

**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

**VERMONT ELECTRIC POWER COMPANY, INC. and VERMONT TRANSCO LLC's
Response to VGS' Motion for Interlocutory Review**

Vermont Transco LLC and the Vermont Electric Power Company, Inc. (together referred to as "VELCO") provide the following response to Vermont Gas Systems' ("VGS") Motion for Interlocutory Review (Motion) of the January 29, 2021, *Order re: Liability and Lifting of Stay of Proceedings in Case No. 18-0385-PET* ("Order"). For purposes of this Response, VELCO adopts and incorporates by reference the standard of review for factual findings set forth in Section I of the Motion. VELCO does not take a position on the Order's proposed ultimate legal conclusions. However, VELCO respectfully requests that the Commission correct the Order's erroneous factual findings identified below or remand this matter to the hearing officer to address those errors.

At several places the Order purports to have found that the pipeline installation fails to meet the pertinent loading standard (HS20+15%) and, further, may create additional

restrictions on VELCO's right-of-way usage. See, e.g., Order at section VI. B. generally. For example, the Order erroneously states:

In their after-the-fact reviews, VELCO, Mr. Byrd, and Mr. Berger all acknowledge that Vermont Gas's failure to properly bury the pipeline in the Clay Plains Swamp may affect the safety of the pipeline and create limits on the use of the VELCO right-of-way.

Order at 27. For good reason, VELCO has not made this acknowledgement; it should be deleted from the record. The testimonial and other evidence is that pipeline installation is expected to meet the HS20+15% loading standard. This aligns with the core intent of the Vermont Gas-VELCO Memorandum of Understanding, i.e., ensuring the preservation of VELCO's operational flexibility through continued safe use of our rights-of-way, that included the loading standard necessary to meet that intent. VELCO is not aware of any evidence that contradicts the testimonial conclusions that the pipeline installation meets the relevant loading standard. Thus, given the critical importance of both safety and current and future electric transmission use of VELCO's right-of-way, VELCO respectfully requests that the Commission revisit the findings to ensure that they are corrected and grounded in the evidence. Consistent with the expert testimony, the Commission should find that the pipeline installation meets the HS20+15% loading standard and delete findings that suggest that the current and/or future use of VELCO's right-of-way, or its safety, is in doubt.

Accordingly, VELCO respectfully requests that the Commission correct the Order's erroneous factual findings identified herein or remand this matter to the hearing officer to address those errors.

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

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



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