

**STATE OF VERMONT  
PUBLIC SERVICE BOARD**

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**,” )  
located in Vernon, Guilford, Brattleboro, )  
Dummerston, Newfane, Brookline, Townshend, )  
Grafton, Windham, Andover, Chester, Ludlow )  
and Cavendish, Vermont, consisting of the )  
following elements: (1) a new, approximately )  
51-mile, 345 kV transmission line between )  
Vernon-Cavendish, to be built parallel to and )  
within the same utility right-of-way as )  
VELCO’s existing Vernon-Cavendish 345 kV )  
line; (2) a new VELCO 345/115 kV Vernon )  
substation, to be located just north of the )  
Vermont Yankee Nuclear Power Station; (3) a )  
new 345/115/46 kV Newfane substation; (4) a )  
new, approximately one-mile, 345 kV )  
transmission line loop between the new )  
Newfane substation and the new Vernon- )  
Cavendish 345 kV line; (5) expansion of )  
VELCO’s Coolidge substation in Cavendish, )  
Vermont; and (6) the implementing of )  
incremental energy efficiency to defer )  
transmission upgrades in Southern Vermont )

Docket No. 7373

RESPONSE OF PETITIONERS VELCO & CVPS TO  
MOTION TO INTERVENE OF CONSERVATION LAW FOUNDATION

NOW COME Vermont Electric Power Company, Inc. and Vermont Transco LLC  
(collectively “VELCO”), and Central Vermont Public Service Corporation (“CVPS” and, with  
VELCO, “Petitioners”), and respectfully submit this response to the January 22, 2008 Motion to  
Intervene (the “Motion”) filed by the Conservation Law Foundation (“CLF”).

I. The Motion

The Motion contends that CLF and its members have a substantial interest in a number of issues impacting the Board's decision whether to grant a certificate of public good to Petitioners to construction the so-called "Southern Loop Project" (the "Project"). Specifically, CLF asserts it has an interest in whether the Project: will unduly interfere with the orderly development of the region; is required to meet the need for present and future electric demand; will result in an economic benefit to the state and its residents; will have an undue adverse effect on aesthetics, air and water purity, the natural environment, and the public health and safety; and is in compliance with the state electric energy plan and Vermont's state energy policy, as well as Vermont's requirements for least cost integrated planning, and Vermont's regulatory policy supporting an efficient reliability policy regarding transmission and distribution. Motion at 2. The Motion maintains that "[a]s persons affected by the production and sale of electric power in Vermont and the region" and as ratepayers, CLF's members will be "directly and substantially affected by this proceeding." Motion at 2-3. CLF further maintains that intervention will allow CLF to "protect its members' substantial interest in such matters as promotion of clean and cost-effective renewable energy and appropriate siting of wind facilities that respects Vermont's natural environment and landscape." Motion at 3.

II. Petitioners' Response

Petitioners do not oppose the Board allowing conditional, permissive intervention to CLF under Board Rules 2.209 (B) and (C). In accordance with Board Rule 2.209 (C), such permissive intervention should be limited to the specific interests set forth in the Motion.

Discussion

A. Standard for Intervention: Board Rule 2.2.09

Board Rule 2.209 (A) (Intervention as of Right) provides:

(A) Intervention as of right. Upon timely application, a person shall be permitted to intervene in any proceeding (1) when a statute confers an unconditional right to intervene; (2) when a statute confers a conditional right to intervene and the condition or conditions are satisfied; or (3) 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.

CLF does not contend that it has a statutory right to intervene, nor does it under Rule 2.209(A)(1). Instead, CLF asserts that it and its members have “a substantial interest” in the docket and that such interests will be “directly and substantially affected” by the outcome of the proceeding. Motion at 2-3. CLF further maintains that this proceeding is its “only opportunity to provide input” and that the interests of its members “will not be represented fairly by any other party.” Motion at 3.

Intervention as of right, however, requires affirmative findings by this Board that the requesting party has demonstrated three necessary elements: that the party has a substantial interest which may be adversely affected by the outcome of the proceeding; that the proceeding affords the exclusive means by which the party can protect that interest; and that the party’s interest is not adequately represented by existing parties, including the Department of Public Service, which is charged with representing the interests of the people of the state under 30 V.S.A. § 2(b). *See In re: CVPS Affiliate Transactions*, Docket No. 5797, Order of 5/19/95 at 2-3, 7; *Investigation into the Existing Rates of Vermont Telephone Company, Inc.*, Docket No. 5904, Order of 10/15/96 at 2. Petitioners respectfully submit that this Board has not granted CLF such intervention status in other Section 248 proceedings in which it has participated. *See, e.g.*, Docket No. 6860, Order of 8/18/03 at 3; Docket No. 6911, Order of 1/21/04 at 2.

In addition to intervention as of right, an entity may also seek permissive intervention under Board Rule 2.209 (B). *See* Docket No. 7373, Response of Petitioners VELCO and CVPS to Motion of Carl Ferenbach, III and Judy W. Ferenbach to Intervene and for Determination of Party Status, January 2, 2008, at 3-4 and Order of 1/10/08. Permissive intervention under Rule 2.209 (B) is governed by a less stringent than the standard for intervention as of right, *see*

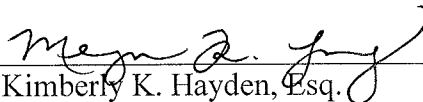
Investigation into the Existing Rates of Vermont Telephone Company, Inc., Docket No. 5904, Order of 10/15/96 at 2, but the applicant must still prove a “substantial interest,” and the Board must make its decision based essentially on the same considerations at issue in a request for intervention as of right.

While Petitioners’ do not oppose the permissive intervention of CLF pursuant to Board Rule 2.209(B), Petitioners move that such permissive intervention be limited to the specific interests set forth in the Motion.

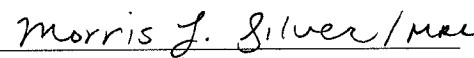
DATED at Burlington, Vermont, this 29th day of January, 2008

Respectfully submitted,

VERMONT ELECTRIC POWER COMPANY,  
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