

RECEIVED

DEC 01 2016

STATE OF VERMONT
PUBLIC SERVICE BOARD

TOWN OF FERRISBURGH

Docket No. 8847

In Re: Petition of Vermont Green Line Devco, LLC,)
pursuant to 30 V.S.A. §§ 231 and 248, for a certificate)
of public good to own, operate and construct an)
underwater and underground 400 MW high voltage direct)
current (HVDC) electric transmission line, converter)
station and associated facilities to be located in Lake)
Champlain and the Towns of Ferrisburgh, Waltham and)
New Haven, Vermont and for de minimis regulation)

NOTICE OF APPEARANCE

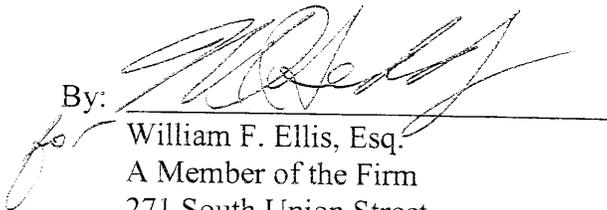
The appearance of McNeil, Leddy & Sheahan, P.C., is hereby entered on behalf of the City of Burlington Electric Department in the above-captioned matter. Copies of all filings, notices and orders should be sent to the following:

William F. Ellis, Esq.
McNeil, Leddy & Sheahan, P.C.
271 South Union Street
Burlington, VT 05401

James L. Gibbons
Director of Policy and Planning
Burlington Electric Department
585 Pine Street
Burlington, VT 05401

DATED at Burlington, Vermont this 29th day of November 2016.

McNEIL, LEDDY & SHEAHAN, P.C.

By: 

William F. Ellis, Esq.
A Member of the Firm
271 South Union Street
Burlington, VT 05401
Attorneys for Burlington Electric
Department

cc: Attached Service List

211050-00080

McNEIL
LEDDY &
SHEAHAN

271 South Union St.
Burlington, VT 05401

T 802.863-4531
F 802.863-1743

www.mcnelivt.com

STATE OF VERMONT
PUBLIC SERVICE BOARD

RECEIVED

DEC 01 2016

Docket No. 8847

TOWN OF FERRISBURGH

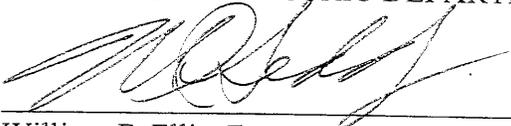
In Re: Petition of Vermont Green Line Devco, LLC,)
pursuant to 30 V.S.A. §§ 231 and 248, for a certificate)
of public good to own, operate and construct an)
underwater and underground 400 MW high voltage direct)
current (HVDC) electric transmission line, converter)
station and associated facilities to be located in Lake)
Champlain and the Tows of Ferrisburgh, Waltham and)
New Haven, Vermont and for de minimis regulation)

MOTION TO INTERVENE

NOW COMES City of Burlington Electric Department ("BED"), by and through its attorneys, McNeil, Leddy & Sheahan, P.C., and pursuant to Rule 2.209 of the Board's Rules of Practice, moves to intervene in the above-captioned proceeding. In support of this motion, BED respectfully submits the accompanying Memorandum of Law.

DATED at Burlington, Vermont, this 29th day of November 2016.

BURLINGTON ELECTRIC DEPARTMENT

By: 

William F. Ellis, Esq.
McNeil, Leddy & Sheahan, P.C.
271 South Union Street
Burlington, VT 05401
Attorneys for Movant

McNEIL
LEDDY &
SHEAHAN

271 South Union St.
Burlington, VT 05401

T 802.863-5311

F 802.863-1740

www.mcneilvt.com

**MEMORANDUM OF LAW IN SUPPORT OF
MOTION TO INTERVENE**

BED respectfully submits this Memorandum of Law in support of its Motion to Intervene in the above-captioned matter.

I. BED IS ENTITLED TO INTERVENTION AS OF RIGHT

BED seeks intervention as of right under Rule 2.209(A), 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.

Vt. P.S.B. Rule 2.209(A)(3). As outlined below, BED satisfies the criteria entitling it to intervention as of right.

A. BED's Motion to Intervene is Timely.

The Board's Prehearing Conference in Docket 8847 will be held on November 30, 2016 at 11:00 A.M. Therefore, BED's motion, submitted prior to the Prehearing Conference, is timely.

B. BED has a Substantial Interest that may be Adversely Affected by the Outcome of this Proceeding.

This proceeding will consider whether to approve the installation and operation of the so-called Vermont Green Line Project ("Project"), a high voltage direct current electric transmission line running from a new converter station in Beekmantown, New York approximately 60 miles, including approximately 40 miles of sea cable under Lake Champlain. This line will interconnect with the VELCO transmission system at a proposed new converter station in New Haven, Vermont.

McNEIL
LEDDY &
SHEAHAN

271 South Union St.
Burlington, VT 05401

T 802.363.4531
F 802.363.1743

www.mcneilvt.com

BED is both a part owner and customer of VELCO, and has a substantial interest in ensuring reliable and reasonably priced electric transmission service. While the Project appears to be a privately-financed "merchant" plant, BED has an interest in ensuring that none of the costs of the Project are passed on to transmission owners/customers like BED and, in turn, BED's ratepayers. Additionally, the Project should not increase VELCO's operational costs, which are recovered from Vermont consumers via the VELCO '91 Vermont Transmission Agreement, and the Regional Network Service tariffs. This substantial interest could be adversely impacted by possible cost impacts on the VELCO transmissions system or an outcome in this proceeding that affects the cost-recovery structures intended for this project.

Moreover, BED has made a significant investment in both owned and contracted-for renewable generation located in the Northern Vermont region (i.e., McNeil Generating Station, Winooski One hydroelectric facility, Georgia Mountain Community Wind, Vermont Wind, and solar arrays). These renewable generation facilities have been subject to curtailment by ISO-New England over the recent past. BED is concerned that additional power injections in the Northern Vermont region could increase the frequency and magnitude of such curtailments to BED's (and Vermont's) financial detriment. Additionally, construction of the proposed generation in an "export constrained" area of Vermont's electrical system could reduce the per hour value of existing renewable generation in Northern Vermont by depressing the Locational Marginal Price (LMP) at the delivery points for these generators disproportionately. All of these substantial interests could be adversely impacted by the construction of the proposed generating plant.

McNEIL
LEDDY &
SHEAHAN

271 South Union St.
Burlington, VT 05401
T 802.863.4531
F 802.863.1743

www.mcneilvt.com

C. This Docket Provides BED with the Exclusive Means by Which it can Protect its Substantial Interest.

This Docket is the only forum of which BED is aware that will allow it to protect its substantial interests in maintaining just and reasonable transmission costs and the substantial investment it has made in in-state electric generation.

D. BED's Interests will not be Adequately Represented by Existing Parties.

Furthermore, BED's substantial interests are unique given the amount of owned and contracted-for renewable generation in its portfolio (both in absolute amount and relative to BED's size). These interests will not be adequately represented unless it is allowed to intervene. In light of the foregoing, BED should be allowed to intervene in these proceedings as a matter of right.

II. IN THE ALTERNATIVE, BED IS ENTITLED TO PERMISSIVE INTERVENTION

In the alternative, BED moves for permissive intervention. 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." Vt. P.S.B. Rule 2.209(B). 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 interests of existing parties or of the public.

Id. As set forth above, existing parties will not adequately represent BED's substantial interest in this proceeding, and no alternative means for protecting BED's interests exist.

McNEIL
LEDDY &
SHEAHAN

271 South Union St.
Burlington, VT 05401
T 802.363.4531
F 802.363.1743

www.mcneilvt.com

In addition, BED's intervention will not unduly delay the proceeding or prejudice the interests of the parties or the public.

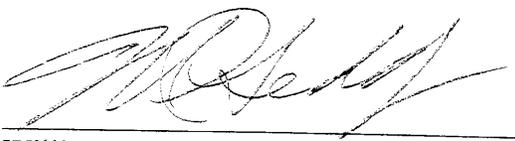
CONCLUSION

WHEREFORE, based upon the foregoing, BED's motion to intervene as of right should be granted. In the alternative, BED should be granted permissive intervention.

DATED at Burlington, Vermont, this 29th day of November 2016.

Respectfully submitted,

BURLINGTON ELECTRIC DEPARTMENT

By: 

for William F. Ellis, Esq.
McNeil, Leddy & Sheahan, P.C.
271 South Union Street
Burlington, VT 05401
Attorneys for Movant

cc: Attached Service List

McNEIL
LEDDY &
SHEAHAN

271 South Union St.
Burlington, VT 05401

T 302.863.4531
F 302.863.1743

www.mcneilvt.com