

**STATE OF VERMONT  
PUBLIC SERVICE BOARD**

Joint Petition of NorthStar Decommissioning	)	Docket No. 8880
Holdings, LLC, NorthStar Nuclear	)	
Decommissioning Company, LLC, NorthStar	)	
Group Services, Inc., LVI Parent Corp., NorthStar	)	
Group Holdings, LLC, and 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. §§ 107,	)	
231, and 232	)	

**MOTION TO INTERVENE OF VERMONT ATTORNEY GENERAL'S OFFICE**

The Vermont Attorney General's Office ("AGO" or "Attorney General") moves to intervene in this matter as of right under Vermont Public Service Board Rule 2.209(A).

Alternatively, the AGO requests permissive intervention under Rule 2.209(B). This motion should be granted because the AGO has identified significant environmental and financial interests implicated in this case.

In support of its Motion to Intervene, the AGO submits the following Memorandum of Law.

**MEMORANDUM OF LAW**

Vermont Public Service Board Rule 2.209(A)(1) provides for intervention as of right "when a statute confers an unconditional right to intervene." Additionally, Vermont Public Service Board Rule 2.209(A)(2) provides for intervention as of right "when a statute confers a conditional right to intervene and the condition or conditions are satisfied." Vermont statute entitles the AGO to intervene as a matter of right.

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The Attorney General has authority to “appear for the State in the preparation and trial of . . . civil . . . causes in which the State is a party or is interested when, in his or her judgment, the interests of the State so require.” 3 V.S.A. § 157. There are significant environmental and financial issues at stake in this matter, not only for ratepayers but for all Vermonters. The magnitude of the clean-up required to restore the Vermont Yankee site for unrestricted use warrants participation by the AGO in this proceeding. The Attorney General’s participation in this matter will help ensure that any sale and restoration of the Vermont Yankee site protects all Vermonters from the significant environmental and financial consequences that could otherwise result.

Additionally, the Vermont Attorney General’s Office has been actively involved in litigation regarding Entergy’s use of its nuclear decommissioning trust fund, including a matter that has been remanded to the staff at the U.S. Nuclear Regulatory Commission for further environmental review. According to Section 4.17 of the redacted Purchase and Sale Agreement that the Joint Petitioners recently filed with the U.S. Nuclear Regulatory Commission, the proposed sale is contingent upon the termination of all such litigation, including claims brought by “the office of the Vermont Attorney General.”<sup>1</sup> Before the Attorney General is asked to drop pending litigation as a condition of the sale of Vermont Yankee, the AGO should have a right to participate in this Board proceeding on that sale.

It is the Attorney General’s judgment that the interests of the State favor intervention in this matter. In light of the Attorney General’s declared interests in conformity with 3 V.S.A. § 157, the Vermont Public Service Board should grant this motion to intervene.

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<sup>1</sup> Available at <http://publicservice.vermont.gov/sites/dps/files/documents/NDCAP/BVY%2017-005%20VY%20License%20Transfer%20Application%20-%20Non-proprietary%20Version.pdf>.

Alternatively, for these reasons, Vermont Public Service Board Rule 2.209(A)(3) permits the AGO intervention as of right. If intervention as of right is not granted, the Board should exercise its discretion to grant permissive intervention under Rule 2.209(B).

### CONCLUSION

For these reasons, the Attorney General requests that the Board grant intervention as of right under Rule 2.209(A). Alternatively, for these same reasons, the Board should grant permissive intervention to the Vermont Attorney General's Office under Rule 2.209(B).

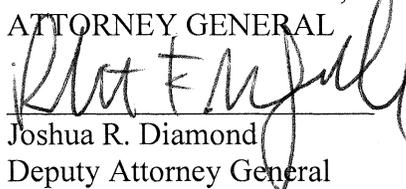
Dated March 1, 2017, at Montpelier, Vermont.

Respectfully submitted,

STATE OF VERMONT

THOMAS J. DONOVAN, JR.  
ATTORNEY GENERAL

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