

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Case No. 24-2630-PET

Petition pursuant to 30 V.S.A. §§ 208 and 209 for injunctive relief regarding VGS’s operation of the Addison Natural Gas Pipeline	
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REPLY OF THE VERMONT DEPARTMENT OF PUBLIC SERVICE

On July 31, 2024, Kristin Lyons, Jane Palmer, Nate Palmer, Lawrence Shelton, Rachel Smolker, Ph.D., and Jeffrey Everest (“Petitioners”) filed a petition with the Vermont Public Utility Commission (“Commission”) under 30 V.S.A. §§ 208 and 209, asserting that Vermont Gas Systems, Inc. (“VGS”) is violating §§ 248(a), (b), and (k), and seeking a permanent injunction pursuant to Commission Rules 2.206, 2.406, 5.5401-5.404, and 5.413 to compel VGS to obtain a temporary waiver pursuant to § 248(k) to operate the substantially changed Addison Natural Gas Pipeline (“ANGP” or “the pipeline”) or, in the alternative, to compel VGS to cease operation of the ANGP, unless and until it obtains a new Certificate of Public Good (“CPG”). On August 22, 2024, the hearing officer issued an order (“Procedural Order”) raising threshold legal issues and setting a deadline for any dispositive motions in response to the petition on September 23, 2024. On September 23, 2024, VGS and the Vermont Department of Public Service (“Department”) each filed motions to dismiss. Petitioners filed a response to the motions to dismiss on October 23, 2024.

The Department has reviewed Petitioners’ response and asserts that the Department’s motion to dismiss withstands Petitioners’ challenge. The Department asks the Commission to refer to the arguments advanced in that motion, as Petitioners do not raise any arguments in their response to the Department that the motion to dismiss does not already adequately address.

The Department maintains, as put forth in the motion to dismiss, that VGS lawfully continues to operate the pipeline under a CPG that was not revoked in the Commission's investigation proceedings or subsequent appeal, and there is no legal basis for requiring VGS to obtain temporary authorization to continue operating the as-built pipeline pending the Commission's review of its application to amend the CPG. Further, there is no basis for the extreme measure of enjoining the operation of the pipeline. In their response, Petitioners do not dispute the Department's arguments that there are neither emergency circumstances related to the pipeline's operation nor a need for reconstruction that could justify a requirement that VGS obtain a § 248(k) waiver. Instead, Petitioners attempt to argue for a reinterpretation of statutory language that does not align with Commission precedent, relying on many of the same cases the Department already distinguished in its motion to dismiss. While Petitioners claim their alternative request is for a permanent injunction if VGS does not pursue a § 248(k) waiver, the Department maintains that the injunctive relief sought is more akin to a preliminary injunction request, for which the Commission should apply the 4-part test, as the Department sets out in its motion to dismiss.

DATED at Montpelier, Vermont, this 6th day of November 2024.

Respectfully submitted,

VERMONT DEPARTMENT OF PUBLIC SERVICE

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