

**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 facility powered by up to 7)
wind turbines located along Rocky Ridge)
in Swanton, Vermont)

February 23, 2017

**RESPONSE OF THE VERMONT DEPARTMENT OF PUBLIC SERVICE
TO MOTIONS TO INTERVENE**

The Department of Public Service (“Department”), by and through undersigned counsel, submits the following response to the motions to intervene of the Vermont Agency of Transportation, dated February 15, 2017, and Green Mountain Power Corp., Vermonters for a Clean Environment, Brian and Penny Dubie, Bradley Stott and Jennifer Belanger, Diane Bell and Dennis Hendy, Erynn and Tyrell Boudreau, Mark and Mary Bushey, David Butterfield, Sally and Bruce Collopy, Jessica Decker and Lance Desautels, Luc and Michelle Deslandes, Daniel and Nancy Dunne, Edward and Sarah Ferguson, Ken Fox, Danielle Garrant, David A. Goodrich, Mary Hunter, Judith and Patrick Luneau, Marianne and Mark Dubie, Leo and Karen McLaughlin, Kaye Mehaffey, Patricia Messier, Dolores and Kevin Nichols, Carolyn and Clark Palmer, Paula Pearsall, Robert Perkins, Todd W. Poirier, Jeanne Royer, Suzanne Seymour, Terrance Smith, Curtis Swan and Sara Luneau-Swan, Marie and Gilbert Tremblay, Steven Woodward, D. Gregory Pierce and Paula J. Kane, and Patricia Rainville and John, dated February 16, 2017. The Department does not object to the permissive intervention of any of the

agencies, companies, groups, landowners, and individuals, pursuant to Public Service Board (“Board” or “PSB”) Rule 2.209(B), in this proceeding.

The movants have each demonstrated a substantial interest that may be adversely affected by the outcome of the proceeding with respect to a number of the criteria enumerated in 30 V.S.A. § 248(b). Likewise, the movants appear to have unique interests that may not be adequately protected by other parties. Intervention will not unduly delay the proceeding or otherwise prejudice the interests of existing parties or the public, particularly if the movants’ scope of intervention is limited to the issues where each movant has established a substantial interest. A schedule has been established in this proceeding and each movant will take the case as it comes to it.

The Department notes that many of the movants cite concerns about the project’s potential impact on individual property values. Many of those same movants also acknowledge that a project’s impact on the valuation of a specific property is not within the scope of a § 248 review. However, the Board has acknowledged that an examination of the overall impact of a proposed project on property values is relevant to a determination of whether it will provide an economic benefit to the State and its residents. *See Petition of Vermont Green Line Devco, LLC*, Docket 8847, Order re: Motions to Intervene, Feb. 23, 2017 at 7 (citing *Green Mountain Power Corp.*, Docket 7628, Order of 9/3/10 at 3, n. 3). Likewise, the Board has granted intervention to individual landowners that “have raised issues related to other impacts on their properties, which implicate the Section 248(b)(5) criteria.” *Id.* To the extent that many of the movants raise issues that fall within the § 248(b)(5) criteria in relationship to their property, the Department recommends that the Board grant intervention with respect to concerns about property value impacts consistent with its reasoning in the very recent *Vermont Green Line Devco* order.

Finally, the Department suggests that movants with common substantial interests in the proceeding, if granted party status, explore ways to join in their presentation of evidence, examination of witnesses at technical hearing, and briefing in the interest of judicial economy. Alternatively, the Board may require the consolidation of certain parties with shared interests pursuant to PSB Rule 2.209(C) in order to preserve judicial economy.

Dated at Montpelier, Vermont this twenty-third day of February, 2017.

Respectfully submitted,

VERMONT DEPARTMENT OF PUBLIC SERVICE



Aaron Kisicki
Special Counsel

cc: Docket 8816 Service List