

**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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**COMMENTS OF THE VERMONT DEPARTMENT OF PUBLIC SERVICE ON
PROPOSAL FOR DECISION**

On January 13, 2025, the Hearing Officer assigned to this matter issued a Proposal for Decision (“PFD”) on the petition that Kristin Lyons, Jane Palmer, Nate Palmer, Lawrence Shelton, Rachel Smolker, Ph.D., and Jeffrey Everest (“Petitioners”) filed 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). Petitioners request a permanent injunction compelling VGS to either obtain a temporary waiver under Section 248(k) or to cease operation of the Addison Natural Gas Pipeline (“ANGP”) unless and until it obtains a new certificate of public good (“CPG”). In the PFD, the Hearing Officer recommends that the Commission dismiss the petition on grounds of *res judicata* and lack of standing under Section 208, and in the alternative, grant summary judgment in favor of VGS on the matter of Petitioners’ request that VGS be required to obtain a Section 248(k) waiver in order to operate the ANGP while the Commission considers VGS’s petition to amend its CPG.

The Vermont Department of Public Service (“Department”) supports dismissal of the petition. In the event that that the Commission considers summary judgment, the Department supports the Hearing Officer’s recommendation for summary judgment on the issue of the applicability of the 248(k) waiver, and additionally recommends granting summary judgment in favor of VGS on the issue of cessation of ANGP operations. Both of Petitioners’ requests rest on legal questions that do not require further factual development. The Department maintains the

position expressed in its previous filings in this docket that there is no basis for requiring VGS to obtain a Section 248(k) waiver or to cease operating the ANGP pending a determination in the CPG amendment proceeding.

DATED at Montpelier, Vermont, this 14th day of February 2025.

Respectfully submitted,
VERMONT DEPARTMENT OF PUBLIC SERVICE

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