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March 27, 2013

Mrs. Susan M. Hudson, Clerk  
Vermont Public Service Board  
112 State Street, Drawer 20  
Montpelier, VT 05620-2701

Re: PSB Docket No. 7970  
Petition of Vermont Gas Systems, Inc.,  
for a Certificate of Public Good, pursuant  
to 30 V.S.A. § 248, authorizing the construction  
of approximately 43 miles of new natural gas  
transmission pipeline in Chittenden and Addison  
Counties, approximately 5 miles of new  
Distribution mainlines in Addison County,  
Together with three new gate stations in Williston,  
New Haven and Middlebury, Vermont.

Dear Mrs. Hudson:

Enclosed please find Monkton Central School's Motion to Intervene for filing  
in the above-referenced matter.

Please contact me should you have any questions.

Sincerely,

Joseph S. McLean

Enclosures  
cc: Service List

**STATE OF VERMONT  
PUBLIC SERVICE BOARD**

Petition of Vermont Gas Systems, Inc., )  
for a Certificate of Public Good, pursuant )  
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Together with three new gate stations in Williston, )  
New Haven and Middlebury, Vermont. )

Docket No.7970

**MOTION TO INTERVENE**

Monkton Central School, a member of the Addison Northeast Supervisory Union (“ANESU”), by and through its attorneys, Stitzel, Page & Fletcher, P.C., hereby moves to intervene in the above-captioned docket, pursuant to Public Service Board Rules 2.209(A) and/or 2.209(B).

**Memorandum**

The Monkton Central School (“MCS”), acting through its school board, seeks to intervene as of right in this docket. Public Service Board Rule 2.209(A) provides for intervention as of right “upon timely application” in certain circumstances, including “(3) when the applicant demonstrates a substantial interest which may be adversely affected by the outcome of the proceeding, where the proceeding affords the exclusive means by which the applicant can protect that interest and where the applicant’s interest is not adequately represented by existing parties.” Intervention as of right is warranted in this instance.

MCS is a publically funded K-6<sup>th</sup> grade school, with 37 staff members, serving 155 students located off Monkton Road in the Town of Monkton, Vermont. In its revised location (within the VELCO right-of-way), the proposed VGS natural gas transmission pipeline will be located approximately .3 miles from the closest point of the MCS building (that is, +/- 1,750 feet, according to VGS). The pipeline will be located a closer distance from MCS's westerly property line and significantly closer still to trails, playing fields and other recreational facilities used by MCS students and staff members located on property owned by the Town of Monkton<sup>1</sup>. The proposed pipeline also passes in relatively close proximity or crosses several daily MCS transportation routes, including Rotax Road, Ferrisburg Road and the Vergennes-Monkton Road. A map depicting MCS bus routes is attached hereto. *See Attachment A.*

MCS has a strong interest in the potential health and safety impacts of the proposed project, particularly as it relates to the well-being of MCS's students and staff. This interest arises, in part, as a result of MCS's statutory and regulatory obligation to provide for student safety, including developing, instituting, and updating a safety program and developing emergency preparedness plans. *See 16 V.S.A. § 1481; Vermont State Board of Education, Manual of Rules and Practices, at § 4100.* To meet its obligation, MCS must develop a comprehensive understanding of any risks or

<sup>1</sup> Based on a review of Town parcel maps, it appears that a portion of the MCS's parking and recreation facilities may be located on property owned by the Town.

dangers associated with the gas pipeline project, including risks or dangers from gas leaks or explosion, given its proximity to the school, recreation areas, and transportation routes. The pending CPG proceedings provide an appropriate forum to address those issues. Thus, MCS seeks to intervene in these proceedings (potentially) to addresses, under 30 V.S.A. § 248(b)(5), issues regarding public health and safety relevant to the above-referenced interests and obligations.

In addition, MCS seeks to participate in this proceeding to address issues related to the project's potential impact on public investment<sup>2</sup>. MCS has a made (and itself represents) a substantial public investment in the facilities that comprise the school's buildings, grounds, infrastructure, vehicles and equipment. The project has the potential to negatively impact MCS's investment (and the public investment in MCS) if installed, operated or maintained in a negligent or otherwise inappropriate manner. MCS is uniquely qualified to address these potential negative impacts and the costs associated therewith.

The proceedings pending before the PSB provide the exclusive means through which MCS may protect its interests - through the presentation of evidence and/or argument relative to the project's health, safety and public investment impacts - prior to the issuance of a CPG. MCS's interests are not,

<sup>2</sup> In evaluating whether the project will have an undue adverse effect under 30 V.S.A. § 248(b)(5), the Board is required to give due consideration to 10 V.S.A. § 6086(a)(9)(K) (development affecting public investment).

and cannot be, adequately represented by any other party in this proceeding. Therefore, MCS asks the Board to grant its Motion to Intervene as of right.

If the Board is not inclined to grant MCS's request to intervene as of right under Public Service Board Rule 2.209(A), the school asks that it be allowed to intervene in this proceeding by permission of the Board. Public Service Board Rule 2.209(B) provides that "[u]pon timely application, a person may, in the discretion of the Board, be permitted to intervene in any proceeding when the applicant demonstrates a substantial interest which may be affected by the outcome of the proceeding." MCS believes that it has demonstrated a substantial interest in health and safety and development affecting public investment, as described above. No other party can adequately protect the school's interests, nor does an alternative means exist through which those interests may reasonably be protected. MCS's participation in this proceeding will not cause undue delay or prejudice the interests of any other party. Therefore, MCS respectfully request that the Board exercise its discretion in favor of granting its intervention motion, to the extent necessary and appropriate, to allow it to address the issues identified herein.

MCS has consulted with legal counsel for the Petitioner, Vermont Gas Systems, and the Department of Public Service and is authorized to represent that neither has an objection to MCS's Motion to Intervene.

Conclusion

For the reasons discussed herein, MCS asked that the PSB grant its Motion to Intervene pursuant to Public Service Board Rules 2.209(A) and/or 2.209(B). To the extent that the Board deems it necessary to limit MCS's participation in these proceedings, the school's participation should be limited to issues of health and safety and impacts on public investment arising under 30 V.S.A. § 248(b)(5).

DATED at Burlington, Vermont, this 27<sup>th</sup> day of March, 2013.

**MONKTON CENTRAL SCHOOL**

By: Stitzel, Page & Fletcher, P.C.

By: \_\_\_\_\_

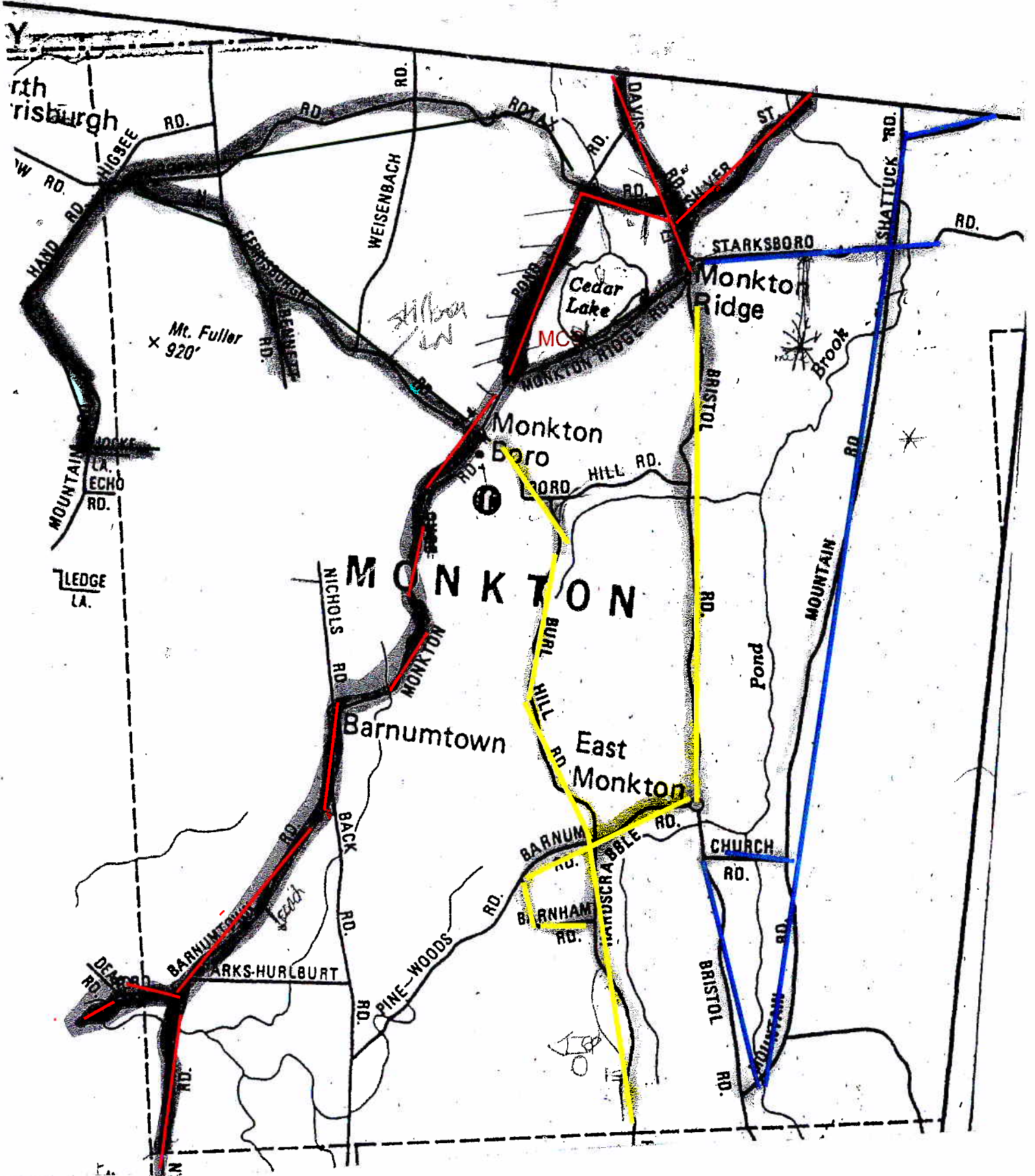
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**STATE OF VERMONT  
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Docket No.7970

**CERTIFICATE OF SERVICE**

I, JOSEPH S. McLEAN, of the firm Stitzel, Page & Fletcher, P.C., certify I served copies upon the following, Motion to Intervene, by causing same to be placed in the U.S. Mail, postage-prepaid, on March 21, 2013 to the Service List.

Dated at Burlington, in the County of Chittenden and State of Vermont, this  
27<sup>th</sup> day of March, 2013.

**MONKTON CENTRAL SCHOOL**

By: Stitzel, Page & Fletcher, P.C.

By: 

Joseph S. McLean

P.O. Box 1507

Burlington, VT 05402-1507

(802) 660-2555

ANESU13-003 COS



PSB Docket No. 7970 - SERVICE LIST

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