

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Petition Pursuant to 30 V.S.A. §§ 208 & 209)
regarding the operation of the substantially) Docket No.24-2630-PET
changed Addison Natural Gas Pipeline without)
either a Certificate of Public Good or a waiver)
pursuant to 30 V.S.A. § 248(k))

PETITION PURSUANT TO 30 VSA §§ 208, 209

EXHIBIT B – RESPONSE OF DPS TO PETITIONERS’ REQUEST FOR ENFORCEMENT

Date: August 12, 2024

JEFFREY EVEREST, KRISTIN LYONS,
JANE PALMER, NATHAN PALMER,
LAWRENCE SHELTON and RACHEL
SMOLKER, PH.D.

By:

/s/ James A. Dumont

James A. Dumont, Esq.
Law Office of James A. Dumont, Esq. PC
15 Main St., PO Box 229
Bristol, VT 05443
(802) 453-7011 office
(802) 349-7342 cell
dumont@gmavt.net
dumont.vt@gmail.com

DPS response 7 23 24

Hi Jim - I hope you and yours are well. Eric forwarded me your inquiry from last week, and the response of the Department is included below. Please let us know if you have any questions.

Jim

There is no need or basis for an enforcement action. Here's why:

The Commission's investigation in Docket 17-3550-INV/18-0395-PET involved a thorough and comprehensive review by both the Commission's independent pipeline safety expert and the Department's engineering division, assessing the ANGP's construction, performance, and safety. A core part of this review was to determine whether the ANGP's safety had been compromised to such a degree that its operation presented a threat to the public's safety and required immediate closure. The Commission's answer was "no," and that the pipeline is safely constructed and safe to operate.

The Commission's independent expert unequivocally concluded that the ANGP, as constructed, meets industry standards and does not pose an immediate public health and safety concern – a subject that was discussed at length in the proposal for decision that the Commission ultimately adopted. In its final order, the Commission stated that there is no existing emergency prompting the use of Section 248(k)'s temporary authorization procedures and that none of the substantial change determinations made by the Commission require reconstruction of any elements of the ANGP (See PFD as adopted by PUC's Final Order at PDF pg. 45). The Commission expressly held that had the evidence shown that the ANGP was unsafe and presented an immediate harm to public safety, the Commission would have ordered the ANGP's cessation of operations within the investigation proceeding. (PUC Final Order at PDF pg. 20).

Given that the Commission has established the absence of any emergency circumstance that warrants immediate approval for reconstruction of the ANGP, there is no basis for proceeding under Section 248(k). Rather, the upcoming Section 248 amendment proceeding is the appropriate avenue for addressing necessary approvals to VGS's substantial changes. This position aligns fully with the process outlined in the Vermont Supreme Court's April 12, 2024 remand order in Docket No. 23-AP-244 and Commission Rule 5.413. Accordingly, the Department will take no action to require VGS to seek emergency authorization for the ANGP.

Jim Porter

Director for Public Advocacy
Vermont Department of Public Service
112 State Street
Montpelier, VT 05620-2601
Phone: [802-828-4003](tel:802-828-4003)
Mobile: [802-522-6685](tel:802-522-6685)
james.porter@vermont.gov

From: James Dumont <dumont@gmavt.net>
Sent: Wednesday, July 17, 2024 11:44 AM
To: Guzman, Eric <Eric.Guzman@vermont.gov>
Subject: Re: 23-AP-244 - Department's Position on 248(k)

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Eric, I hope you are well. You have seen our motion for injunction. The Commission said to file it as a new matter. Before I file a complaint under section 209 to address the section 248(k) issue, I am writing you in the hope that the Department will initiate enforcement so I don't have to file the complaint. Could you let me know the Department's position? Thanks.

Sincerely,
Jim
James A Dumont, Esq.
Law Office of James A. Dumont, Esq., PC
P.O. Box 229/15 Main Street
Bristol, Vermont 05443
Office: [802.453.7011](tel:802.453.7011)