

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 22-4338-PET

Petition of Vermont Transco LLC, and Vermont Electric Power Company, Inc. for a certificate of public good, pursuant to 30 V.S.A. § 248(j), authorizing upgrades to VELCO's existing Highgate Substation in Highgate, Vermont	
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Order entered: 12/02/2022

ORDER APPROVING ISSUANCE OF A CERTIFICATE OF PUBLIC GOOD

In this Order, the Vermont Public Utility Commission (“Commission”) adopts the following proposal for decision.

PROPOSAL FOR DECISION

I. INTRODUCTION

This case involves a petition filed by Vermont Electric Power Company, Inc. (“VELCO” or the “Petitioner”) with the Vermont Public Utility Commission (“Commission”) requesting a certificate of public good (“CPG”) under 30 V.S.A. § 248(j) authorizing upgrades to the control building for VELCO’s Highgate Substation at 2731 Route 78 in Highgate, Vermont (the proposed “Project”).

In today’s proposal for decision, I recommend the Commission conclude that the Project is of limited size and scope, the Project does not raise a significant issue with respect to the substantive criteria of 30 V.S.A. § 248, the public interest is satisfied by the procedures authorized by 30 V.S.A. § 248(j), and the Project will promote the general good of the State. Therefore, I recommend the Commission grant VELCO’s petition for a CPG, subject to the conditions set forth in this Order.

II. PROCEDURAL HISTORY

On October 5, 2022, the Petitioner filed a petition, site plan, prefiled testimony and exhibits, and list of adjoining landowners (the “Petition”) pursuant to the requirements of Section 248(j) and Commission Rule 5.402(F). The Petitioner also filed a motion for confidential treatment of exhibit Petitioner DP-2 (VELCO’s Condition Assessment).

On October 7, 2022, the Commission notified the Petitioner that the filing was complete and directed the Petitioner to provide notice of the Petition to all entities specified in 30 V.S.A. § 248(a)(4)(C) and other interested persons. The Commission directed that the notice state that any person wishing to submit comments as to whether the Petition raises a significant issue with respect to the substantive criteria of 30 V.S.A. § 248 should do so on or before November 8, 2022.

On October 8, 2022, VELCO provided the required notice.

On November 8, 2022, the Vermont Department of Public Service (“Department”) filed comments (“Department Comments”). The Department stated that it supports the Petition. The Department also filed a determination pursuant to 30 V.S.A. § 202(f) stating that the Petition is consistent with the Vermont Electric Plan (“202(f) Determination”).

On November 9, 2022, the Vermont Division for Historic Preservation (“DHP”) filed comments on the Project (the “DHP Letter”). DHP opined that no archaeological sites or archaeologically sensitive areas are present in the current project footprint and that it has no archaeological concerns with the proposed Project. DHP also concluded that the Project will have no effect on any historic sites listed in or eligible for inclusion in the State Register of Historic Places.

On November 14, 2022, the Vermont Agency of Natural Resources (“ANR”) filed comments on the Project (“ANR Comments”). ANR proposed a condition in the CPG to protect rare, threatened, and endangered plant species at the Project site, which was agreed to by the Petitioner.

No other comments on the petition were received by the Commission.

No party has requested an evidentiary hearing or objected to the prefiled testimony and exhibits. Accordingly, the following prefiled testimony and exhibits are admitted as if presented at a hearing: the Petition, the prefiled testimony of Daniel A. Poulin, and exhibits Petitioner DP-1 through 8, including confidential exhibit Petitioner DP-2; the prefiled testimony of Edward J. McGann III, and exhibits Petitioner EJM-1 through 5; and the prefiled testimony of Andrew K. McMillan, and exhibits Petitioner AM-1 through 5. Additionally, the Petition, the DHP Letter,

the ANR Comments, the Department Comments, and the 202(f) Determination are entered into evidence subject to timely objection by the parties.¹

III. PUBLIC HEARING AND COMMENTS

There was no request for a public hearing in this proceeding and no public hearing was held. No public comments about the Project were received by the Commission.

IV. FINDINGS

Based on the Petition and the accompanying record in this proceeding, I have determined that this matter is ready for decision. Based on the evidence of record, I hereby report the following findings to the Commission in accordance with 30 V.S.A. § 8(c).

Petitioner Background and Project Description

1. VELCO is a company as defined by 30 V.S.A. § 201 and is subject to the Commission's jurisdiction pursuant to 30 V.S.A. § 203. Petition at 1.
2. VELCO's office is located at 366 Pinnacle Ridge Road in Rutland, Vermont. Petition at 1.
3. VELCO owns, operates, and plans for Vermont's high-voltage electric transmission system. Petition at 2.
4. VELCO's Highgate Substation is connected to VELCO's 115 kV electric transmission network in the Highgate area and is connected to Vermont Electric Cooperative's (VEC's) sub-transmission systems in the Highgate area. VEC's distribution systems are fed from the sub-transmission system and in turn serve VEC's customers. Daniel A. Poulin, Petitioner ("Poulin") pf. at 4; exhs. Petitioner DP-2 and EJM-2.
5. VELCO purchased the 46 kV equipment in the Highgate Substation in 2003 from Citizens Utilities Company. VELCO rebuilt the 115 kV equipment in 2005. Poulin pf. at 4.
6. VELCO determined that the existing 24 x 61-foot light-gauge metal control building has several deficiencies, which cumulatively, require its replacement. The control building's physical size does not adequately house the protection and control equipment, station service, DC battery systems, communication equipment, and security systems while maintaining safe

¹ If any party has an objection to any of these documents being entered into evidence, the party shall submit its objection within 14 days of the date this Order is entered

working clearances. The existing shell provides no ballistic protection and requires greater insulation. The existing roof includes no fire protection and is not adequately insulated as icing at the eaves indicates heat loss through the roof. The building's wall and door systems include no fire protection, some doors have rust, and daylight can be seen around both door systems. The exterior insulation of the building's foundation is exposed and deteriorating. The existing battery rooms require increased working space. Poulin pf. at 4-5.

7. To address these deficiencies, the major Project components include:

- Replacing the existing 24 x 61-foot VELCO control building with a new, approximately 32 x 80-foot control building that will accommodate a protection and control system, station service, DC battery systems, communication equipment, security systems, and a bathroom.
- Expanding a 90-foot portion of fence on the fence's eastern side to accommodate the new control building. VELCO will expand the fence approximately five feet to the east.
- Relocating the entry gate to the substation approximately 40 feet to the south, and adjusting the existing driveway by regrading, widening, and shortening the driveway to accommodate the new entry gate.
- Relocating VEC's existing 46 kV wires and pole just outside the east side of the fence to accommodate the new control building.
- Relocating existing communication fiber cables to connect to the new control building.

Poulin pf. at 5-7; exh. Petitioner EJM-4.

8. The Project will not require any blasting or tree clearing. Poulin pf. at 7.

9. VELCO will use the existing substation parcel, VELCO right-of-way easements, and a VELCO-owned parcel across Route 78 from the substation to store any material needed during construction. VELCO currently uses the parcel across Route 78 to maintain its existing transmission lines. VELCO will install a temporary entrance to this parcel from its existing private, paved Highgate Converter Access Road that will consist of landscape fabric and stone. VELCO will remove this temporary entrance after Project construction. These construction

support areas are within the Project area that VELCO studied for impacts under the environmental and historic sites criteria. Poulin pf. at 18-19; exh. Petitioner EJM-5.

10. The existing substation lighting plan includes perimeter fence-mounted lights. VELCO will mount supplemental yard lights on the new control building and replace the existing lights. The building-mounted lights are controlled by a photocell and therefore will be on continuously at night and off during the day. Perimeter fence lighting and lights mounted to the steel structures will be remotely controlled by SCADA² and VELCO security or locally by on-site personnel during emergency repair and security response events. Edward J. McGann, Petitioner (“McGann”) pf. at 3.

11. VELCO will make minor grade adjustments along the eastern fence sections being replaced adjacent to the new control building. McGann pf. at 4; exh. Petitioner EJM-5.

12. The total Project cost is estimated at \$12,513,480. Poulin pf. at 10; exh. Petitioner DP-3.

Discussion

VELCO has proposed that Project construction take place between the hours of 7:00 A.M. and 7:00 P.M. Monday through Friday, and between 8:00 A.M. and 5:00 P.M. on Saturdays and that no construction will take place on Sundays, or state or federal holidays. However, VELCO seeks to conduct some construction activities on Bennington Battle Day given the short summer construction season, and because the holiday is not widely granted as a paid day off for many of the workers likely to be working on the Project. VELCO also requests that these construction hour restrictions not apply to construction activities that VELCO must perform during any required outages that may be needed to maintain system reliability. I find these requests reasonable³ and I recommend that the Commission include them in any CPG issued for the project.

² SCADA (supervisory control and data acquisition) is a category of software applications for controlling industrial processes, which is the gathering of data in real time from remote locations in order to control equipment and conditions.

³ See *Petition of Vermont Transco LLC, and Vermont Electric Power Company, Inc. for a certificate of public good, pursuant to 30 V.S.A. § 248, authorizing upgrades to VELCO’s existing North Rutland Substation in Rutland Town, Vermont*, Case No. 21-2455, Order of 1/13/22 at 9-10 (Commission granting similar modifications to CPG conditions).

VELCO also seeks a partial exemption from a standard condition that the Commission includes in Section 248 CPGs that requires a petitioner to obtain and comply with all necessary collateral permits before beginning site preparation or construction. VELCO states that it needs to obtain a Wastewater Permit and Division of Fire Safety Permit for the Project. While VELCO believes that it will obtain these two permits before it begins construction, it acknowledges that this may not occur and therefore seeks authority to begin site preparation and construction upon receipt of its CPG of activities that would not be subject to those permits. I find this request reasonable⁴ and I recommend that the Commission amend its standard permit condition to accommodate the request.

Review of Project Under the Section 248 Criteria

Orderly Development of the Region

[30 V.S.A. § 248(b)(1)]

13. The Project will not unduly interfere with the orderly development of the region, with due consideration having been given to the recommendations of the municipal and regional planning commissions, the recommendations of the municipal legislative bodies, and the land conservation measures contained in the plan of any affected municipality. This finding is supported by the additional findings below.

14. The Project will have a favorable impact under the criterion regarding orderly development of the region because it will improve the reliability of the region's existing electrical supply without adversely affecting the environment or aesthetics. Poulin pf. at 14-16; exh. Petitioner DP-5.

15. The Project is consistent with the Highgate Town Plan ("Town Plan"). The Town Plan contains no language addressing the construction or operation of substations for reliability purposes. The Town Plan Land Use map identifies the Project area as "Industrial Commercial." Poulin pf. at 15-16; exh. Petitioner DP-5.

16. The Project is also consistent with the Northwest Regional Planning Commission Plan, effective September 2, 2015 ("RPC Plan"). The RPC Plan does not contain land conservation measures regarding the Project parcel. Further, the RPC Plan contains no siting

⁴ See *Petition of Vermont Transco LLC, and Vermont Electric Power Company, Inc. for a certificate of public good, pursuant to 30 V.S.A. § 248, authorizing replacement of the Florence substation in Pittsford, Vermont*, Case No. 21-3732-PET, Order of 3/21/22 at 5 (Commission granting similar modifications to CPG conditions).

requirements for electric substations, like this one, that are not part of a generation facility. Poulin pf. at 15; exh. Petitioner DP-5.

Need for Present and Future Demand for Service

[30 V.S.A. § 248(b)(2)]

17. The Project will meet the need for present and future demand for service that could not otherwise be provided in a more cost-effective manner through energy conservation programs and measures and energy efficiency and load management measures, including those developed pursuant to the provisions of subsection 209(d), section 218c, and subsection 218(b) of Title 30. This finding is supported by the additional findings below.

18. The condition of the existing Highgate Substation control building is the main driver of the need for the Project. Energy efficiency, conservation, or load-management actions could not change its condition. Because the need for the Project is based on the condition of an existing substation control building, VELCO did not perform a transmission alternatives analysis. Poulin pf. at 15-16; exh. Petitioner DP-2.

19. The Vermont System Planning Committee (“VSPC”) Geotargeting Subcommittee reviewed the Project and concluded that the Project screened out of the VSPC’s test for non-transmission alternatives, and VELCO did not conduct that analysis. Poulin pf. at 16; exh. Petitioner DP-6.

20. VELCO determined that the Project represents the least-cost alternative to addressing the existing substation’s current deficiencies. Poulin pf. at 16; exh. Petitioner DP-2.

Impact on System Stability and Reliability

[30 V.S.A. § 248(b)(3)]

21. The Project will not have an adverse effect on system stability and reliability. The Project will improve system safety and reliability by replacing equipment in inadequate condition. Poulin pf. at 17.

Economic Benefit to the State

[30 V.S.A. § 248(b)(4)]

22. The Project will result in an economic benefit to the State and its residents. The Project will increase property tax revenues based on the capital investment required for the

upgrades. Additionally, there will be some local economic benefits associated with engaging local businesses and contractors during the Project's construction phase. Poulin pf. at 17.

**Aesthetics, Historic Sites, Air and Water Purity, the Natural Environment,
the Use of Natural Resources, and Public Health and Safety**

[30 V.S.A. § 248(b)(5)]

23. Subject to the conditions described below, the Project will not have an undue adverse effect on aesthetics, historic sites, air and water purity, the natural environment, the use of natural resources, or public health and safety, with due consideration having been given to the criteria specified in 10 V.S.A. §§ 1424a(d) and 6086(a)(1) through (8) and (9)(K), impacts on primary agricultural soils as defined in 10 V.S.A. § 6001, and greenhouse gas impacts. This finding is supported by the additional findings below, which give due consideration to the criteria specified in 10 V.S.A. §§ 1424a(d) and 6086(a)(1) through (8) and (9)(K).

Outstanding Resource Waters

[10 V.S.A. § 1424a; 30 V.S.A. § 248(b)(8)]

24. The Project will not affect any outstanding resource waters as defined by 10 V.S.A. § 1424a(d) because there are no outstanding resource waters in the Project area. Andrew K. McMillan, Petitioner ("McMillan") pf. at 7; exh. Petitioner AM-3 at 3.

Air Pollution and Greenhouse Gas Impacts

[30 V.S.A. § 248(b)(5); 10 V.S.A. § 6086(a)(1)]

25. The Project will not result in undue air pollution or greenhouse gas emissions. This finding is supported by the additional findings below.

26. The Project will not involve any industrial or manufacturing emissions. Construction-phase impacts will include emissions from vehicular traffic entering and exiting the site, as well as construction equipment associated with site work and equipment operation. The impacts resulting from these greenhouse gas emissions will not be undue. McMillan pf. at 7-8; exh. Petitioner AM-3 at 3.

27. During construction, soil disturbance and the potential for dust formation will be minimal. Generation of dust will be monitored during construction and controlled, if necessary,

by using VELCO's Environmental Guidance Manual and best management practices. Exh. Petitioner AM-3 at 3-4.

Water Pollution

[10 V.S.A. § 6086(a)(1)]

28. The Project will not result in undue water pollution. This finding is supported by the findings under the criteria of headwaters through soils, below.

Headwaters

[10 V.S.A. § 6086(a)(1)(A)]

29. The Project is not located in a headwaters area. Exh. Petitioner AM-3 at 4.

Waste Disposal

[10 V.S.A. § 6086(a)(1)(B)]

30. The Project will meet all applicable health and Vermont Department of Environmental Conservation ("DEC") regulations regarding the disposal of wastes and will not involve the injection of waste materials or any harmful or toxic substances into groundwater or wells. Exh. Petitioner AM-3 at 5.

31. VELCO will dispose of all construction debris that cannot be reused or recycled in accordance with DEC waste management rules and best management practices. Exh. Petitioner AM-3 at 5.

32. An asbestos and lead-based paint survey of the existing control building indicated that the building does not contain lead-based paint, but asbestos is present in caulking. VELCO will work with a licensed asbestos abatement professional as part of the control building demolition to appropriately remove and dispose of this asbestos-containing material prior to demolition activities in accordance with the applicable Vermont Department of Health and Environmental Protection Agency rules and regulations. Upon completion of the asbestos abatement project and site clearance by the abatement contractor, the decommissioned materials from the building will be disposed of properly. McMillan pf. at 11.

33. VELCO will update the site-specific spill prevention, control, and countermeasure plan ("SPCC Plan") for the Highgate Substation to reflect the updated substation control building, as required. The SPCC Plan provides detailed spill response information in the event

of a release of oil, and outlines the storage capacities, types of oil stored, and secondary containment systems at the substation. Exh. Petitioner AM-3 at 5.

34. The Project will not require an operational stormwater permit but will obtain a construction stormwater permit. VELCO will obtain and comply with the necessary Wastewater and Potable Water Supply Permit from ANR for the proposed onsite wastewater treatment system. Exh. Petitioner AM-3 at 5.

Water Conservation

[10 V.S.A. §§ 6086(a)(1)(C)]

35. Given the limited amount of water used during the construction and operational phase of the Project, the Project will not have an undue adverse effect on water conservation. This finding is supported by the additional findings below.

36. Water is likely to be used during the construction phase of the Project for dust control and establishment of vegetation, if required. Water use during the construction phase will be limited and temporary in nature. Exh. Petitioner AM-3 at 5.

37. VELCO will install a new bathroom within the proposed control building, consisting of a low-flow toilet and fixtures for water conservation. Exh. Petitioner AM-3 at 5.

Floodways

[10 V.S.A. § 6086(a)(1)(D)]

38. The Project is not located within a floodway or floodway fringe and therefore will not restrict or divert the flow of flood waters, significantly increase the peak discharge of a river or stream within or downstream from the Project, or endanger the health, safety, or welfare of the public or of riparian owners during flooding. McMillan pf. at 15, exh. Petitioner AM-3 at 6.

Streams

[10 V.S.A. § 6086(a)(1)(E)]

39. The Project will not have an undue adverse effect on streams because there are no streams in the Project area. McMillan pf. at 15; exh. Petitioner AM-3 at 6.

Shorelines

[10 V.S.A. § 6086(a)(1)(F)]

40. The Project is not located on a shoreline. McMillan pf. at 15-16; exh. Petitioner AM-3 at 7.

Wetlands

[10 V.S.A. § 6086(a)(1)(G)]

41. The Project will not have an undue adverse effect on wetlands. This finding is supported by the additional findings below.

42. There are two wetlands next to the existing substation. No Project components are located within wetlands or their buffers. McMillan pf. at 16; exh. Petitioner AM-3 at 7.

43. However, wetlands occupy nearly half of the land surrounding the existing substation facility. The Project's construction support areas will temporarily impact a portion of one wetland buffer associated with Class 2 wetland "2020-W1" for material storage and staging. This wetland buffer is located north of the existing substation within the open, level transmission line corridor, which VELCO can access through an existing gate in the substation perimeter fence. McMillan pf. at 16; exh. Petitioner AM-3 at 7.

44. The Petitioner will also require temporary access to an existing transmission structure equipped with telecommunication infrastructure (fiber) located west of the substation. This existing transmission structure is located within the same Class 2 wetland mentioned above, 2020-W1, which wraps around the west and north sides of the substation. McMillan pf. at 16; exh. Petitioner AM-3 at 7.

45. The Vermont Wetland Rules deem the temporary impacts above to be allowed uses. The Project will employ best management practices developed by the Vermont Wetlands Program for temporary work within wetlands and wetland buffers. Specifically, VELCO will use timber matting for the staging area and transmission structure telecom work, which VELCO will remove upon Project completion to preserve the functions and values of the Class 2 wetland and its buffer. McMillan pf. at 16; exh. Petitioner AM-3 at 7.

46. VELCO will adhere to its Project-specific erosion protection and sediment control plan, best management practices, and VELCO's Environmental Guidance Manual to minimize

the Project's potential impacts on wetlands and wetland buffers during construction. McMillan pf. at 16-17; exh. Petitioner AM-3 at 7-8.

Sufficiency of Water and Burden on Existing Water Supply

[10 V.S.A. §§ 6086(a)(2) and (3)]

47. There is sufficient water available for the reasonably foreseeable needs of the Project. The substation facility will have a limited demand for water post-construction, as the substation facilities are not regularly staffed, and are only intermittently visited by operation and maintenance personnel. McMillan pf. at 14-15; exh. Petitioner AM-3 at 8.

48. The Petitioner expects water usage onsite to increase temporarily during construction. However, water will only be used on an as-needed basis. Thus, the proposed Project will not burden the existing water supplies. McMillan pf. at 14-15; exh. Petitioner AM-3 at 8.

Soil Erosion

[10 V.S.A. § 6086(a)(4)]

49. The Project will not cause unreasonable soil erosion or reduce the capacity of the land to hold water so that a dangerous or unhealthy condition may result. This finding is supported by the additional findings below.

50. The Project consists primarily of the redevelopment of an existing facility. Much of the anticipated site excavation work is located within the extant substation yard, which is a level and pervious gravel surface that greatly reduces the potential for adverse soil erosion. McMillan pf. at 17; exh. Petitioner AM-3 at 8-9.

51. The Petitioner will cover the construction support areas with stones on landscape fabric, which together protect the underlying soil horizons and seed stock and preclude the potential for soil erosion within these areas throughout the Project's construction. As proposed, the Project will result in over one acre of earth disturbance and requires a VT DEC Construction Stormwater Discharge Permit, which VELCO will seek and obtain for the site as part of final site plan reviews with its site design engineer. McMillan pf. at 17-18; exh. Petitioner AM-3 at 8-9.

52. The Petitioner will perform all earth-disturbing activities in accordance with a site-specific erosion prevention and sediment control plan, the Vermont Standards and Specifications

for Erosion Prevention and Sediment Control, and VELCO's Environmental Guidance Manual. With the adherence to these applicable best management practices, the proposed construction activities will not cause undue adverse effects on soil erosion or cause a reduction in the capacity of the land to hold water. McMillan pf. at 18; exh. Petitioner AM-3 at 8-9.

Transportation

[10 V.S.A. § 6086(a)(5)]

53. The Project will not cause unreasonable congestion or unsafe conditions with respect to the use of highways, waterways, railways, airports, airways, or other means of transportation, existing or proposed. Poulin pf. at 18.

54. VELCO anticipates only minor, short-duration traffic impacts, if any, due to deliveries of equipment and material to the substation site during the construction period (expected to be from March 2023 to December 2024). Deliveries will use existing roads with vehicles that are commonly used on public roads. During delivery of any large equipment, VELCO will employ the services of traffic-control personnel to manage traffic flow. VELCO will obtain all required highway permits associated with the work and deliveries. Poulin pf. at 18.

Educational Services

[10 V.S.A. § 6086(a)(6)]

55. The Project will not place an unreasonable burden on the ability of a municipality to provide educational services because the Project will not require or affect educational services. Poulin pf. at 19.

Municipal Services

[10 V.S.A. § 6086(a)(7)]

56. The Project will not place an unreasonable burden on the ability of the affected municipality to provide municipal or government services because the Project will not require or affect local services. Poulin pf. at 19.

Aesthetics, Historic Sites, and Rare and Irreplaceable Natural Areas

[10 V.S.A. § 6086(a)(8)]

57. The Project will not have an undue adverse impact on aesthetics or on the scenic or natural beauty of the area, nor will the Project have an undue adverse effect on historic sites or rare and irreplaceable natural areas. This finding is supported by the additional findings below.

Aesthetics

58. The Project site is currently developed with existing substation and electrical transmission infrastructure. Project improvements will mostly be within the footprint of the existing substation fenced yard. A five-foot-wide expansion will be installed for 90 feet along the eastern fence line. The Project is limited to this small expansion of the overall fenced substation yard, a change to the configuration of the access drive, and the replacement of the existing control building with a new and slightly larger control building. Exh. Petitioner DP-7 at 5.

59. The Project will have limited visibility. A combination of surrounding vegetation (including mitigation plantings previously installed at the Highgate Substation) and landform effectively screen the Project from most of the surrounding area. Poulin pf. at 20; exh. Petitioner DP-7 at 3.

60. Visibility of the Project's upgrades is primarily limited to a nearby short stretch of the Lamoille Valley Rail Trail north of the Project. Three private residences, the closest of which is approximately 300 feet from the Project, will have screened views of the Project. Where visible, the Project's upgrades will be seen within the context of the existing substation and surrounding electrical transmission infrastructure. Exh. Petitioner DP-7 at 3.

61. Project upgrades will not create new visibility of electrical transmission infrastructure within the area. From the limited locations that will have visibility, Project upgrades will have a low impact on the existing visual character of the area. Project upgrades are compatible with the shapes, color, and materials of the existing substation and other nearby development. Given the limited visibility and lack of potential change to visual character, the Project will not result in an adverse impact on the aesthetics and scenic and natural beauty of the area. Exh. Petitioner DP-7 at 3.

Discussion

The Project has only a limited potential for public views, and those views that do exist will not appear to be a change from the existing infrastructure. For these reasons, I recommend that the Commission determine that the Project will not have an adverse effect on aesthetics.

Historic Sites

62. The Project will not have an undue adverse effect on historic properties. DHP has reviewed the Project and has no archaeological concerns. DHP also determined that the Project will have no effect on any historic sites that are listed in or eligible for inclusion in the State Register of Historic Places. DHP Letter.

Rare and Irreplaceable Natural Areas

63. The Project will not have an undue adverse effect on rare and irreplaceable natural areas because there are no rare and irreplaceable natural areas within the Project area. Exh. Petitioner AM-3 at 9.

Necessary Wildlife Habitat and Endangered Species

[10 V.S.A. § 6086(a)(8)(A)]

64. The Project will not have an undue adverse effect on any endangered species or necessary wildlife habitat. This finding is supported by the additional findings below.

65. The Petitioner will perform all work within and directly adjacent to the existing developed areas of the substation yards and maintained areas. These areas were surveyed in 2020 for rare and irreplaceable natural areas, necessary wildlife habitat, and rare, threatened, and endangered species, and no significant natural communities were identified. McMillan pf. at 18-19.

66. A state rare (S2) plant species, *Desmodium perplexum*, was located adjacent to the existing Highgate Substation fence. The Petitioner has agreed to provide protection for these rare plants. McMillan pf. at 19; exh. Petitioner AM-3 at attachment 7; ANR Comments.

Discussion

The Petitioner and ANR have agreed upon language for a condition to be included in the Project's CPG that addresses the protection of the rare plants area within the Project area. I recommend that the Commission include the condition in the CPG.

Development Affecting Public Investments

[10 V.S.A. § 6086(a)(9)(K)]

67. The Project will not unnecessarily or unreasonably endanger any public or quasi-public investment in a facility, service, or lands, or materially jeopardize or interfere with the function, efficiency, or safety of, or the public's use or enjoyment of, or access to any such facility, service, or lands. The nearest existing public investment is VT Route 78, and the Project will not interfere with the public's use of it other than through potential minor, temporary traffic impacts. Poulin pf. at 20; exh. Petitioner EJM-8.

Public Health and Safety

[30 V.S.A. § 248(b)(5)]

68. The Project will not have any undue adverse effects on the health, safety, and welfare of the public. This finding is supported by the additional findings below.

69. VELCO will design and construct the Project in accordance with industry safety standards, including the National Electrical Safety Code requirements. VELCO will adhere to prudent utility construction practices throughout the construction phase, and the Project will not endanger the public or adjoining landowners. VELCO will operate and maintain the substation equipment installed as part of this Project in the same manner that the Company operates and maintains all of its facilities. Poulin pf. at 17-18; McGann pf. at 4-5.

70. The Highgate Substation is an existing facility and is not accessible to the general public. The substation will be fenced at all times during and after construction to protect against unauthorized access. McGann pf. at 3.

Primary Agricultural Soils

[30 V.S.A. § 248(b)(5)]

71. The Project will not have any undue adverse effects on primary agricultural soils as defined in 10 V.S.A. § 6001. This finding is supported by the additional findings below.

72. There are primary agricultural soils within the Project site. The surrounding development and proximity to supporting infrastructure largely preclude agricultural use of the land. McMillan pf. at 20; exh. Petitioner AM-3 at 11.

73. VELCO will use six inches of stone (or more) atop fabric for its construction support areas associated with the Project. The construction support areas are mapped as including

primary agricultural soils and will be restored to their pre-project condition upon completion of the Project. Through the implementation of soil horizon and soil compaction protection measures, the Project will not impact primary agricultural soils. McMillan pf. at 21; exh. Petitioner AM-3 at 11.

Consistency With Company's Least Cost Integrated Plan

[30 V.S.A. § 248(b)(6)]

74. VELCO does not have an integrated resource plan (“IRP”). As a transmission-only company, VELCO periodically produces transmission studies in place of an IRP. Specifically, VELCO issued a 2021 Vermont Long-Range Transmission Plan. This Plan acknowledges that VELCO has assessed the Highgate Substation and it has been determined that refurbishments are necessary. Poulin pf. at 21.

Compliance with Twenty-Year Electric Plan

[30 V.S.A. § 248(b)(7)]

75. The Project is consistent with the 2022 Comprehensive Energy Plan approved by the Department under 30 V.S.A. § 202(f). The Department has determined pursuant to 30 V.S.A. § 202(f) that the Project is consistent with the 2022 Comprehensive Energy Plan. 202(f) Determination.

Waste-to-Energy Facility

[30 V.S.A. §248(b)(9)]

76. The Project does not involve a waste-to-energy facility; therefore, this criterion is not applicable.

Existing or Planned Transmission Facilities

[30 V.S.A. § 248(b)(10)]

77. The Project can be served economically by existing or planned transmission facilities without undue adverse effects on Vermont utilities or customers. Poulin pf. at 23.

78. The proposed Project is designed to enhance the existing utility system and to improve service to customers. The Petitioner will continue to coordinate the work with VEC to minimize impacts during construction and ensure worker safety. Poulin pf. at 23.

Woody Biomass Facilities
[30 V.S.A. § 248(b)(11)]


79. The Project will not produce electric energy using woody biomass; therefore, this criterion is not applicable.

V. CONCLUSION

Based upon the findings above and subject to conditions, I recommend that the Commission conclude that the Project will be of limited size and scope, that the Petition does not raise a significant issue with respect to the substantive criteria of 30 V.S.A. § 248, that the public interest is satisfied by the procedures authorized by 30 V.S.A. § 248(j), and that the Project will promote the general good of the State.

This Proposal for Decision has not been circulated to the parties pursuant to 3 V.S.A. § 811 because it is not adverse to any party.

Date: December 2, 2022



Michael E. Tousley, Esq.
Hearing Officer

VI. ORDER


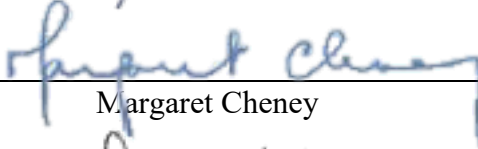
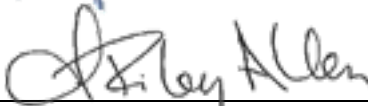
IT IS HEREBY ORDERED, ADJUDGED, AND DECREED by the Public Utility Commission (“Commission”) of the State of Vermont that:

1. The findings, conclusions, and recommendations of the Hearing Officer are adopted. All findings proposed by parties, to the extent that they are inconsistent with this Order, were considered and not adopted.

2. In accordance with the evidence and plans submitted in this proceeding, the upgrade to the Highgate Substation control building (the “Project”) proposed for construction and operation by Vermont Electric Power Company, Inc. (the “CPG Holder”) at 2731 Route 78 in Highgate, Vermont, will promote the general good of the State of Vermont pursuant to 30 V.S.A. § 248, and a certificate of public good to that effect shall be issued in this matter.

3. As a condition of this Order, the CPG Holder shall comply with all terms and conditions set out in the CPG issued in conjunction with this Order.

Dated at Montpelier, Vermont, this 2nd day of December, 2022.

 _____)) PUBLIC UTILITY
Anthony Z. Roisman)	
_____)	
 _____)) COMMISSION
Margaret Cheney)	
_____)	
 _____)) OF VERMONT
J. Riley Allen)	

OFFICE OF THE CLERK

Filed: December 2, 2022

Attest: 

 Clerk of the Commission

Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Commission (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: puc.clerk@vermont.gov)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Commission within 30 days. Appeal will not stay the effect of this Order, absent further order by this Commission or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Commission within 28 days of the date of this decision and Order.

PUC Case No. 22-4338-PET - SERVICE LIST

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