

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Case No. 17-3550-INV

Investigation pursuant to 30 V.S.A. §§ 30 and 209 regarding the alleged failure of Vermont Gas Systems, Inc. to comply with the certificate of public good in Docket 7970 by burying the pipeline at less than required depth in New Haven, Vermont

Case No. 18-0395-PET

Notice of Probable Violations of Vermont Gas Systems, Inc. for certain aspects of the construction of the Addison natural gas pipeline

**MOTION TO INTEREVEVE AS OF RIGHT
OR, IN THE ALTERNATIVE, FOR PERMISSIVE INTERVENTION**

NOW COME, Vermont Electric Power Company, Inc., and Vermont Transco LLC (collectively “VELCO” or the “Company”), by and through its counsel, pursuant to Vermont Public Utility Commission (the “PUC”) Rule 2.209 (A) and (B), and respectfully move the PUC for intervention as of right or, in the alternative, for permissive intervention in this proceeding. In support of this Motion, VELCO submits the following Memorandum of Law.

MEMORANDUM OF LAW

On July 14, 2017, the Commission opened Case No. 17-3550-INV (subsequently consolidated with Case No. 18-0395-PET), to investigate potential violations of the 2013 Final Order and CPG in Docket No. 7970 and, in particular, potential violations regarding the section of the gas pipeline buried in VELCO’s right-of-way in New Haven, Vermont. On January 29, 2021, the Commission’s hearing officer issued *Order re: Liability and Lifting of Stay of Proceedings in Case No. 18-0385-PET*. Vermont Gas Systems has filed a Motion for

Interlocutory Review asserting several errors in the Order, some of which concern safety and VELCO's future right-of-way usage.


VELCO is entitled to intervene in this proceeding as of right. Pursuant to PUC Rule 2.209(A), an applicant "shall be permitted to intervene in any proceeding "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." PUC Rule 2.209(A). VELCO satisfies each of these elements because the Order identifies potential safety issues in and restrictions on future uses of VELCO's rights-of-way that could materially impact VELCO's property and other interests in its rights-of-way. No other party can defend or represent these VELCO-specific interests because they lack the standing, background, knowledge and incentive to do so.

The PUC can also its discretion to allow VELCO's permissive intervention pursuant to PUC Rule 2.209(B), because, in addition to VELCO having the aforementioned VELCO-specific interests that cannot be adequately represented by the other parties, this is the only forum to defend the VELCO-specific interests and VELCO's intervention, which is tailored to the VELCO-specific interests, will not delay the proceeding or prejudice the interests of existing parties or the public.

For these reasons, VELCO requests that it be granted the opportunity to intervene in this proceeding both as a matter of right and by permission pursuant to PUC Rules 2.209(A) and (B).

Dated at Montpelier, Vermont this 12th day of March, 2021.

**VERMONT ELECTRIC POWER COMPANY, INC.
VERMONT TRANSCO LLC**

By: 

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Cc: Service List