

STITZEL, PAGE & FLETCHER, P.C.

ATTORNEYS AT LAW
171 BATTERY STREET
P.O. BOX 1507
BURLINGTON, VERMONT 05402-1507

STEVEN F. STITZEL
PATTI R. PAGE
ROBERT E. FLETCHER
JOSEPH S. MCLEAN
AMANDA S.E.LAFFERTY
JOHN H. KLESCH
DINA L. ATWOOD

TELEPHONE (802 660-2555)
FAX (802-660-2552)
WWW.FIRMSPF.COM
JMCLEAN@FIRMSPF.COM

DAVID W. RUGH*
ERIC G. DERRY**
DIANE M. SHERMAN
*(ALSO ADMITTED IN MD)
**(ALSO ADMITTED IN NH)

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)
to 30 V.S.A. § 248, authorizing the construction) Docket No.7970
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.)

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-6th 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 Monkton¹. 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

¹ 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 investment². 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,

² 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

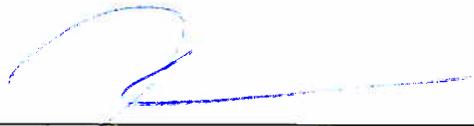
For the reasons discussed herein, MCS asked that the PSB grant its Motion to Intervene pursuant to Public Service Board Rules 2.209(A) and/or 2.209(B). To the extent that the Board deems it necessary to limit MCS's participation in these proceedings, the school's participation should be limited to issues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

DATED at Burlington, Vermont, this 27th day of March, 2013.

MONKTON CENTRAL SCHOOL

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

By:



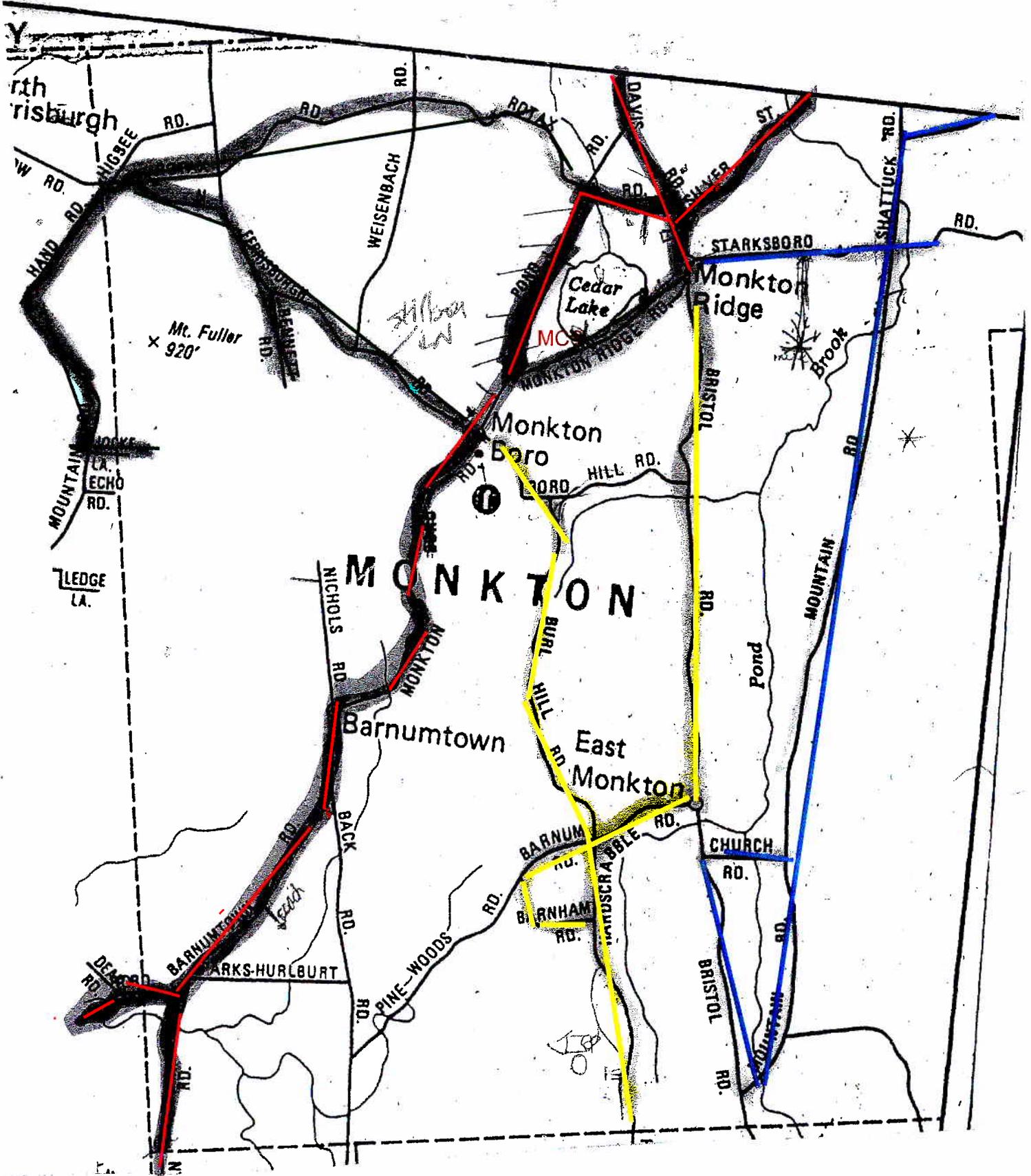
Joseph S. McLean

P.O. Box 1507

Burlington, VT 05402-1507

(802) 660-2555

anesu13-001monktoncentral-psbmotiontointervene.docx



**STATE OF VERMONT
PUBLIC SERVICE BOARD**

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.)

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
27th 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

Parties:

Louise C. Porter, Special Counsel
Timothy M. Duggan, Special Counsel
Vermont Department of Public Service
112 State Street
Montpelier, VT 05620-2601

Kimberly K. Hayden, Esq.
Downs Rachlin Martin PLLC
199 Main Street - P.O. Box 190
Burlington, VT 05402-0190

(For Vermont Gas Systems, Inc.)

John H. Marshall, Esq.
Downs Rachlin Martin PLLC
90 Prospect Street - P.O. Box 99
St. Johnsbury, VT 05819-0099

(For Vermont Gas Systems, Inc.)

Judith Dillon, Esq.
Vermont Agency of Natural Resources
1 National Life Drive, Davis 2
Montpelier, VT 05620-3901

*Paul S. Gillies, Esq.
Tarrant, Gillies, Merriman & Richardson, LLP
P.O. Box 1440
Montpelier, VT 05601-1440

(For Town of Williston)

*Leonard H. Singer, Esq.
Adam T. Conway, Esq.
Couch, White, LLP
540 Broadway - PO Box 22222
Albany, NY 12201-2222

(For International Business Machines)

*David Cain, Esq.
*Eric Berliner, Candice Callahan, Janet Doyle, Nathan Fiske & Dan Tukey
International Business Machines Corporation
1000 River Street, Mailstop 967-P
Essex Jct., VT 05452

**Toni H. Clithero, Esq.
Assistant Attorney General's Office
Vermont Agency of Transportation
One National Life Drive
Montpelier, VT 05633-5001

(For Vermont Agency of Transportation)

Cindy Ellen Hill, Esq.
Law Office of Cindy Hill
P.O. Box 314
East Middlebury, VT 05740

(For Town of New Haven)

S. Mark Sciarrotta, Esq.
Vermont Electric Power Company, Inc.
366 Pinnacle Ridge Road
Rutland, VT 05701

(For Vermont Electric Power Company, Inc.
and Vermont Transco LLC)

*Benjamin W. Putnam, Esq.
*Karl W. Neuse, Esq., Neuse
Duprey & Putnam, P.C.
One Cross Street
Middlebury, VT 05753

(For Town of Middlebury)

**Diane E. Zamos
Assistant Attorney General
Office of Vermont Attorney General
109 State Street
Montpelier, VT 05609-1001

(For Agency of Agriculture, Food and Markets)

**Joshua R. Diamond, Esq.
Diamond & Robinson, P.C.
PO Box 1460
Montpelier, VT 05601-1460

(For Town of Monkton)

**Richard H. Saudek, Esq.
Cheney, Saudek & Grayck PC
159 State Street
Montpelier, VT 05601-0489

(For the Vermont Fuel Dealers Association)

*Adam Lougee, Esq., Executive Director
Addison County Regional Planning Commission
14 Seminary Street
Middlebury, VT 05753

Heidi H. Trimarco, Esq.
Downs Rachlin Martin PLLC
8 South Park Street, PO Box 191
Lebanon, NH 03766-0191

(For Vermont Gas Systems, Inc.)

*E. M. Allen, Esq.
Stetler, Allen & Kampmann
95 St. Paul Street
Burlington, VT 05401

(For Town of Hinesburg)

*Richard F. Peterson, Jr., Esq.
Vermont Land Trust
8 Bailey Avenue
Montpelier, VT 05602

*Elizabeth M. Egan, Esq.
Project Counsel
Vermont Housing and Conservation Board
58 East State Street
Montpelier, VT 05602

*Sandra Levine, Esq.
Conservation Law Foundation
15 East State Street, Suite 4
Montpelier, VT 05602-3010

*Motion to Intervene pending.

**Notice of Appearance filed; no motion to intervene filed.

Interested Persons:

James Volz, David C. Coen, John D. Burke, Board Members
George Young, June Tierney, Jay Dudley, Donald Kreis (PSB)

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

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