

DIAMOND & ROBINSON, P.C.

ATTORNEYS AT LAW

MONTPELIER, VERMONT
www.diamond-robinson.com

15 EAST STATE STREET
P.O. BOX 1460
MONTPELIER, VERMONT 05601-1460
TEL. (802) 223-6166
FAX (802) 229-4457

Catherine E. Radigan, Legal Assistant
E-mail: cer@diamond-robinson.com

March 29, 2013

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

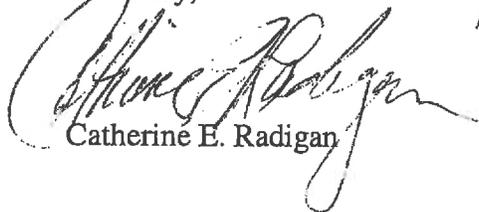
Re: Docket 7970

Dear Sue:

Enclosed for filing with the Board please find the original and six copies of the Town of Monkton's Motion to Intervene in the above docket. Also enclosed is a Certificate of Service.

Please feel free to call if you need anything further.

Sincerely,



Catherine E. Radigan

Enclosure

cc: Service List

DIAMOND & ROBINSON, P.C.

ATTORNEYS AT LAW

MONTPELIER, VERMONT
www.diamond-robinson.com

15 EAST STATE STREET
P.O. BOX 1460
MONTPELIER, VERMONT 05601-1460
TEL. (802) 223-6166
FAX (802) 229-4457

Catherine E. Radigan, Legal Assistant
E-mail: cer@diamond-robinson.com

March 29, 2013

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

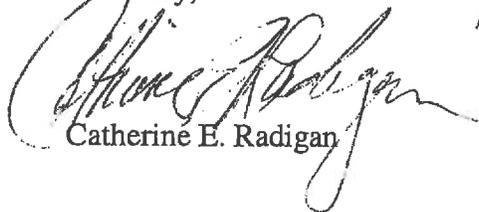
Re: Docket 7970

Dear Sue:

Enclosed for filing with the Board please find the original and six copies of the Town of Monkton's Motion to Intervene in the above docket. Also enclosed is a Certificate of Service.

Please feel free to call if you need anything further.

Sincerely,



Catherine E. Radigan

Enclosure

cc: Service List

**STATE OF VERMONT
PUBLIC SERVICE BOARD**

Petition of Vermont Gas Systems, Inc.,)
requesting a Certificate of Public Good pursuant)
to 30 V.S.A. § 248, authorizing the construction)
of the **“Addison Natural Gas Project”**)
consisting of approximately 43 miles of new)
natural gas transmission pipeline in Chittenden)
and Addison Counties, approximately 5 miles of) **Docket No. 7970**
new distribution mainline in Addison County,)
together with three new gate stations in)
Williston, New Haven, and Middlebury,)
Vermont)

CERTIFICATE OF SERVICE

NOW COMES The Town of Monkton, by and through its attorney, Joshua R.
Diamond, and hereby certifies that a proposed Scheduling Order has been sent via
electronic mail and U.S. First Class Mail, postage prepaid, on March 29, 2013 to the
following:

Louise C. Porter, Special Counsel
Timothy M. Duggan, Special Counsel
VT Department of Public Service
112 State Street, Drawer 20
Montpelier, VT 05620-2601

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

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

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

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

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

Judith Dillon, Esquire
VT Agency of Natural Resources
103 South Main Street, 3rd Floor
Center Building
Waterbury, VT 05671-0301

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

Adam Lougee, Esquire
Addison Cty. Reg. Plan. Commission
14 Seminary Street
Middlebury, VT 05753

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

Heidi Trimarco, Esquire
Downs Rachlin Martin PLLC
8 South Park Street, P.O. Box 191
Lebanon, NH 03766-0191

Richard F. Peterson, Jr., Esquire
VT Land Trust
8 Bailey Avenue
Montpelier, VT 05602

Sandra Levine, Esquire
Conservation Law Foundation
15 East State Street, Suite 4
Montpelier, VT 05602

Aldo E. Speroni, *Pro se*
Mary L. Speroni
4840 St. George Road
Williston, VT 05473

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

Leonard Singer, Esquire
Adam T. Conway, Esquire
Couch White, LLP
540 Broadway – P.O. Box 22222
Albany, NY 12202-2222

David Cain, Esquire
International Business Machines Corp.
1000 River Street, Mailstop 957-P
Essex Junction, VT 05452

Richard H. Saudek, Esquire
Christopher Smart, Esquire
Cheney, Saudek & Grayck, P.C.
159 State Street
Montpelier, VT 05602

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

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

Michael Hurlburt, *Pro se*
821 Parks-Hurlburt Road
New Haven, VT 05472

Nathan B. Palmer, *Pro se*
986 Rotax Road
North Ferrisburgh, VT 05473

Thomas R. Melloni, Esquire
Burak Anderson & Melloni, PLC
30 Main Street, Suite 210
P.O. Box 787
Burlington, VT 05402

Interested Persons:

JoAnn Q. Carson
11 Northshore Drive
Burlington, VT 05408

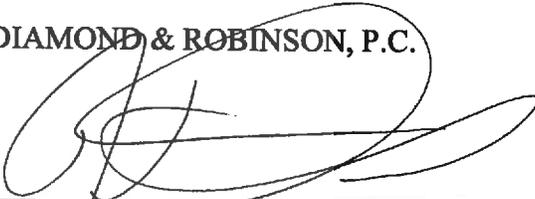
Kim Sears
18 Paddock Lane
Williston, VT 05495

Board Members: James Volz
David C. Coen
John D. Burke

Public Service Board: George Young
June Tierney
Jay Dudley
Donald Kreis

Dated at Montpelier, Vermont this 29th day of March, 2013.

DIAMOND & ROBINSON, P.C.

By: 

Joshua R. Diamond, Esquire
Attorney for Town of Monkton
P.O. Box 1460
Montpelier, VT 05601-1460
(802) 223-6166
E-mail: jrd@diamond-robinson.com

**STATE OF VERMONT
PUBLIC SERVICE BOARD**

Petition of Vermont Gas Systems, Inc.,)
requesting a Certificate of Public Good pursuant)
to 30 V.S.A. § 248, authorizing the construction)
of the "Addison Natural Gas Project")
consisting of approximately 43 miles of new)
natural gas transmission pipeline in Chittenden)
and Addison Counties, approximately 5 miles of)
new distribution mainline in Addison County,)
together with three new gate stations in)
Williston, New Haven, and Middlebury,)
Vermont)

Docket No. 7970

**TOWN OF MONKTON'S
MOTION TO INTERVENE**

NOW COMES, the Town of Monkton (hereinafter "Monkton" or the "Town"),
by and through its attorneys, Diamond & Robinson, P.C., and pursuant to Vt. P.S.B. Rule
2.209, moves to intervene in the above captioned matter. The Vermont Public Service
Board ("PSB" or "Board") should grant this motion because Monkton has substantial
interests that will be impacted by this proceeding, and those interests are not adequately
represented by other parties.

In support of its Motion to Intervene, Monkton submits the following
Memorandum of Law:

DIAMOND &
ROBINSON, P.C.
ATTORNEYS AT LAW
P.O. BOX 1460
MONTPELIER, VERMONT
05601-1460
(802) 223-6166

I. INTRODUCTION AND FACTS.

Monkton, is a rural municipality located in Addison County Vermont, with a population of approximately 1,800 residents. Vermont Gas Systems, Inc. ("VGS") has proposed to construct approximately 43 miles of a high pressure natural gas transmission pipeline through Chittenden and Addison Counties (the "Project"). The Project includes VGS' construction and operation of approximately 7.47 miles of a natural gas transmission pipeline running in a north-south direction through the Town.

In doing so, the natural gas transmission pipeline will cross public lands. It will run through private property and come within close proximity to the residences of Monkton's citizens. The Project will impact agricultural lands, wetlands, and other ecologically sensitive areas within the Town. The construction of a high pressure natural gas transmission pipeline through Monkton has the potential to impact the safety of its residents, the water quality of the wells that provide potable water to the Town's citizens, and the use and value of the property owners within the Town. Monkton files this Motion not only as a landowner impacted by the project, but also on behalf of its citizens who will be impacted by the construction and operation of the natural gas transmission pipeline.

The Town has substantial interests and obligations in protecting its community and the citizens that reside within it. As such, Monkton is a statutory party under 30 V.S.A. § 248(a)(4)(C), which requires advance notice of the application when it is filed

with the PSB. Without limitation, VGS' proposed natural gas transmission pipeline will impact the following interests of the Town:

1. That the Project not unduly interfere with the orderly development of the community taking into consideration the town plan and recommendations of the municipal legislative body (i.e., the Town selectboard) pursuant to 30 V.S.A. § 248(b)(1).
2. That the Project result in an economic benefit to the State and its residents, including those within the Town pursuant to 30 V.S.A. § 248(b)(4).
3. That the Project not have an undue adverse impact on the esthetics, historic sites, air and water purity, natural environment, natural resources, municipal resources and investments, public health and safety of the Town and its residents pursuant to 30 V.S.A. § 248(b)(5), and with due consideration of the criteria in 10 V.S.A. § 1424a(d) and § 6068(a)(1) through (8) and (9)(K) and greenhouse gas impacts.

The Board issued a Second Scheduling Order on February 21, 2013, establishing a deadline of March 29, 2013, to file motions to intervene. The Board should allow Monkton's intervention as of right, or in the alternative by permission, because of the Project's potential impact upon the significant interests of Monkton and its residents.

II. MONKTON IS ENTITLED TO INTERVENTION AS OF RIGHT.

Monkton seeks intervention as of right under Rule 2.209(A)(3), which provides in part:

Upon timely application, a person shall be permitted to intervene in any proceeding...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.

As set forth below, Monkton satisfies the criteria entitling it to intervention as of right.

A. Monkton's Motion To Intervene Is Timely.

The Board's Second Scheduling Order, established the March 29, 2013, as the deadline for intervention requests. This Motion To Intervene has been timely filed within the set deadline.

B. Monkton Has A Substantial Interest In The Outcome Of This Proceeding.

As set forth above, Monkton has numerous, substantial interests in need of protection. They range from protecting the public health and safety of its citizens to protecting the environment and natural resources of the Town. This includes, but is not limited to, esthetics, historic sites, air and water purity, the natural environment, and natural resources. The Town is statutorily responsible for making sure that the Project does not adversely impact the orderly development of the municipality, and it has an interest in insuring that the project economically benefits its residents and the community. As both a property owner and representing its residents, Monkton has an interest in making sure the Project does not adversely impact the agricultural lands, wetlands, wildlife, and other ecologically sensitive areas within the Town. It is also uniquely positioned to make sure that the Project does not adversely impact its municipal

resources and investments. It is essential that Monkton be permitted to intervene to protect these important interests.

C. Docket 7970 Provides Monkton With The Exclusive Means By Which It Can Protect Its Interests.

This Docket is the primary forum that will address the issues related to the construction and operation of VGS' natural gas transmission pipeline and its potential impact upon Monkton and its residents.

D. Monkton's Interests Will Not Be Adequately Represented By Existing Parties.

Monkton's interests are not represented by other, existing parties in this docket. Monkton has the responsibility of protecting its own property interests and the collective interests of its municipal residents and landowners impacted by the Project. No other party is representing these interests. Only Monkton can insure that its own and unique interests will be adequately protected in every instance.

III. IN THE ALTERNATIVE, MONKTON IS ENTITLED TO PERMISSIVE INTERVENTION.

In the alternative, Monkton moves for permissive intervention. Vt. P.S.B. Rule 2.209(B) provides in part that the Board, in its discretion, may permit a person to intervene when that person "demonstrates a substantial interest which may be affected by

the outcome of the proceeding.” In exercising its discretion, the Board is to consider the following:

- (1) whether the applicant’s interest will be adequately protected by other parties; (2) whether alternative means exist by which the applicant’s interest can be protected; and
- (3) whether intervention will unduly delay the proceeding or prejudice the interest of existing parties or of the public.

Id. As set forth above, Monkton has substantial interests in this proceeding that will not be adequately protected by any existing party, and no alternative means for protecting Monkton’s interests exist. Monkton’s Motion to Intervene is timely and it will not unduly delay the proceeding or prejudice the interests of existing parties. Monkton intends to work within the discovery and litigation schedule set forth by the Board. Moreover, Monkton’s participation in this proceeding will likely benefit the Board by making sure that essential facts and arguments are considered prior to rendering a decision in this important docket.

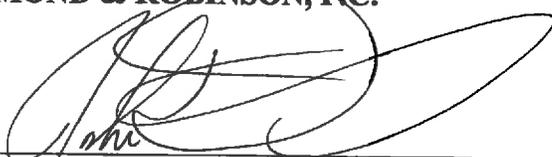
IV. CONCLUSION

WHEREFORE, for the reasons and broad interests identified above, the Board should grant Monkton’s Motion To Intervene as of right on all issues in this docket. In the alternative, Monkton should be granted permissive intervention.

Dated at Montpelier, Vermont, this 29th day of March, 2013

DIAMOND & ROBINSON, P.C.

By: _____


Joshua R. Diamond, Esquire
Attorney for Town of Monkton
P.O. Box 1460
Montpelier, VT 05601-1460
(802) 223-6166
E-mail: jrd@diamond-robinson.com