

STITZEL PAGE & FLETCHER PC

ATTORNEYS AT LAW

David W. Rugh - drugh@firm SPF.com - (802)660-2555

December 29, 2016

VIA ELECTRONIC MAIL & FIRST-CLASS MAIL

Judith C. Whitney, Clerk of the Board
Vermont Public Service Board
112 State Street, 4th Floor
Montpelier, VT 05620-2701

Re: Docket No. 8816 – *Petition of Swanton Wind, LLC, for a certificate of public good, pursuant to 30 V.S.A. § 248, for the construction of an up to 20 MW wind-powered electric generation plant powered by up to 7 wind turbines located along Rocky Ridge in Swanton, Vermont*

Dear Ms. Whitney:

Enclosed please find an Entry of Appearance, Motion to Intervene, and Certificate of Service for filing with the Public Service Board in the above-referenced matter.

Please contact me with any questions. Thank you for your assistance.

Sincerely,



David W. Rugh, Esq.

DWR/gc
Enclosures

cc: Service List (Parties via e-mail; Interested Persons via first-class mail)

NRPC16-001 (Swanton Wind) DWR to PSB re EOA, Motion Intervene & Cert Serv 16-12-29 cor

JAN 9 11 21 AM '17
VT PUBLIC SERVICE BOARD
JV
MC
SDH
JC
GF
MK
DW

STATE OF VERMONT
PUBLIC SERVICE BOARD



Docket No. 8816

Petition of Swanton Wind, LLC, for a certificate of public)
good, pursuant to 30 V.S.A. § 248, for the construction of)
an up to 20 MW wind-powered electric generation plant)
powered by up to 7 wind turbines located along Rocky)
Ridge in Swanton, Vermont)

MOTION TO INTERVENE

NOW COMES the Northwest Regional Planning Commission (“NRPC”), by and through its attorneys, Stitzel, Page and Fletcher, P.C., and, to the extent any such motion is necessary, hereby moves to intervene in the above-captioned matter, pursuant to 30 V.S.A. § 248(a)(4)(G), Public Service Board Rule 2.209(A) and 24 V.S.A. § 4345a(14).

Memorandum

This is a proceeding commenced by Applicant, Swanton Wind, LLC, under 30 V.S.A. § 248 to obtain a Certificate of Public Good (“CPG”). Section 248(a)(4)(G) of Title 30 provides that “[t]he regional planning commission for the region in which the facility is located shall have the right to appear as a party in any proceeding under this subsection.” Public Service Board Rule 2.209(A) provides for intervention as of right “upon timely application” in certain circumstances, including “(1) when a statute confers an unconditional right to intervene....”

Moreover, 24 V.S.A. § 4345a(17) requires a regional planning commission created

STITZEL, PAGE &
FLETCHER, P.C.
ATTORNEYS AT LAW
171 BATTERY STREET
P.O. BOX 1507
BURLINGTON, VERMONT
05402-1507

under Chapter 117 of Title 24 to “[a]pppear before the public service board to aid the board in making determinations under 30 V.S.A. § 248.”

As described in the Applicant’s CPG petition, the location of the proposed wind turbine facility is off Rocky Ridge Road in Swanton, Vermont. This site is within the boundaries of the designated region of the NRPC, as approved by the Agency of Commerce and Community Development, which includes the Town of Swanton. *See* 24 V.S.A. § 4341. Accordingly, the NRPC has both the statutory right and obligation to appear and intervene in these proceedings. NRPC requests party status under all criteria of 30 V.S.A. § 248(b).

Conclusion

For the reasons discussed herein, NRPC respectfully requests that the Board grant its Motion to Intervene pursuant to 30 V.S.A. § 248(a)(4)(G), Public Service Board Rule 2.209(A)(1) and 24 V.S.A. § 4345a(17).

DATED at Burlington, Vermont, this 29th day of December, 2016.

STITZEL, PAGE & FLETCHER, P.C.
Attorneys for the Northwest Regional
Planning Commission

By:



Joseph S. McLean, Esq.
David W. Rugh, Esq.
171 Battery Street, P.O. Box 1507
Burlington, VT 05402-1507
(802) 660-2555

STITZEL, PAGE &
FLETCHER, P.C.
ATTORNEYS AT LAW
171 BATTERY STREET
P.O. BOX 1507
BURLINGTON, VERMONT
05402-1507

NRPC16-002 (Swanton Wind) Mot to Intervene Final 16-12-29 lit

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 8816

Petition of Swanton Wind, LLC, for a certificate of public)
good, pursuant to 30 V.S.A. § 248, for the construction of)
an up to 20 MW wind-powered electric generation plant)
powered by up to 7 wind turbines located along Rocky)
Ridge in Swanton, Vermont)

CERTIFICATE OF SERVICE

We certify that we have today delivered a copy of our Entry of Appearance and Motion to Intervene on behalf of the Northwest Regional Planning Commission to all other parties to this case as follows:

By first class mail by depositing it in the U.S. mail to Interested Persons & Parties;

By personal delivery to _____ or his/her counsel;

Other. Explain: Electronic mail to Parties

The names and addresses of the parties/lawyers to whom the mail was addressed or personal delivery was made are as follows:

PLEASE SEE ATTACHED SERVICE LIST FOR RECIPIENT NAMES AND ADDRESSES

DATED at Burlington, Vermont, this 29th day of December, 2016.

Signature:



Joseph S. McLean, Esq.
David W. Rugh, Esq.

Counsel for: Northwest Regional Planning Commission

PSB Docket No. 8816 - Service List - Parties

Parties: - *Via Email and First-Class Mail*

Aaron Kisicki, Esq.
Vermont Department of Public Service
112 State Street
Montpelier, VT 05620-2601

Leslie A. Cadwell Esq.
Alison Milbury Stone, Esq.
Legal Counselors & Advocates, PLC
PO Box 827
Castleton, VT 05735

(For Swanton Wind LLC)

Leslie A. Welts, Esq.
Enforcement and Litigation Section
Vermont Agency of Natural Resources
1 National Life Drive, Davis 2
Montpelier, VT 05620-3901

Melanie Kehne, Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, VT 05609-1001

(For Agency of Agriculture, Food & Markets)

Edward Adrian, Esq.
Monaghan Safar Ducham PLLC
156 Battery Street
Burlington, VT 05401

(For Town of Swanton Selectboard
and Planning Commission &
For Town of Fairfield Selectboard)

Cindy Ellen Hill, Esq.
Hill Attorney PLLC
144 Mead Lane
Middlebury, VT 05753

(For Christine and Dustin Lang)

Dale E. Azaria, General Counsel
Vermont Dept. of Housing & Community Development
One National Life Drive, Davis Building, Floor 6
Montpelier, VT 05620-0501

(For Vermont Division for
Historic Preservation)

William F. Ellis Esq.
McNeil, Leddy & Sheahan, P.C.
271 South Union Street
Burlington, VT 05401

(For City of Burlington Electric Department)

Interested Persons: - *Via First-Class Mail*

James Volz, Margaret Cheney, Sarah Hofmann, Board Members
John J. Cotter, Esq., Gregg Faber, Mary Jo Krolewski, David Watts (PSB)

William H. Rice, A.A.G.
Vermont Agency of Transportation
National Life Building, One National Life Drive
Montpelier, VT 05633-5001

David C. Englander, Esq.
Vermont Department of Health
108 Cherry Street
Burlington, VT 05401

Catherine Dimitruk, Executive Director
Taylor Newton, Regional Planner
Northwest Regional Planning Commission
75 Fairfield Street
St. Albans, VT 05478

Brian and Penny Dubie
PO Box 1075
St. Albans, VT 05478

Greg Pierce
12 Farrar Street
St. Albans, VT 05478-1540

Robert Pforzheimer
339 Michaud Drive
Sutton, VT 05867

Sally Collopy
157 Swizler Point
Fairfield, VT 05455

Patricia P. Rainville
1952 Sheldon Road
St. Albans, VT 05478

Annette Smith, Executive Director
Vermonters for a Clean Environment
789 Baker Brook Road
Danby, VT 05739

Sara Jane Luneau-Swan
141 Sweet Hollow Road
Sheldon, VT 05483

Judith and Patrick Luneau
141 Sweet Hollow Road
Sheldon, VT 05483

Fred & Kathy Parks
98 South Street
Essex Junction, VT 05452

Sally Lindberg
PO Box 865
St. Albans, VT 05478

Representative Marianna Gamache
PO Box 435
Swanton, VT 05488

Ed Stanak
58 Pleasant Street
Barre City, VT 05641

JoAnn Q. Carson (Court Reporter)
11 Northshore Drive
Burlington, VT 05408

Kim Sears (Court Reporter)
18 Paddock Lane
Williston, VT 05495