

**STATE OF VERMONT
PUBLIC SERVICE BOARD**

Docket No. 8880

**Joint petition of NorthStar Decommissioning)
Holdings, LLC, NorthStar Nuclear)
Decommissioning Company, LLC, NorthStar)
Group Services, Inc., LVI Parent Corporation,)
NorthStar Group Holdings, LLC, Entergy)
Nuclear Vermont Investment Company, LLC)
And Entergy Nuclear Operations, Inc., and any)
Other necessary affiliated entities to transfer)
Ownership of Entergy Nuclear Vermont)
Yankee, LLC, and for certain ancillary)
Approvals, pursuant to 30 V.S.A. sec. 107, 231,)
and 232)**

**MOTION TO INTERVENE OF
CONSERVATION LAW FOUNDATION**

Conservation Law Foundation (CLF), pursuant to Vermont Public Service Board Rule 2.209(A) requests intervention as of right in the above-captioned proceeding. Alternatively, pursuant to Vermont Public Service Board Rule 2.209(B), CLF requests permissive intervention in this proceeding.

MEMORANDUM

Under Rule 2.209(A) of the Board's Rules of Practice, a person has a right to intervene if the person demonstrates a substantial interest that may be adversely affected by the outcome of a proceeding, the proceeding affords the exclusive means for the person to protect its interest, and the person's interest is not adequately represented by existing parties. Board Rule of Practice 2.209(A)(3). In addition, in the Vermont Public Service Board's (Board) discretion a person may be permitted to intervene if the person demonstrates a substantial interest that may be

affected by the outcome of the proceeding. In exercising its discretion, the Board must consider whether that interest will be adequately protected by other parties, whether alternative means exist by which the applicant's interests can be protected, and whether intervention will unduly delay the proceeding or prejudice the interests of existing parties or the public. *Id.* at 2.209(B).

In this proceeding, the Board will consider and determine whether the proposed transfer of the Vermont Yankee Nuclear Power station in Vernon, Vermont, from Entergy Nuclear Vermont Investment Company, LLC and Entergy Nuclear Operations, Inc., and any other necessary affiliated entities to NorthStar Decommissioning Holdings, LLC, NorthStar Nuclear Decommissioning Company, LLC, NorthStar Group Services, Inc., LVI Parent Corporation, NorthStar Group Holdings, LLC and its affiliates is in the public interest and promotes the general good of the state. In so doing, the Board will need to consider, among other things, whether the proposed transfer meets the general standard of promoting the general good of the state, and will consider *inter alia* whether the proposed transfer (1) will not unduly interfere with the orderly development of the region; (2) will result in an economic benefit to the state and its residents; and (3) will not have an undue adverse effect on the natural environment, public health and safety, and whether the proposed new owner has the technical and managerial competence and expertise, financial stability to meet its obligations going forward, ability to obtain financing, and more generally the reputation and conduct sufficient to be a fair partner in managing the remains of the Vermont Yankee facility. CLF and its members have a substantial interest in all the above these issues.

CLF is a private, non-profit environmental membership organization dedicated to the protection and responsible use of New England's natural resources, including resources affected by the management of facilities used, or formerly used for the generation of electric power. CLF

represents the interests of its members in ensuring that the degradation of the natural environment resulting from the management, control and clean-up of facilities used, or formerly used for the provision of electricity in Vermont and the region is minimized. CLF has members in Windham County where the Vermont Yankee facility is located and throughout Vermont and the New England region. CLF as an organization and its members are persons who will be affected by the decision of whether, or under what conditions, to allow the transfer of the Vermont Yankee facility, and the decommissioning trust fund, and the obligation to dismantle and clean-up the Vermont Yankee facility site in a manner that complies with Vermont's environmental standards and fully meets all existing permits and conditions in place to protect the environment and communities in New England. CLF and many of CLF's members will be directly and substantially affected by this proceeding, which will have a significant impact on the economic and environmental future of Vermont and the region, including the ability to use the Vermont Yankee facility site for other uses in the future, and ensure the environment and communities are protected during the extended period that the facility will be undergoing decommissioning and site restoration. Intervention will allow CLF to protect its organizational and its members' substantial interests in all the matters being considered by the Board as part of this proceeding.

CLF's substantial interest in the outcome of this proceeding cannot be protected in any other proceeding. In this docket, the Board will make determinations regarding the financial and environmental soundness of the proposed transfer of ownership, responsibility and management of the Vermont Yankee facility. This proceeding is the only opportunity for CLF to provide input regarding these matters and how they affect the interests of CLF and its members.

Moreover, the interests of CLF and its members will not be represented fairly by any other party. *See In re Vermont Public Power Supply Authority*, 140 Vt. 424 (1981) (“it is the culmination of the private interests of each of Vermont’s citizens which produces the public interest”; the State of Vermont’s representation of the public interest does not bar private citizen intervention as the interests are not necessarily identical).

CLF also has the ability and experience to effectively address the issues involved in this proceeding, and from a perspective not likely to be offered by other parties. CLF has participated in several prior Board proceedings including many prior proceedings regarding the Vermont Yankee facility (Dockets Nos. 6300, 6545, 7440, 7600 and 7862). CLF also has participated in proceedings regarding transmission, renewable energy development, energy efficiency and electricity generation, power contracts and rates. In all these proceedings, CLF has demonstrated its ability to provide informed and useful perspectives and information on environmental, economic and management issues that were not offered by other parties or the Public Service Department.

CLF also has represented its members’ interests as a party in numerous other proceedings before both state and federal public utility regulators and courts concerning various aspects of the region’s utility regulation and environmental resources.

In the alternative, the Board should exercise its discretion to permit CLF to intervene in this proceeding. As noted, CLF’s interest is substantial, other named parties will not represent the interests of CLF and its members, and CLF’s intervention will not delay the proceeding or prejudice the interest of other parties.

Dated at Montpelier, Vermont, this 14th day of February, 2017.

CONSERVATION LAW FOUNDATION

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