pipeline that's
5 disturbing because it's not just what they have
6 destroyed in the process of putting it in the ground,
7 it's safety and maintenance, and how to -- basically
8 how to conduct business going forward, and I have to
9 live near this pipe. So that's an issue.

10 Lack of oversight, consequences for bad
11 actions seems to be the problem here. So in addition
12 to more oversight by the Department, which we've
13 discussed with June Tierney, the new Commissioner of
14 the Department, we're hoping that the Department will
15 more work for the public rather than what appears to
16 be for the utilities. We're suggest -- I'm
17 suggesting that the Board should include in any
18 further orders or CPGs some sort of built-in penalty
19 for not complying with specific orders or
20 stipulations spelled out in MOUs. Perhaps a point or
21 two off their rate of return. The penalty has to be
22 appropriate so this behavior doesn't continue, but if
23 you could write the penalty right in the order in the
24 CPG so that if they don't comply that there will be
25 known consequences and that will be known upfront by

1 everyone that reads it, project approvals would have
2 to be accompanied by detailed compliance checklists
3 for each condition. Parties and stakeholders should
4 participate in this formulation and it should apply
5 to all projects under PSB jurisdiction.

6 So early on Nate and I were concerned
7 about some of the promises VGS made and the Board
8 said they would incorporate into the order, and we
9 were assured by Chairman Volz that if there was a
10 problem we could come to the Board, and we see what
11 happens when there's a problem. So we appreciate
12 this public hearing. We're kind of hoping to see
13 consequences here of what we perceive as a blatant
14 disrespect of the types of things that are put in
15 place to protect our environment and safety. So
16 we're really hoping the Board will do something that
17 will be effective. Thank you.

18 HEARING OFFICER TOUSLEY: Thank you, Ms.
19 Palmer. Ms. Smokler.

20 MS. SMOKLER: So, again, I think Ross
21 Conrad said essentially what I was wanting to say
22 very eloquently. I mean the MOU between ANR and
23 Vermont Gas is binding under the final order is my
24 understanding, and there were conditions that
25 included doing surveys prior to construction to

1 identify plants after they started growing at the
2 appropriate time and to -- if necessary, to realign
3 the pipe or get a takings permit prior to
4 construction. Clearly they violated the Certificate
5 of Public Good. So my question is what happens when
6 the Certificate of Public Good is violated and what
7 happens when the Certificate of Public Good is
8 violated over and over and over? Who is looking at
9 the conditions of the Certificate of Public Good and
10 making sure that they have been adhered to every step
11 of the way because I'm really confused by that at
12 this point. I don't see that that process is
13 happening and I would like to -- I would like to know
14 -- I would like to see how that adherence with the
15 Certificate of Public Good conditions is -- I mean
16 it's not enough to just sign a bunch of papers saying
17 we'll do this we'll do that, yeah it's all good, it's
18 all in the certificate, and then proceed without any
19 followup on that. So that's I guess the thing that I
20 would add to what Mr. Conrad already said. It seems
21 clear that they had already done clearing here prior
22 to taking the steps that were inherent to the
23 Memorandum of Understanding with the Agency of
24 Natural Resources.

25 Thanks for having this public hearing.

1 I appreciate it, although I'm not sure how effective
2 it is to just come and have people come and rant and
3 talk about the problems that they see over and over
4 again when there's not actual effective --
5 effectiveness steps coming out of these public
6 hearings because they have been going on for quite a
7 long time. Thank you.

8 HEARING OFFICER TOUSLEY: Thank you.
9 Miss Carnwath. I'm trying to pronounce that.

10 MS. CARNWATH: Close enough. Bobbie
11 Carnwath and I live in Cornwall. My concern for this
12 is on a lot of levels, but for one thing I see it as
13 a management problem. I worked as an architect and
14 when I was running jobs it was my job to see that my
15 contractors and subcontractors didn't do any
16 inadvertent mistakes. Oversight is important and it
17 just makes me wonder to what extent Vermont Gas is
18 communicating with its subcontractors; and along
19 those lines the flowers are one thing, but there's a
20 lot of oversight that needs to be done to keep this
21 pipeline safe for the public, and just the fact that
22 the six inches that you can see above the ground is
23 obvious mistakes that could happen, how many not so
24 apparent mistakes are going on and that's my real
25 concern about this.

1 Just to sort of elaborate on -- thank you,
2 Ross, for saying what we're thinking so well and it's
3 been a constant drip, drip of one problem with this
4 project after another, and we're all kind of aware of
5 that, and we come and talk and listen to each one of
6 them, and I know that the climate caucus of the
7 Legislature has submitted a letter to the legislator
8 -- Legislature asking that they request of the Public
9 Service Board I think it is, or the Department, that
10 they ask for reconsideration of the Certificate of
11 Public Good just because so much has changed; not
12 just with the way this project has been managed, but
13 with the comparative prices of oil and with -- when
14 this CPG came out I don't think that cold climate
15 heat pumps were even a realistic possibility out
16 there on the market. A lot has changed and I would
17 urge the PSB to not even wait for the Legislature to
18 ask them, but to really consider reconsidering the
19 original Certificate of Public Good for this project.
20 Thank you.

21 HEARING OFFICER TOUSLEY: Thank you.
22 Sally Burrell.

23 MR. BURRELL: Thank you very much for
24 listening. Bobbie spoke about my sentiments pretty
25 much. We've been watching things go on for the past

1 three and a half years and a lot is cause, worry or
2 concern, you know, many times over shifting gears,
3 and now that it seems like it's getting near the end
4 but really it is not anywhere near the end of this
5 pipeline's use, and as Bobbie was saying there's so
6 much care that still needs to happen through the
7 years. I mean seeing if there's methane leaking from
8 the entire length of it and balancing that with what
9 we're continually learning about how that affects
10 climate, there's just so much that needs to be taken
11 care of. It's not like we just wrap it up and then
12 it's done, and so I feel like it has -- the oversight
13 has to actually get stronger.

14 First of all, I think that really
15 deserves to have the Certificate of Public Good
16 revoked because I don't think it is safe to continue
17 through all those years of usage. So I think that
18 there really needs to be some just careful looking at
19 the long term effects and does it really make sense
20 not just monetarily for the ratepayers, but all
21 across the board and being able to watch over it for
22 all those years, is that really going to be able to
23 be done. Thank you.

24 HEARING OFFICER TOUSLEY: Thank you.

25 Ivor Hughes.

1 MR. HUGHES: Ivor Hughes, Monkton. I
2 have two specific points. I want to ensure that the
3 penalty levied is fully borne by Vermont Gas Systems
4 and identified as a line item in their financial
5 statements such there is no way charged back to VGS
6 customers, and that I would just like to add that
7 that was confirmed by a VGS representative here
8 tonight.

9 Second point. I want to ensure there is
10 a plan in place and published to ensure the
11 sunflowers do fully recover this year and the results
12 are published with photographic evidence that is
13 published into the public domain. In the event there
14 is not a recovery of these flowers, then VGS should
15 be again charged for the full cost of reintroduction.
16 I would like to just add in summary listening to
17 other people who have made inputs here tonight I have
18 very little confidence in the outcome of this
19 meeting. I've attended many meetings since the start
20 of this program -- project, and it bears very little
21 resemblance to the way it started out despite
22 significant public input, and so that's what I have
23 to say. Thank you.

24 HEARING OFFICER TOUSLEY: Thank you, Mr.
25 Hughes. Nancy Baker.

1 MS. BAKER: Hi. I'm Nancy Baker. I
2 live in Hinesburg. There's several points I would
3 like to make, one of which is you said at the
4 beginning of the meeting this was to determine
5 whether we were going to actually go to a full
6 hearing in the end. Did I get that correct that
7 there would be -- you were going to determine whether
8 we're going to go further with this? Did I get that
9 right, sir? You said in April 13 or 14 or 14 and 15
10 there would be more continuance of this?

11 HEARING OFFICER TOUSLEY: I provided you
12 with the schedule for events for the proceeding.

13 MS. BAKER: But you did say there's a
14 chance it might not happen if people came to
15 consensus.

16 HEARING OFFICER TOUSLEY: That
17 possibility exists.

18 MS. BAKER: Okay. Who is that consensus
19 with?

20 HEARING OFFICER TOUSLEY: This isn't a
21 question and answer session, ma'am. I'm not prepared
22 to do that.

23 MS. BAKER: Okay. So here's my
24 comments. I think the company that has, for lack of
25 a better word, deceived the Public Service Board and

1 the Public Service Department and the people in towns
2 around this state that oversight needs to happen
3 before a project begins. So you knew that they were
4 supposed to have a permit for the taking of the
5 sunflowers. They came back and said oh no we don't
6 need a permit. That would have been a good
7 opportunity to say well what are you going to do to
8 make sure that nothing happens. How are you going to
9 make sure that all of the people working on that
10 property know what they are supposed to be doing
11 where the sunflowers are. They weren't sunflowers
12 yet. They were just little stalks, and I think I
13 made the comment earlier it was like providing fire
14 awareness -- fire safety awareness after the building
15 had burned down. Then they decided they would tell
16 everybody what it looked like, how to take care of
17 it. They were going to block off areas where it was.
18 Oversight should be preemptive. It should be -- it
19 should not be after the fact. It needs to be done,
20 and according to their Certificate of Public Good and
21 their MOU they had a plan in place. They didn't
22 stick to that plan. Obviously they decided it was
23 more cost effective to just go right through and take
24 the little penalty that's going to be -- or that was
25 imposed. People have said it over and over. The

1 punishment needs to fit the crime and some people
2 might say oh a few sunflowers what's the big deal,
3 but the bottom line is it's the attitude about oh
4 it's a few sunflowers what's the big deal. Oh it's a
5 wetland what's the big deal, and gee we didn't
6 realize there were wetlands there, but they hired
7 people who supposedly marked the wetlands. They
8 didn't do it correctly. Who is going to be watching
9 out for our planet and our people? I for one, you
10 know, going through Geprags Park don't want to become
11 a crispy critter when something blows up or if
12 something leaks into the wetland. It's going to be
13 in Lake Champlain at the end and we're working so
14 hard to clean up Lake Champlain. So I really urge
15 you to continue this process, and I also urge you to
16 look at how oversight could be done in the beginning
17 and that you make sure that included in every project
18 there are people designated, not hired by the
19 corporation that's supposed to be doing the project,
20 but hired by it; could be your department, it could
21 be the town it's going through, the company pays for
22 it, but that are not bought and paid for by the
23 corporation to just okay everything but to really
24 look at what's happening, why it's happening, and how
25 do we prevent real major problems down the road, and

1 that's what I have to say. Thank you for listening.

2 HEARING OFFICER TOUSLEY: And I want to
3 apologize for not answering your question, but I want
4 to encourage you to speak with Ms. Porter afterwards
5 if you do have other questions or with the Department
6 which is your advocate in this matter.

7 MS. BAKER: Right. I will try. Thank
8 you.

9 HEARING OFFICER TOUSLEY: Lisa Barrett.

10 MS. BARRETT: Hi. I'm Lisa Barrett and
11 I do thank you for holding this hearing and I do hope
12 that the Board pays attention to the things that have
13 been said here. I think people -- I agree with
14 everything that everybody has said and they have
15 stolen some of my thunder so I'll just let them stand
16 on it because they were probably more articulate than
17 I would be.

18 Mowing down the threatened sunflowers
19 was a violation of the CPG. There's no question
20 about that. The MOU between Vermont Gas and ANR,
21 which is made a part of the CPG order on page 8
22 paragraph 11, says about the sunflowers if the plant
23 is present in the project corridor to be impacted
24 during construction, VGS will realign the pipe if
25 feasible to avoid the plant species. If the species

1 cannot be avoided, VGS will obtain a takings permit
2 prior to construction. Now in fact I think it's
3 common knowledge that they started construction
4 before they applied for the takings permit, meaning
5 that they already put -- they already cleared the
6 area before they applied for the takings permit. In
7 addition, this is I suppose the kindest way to look
8 at it, is to say this was a management failure, but
9 management failures are basically the company
10 promising anything and then just going back to their
11 office and not telling their contractors to do it and
12 not making their contractors do it and not being in
13 charge of them.

14 In addition, what happened here is the
15 result of active intentional deception. The timeline
16 presented by ANR this evening said that on July 15,
17 1916 and -- 2016 -- I'm going to read this -- VGS
18 submits a letter withdrawing the permit application
19 for takings. The letter states that the horizontal
20 directional drilling will not result in any impacts
21 to the harsh sunflower. Then they proceeded to mow a
22 three and a half foot swatch. Now mowing that swatch
23 to put the line on is standard operating procedure
24 when they are doing HDD and they knew that. They
25 mowed the corridor after saying there would be no

1 above ground impact. The penalty needs to be
2 substantial enough to reduce the rate of return. I
3 love Jane Palmer's idea of having an automatic
4 penalty for violations of CPGs that would actually
5 say take a point of return -- of the rate of return
6 off of what the company gets. That would be
7 significant. I'm not sure that's -- that can be
8 done. I don't know, but if it can't be done, the
9 penalty needs to be substantial enough to have that
10 impact.

11 The ANR penalty of \$33,000, which I
12 guess is -- they were limited by a formula, is chump
13 change on a 165 million dollar project or 166, and
14 the penalty really needs to be significant because of
15 the active deception, the failure of management, and
16 the violation of the CPG.

17 HEARING OFFICER TOUSLEY: Thank you.
18 Garrett White.

19 MR. WHITE: Hello. My name is Garrett
20 White. I live in Burlington. I would like to first
21 just acknowledge that it's a little cold in here.
22 Second, just to ask -- I know it's not a question and
23 answer session -- would any of the women to my right
24 like my scarf?

25 AUDIENCE: What was that?

1 MR. WHITE: Would any of the women to
2 the right from Vermont Gas Systems want to wear my
3 warmer scarf or my vest? I can keep myself warm.
4 You sure?

5 My word what a lovely evening. There
6 have been a couple quotes that I wrote down. Some
7 real heavy hitters. One that I really enjoyed,
8 active deception. Another one that I enjoyed as
9 well, and by enjoyed I mean horrified by, blatant
10 disrespect. I've lived in Vermont my whole life and
11 honestly I'm new to this -- I'm new to the being
12 awakened about this pipeline about the use of eminent
13 domain and just the horror of natural gas, but what
14 pains me the most is actually to see this blatant
15 disrespect of this Michaels Corporation and this
16 employee who had seemed absentmindedly cleared a path
17 through vegetation, and that's what I have -- I had
18 some trouble with.

19 Being from Vermont my whole life I can't
20 boast to be a sunflower expert unfortunately, but
21 living here having my roots in the soil and really
22 caring for this place, if a company such as -- or
23 corporation such as Vermont Gas Systems would hire
24 Vermont contractors or Vermont workers, perhaps there
25 would be a little bit more discussion of hey this is

1 the land I live on. These sunflowers are important
2 to me. I know what these are. These are called
3 harsh sunflowers and they may be more apt to be a
4 little more cautious around this plant, but it seems
5 that hiring out this outside help they can afford to
6 be absentminded and just to trample. Regardless of
7 that one quote from a member of Vermont Gas Systems
8 seated to my right -- before I quote this person I
9 really do wish all the people gathered here tonight
10 go home and have a great dinner, sleep well, wake up
11 feeling rested. The quote was in regards to the
12 taking of the harsh sunflower. The trampling, if you
13 will, that quote it would be easier end quote.

14 I'm a younger man, of course, but I do
15 understand that it would be easier to trample a --
16 what do they call -- harsh sunflower. Never heard of
17 them. They are probably better off trampled or it
18 would be easier if this whole incident were just lost
19 in some data base. I know it would be easier, but we
20 are here to ensure that change happens and it's
21 positive change.

22 So I really would like to thank that
23 we're able to lend our voices and come gather here
24 tonight. Again it's a little bit chilly, but please,
25 you know, if we actually care for -- as a state if we

1 care for what we're calling a state threatened plant
2 and Vermont Gas Systems has our beautiful state name
3 in their company, just it's a question of values. Do
4 we care about this plant and do we care about the
5 company more than we care about the land. Thank you.

6 HEARING OFFICER TOUSLEY: Thank you.
7 Jessica Rubin.

8 MS. RUBIN: Jessica Rubin, Burlington.
9 Thank you for allowing us the opportunity to express
10 our awareness of what's occurring here. A teacher
11 once said how you do anything is how you do
12 everything and just want to point that out about
13 Vermont Gas. The means often shape the ends. It's
14 clear that the Certificate of Public Good has been
15 violated. I have four requests for the Board to
16 consider, most of which have been said already, that
17 a more fitting penalty is given to Vermont Gas.
18 That's actually not just economic, but it actually
19 requires Vermont Gas to change the way they operate
20 so that this repeated pattern of deception and asking
21 for forgiveness rather than permission does not ever
22 occur again anywhere on the planet.

23 I also, and that is included in what Mr.
24 Hughes had mentioned about replanting, this is part
25 of the penalty, the insistence of replanting

1 documentation for the public, and if the planting
2 doesn't work that a complete replanting is done, and
3 I want to mention it's not just about a plant because
4 under the plant roots there's actually a very complex
5 microbial community and you can't just replace that.
6 It's actually been here for ten thousand years since
7 the last glaciation in this particular area. So
8 that's quite a complex thing to replace, and how you
9 put a penalty on that has to be more than economic.

10 The second request is that Vermont Gas
11 has some form of scientists on your staff. There
12 needs to be not just counting on an understaffed ANR
13 and other underfunded, undersupported organization
14 that they themselves are helping keep themselves in
15 check because you are actually going into the
16 ecosystem and that's important that you have someone
17 who knows about that on your staff and is helping
18 keep your workers in check. You actually help
19 whatever you're trying to do in terms of energy which
20 is very complex for you to break that down. The
21 scientist might actually question the existence of
22 Vermont Gas, but that's another topic. Not totally.

23 So second request that there's some sort
24 of scientific staff on board, and the third request
25 is involving actually all business Vermont Gas

1 conducts, particularly in this park right now, stops.
2 It stops until we hear about the Supreme Court
3 hearing, and I mean there's a bunch of things right
4 now. We don't know what the decision is so my
5 understanding about the way things work in life, at
6 least the way I was raised and the way I teach with
7 students and I've been taught, is that there's the
8 disciplinary action if something is done wrong and
9 that that behavior has to stop until there's a
10 decision about what the consequences are. So
11 actually not to continue it but today, tomorrow, that
12 they are not continuing to finish it.

13 And the last request is almost moot but
14 not completely is that Vermont Gas stops all
15 operation and then if they were to continue, which is
16 not something really that would be good, but there's
17 a proper retraining and the entire organization
18 restructures itself because there needs to be
19 training and oversight, accountability, honesty,
20 ecological consciousness, and social community
21 dynamics going into a community and working with the
22 people who live there learning about the species,
23 learning about how the energy affects the tropic
24 cascade, and I also just want for the record to
25 mention this sunflower as stated many times is

1 threatened in the State of Vermont, but it is also
2 important for one of the rarest butterflies in
3 Vermont. This checker spot butterfly lays its eggs
4 on it and there isn't another plant it can do that
5 on. So it's really not just the sunflower. Thank
6 you.

7 HEARING OFFICER TOUSLEY: Thank you.
8 Those are all the folks that signed up to speak.
9 Does anyone else in addition wish to speak? Yes,
10 sir, please.

11 MR. KLOHCK: My name is George Klohck
12 and my last name is K-L-O-H-C-K. I live in
13 Middlebury and I want to say this is Vermont. I
14 haven't lived my whole life in Vermont. I've
15 identified Vermont as home for about 33 years, but I
16 found Vermont to be a place where people do speak
17 from their own convictions, and people gathered here
18 tonight talk from the heart and come out and make the
19 effort to try to bring about something that can bring
20 justice and truth.

21 I think it was in June of 2013 that the
22 Public Service Board held a hearing in the Shoreham
23 school. That room was packed to standing room only
24 then and I spoke and my testimony -- part of my
25 testimony was quoted in the Rutland Herald and picked

1 up in the Wall Street Journal and read across the
2 country, and I was identified as a retired minister
3 in that article, and what did I say that was that
4 important. I had spoken with people that I knew
5 whose farm was going to be -- the pipeline proposed
6 to cross their farmland changing their future in many
7 different ways, and I heard the anguish that they
8 expressed about how this was going to turn their
9 dreams of their future into a nightmare, and that was
10 what was quoted in the paper.

11 What I'm thinking about now is the
12 situation that we're in today. I don't know that
13 anybody is qualified or can go back and say that the
14 pipeline that is in the ground is going to be
15 entirely safe all the way. So far as I've heard
16 there have been many violations, there have been many
17 things that have been overlooked, and nobody can say
18 that there is certainty that there won't be any
19 interruptions, explosions, leaks of the pipeline
20 along the way. That raises the possibility in my
21 mind that the hopes and dreams of the people will be
22 turned into a nightmare. Nobody knows.

23 What I said in recent testimony to the
24 Public Service Department was that I hoped that no
25 gas would ever flow in these last 41 miles on the way

1 to Middlebury. I think there's justification for
2 that because so much has changed since the pipeline
3 was first proposed; the relative cost of different
4 fuels, an awareness about the dangers of committing
5 ourselves to fossil fuel use for the next 30 or 50
6 years. I guess 50 years is the expected lifetime of
7 the pipeline. Many, many things have changed.
8 People that I know are really gung ho about getting
9 natural gas in Middlebury. I know some people like
10 that who have changed their minds. Things have
11 changed in the way they do things now, and they are
12 not going to sign up as customers. I think that the
13 idea that Vermont Gas Systems will serve 3,000
14 homeowners along the pipeline as it's in place that's
15 widely overestimated. So I say again it's still my
16 hope that no gas will flow beyond where it's flowing
17 now.

18 HEARING OFFICER TOUSLEY: Is there
19 anyone else who would like to make a comment? Thank
20 you. This public hearing is adjourned.

21 (Whereupon, the proceeding was
22 adjourned at 8:05 p.m.)
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25

C E R T I F I C A T E

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5 I, JoAnn Q. Carson, do hereby certify that
6 I recorded by stenographic means the public hearing re:
7 Docket Number 8791 at Holley Hall, One South Street,
8 Bristol, Vermont, on April 5, 2017, beginning at 7 p.m.

9 I further certify that the foregoing
10 testimony was taken by me stenographically and thereafter
11 reduced to typewriting, and the foregoing 31 pages are a
12 transcript of the stenograph notes taken by me of the
13 evidence and the proceedings, to the best of my ability.

14 I further certify that I am not related to
15 any of the parties thereto or their Counsel, and I am in
16 no way interested in the outcome of said cause.

17 Dated at Burlington, Vermont, this 7th day
18 of April, 2017.

19
20 _____

21
22 JoAnn Q. Carson
23 Registered Merit Reporter
24 Certified Real Time Reporter
25