

State of Vermont
Department of Public Service
112 State Street
Montpelier, VT 05620-2601
<http://publicservice.vermont.gov>

[phone] 802-828-2811
[fax] 802-828-2342
[tdd] 800-734-8390

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April 14, 2017

Ms. Judith C. Whitney, Clerk
Vermont Public Service Board
112 State Street
Montpelier, Vermont 05620

Re: VGS/Harsh Sunflower Investigation-Docket 8791

Dear Ms. Whitney:

On August 23, 2016, the Board opened an investigation pursuant to 30 V.S.A. §§ 30 and 209 into whether Vermont Gas Systems, Inc. (“VGS” or the “Company”) violated the Certificate of Public Good (“CPG”) issued by the Board for the Addison Natural Gas Project (the “Project”) in Docket 7970 by taking a threatened plant species during pipeline construction in Monkton, Vermont.

At the same time, the Board stayed the proceedings until the Agency of Natural Resources (“ANR”) completed its investigation into the incident and concluded a civil enforcement action pursuant to ANR’s enforcement authority under 10 V.S.A. § 5403. Upon the conclusion of its enforcement action, ANR determined that VGS had violated 10 V.S.A. § 5403(a) for the taking of seventy-seven (77) individual harsh sunflower plants. ANR and VGS reached an Assurance of Discontinuance (“AOD”) for the violations that was approved by the Vermont Superior Court, Environmental Division, on December 7, 2016.

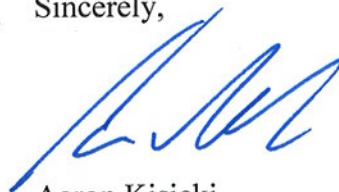


On January 20, 2017, the Board lifted the stay in this docket and scheduled a status conference. A status conference was held on January 31, 2017. Thereafter, on April 5, 2017, the Department, ANR and VGS conducted a public information session in Bristol, Vermont. Following the information session, a public hearing was convened by Board Hearing Officer Michael Tousley.

To conclude the proceedings described above, the Department recommends that an additional penalty in the amount of \$6000.00 be imposed on VGS for the violations of the CPG. In recommending this penalty amount, the Department recognizes that VGS has already paid a significant penalty to ANR for the same violation under consideration here and that VGS gained no economic benefit from the violation. Additionally, VGS immediately self-reported the violation once it was discovered. As a final matter, the Department notes that VGS has cooperated in this investigation and fully complied with all requirements of ANR to develop and implement a plan to protect the harsh sunflowers and avoid future impacts to the harsh sunflower population in the vicinity of the Project.

Thank you for your consideration of this recommendation. Please let me know if you have any additional questions.

Sincerely,



Aaron Kisicki
Special Counsel

cc: Service List