

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 17-3550-INV

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| 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 | |
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Case No. 18-0395-PET

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| Notice of Probable Violations of Vermont Gas Systems, Inc. for certain aspects of the construction of the Addison natural gas pipeline | |
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Order entered: 06/07/2021

ORDER RE SCHEDULE

I. INTRODUCTION

This proceeding concerns an investigation into whether Vermont Gas Systems, Inc. (“Vermont Gas”) violated the final order and certificate of public good issued in Docket 7970, which authorized the construction of the Addison natural gas pipeline (the “Project”).¹ This proceeding also addresses a Notice of Probable Violation filed by the Vermont Department of Public Service (the “Department”) with the Vermont Public Utility Commission (the “Commission”) for alleged violations of pipeline safety regulations by Vermont Gas during the construction of the Project.²

In today’s order, I issue a schedule for the remaining phase of this investigation.

II. BACKGROUND

On April 30, 2021, the Commission issued an order directing me to reopen the evidentiary record of this case during the penalty phase of this proceeding:

¹ *Petition of Vermont Gas Systems, Inc. for a certificate of public good authorizing the construction of the “Addison Natural Gas Project,”* Docket 7970, Order of 12/23/13.

² *Notice of Probable Violations of Vermont Gas Systems, Inc. for certain aspects of the construction of the Addison natural gas pipeline,* Case No. 18-0395-PET, filed

We ... direct the hearing officer to reopen the evidentiary record to address whether Vermont Transco LLC/Vermont Electric Power Company, Inc. (“VELCO”) has affirmatively concluded that the loading standard that Vermont Gas achieved in the VELCO right-of-way in New Haven will not limit VELCO’s ability to construct additional transmission infrastructure at that location in the future. As part of the penalty phase of this proceeding the hearing officer shall conduct an evidentiary review of this factual issue as well as the penalty criteria in 30 V.S.A. § 30. The hearing officer’s proposal for decision shall thus make recommendations regarding both whether Vermont Gas violated the 2013 Final Order and CPG, including any amendments to the conclusions and recommendations in the Liability Order based on any new evidence regarding the loading-standard issue, and a recommended civil penalty.³

On May 12, 2021, I issued an order directing the parties to file a joint proposed schedule for the remainder of the proceeding reflecting the Commission’s direction, or separate schedules if the parties could not agree on a joint proposed schedule.

On May 28, 2021, the Intervenors⁴ and Vermont Gas each filed proposed schedules. Vermont Gas represents that the Vermont Agency of Natural Resources and VELCO agree with Vermont Gas’s proposed schedule. The Vermont Department of Public Service (“Department”) also separately filed comments stating that it supports the schedule proposed by Vermont Gas.

No other comments have been filed.

III. DISCUSSION

In response to my request for a joint proposed schedule, Vermont Gas and the Intervenors filed separate scheduling proposals that differ from each other. The proposed schedules begin a month apart and end several months apart. Vermont Gas’s proposed schedule also differs from the Commission’s order of April 30, 2021, by scheduling events not directed by the Commission.

Vermont Gas requests that the schedule begin on July 23 with the parties conducting discovery on the loading-standard issue. Vermont Gas requests a delay in beginning discovery to allow VELCO sufficient time to respond to the Commission’s April 30, 2021, order. The Vermont Gas proposed schedule then proceeds to an evidentiary hearing limited to the loading-standard issue and a request that I issue a revised Liability Order addressing the loading-standard

³ Case Nos. 17-3550-INV and 18-0395-PET, Order of 4/30/21, at 2.

⁴ Kristin Lyons, Lawrence Shelton, Nathan Palmer, Jane Palmer, and Rachel Smolker.

issue. The proposed Vermont Gas schedule ends in December with the parties filing recommendations as to a penalty amount.

The Intervenors proposed schedule begins on June 18 and ends in August after an evidentiary hearing addressing both the loading standard issue and the penalty criteria.

The matters to be addressed in the remainder of this proceeding are established in the Commission's order of April 30, 2021. That order calls for reopening the evidentiary record to examine VELCO's position on the loading-standard issue and for the parties to submit evidence addressing the penalty criteria in 30 V.S.A. § 30. The Commission then directed me to issue a proposal for decision that addressed any new evidence regarding the loading-standard issue, and a recommended civil penalty.

IV. SCHEDULE

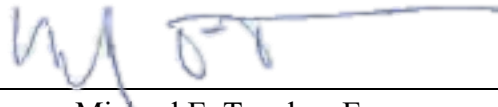
Based on the foregoing, I establish the following schedule for the remainder of this proceeding:

| DATE | EVENT |
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| July 23, 2021 | VELCO files pre-filed testimony and any documentary evidence on the loading-standard issue |
| August 6, 2021 | The other parties file discovery requests on VELCO including any requests for deposition in response to VELCO's filings |
| August 27, 2021 | VELCO responds to discovery and any depositions are completed |
| September 10, 2021 | The parties file pre-filed testimony and documentary evidence responding to VELCO's July 23 filing and the penalty criteria in 30 V.S.A. § 30 |
| September 24, 2021 | Parties file any rebuttal testimony and exhibits |
| October 8, 2021 | Parties serve discovery requests on rebuttal testimony and exhibits |
| October 22, 2021 | Parties respond to discovery requests |
| November 2, 2021 | Parties jointly file a hearing logistics memo addressing exhibits to be admitted and a schedule of cross-examination to be heard at an |

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| | evidentiary hearing |
| November 5, 2021 | Evidentiary hearing is conducted by video teleconference beginning at 9:30 A.M. and ending no later than 5:30 P.M. |
| November 19, 2021 | Parties submit proposed findings and conclusions |
| November 30, 2021 | Parties submit replies to proposed findings and conclusions |
| TBD | Proposal for decision issued for party comments and requests for oral argument, if any |
| TBD | Oral argument, if any |
| TBD | Commission issues final order |

SO ORDERED.

Dated at Montpelier, Vermont, this 7th day of June, 2021.



Michael E. Tousley, Esq.
Hearing Officer

OFFICE OF THE CLERK

Filed: June 7, 2021

Attest: Pamela Lenahan
Deputy Clerk of the Commission

Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Commission (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: puc.clerk@vermont.gov)

PUC Case No. 18-0395-PET - SERVICE LIST

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