

State of Vermont
Department of Public Service
112 State Street
Montpelier, VT 05620-2601
<http://publicservice.vermont.gov>

[phone] 802-828-2811
[fax] 802-828-2342
[tdd] 800-734-8390

August 3, 2016

Ms. Judith C. Whitney, Clerk
Vermont Public Service Board
112 State Street
Montpelier, Vermont 05620

Re: Vermont Gas/Hinesburg Condemnation - Docket 8643

Dear Ms. Whitney:

Between the dates of February 17, 2016, and March 2, 2016, the Hinesburg Conservation Commission and several individual residents of Hinesburg moved to intervene in this docket. At that time, the Department took no position on the various intervention motions. On March 24, 2016, the Hearing Officer issued a Procedural Order Re: Intervention Motions (the “Denial Order”) in which he denied all of the motions to intervene. On March 29, 2016, the nine individual residents of Hinesburg (the “Residents”) who had been denied intervention filed a Motion to Reconsider Hearing Officer Ruling (the “Motion to Reconsider”). The Department opposed the Motion to Reconsider based upon its review of the Denial Order and the active participation of the Town on Hinesburg in the proceeding.

On May 23, 2016, the Hearing Officer issued an Order on Reconsideration Granting Intervention (the “Intervention Order”). The Hearing Officer explained that “the Residents’ participation may be helpful to the Board with developing a clear understanding of the nature and extent of the public use that is made of Geprags Park, and what impact could be expected if the board were ultimately to grant the relief VGS has requested in this case.” Intervention Order at 6. The Hearing Officer also noted that “the Residents’ intervention by itself does not create undue delay or unreasonably prejudice the interests of the Company and the rate-paying public.” Id.

Since the Intervention Order was granted, the Residents have foregone the opportunity to submit direct and surrebuttal testimony, as provided in the Schedule agreed to by all the parties. Second



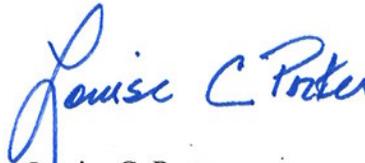
Scheduling Order, 6/16/16. They did not request leave to amend the Schedule or attempt to offer testimony at any other time. Rather, the Residents have submitted Requests to Cease Construction (July 2, 2016), Orders to Show Cause (July 8, 2016) and a PreTrial Memorandum and Motions (July 25, 2016) that go well beyond the scope of their permissive intervention and appear calculated solely to interfere with continued construction as opposed to assisting the Board with a better understanding of the public's use of Geprags Park.

On July 29, 2016, Vermont Gas filed a Motion to Revoke the Intervenors' Permissive Intervention Status (the "Motion to Revoke"). In the Motion to Revoke, Vermont Gas catalogues the actions of the Residents which have been taken as permissive intervenors in this docket. As stated above, not only have the Residents exceeded the scope of their intervention, they have failed to assist the Board in the manner described by the Hearing Officer in the Intervention Order.

The Motion to Revoke should be granted. The Denial Order was properly decided for the reasons stated therein. The Residents have clearly demonstrated that their continued participation will not assist the Board as expected when intervention was allowed, and is likely to create undue delay and jeopardize the timely completion of the Project to the detriment of the rate-paying public.

Thank you for this opportunity to comment. Please let me know if you have any questions.

Sincerely yours,



Louise C. Porter
Special Counsel