



CONSERVATION LAW FOUNDATION

January 22, 2008

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BURLINGTON

Susan Hudson, Clerk
VT Public Service Board
Chittenden Bank Bldg.
112 State Street – Drawer 20
Montpelier, VT 05620-2701

RE: Docket No. 7373

Dear Mrs. Hudson:

With regard to the above-referenced matter, enclosed please find an original and six copies of Conservation Law Foundation's Motion to Intervene together with a Certificate of Service for filing.

Sincerely,

Sandra Levine
Senior Attorney

SL/jc

Encs.

cc: Service List

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CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of January 2008, a copy of Conservation Law Foundation's Motion to Intervene regarding Docket No. 7373, Petition of Vermont Transco, LLC, and Vermont Electric Power Company, Inc. (collectively "VELCO") and Central Vermont Public Service Corp. ("CVPS") for a Certificate of Public Good, pursuant to 30 V.S.A. § 248, for the "Southern Loop Project" was served by placing the same in the United States mail, postage prepaid, in accordance with the requirements of Public Service Board Rule upon the following:

Parties:

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(For Vermont Transco, LLC, and Vermont
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(For Central Vermont Public Service Corp.)

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(For Carl Ferenbach, III, and Judy W. Ferenbach)

* Notice of Appearance to be filed.



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**STATE OF VERMONT
PUBLIC SERVICE BOARD**

Docket No. 7373

**Petition of Vermont Transco, LLC, and)
Vermont Electric Power Company, Inc.)
(collectively "VELCO"), and Central Vermont)
Public Service Corporation ("CVPS") for a)
Certificate of Public Good, pursuant to 30)
V.S.A. § 248, for the "Southern Loop Project.")**

**MOTION TO INTERVENE OF
CONSERVATION LAW FOUNDATION**

Now Comes Conservation Law Foundation (CLF), by and through its attorney, Sandra Levine, and pursuant to Vermont Public Service Board Rule 2.209(A) requests intervention as of right in the above-captioned proceeding. Alternatively, pursuant to Vermont Public Service Board Rule 2.209(B), CLF requests permissive intervention in this proceeding.

MEMORANDUM

Under Rule 2.209(A) of the Board's Rules of Practice, a person has a right to intervene if the person demonstrates a substantial interest that may be adversely affected by the outcome of a proceeding, the proceeding affords the exclusive means for the person to protect its interest, and the person's interest is not adequately represented by existing parties. Board Rule of Practice 2.209(A)(3). In addition, in the Board's discretion a person may be permitted to intervene if the person demonstrates a substantial interest that may be affected by the outcome of the proceeding. In exercising its discretion, the Board must consider whether that interest will be adequately protected by

other parties, whether alternative means exist by which the applicant's interests can be protected, and whether intervention will unduly delay the proceeding or prejudice the interests of existing parties or the public. *Id.* at 2.209(B).

In this proceeding, the Board will consider whether the construction of a whether a certificate of public good should be awarded for the construction of the "Southern Loop Project" transmission upgrade. In so doing, the Board will need to consider, among other things, whether the project will unduly interfere with the orderly development of the region; whether the project is required to meet the need for present and future electric demand; whether the project will result in an economic benefit to the state and its residents; whether the project will have an undue adverse effect on aesthetics, air and water purity, the natural environment, and the public health and safety; whether the project is in compliance with the state electric energy plan and Vermont's state energy policy (30 V.S.A. § 202a), as well as Vermont's requirements for least cost integrated planning (30 V.S.A. § 218c), and Vermont's regulatory policy supporting an efficient reliability policy regarding transmission and distribution (Act 61, § 8 (2005)). 30 V.S.A. § 248. CLF and its members have a substantial interest in these issues.

CLF is a private, non-profit environmental membership organization dedicated to the protection and responsible use of New England's natural resources, including resources affected by the generation, transmission, distribution and use of electric power. CLF represents the interests of its members in ensuring that the degradation of the natural environment resulting from the provision of electricity in Vermont and the region is minimized. As persons affected by the production and sale of electric power in Vermont and the region, CLF's members will be directly and substantially affected by this

proceeding. Intervention will allow CLF to protect its members' substantial interests in such matters as promotion of clean and cost effective renewable energy and appropriate siting of wind facilities that respects Vermont's natural environmental and landscape. The economic interests of CLF's Vermont members as ratepayers also will be directly affected by this proceeding.

CLF's substantial interest in the outcome of this proceeding cannot be protected in any other proceeding. In this docket, the Board will determine whether the proposed project serves the public good of the state of Vermont and its citizens. Therefore, the Board's proceeding is the only opportunity for CLF to provide input regarding whether and how this project serves the interests of all Vermonters including CLF's Vermont members.

Moreover, the interests of CLF's members will not be represented fairly by any other party. *See In re Vermont Public Power Supply Authority*, 140 Vt. 424 (1981) ("it is the culmination of the private interests of each of Vermont's citizens which produces the public interest"; the State of Vermont's representation of the public interest does not bar private citizen intervention as the interests are not necessarily identical).

CLF also has the ability and experience to effectively address the issues involved in this proceeding, and from a perspective not likely to be offered by other parties. CLF has participated in several prior Board proceedings including Dockets 6860 and 7081 regarding VELCO's expansion of Vermont's transmission grid in the northwestern part of the state and transmission planning to effectively incorporate non-transmission alternatives. CLF has also participated in Docket 6911 addressing the East Haven Wind Farm project where the Board's decision and order relied on expert testimony provided

by CLF. CLF is currently participating in the Deerfield Wind Project proceeding, Docket 7250. CLF also participated in Docket 6958 addressing GMP's rate design, Docket 7176 regarding GMP's alternative regulation plan, and Docket 7307 addressing Smart Metering and Time Based Rates. In all these proceedings, CLF has demonstrated its ability to provide informed and useful perspectives and information that were not offered by other parties or the DPS. Previously, CLF has actively participated in Board proceedings concerning various aspects of Vermont electric energy policy and permitting, such as the Hydro-Quebec power contract (PSB Docket 5330), electric utility restructuring efforts (PSB Docket 5854), the DPS proposed Energy Efficiency Plan (PSB Docket 5980), and the sale of the Vermont Yankee facility (Dockets Nos. 6300 and 6545).

CLF also has represented its members' interests as a party in numerous other proceedings before both state and federal public utility regulators concerning various aspects of the region's power supply and utility regulation.

In the alternative, the Board should exercise its discretion to permit CLF to intervene in this proceeding. As noted, CLF's interest is substantial, other named parties will not represent the interests of CLF and its members, and CLF's intervention will not delay the proceeding or prejudice the interest of other parties.

In this proceeding, CLF specifically seeks to intervene to present testimony and evidence and to fully participate in the proceeding on all matters being considered by the Board.

Dated at Montpelier, Vermont, this 22nd day of January, 2008.

CONSERVATION LAW FOUNDATION

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