



KIMBERLY K. HAYDEN  
khayden@drm.com

February 20, 2008

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

Re: Southern Loop Project  
Public Service Board Docket No. 7373; Response to the Vermont Land Trust

Dear Mrs. Hudson:

On February 14, 2008, the Vermont Land Trust (“VLT”) submitted a Reply to Petitioners’ Motion in Limine to Exclude Evidence with Respect to Vermont Land Trust Restrictions on the Ferenbach Parcel. VLT is not a party to this proceeding and has no standing to submit its Reply. On February 8, 2008, the Board declined to grant VLT party status, and instead instructed VLT to submit additional information to adequately describe the location of its alleged property interests and to demonstrate that its interests relate to the Section 248(b) criteria. VLT’s Reply recites the general policies behind its conservation activities and describes its conservation easement on the Ferenbach parcel, which was acquired subject to VELCO’s exclusive easement. Although its Reply refers to adjoining parcels, VLT has failed to identify locations or any particularized interests in any such adjacent parcels. Even if it had supplied the information required by the Board, VLT lacks standing to file its Reply because the Board has not granted it intervention.

VLT’s alleged interests do not fall within the scope of this proceeding. Indeed, VLT concedes that: “In a normal § 248 petition, it is not deeded rights that are being adjudicated. Instead the proceedings are focused on the many § 248 criteria, such as undue impact on various natural resources.” VLT Reply at 2. It is well-settled that “[p]roceedings under 30 V.S.A. § 248 relate only to the issues of public good, not to the interests of private landowners who are or may be involved.” *Vt. Elec. Power Co. v. Bandel*, 135 Vt. 141, 145 (1977). *See also Procedural Order Re Schedule and Motions to Intervene*, Docket No. 7032, order of 2/2/2005 at 2 (denying landowner intervention where “[t]he issue of impact of the proposed project on individual property values does not fall within the criteria of Section 248”). Private property interests such

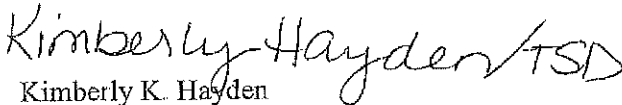
as conservation easements are not a subject falling within the criteria of Section 248. Accordingly, VLT's asserted subordinate private landowner interests in VELCO's exclusive easement across the Ferenbach parcel are "not involved" in this Section 248 proceeding. *See Bandel*, 135 Vt. at 145.

VLT has failed to demonstrate a substantial interest which may be affected by the outcome of this proceeding. Its concerns as to potential natural resource impacts will be adequately protected by other parties, in particular, the Agency of Natural Resources. *See, e.g.*, Board Rule 2.209(B). VLT's repeated attempts to focus this proceeding on its conservation easements, which are irrelevant to this proceeding, will only result in undue delay and confusion, and will prejudice the interests of Petitioners, who have pre-existing, exclusive easement rights across the Ferenbach parcel. *See* Petitioners' February 1, 2008 Motion in Limine.

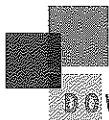
I have been authorized by Morris L. Silver, counsel for Central Vermont Public Service Corporation ("CVPS"), to represent that CVPS joins in this response.

Thank you for your attention to this matter.

Very truly yours,

  
Kimberly K. Hayden

cc: Service List  
John Donleavy, VELCO  
Leslie A. Cadwell, VELCO  
S. Mark Sciarrotta, VELCO  
Ralph Roam, VELCO



## PSB Docket No. 7373 – SERVICE LIST

### Parties:

Susan M. Hudson, Clerk (6 copies and 1 original)  
Vermont Public Service Board  
112 State Street (Chittenden Bank Building)  
Drawer 20  
Montpelier, VT 05620-2701

James H. Porter, III, Esq.  
Laura Scanlan Beliveau, Esq.(2 copies)  
Vermont Department of Public Service  
112 State Street - Drawer 20  
Montpelier, VT 05620-2601

Morris L. Silver, Esq. (for Central Vermont Public Service Corp.)  
Law Offices of Morris L.Silver  
The Kellogg Farm  
Stage Road  
P.O. Box 606  
Benson, VT 05731-0606

David Englander, Esq.  
Vermont Agency of Natural Resources  
103 South Main Street - Center Building  
Waterbury, VT 05671-0301

George T. McNaughton, Esq. (for Carl Ferenbach, III, and Judy W. Ferenbach)  
Law Offices of George W. Lamb, P.C.  
6 Main Street, P.O. Box 860  
Springfield, VT 05156

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

James P. Matteau, Executive Director  
Windham Regional Commission  
Suite 505, 139 Main Street  
Brattleboro, VT 05301

Bernard D. Lambek, Esq. (for ISO New England, Inc.)  
Zalinger Cameron & Lambek, P.C.  
140 Main Street, P.O. Box 1310  
Montpelier, VT 05601-1310

Anthony M. Macleod, Esq.  
Whitman Breed Abbott & Morgan  
500 West Putnam Avenue  
Greenwich, CT 06830-2250

Kevin Flynn, Esq.  
Regulatory Counsel  
ISO New England, Inc.  
One Sullivan Road  
Holyoke, MA 01040

David John Mullett, General Counsel  
Vermont Public Power Supply Authority  
5195 Waterbury-Stowe Road  
P.O. Box 298  
Waterbury Center, VT 05677-0298

Tom Bodett, Selectboard Chair  
Andrew McFarland, Selectman  
Town of Dummerston  
1523 Middle Road  
East Dummerston, VT 05346

Dennis L. Shaffer  
Vice President for Stewardship  
Vermont Land Trust  
8 Bailey Avenue  
Montpelier, VT 05602-2161

Robert M. Fisher, Esq. (for the Town of Brattleboro)  
Fisher & Fisher Law Offices  
114 Main Street, P.O. Box 621  
Brattleboro, VT 05302-0621

Cary H. Gaunt  
Box 2113  
Brattleboro, VT 05303

Richard F. Svec, Town Manager  
Town of Cavendish  
37 High Street  
P.O. Box 126  
Cavendish, VT 05142-0126

Henry K. Martin, Selectboard Member  
Town of Townshend  
P.O. Box 223  
Townshend, VT 05353-0223

Shannon Meckle, Administrative Asst.  
Town of Newfane Selectboard  
P.O. Box 296  
Newfane, VT 05345

Michael L. Burak, Esq. (for Northeast Utilities  
Service Company)  
Burak Anderson & Melloni  
Gateway Square  
P.O. Box 787  
Burlington, VT 05402-0787

Thomas W. Clynes  
Town of Brookline  
379 Hill Road  
Brookline, VT 05345

**Interested Persons:**

James Volz, David C. Coen, John D. Burke, Board  
Members Ed McNamara, Kurt Janson, PSB

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

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

Paul Heintz  
Brattleboro Reformer  
P.O. Box 802  
Brattleboro, VT 05302

Pierre and Ellen Capy  
169 Covey Road  
Brattleboro, VT 05301-8972

William Bourque (send copies of notices and  
orders)  
P.O. Box 9  
Chester, VT 05143