

STATE OF VERMONT
PUBLIC SERVICE BOARD

DOCKET NUMBER 7970

IN RE: PETITION OF VERMONT GAS SYSTEMS,
INC. FOR A CERTIFICATE OF PUBLIC GOOD,
PURSUANT TO 30 V.S.A. SECTION 248,
AUTHORIZING THE CONSTRUCTION OF THE "ADDISON
NATURAL GAS PROJECT" CONSISTING OF
APPROXIMATELY 43 MILES OF NEW NATURAL GAS
TRANSMISSION PIPELINE IN CHITTENDEN AND
ADDISON COUNTIES, APPROXIMATELY 5 MILES
OF NEW DISTRIBUTION MAINLINES IN ADDISON
COUNTY, TOGETHER WITH THREE NEW GATE
STATIONS IN WILLISTON, NEW HAVEN, AND
MIDDLEBURY, VERMONT

March 18, 2015

2 p.m.

112 State Street
Montpelier, Vermont

Status Conference held before the Vermont
Public Service Board, at the Third Floor Hearing Room,
People's United Bank Building, 112 State Street,
Montpelier, Vermont, on March 18, 2015, beginning at 2
p.m.

P R E S E N T

BOARD MEMBERS: James Volz, Chairman
Margaret R. Cheney
Sarah D. Hofmann

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1 Appearances continued:

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9 BY: CINDY ELLEN HILL, ESQUIRE

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1 CHAIRMAN VOLZ: Good afternoon. Sorry
2 for the delay. Okay. We are here this afternoon in
3 Docket Number 7970, which is a petition of Vermont
4 Gas Systems, Incorporated for a Certificate of Public
5 Good pursuant to 30 V.S.A. Section 248 authorizing
6 the construction of the Addison Natural Gas Project
7 consisting of approximately 43 miles of new natural
8 gas transmission pipeline in Chittenden and Addison
9 counties, approximately five miles of new
10 distribution main lines in Addison County, together
11 with three new gate stations in Williston, New Haven
12 and Middlebury, Vermont.

13 I would like to start by taking
14 appearances of the parties. Starting with the
15 Department.

16 MS. PORTER: Louise Porter and Timothy
17 Duggan for the Department of Public Service. With us
18 today is Walter Poor who is in our Planning and
19 Energy Division.

20 MS. DILLON: Judith Dillon on behalf of
21 the Vermont Agency of Natural Resources.

22 MS. HILL: Cindy Hill from the Town of
23 New Haven. With me is Jim Walsh the authorized
24 representative of the select board.

25 MS. ZAMOS: Diane Zamos, Agency of

1 Agriculture, Food and Markets.

2 MR. GRIEFAN: Zachary Griefan
3 representing Conservation Law Foundation, Griefan
4 like grief, G-R-I-E-F as in Frank, E-N.

5 MR. PALMER: Nathan and Jane Palmer.
6 North Ferrisburgh, Vermont. Intervenors.

7 MR. DUMONT: James Dumont, Kristin
8 Lyons and AARP.

9 MR. SAUDEK: Richard Saudek for the
10 Vermont Fuel Dealers.

11 MS. HAYDEN: Kimberly Hayden and John
12 Marshall from Downs, Rachlin & Martin for Vermont
13 Gas. With us is Don Rendall, the President of
14 Vermont Gas; Eileen Simollardes, the Vice President
15 of Regulatory Affairs; and James Sinclair the Vice
16 President of the Expansion Project and the existing
17 project of Rutland natural gas; and also Ned Farquhar
18 who is Vice President of Communications and
19 Government Relations.

20 MR. LOUGEE: Adam Lougee, Addison
21 County Regional Planning.

22 CHAIRMAN VOLZ: Any other parties? All
23 right. I think the purpose of today's hearing is to
24 discuss schedule. I understand the parties have
25 talked about that. I just want to remind everybody

1 the first time before you speak give your name each
2 time. The parties need to report on schedule.

3 MS. HAYDEN: The parties have conferred
4 -- I'm sorry -- Kim Hayden for Vermont Gas. The
5 parties have discussed the schedule that the Board
6 circulated earlier and have several revisions to the
7 schedule. Specifically beginning with the first
8 round of discovery, the Board's schedule had April 3,
9 2015 as a deadline. The parties have agreed to move
10 that to April 8.

11 The second item in the schedule
12 following that, response to discovery by VGS. The
13 parties have agreed to move that date from April 10th
14 to April 22. The parties have agreed to then push
15 the non Petitioner prefiled testimony deadline from
16 April 20 to May 6. And the parties have agreed for
17 the following deadline to move the opportunity for
18 depositions from May 6 to the 13th.

19 CHAIRMAN VOLZ: So it would be the 13th
20 for what?

21 MS. HAYDEN: May 6 to the 13 for the
22 period for -- yes, May 6 to the 13 for conducting
23 depositions, and at that point the parties were not
24 able to reach agreement on the date for prefiled
25 rebuttal testimony and technical hearings. We

1 understand from the Hearing Officers that the Board
2 is available the first week of June, and Vermont Gas
3 would recommend that the first and second of June be
4 set aside for the technical hearing date.

5 CHAIRMAN VOLZ: Okay. Any other
6 parties' reaction to that?

7 MR. GRIEFAN: Zach Griefan for
8 Conservation Law Foundation. I'm sitting in for
9 Sandy Levine, unavailable for technical hearing first
10 and second of June. CLF is unavailable for a
11 technical hearing on the first or second of June.
12 CLF prefers the technical hearings be held at the end
13 of June, after Monday June 22.

14 CHAIRMAN VOLZ: Okay. Any other
15 comments on schedule?

16 MR. DUMONT: Yes, James Dumont. We
17 concur with CLF that the starting June 22 would be
18 the best date or the week of June 22. That entire
19 week.

20 MS. HAYDEN: Rebuttal.

21 MR. DUMONT: And rebuttal testimony we
22 would fit in before that. That's part of my reason
23 we need adequate time for rebuttal testimony so it's
24 not a waste of all of our time. Our concern is that
25 we need time to read the Department's, take discovery

1 on the Department, and then prepare rebuttal
2 testimony.

3 CHAIRMAN VOLZ: What day would the
4 parties like to file -- I'm asking Mr. Dumont could
5 you tell us what date you're proposing the parties
6 file rebuttal?

7 MR. DUMONT: May 27.

8 CHAIRMAN VOLZ: Mr. Griefan?

9 MR. GRIEFAN: Yes. Thank you.

10 CHAIRMAN VOLZ: Any other parties want
11 to address that?

12 MS. HILL: Yes, this is Cindy Hill for
13 the Town of New Haven, and we concur with the request
14 for the May 27 date for filing rebuttal testimony.
15 And hearings -- hearings the week of June 22.

16 CHAIRMAN VOLZ: Any other comments on
17 hearing?

18 MS. PALMER: Nathan and Jane Palmer
19 would concur with the 22d for the technical hearing.

20 MR. SAUDEK: Richard Saudek, the
21 Vermont Fuel Dealers also concur with those dates.

22 CHAIRMAN VOLZ: Did you hear that, Kim?

23 COURT REPORTER: Yes.

24 MS. PORTER: Chairman Volz, Kim, this
25 is Louise with the Department. The one concern that

1 the Department does have about scheduling is if the
2 construction is continued, we would like it to
3 continue as soon as possible, but we wouldn't have
4 any objection the first week in June for hearings.
5 That said, we are understanding of other people's
6 conflicts.

7 MS. HAYDEN: And on that, the company's
8 position is that the Board could move forward. We
9 understand you're available the first week of June
10 and that CLF is available, Ms. Levine is available
11 the third and fourth of June. So keeping the
12 schedule consistent with the time frames that the
13 Board had previously proposed to the parties, we
14 would like to preserve that there is -- it's very
15 important that we have some certainty -- regulatory
16 certainty moving forward with the project. And
17 delaying almost an entire month would be of some
18 concern, especially at the beginning of construction.

19 CHAIRMAN VOLZ: Okay. If you're
20 proposing June 3 and 4 for hearing dates, what day
21 would you propose for rebuttal?

22 MS. HAYDEN: If we were using those
23 dates, we believe that the 27th would be fine.
24 Alternatively the Board could move back the rebuttal
25 to the 25th of May.

1 CHAIRMAN VOLZ: Okay. You're saying
2 the other parties proposed --

3 MS. HAYDEN: Yes.

4 CHAIRMAN VOLZ: Any other response?

5 MS. PALMER: Jane Palmer. I don't
6 understand -- they haven't stopped construction. The
7 hearings are not preventing construction from going
8 forward; is that correct?

9 CHAIRMAN VOLZ: I don't know. You
10 haven't --

11 MS. PALMER: I wondered why --

12 MR. DUMONT: A housekeeping. I
13 haven't been able to get my expert on the first week
14 of June. The rest of June I've got. The first week
15 I don't know whether they are available.

16 CHAIRMAN VOLZ: Anybody else? Comment
17 on the schedule? Okay. Any other comment? Okay.
18 Then if there is nothing else today -- oh, yes.

19 MR. GRIEFAN: I understand that the
20 scope of remand was a topic today. I would like to
21 reiterate --

22 CHAIRMAN VOLZ: Not everyone has
23 written comments. We will take them under
24 advisement. The parties have filed comments on the
25 schedule. And all the matters -- we are taking all

1 of that under advisement, and we will be issuing an
2 order soon, including proposing whatever schedule
3 time line. Thanks.

4 MR. PALMER: Nathan Palmer. I don't
5 know that I would have time to prepare for a hearing
6 in that short time frame. What I'm saying is that
7 for me to prepare for technical hearings with such a
8 short notice, I think would be very hard.

9 CHAIRMAN VOLZ: You would find the week
10 of June 22 to be more acceptable?

11 MR. PALMER: That would be. Yes.

12 CHAIRMAN VOLZ: All right. Any other
13 comments? Great. Thank you very much. I'm sorry
14 about the court reporter not being here. That was a
15 breakdown on our part. Thank you.

16 (Whereupon, the proceeding was
17 adjourned at 2:15 p.m.)
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C E R T I F I C A T E

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I, Kim U. Sears, do hereby certify that I recorded by stenographic means the Status Conference re: Docket Number 7970 at the Third Floor Hearing Room, People's United Bank Building, 112 State Street, Montpelier, Vermont, on March 18, 2015, beginning at 2 p.m.

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

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

Dated at Williston, Vermont, this 19th day of March, 2015.

A rectangular box containing a handwritten signature in cursive script that reads "Kim U. Sears". The signature is written in dark ink on a light-colored background.

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