STATE OF VERMONT
PUBLIC SERVICE BOARD

Petition of Vermont Gas Systems, Inc., requesting a Certificate of Public Good pursuant to 30 V.S.A. § 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	)	Docket No. 7970

VERMONT GAS SYSTEMS, INC.'S RESPONSE TO THE PARTIES' JANUARY 12, 2015 COMMENTS AND MOTIONS

Vermont Gas Systems, Inc. ("VGS" or "Vermont Gas"), hereby responds to the January 12, 2015 comments and motions filed in response to its Notice of Revised Cost Estimate (the "Second Cost Update") for Phase 1 of the Addison Rutland Natural Gas Project ("Phase 1" or the "Project"), which VGS submitted to the Public Service Board (the "Board") on December 19, 2014. In particular, Vermont Gas responds to the following filings:

(1) **AARP**: *Motion By AARP for a Board Order Seeking a Remand to hear the Department's Rule 60(b) Motion and the AARP Rule 60(b) Motion, and Motion by AARP for Relief from the Board's October 10, 2014 Order Pursuant to VRCP 60(b)(2)*, dated January 12, 2015 (the "AARP Motion");

(2) **Kristin Lyons**: *Motion by Kristin Lyons for a Board order Seeking a Remand to Hear the Department's Rule 60(b) Motion and the Lyons Rule 60(B) Motion, and Motion by Kristin Lyons for relief from the Board's October 10, 2014 order Pursuant to VRCP 60(b)(2)*, dated January 12, 2015 (the "Lyons Motion");[1]

(3) **Michael Hurlburt**: *Re: the Hurlburts Response to the Public Service Board's Order Entered 1/2/2015*, dated January 12, 2015 (the "Hurlburt Motion");

(4) **Nathan Palmer**: *Comments of Nathan Palmer on Department of Public Service Motion for Relief from Judgment and Proposed Schedule of Vermont Gas Systems, Inc.*, dated

[1] Vermont Gas notes that the Motions submitted by AARP and Kristin Lyons are essentially identical. Therefore, they are collectively referred to as the "AARP/Lyons Motions."

January 12, 2015 (the "Palmer Comments");

(5) **The Department of Public Service** ("DPS" or the "Department"): *The Vermont Department of Public Service Comments on Second Revised Cost Estimate of Phase I Project*, dated January 12, 2015 (the "DPS Comments"); and

(6) **The Conservation Law Foundation** ("CLF"): *Conservation Law Foundation's Response to Filings Regarding Vermont Gas Systems' Update of Estimated Capital Costs*, dated January 12, 2015 (the "CLF Response").

At the outset, Vermont Gas does not oppose these parties' motions for the Board to seek a limited remand of Docket No. 7970 from the Vermont Supreme Court to evaluate whether to reopen the docket pursuant to Vermont Rule of Civil Procedure ("V.R.C.P.") 60(b) in light of the Second Cost Update. Further, Rule 60(b) is the appropriate standard of review to evaluate the Second Cost Update, rather than proceeding pursuant to Board Rule 5.408 as suggested by DPS and CLF.

With respect to the Hurlburts' motion to halt construction and appoint independent counsel, Vermont Gas re-asserts its opposition articulated in its January 12, 2015 response to the Motions submitted by the Department and Nathan and Jane Palmer.

I. Procedural History

On December 23, 2013, the Board issued a final order in Docket No. 7970 granting Vermont Gas a certificate of public good ("CPG") for Phase 1. In its final order, the Board found that the Project will result in an economic benefit to the state and its residents and promote the general good of the state.

On April 9, 2014, Kristin Lyons filed a notice of appeal of the December 23rd Order to the Vermont Supreme Court.

On July 2, 2014, VGS filed an update of the estimated costs of the Project pursuant to Board Rule 5.409 (the "First Cost Update"). The First Cost Update reported a 41% net increase in the projected costs, totaling approximately $35.05 million and resulting in an overall updated

cost estimate of $121.6 million for the Project's transmission and distribution mainline facilities.

On September 4, 2014, the Board issued an Order requesting a limited remand from the Vermont Supreme Court to allow it to review the December 23rd Order in light of the First Cost Update. On September 11, 2014, the Vermont Supreme Court granted the Board's request to remand the December 23rd Order to the Board, allowing 30 days to determine whether to re-open proceedings in light of new cost information reported by VGS on July 2, 2014 (the "First Remand Proceeding").

The Board held a technical hearing in the First Remand Proceeding on September 26, 2014.

On October 10, 2014, the Board issued its order in the First Remand Proceeding, finding that, despite the cost increase, the new cost information was not of such a material and controlling nature as to change the Board's previous determination that approval of the Project pursuant to the criteria of 30 V.S.A. § 248 will promote the general good of Vermont.

On December 19, 2014, Vermont Gas submitted a second revised cost estimate for Phase 1 pursuant to Board Rule 5.409 (the "Second Cost Update"). The letter indicated that the estimated Project costs would be (including contingency) $154 million and that Vermont Gas would be filing testimony and analysis to support the Second Cost Update.

On that same day, the Board issued a memorandum requesting that comments on the Second Cost Update be submitted by close of business on January 8, 2015.

On December 22, 2014, the Department of Public Service filed a motion for relief pursuant to V.R.C.P. 60(b). On December 23, 2014, Intervenor Nathan Palmer ("Palmer") emailed a document entitled "Comments and Motion of Nathan and Jane Palmer (the "Palmers") in Response to Cost Increase Filing of Vermont Gas Systems, Inc." (the "60(b) Motion"). In addition, on December 24, 2014, Palmer filed an Emergency Motion to Enlarge Time, Halt

Construction and Appoint Independent Counsel (the "Motion for Injunctive Relief").

On December 24, 2014, the Board established January 5, 2015 as the deadline for Vermont Gas to respond to the motions filed by the Department and the Palmers.

On December 30, 2014, Vermont Gas submitted a proposed schedule for the Board's evaluation of the Second Cost Update.

On January 2, 2015, the Board issued a scheduling order modifying its prior deadlines for responses to the Second Cost Update and the motions filed by the Department and the Palmers. The Board established January 12, 2015 as the deadline for all responses and requested that VGS explain the purpose of the proposed hearings in its December 30, 2014 filing and the Board's jurisdiction to conduct such hearings.

On January 12, 2015, Vermont Gas submitted its response to the Motions submitted by the DPS and the Palmers and the Board's *Order Re: Schedule for Responses to Filings*. On that same day, the following parties submitted motions and comments in response to the Second Cost Update: AARP, Kristin Lyons, the Department, CLF, the Hurlburts, and the Palmers.

II. Proposed Schedule

Several parties, including the Department, AARP, Lyons, and CLF, comment on the proposed schedule submitted by Vermont Gas in its December 30, 2014 letter to the Board. First, CLF argues that the Board cannot consider the revised costs or conduct a hearing absent a remand. As noted above, Vermont Gas does not object to the Board seeking a limited remand from the Supreme Court to evaluate the Second Cost Update and therefore submits that the Board can proceed with considering a schedule. The Department suggests that the Board should not limit its evaluation of the Second Cost Update to the 30-day timeframe instituted in the First Cost Update. AARP and Lyons oppose the schedule proposed by Vermont Gas and suggest that once remand is granted and VGS prefiles testimony, the parties should be given five business

days in which to submit discovery requests upon VGS. VGS would then have five business days to respond, and then non-petitioners would then prefile testimony five business days from that date.

Vermont Gas prefiled testimony and analysis supporting the Second Cost Update on January 15, 2015. Vermont Gas agrees with the discovery periods proposed by AARP/Lyons and submits that adopting a schedule consistent with the AARP/Lyons' proposal will also be consistent with the Department's recommendation not to limit the remand proceeding to 30 days. Additionally, Vermont Gas proposes intervals of seven business days between each deadline, rather than five business days as requested in the AARP/Lyons Motions in order to provide sufficient time for all parties to develop discovery, response, and prefiled testimony.

Accordingly, Vermont Gas proposes the following schedule. Please note that Vermont Gas assumes that the Board's request for limited remand, the Vermont Supreme Court's grant of a limited remand, and the Board's order establishing a schedule for this proceeding will be issued by January 26, 2015.[2]

Vermont Gas files prefiled testimony	January 15, 2015
Discovery filed on VGS	February 4, 2015
VGS responds to discovery	February 13, 2015
Non-petitioners file prefiled testimony	February 24, 2015
Technical Hearings	March 3, 2015
Parties file briefs	March 11, 2015

III. Standard of Review

In the motions submitted on January 12, 2015, the Department and CLF argue that the Board's review of the Second Cost Update should proceed under Board Rule 5.408, the process for an amendment to a CPG, rather than the process prescribed under V.R.C.P. 60(b). While the

[2] These assumptions are based on the Board's process/timeframe in the First Remand Proceeding. In that proceeding, the Board requested a limited remand on 9/4/2014, the Vermont Supreme Court granted limited remand on 9/11/2014, and the Board issued a scheduling order for the remand proceeding on 9/12/2014.

Department acknowledges that "both procedural mechanisms provide a meaningful and effective opportunity for the Board to investigate the Project in light of the second revised costs estimate," it "believes that the amendment process is more likely to provide an effective means of review of the Project in light of the second revised cost estimate."[3] Vermont Gas respectfully disagrees and submits that the appropriate standard of review, as established by the Board in prior precedent, is Rule 60(b).

A. Rule 60(b) is the Appropriate Standard of Review

Vermont Gas provided the Second Cost Update for Phase 1 pursuant to Board Rule 5.409. Board Rule 5.409 provides:

> Where a Vermont utility is the petitioner, or the costs of a project or a portion thereof are eligible to be recovered from ratepayers, the petitioner shall regularly monitor and update the estimated capital costs of any project it has proposed for or received approval under Section 248. When the estimated capital costs of such a project increase by 20 percent, and the increase is at least $25,000, or such other amount as the Board may order in a given proceeding or prescribe in a Procedure, prior cost estimates submitted by the petitioner to the Board, the petitioner shall notify the Board and parties of the new capital cost estimates for the project and the reasons for the increase. This requirement to monitor, update, and report shall continue until construction of the project has been completed.[4]

This Rule, which specifically governs increased cost estimates, does not direct that a petitioner seek a CPG amendment under Board Rule 5.408, a general rule governing project changes. Rather, Board Rule 5.409 directs that the petitioner notify the Board and parties of significant or consequential cost-estimate increases, so that the Board can direct what actions, if any, might be warranted. Vermont follows the long-standing rule of construction that specific

[3] Department Motion at 6, 10.
[4] Board Rule 5.409.

provisions control over more general ones.[5] If an increase in estimated project costs alone (as is the case here) were sufficient, as the Department and CLF essentially contend, to require an amendment under Board Rule 5.408, it would produce an undesirable result in that Board Rule 5.409 would be rendered superfluous.[6] In other words, there would be no need for a specific rule governing the submission of updated cost estimates.

Further, the applicability of Rule 5.409 rather than Rule 5.408 in the present matter is supported by the Board's prior precedent — specifically, *Petitions of Vt. Elec. Power Co.*, Docket No. 6860 (hereinafter, the "*Northwest Reliability Project*"), and the First Remand Proceeding—as well as the Board's rulemaking. In Docket No. 6860, the petitioner had been granted a CPG in January 2005, and in July 2005 it submitted an updated estimate reflecting a potential increase in costs of up to 90 percent.[7] The key issue before the Board was whether the decision to re-open the proceedings would be governed by the standards under V.R.C.P. 60 or the standards governing amendments to projects (including the "substantial change" standard now contained in Board Rule 5.408).[8] The Board concluded that the appropriate standards were those set forth in Rule 60.[9] In rejecting the applicability of the "substantial change" standard, the Board found that this standard did not touch upon the question of re-opening a proceeding. The Board then reasoned that the updated cost estimate constituted newly discovered evidence that was encompassed within Rule 60(b)(2), which permitted relief from a final order only if the new

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[5] *Town of Brattleboro v. Garfield*, 2006 VT 56, ¶ 10, 180 Vt. 90, 904 A.2d 1157 ("We apply the long-standing rule of statutory construction that where two statutes deal with the same subject matter, and one is general and the other specific, the more specific statue controls."); *see also Clifford v. Racine*, 2012 VT 95, ¶ 9, 192 Vt. 595, 71 A.3d 1120 ("When construing statutes and regulations, specific provisions generally trump more general ones.") (quotation omitted).

[6] *Cf. Roy v. Woodstock Cmty. Trust, Inc.*, 2013 VT 100A, ¶ 55 ("It is, of course, axiomatic that statutes must not be construed in a manner that would render their language superfluous or lead to irrational results."); *Murdoch v. Town of Shelburne*, 2007 VT 93, ¶ 5, 182 Vt. 587, 939 A.2d 458 ("We will avoid a construction that renders any portion of a statute ineffective or superfluous.")

[7] *Petitions of Vt. Elec. Power Co.*, Docket No. 6860, Order of 9/23/05 at 1, 4.

[8] *Id.* at 18.

[9] *Id.* at 19.

evidence was "of such a material and controlling nature as will probably change the outcome."[10]

The Department states that it initially opposed CLF's request to institute a proceeding pursuant to Rule 5.408 in response to the First Cost Update because it did not believe that the first revised cost estimate rose to the level of a "substantial change" that would require an amendment. The Department argues that it cannot reach the same conclusion with respect to the Second Cost Update.[11] However, neither the Department nor CLF articulate the basis for applying a different process and standard of review than in the First Remand Proceeding. In the *Northwest Reliability Project,* the Board ruled unequivocally that Rule 60(b)(2) is the appropriate standard of review for evaluating updated cost estimates, even where the project cost estimate had increased by ***ninety percent.***[12] The estimated cost increase in the Second Cost Update amounts to an approximately 78% increase from the cost estimate relied upon by the Board when it issued a CPG to Vermont Gas.

Additionally, in the wake of the *Northwest Reliability Project,* the Board promulgated Rules 5.400 et seq. ("Requirements for Petitions to Construct Electric and Gas Facilities Pursuant to 30 V.S.A. § 248") in October 2006. In doing so, the Board specifically created a separate rule for addressing increases in project capital costs estimates (Rule 5.409). This strongly suggests that the Board did not intend that cost-estimate increases be dealt with under Rule 5.408 in the first instance.

Lastly, Vermont Gas submits that a CPG amendment pursuant to Rule 5.408 is not appropriate as it is not clear what portions of VGS' Phase 1 CPG require amendment.

B. <u>Board Review Pursuant to Rule 60(b)</u>

As an initial matter, Vermont Gas agrees with several parties' motions and comments that

[10] *Id.* at 21.
[11] Department Motion at 9.
[12] Docket No. 6860, Order of 9/23/05 at 19-21.

for the Board to conduct a Rule 60(b) proceedings for a decision currently on appeal, the Vermont Supreme Court must remand jurisdiction of that docket to the Board.

As briefed in Vermont Gas' January 12, 2015 response, when determining whether to reopen a prior, final order, the Board's review is governed by V.R.C.P. 60. Rule 60(b), which applies to Board proceedings pursuant to Board Rule 2.221, establishes the requirements for reopening a final decision of the Board. In pertinent part, Rule 60(b) provides that:

> On motion and upon such terms as are just, the court may relieve a party or a party's legal representative from a final judgment, order, or proceeding for the following reasons: . . . (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59(b); . . . or (6) any other reason justifying relief from the operation of judgment.[13]

Rule 60(b)(2) allows the Board to grant relief from a final order on the basis of newly discovered evidence, provided that the new evidence is "'of such a material and controlling nature as will probably change the outcome.'"[14] Rule 60(b)(2) "generally applies when the parties are unaware of evidence existing at the time of the judgment and, through no fault of their own, discover that evidence only after the judgment."[15]

The Board recently addressed the Rule 60(b) standard in response to the First Cost Update in this docket, which was filed with the Board on July 2, 2014. In that Order, the "question before the Board under Rule 60(b)(2) [was] whether to reopen [the] December 23rd Order because of the new estimated cost information submitted by VGS."[16] Finding that the new cost information was not of such a material and controlling nature as to change the Board's previous determination that approval of the Project under the Section 248 criteria will promote

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[13] V.R.C.P. 60(b).
[14] Docket No. 6860, Order of 9/23/05 at 21 (*citing In re Petition of Ryegate Wood Energy Co.*, Docket 5217, Order of 11/30/90 at 4 (*quoting* MOORE'S FEDERAL PRACTICE § 60.23[4] (2d ed. 1990)).
[15] *Tobin v. Hershey*, 174 Vt. 634, 638 (2002).
[16] Docket No. 7970 (On Remand), *Order Re: Rule 60(b) Reconsideration, Order of* 10/10/2014 at 14 [hereinafter, "10/10/2014 Order"].

the general good of Vermont, the Board decided not to reopen the Phase 1 Order.[17] In that Order, the Board articulated the Rule 60(b) standard:

> Rule 60(b) is not "an open invitation to reconsider matters concluded at trial, but should be applied only in extraordinary circumstances." *John A. Russell Corp. v. Bohlig*, 170 Vt. 12, 24 (1999). The threshold determination of whether to reopen a prior decision under Rule 60(b) is committed to the discretion of the Board. *See Lyddy v. Lyddy*, 173 Vt. 493,497 (2001). In making this threshold determination, it is appropriate to consider the prejudice that would arise from setting aside the judgment.[18]
>
> Of particular relevance to this remand proceeding is Rule 60(b)(2), which we have previously construed to permit relief from a final order when new evidence is discovered that is "of such a material and controlling nature as will probably change the outcome."[19]

Specifically, the Board found that Rule 60(b)(2) provided the appropriate standard for its review as "the catalyst for any decision to reopen the December 23rd Order would be newly discovered evidence — the revised cost estimate reported by VGS on July 2, 2014."[20] Importantly, the Board explained that:

> Our analysis of whether to reexamine the December 23rd Order begins with considering whether this new information is of a nature that is so material and controlling as to probably change the outcome we reached in the December 23rd Order. If we conclude that such a probability exists, then we must proceed to take evidence . . . to support a determination of whether and how to modify our decision to approve a CPG for the Project. Conversely, if we conclude that no such probability exists, the December 23rd Order stands as is, and VGS retains all rights and obligations under the existing CPG for the Project.[21]

Further, the Board observed that its decision to proceed under Rule 60(b)(2) was "consistent with [its] precedent relating to the construction of the *Northwest Reliability*

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[17] *Id.* at 1.
[18] *Id.* at 7 (citing *Teamsters, Chauffers, Warehousemen, and Helpers Union Local No. 59 v. Superline Transport. Co.*, 53 F.2d 17, 20 (1st Cir. 1992)).
[19] *Id.* at 7 (citing *Teamsters, Chauffers, Warehousemen, and Helpers Union Local No. 59 v. Superline Transport. Co.*, 53 F.2d 17, 20 (1st Cir. 1992)); Docket No. 6860, Order of 9/23/2005 at 21 (*citing In re Petition of Ryegate Wood Energy Co.,* Docket 5217, Order of 11/30/90 at 4 (*quoting* MOORE'S FEDERAL PRACTICE § 60.23[4] (2d ed. 1990))).
[20] 10/10/2014 Order at 7.
[21] *Id.* at 14.

Project."[22] In the *Northwest Reliability Project*, following a remand of the case from the Vermont Supreme Court in which the Court limited the scope of analysis to the new cost information submitted by the petitioner, the Board provided the parties with an opportunity to move to reopen the proceedings to evaluate the effect of the updated cost estimate.[23] As discussed above, the Board reviewed the revised cost estimate under Board Rule 60(b)(2), ultimately concluding that reopening the proceeding was not warranted because "***[w]hile the near doubling of projected costs for the [Project] may, at some visceral level, seem to call for reexamination of the Project, the cost increase in fact is not likely to change the outcome of our January 28, 2005 Order.***"[24]

Similarly here, the appropriate standard of review for the Board to evaluate the Project in light of the Second Cost Update is Rule 60(b), and the threshold question before the Board under Rule 60(b) is whether the docket should be reopened because the Second Cost Update is of such a material and controlling nature that it will likely change the Board's previous determinations that the Project will promote the general good of Vermont pursuant to 30 V.S.A. § 248.[25] After that determination, if the Board were to conclude that such a likelihood exists, then it would at that time hear evidence to determine whether and how to modify its decision to approve a CPG for the Project.[26]

IV. Scope of the Board's Threshold Investigation Under Rule 60(b)

Several parties have offered comments concerning the scope of the Board's investigation into the Second Cost Update. In particular, the Palmer Comments contend that the Board's inquiry should be "much broader than a reevaluation of project costs and benefits" and should

[22] *Id.* (citing Docket No. 6860, Order of 9/23/05 at 1-2).
[23] Docket No. 6860, Order of 9/23/05 at 4-5.
[24] *Id.* at 22 (emphasis added); *see also* 10/10/2014 Order at 7, n. 13.
[25] Docket No. 6860, Order of 9/23/05 at 21; *see also* 10/10/2014 Order at 14.
[26] 10/10/2014 Order at 14.

encompass a reassessment of "the need for the project, the demand for natural gas, the valuation of reductions in carbon emissions, and methane emissions' climate impact."[27] Similarly, the Hurlburt Motion requests a "complete investigation" addressing "many factors," including the recent decline in fuel oil prices, New York's ban of fracking, and the uncertainty of International Paper's contribution to the Project costs.[28] The Department notes that while a rigorous investigation is warranted, it should only extend to those Section 248 criteria that are impacted by the Second Cost Update.[29] To that end, the Department submits that parties should have the opportunity to present evidence of "material developments and their impact on the Project, so long as they generally pertain to Project costs."[30]

Consistent with the Department's comments, Vermont Gas submits that the Board's threshold investigation under Rule 60(b) should be limited to matters that implicate the Second Cost Update and the relevant Section 248 criteria, 30 V.S.A. §§ 248(b)(2) (project need) and (b)(4) (economic benefit).[31]

Parties have also raised concerns about the Project's potential rate impact and whether it could amount to an impermissible cross-subsidy.[32] During the Board's review of the First Cost Update, the Board provided a helpful explanation of the relevance of potential rate impacts in a Section 248 proceeding:

> At this stage, we have no competent basis for concluding that existing ratepayers actually will pay more. The Board has not been asked to approve a change in rates due to the Project. Moreover, it is possible that the Board could adopt rate design options that would mitigate or eliminate any cross-subsidy, such as by setting different rates for new customers. However, based upon the record before the Board in this proceeding, there appears to be a reasonable possibility of

[27] Palmer Comments at 4-5.
[28] Hurlburt Motion at 1-2.
[29] DPS Comments at 5.
[30] *Id.* at 6.
[31] *Id.* at 5.
[32] *See generally* AARP/Lyons Motions; Palmer Comments.

> existing ratepayers incurring higher charges for a period of time. For this reason, we have undertaken the analysis reflected in today's Order and in the December 23rd Order concerning whether the anticipated rate impacts of the Project would result in an unjust cross-subsidy. We emphasize that our analysis of this issue in this Section 248 proceeding has been limited and therefore does not constitute a conclusive or binding review by this Board of the actual rate impacts of the Project.[33]

Quoting this passage, the Department notes that potential rate impacts should be addressed "only in broad terms in the context of this section 248 proceeding" given that "any discussion pertaining to ultimate rate impacts over the course of decades is fraught with speculation," and whether VGS will ultimately recover Project costs through rates is for the Board to decide in a ratemaking proceeding.[34]

Vermont Gas respectfully agrees that the scope of the Board's investigation should only generally address potential rate impacts. Whether VGS can recover Project costs through rates is more appropriately considered in a future rate case rather than in the Board's threshold determination of whether to reopen its prior Order and CPG in Docket No. 7970 under Rule 60(b).

V. Injunctive Relief and Appointment of Independent Counsel

For the reasons articulated in Vermont Gas' January 12, 2015 response to the Palmers' Motion for Injunctive Relief, the Hurlburt Motion requesting a halt on all construction should similarly be denied.[35] The Hurlburt Motion neither satisfies the procedural requirements for injunctive relief nor provides substantive support that addresses the criteria required for injunctive relief under Board Rule 2.207.

Similarly, the Hurlburt Motion's request that the Board appoint independent counsel to

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[33] 10/10/2014 Order at 25 n.72.
[34] DPS Comments at 11.
[35] *See Vermont Gas Systems, Inc's Response to the Motions Submitted by the Department of Public Service and Nathan and Jane Palmer and the Public Service Board's Order Re: Schedule for Responses to Filings*, dated 1/12/2015 at 8-15 ("VGS' January 12 Response").

investigate the Project should also be denied for the same reasons discussed in VGS' January 12, 2015 response to the Palmers' Motion for Injunctive Relief.[36]

VI. Conclusion

WHEREFORE, for the reasons stated in this memorandum, Vermont Gas respectfully requests that the Board grant the relief requested herein.

Dated at Burlington, Vermont this 16th day of January, 2015.

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[36] *See* VGS' January 12 Response, dated 1/12/2015 at 15-16.