

**STATE OF VERMONT
PUBLIC SERVICE BOARD**

Docket No. 8604

Joint Petition of Vermont Transco LLC, and)	
Vermont Electric Power Company, Inc., for)	
a certificate of public good, pursuant to)	Hearing at Montpelier,
30 V.S.A. § 248, authorizing the)	Vermont April 28, 2016
construction of the PV20 Cable)	
Replacement Project from the New York)	
border to the Town of Grand Isle, Vermont)	

Order entered: 6/29/2016

PRESENT: John C. Gerhard, Esq., Hearing Officer

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I. INTRODUCTION

This case involves a petition filed by Vermont Transco LLC, and Vermont Electric Power Company, Inc. (“VELCO” or “Petitioners”) requesting a certificate of public good (“CPG”) pursuant to 30 V.S.A. § 248 from the Vermont Public Service Board (“Board”) to authorize the construction and operation of the PV20 Cable Replacement Project consisting of: (1) the replacement of submarine transmission line and termination and control equipment; (2) the installation of connecting line structures; and (3) the removal of the former submarine transmission line, termination structures, and connecting line structures, all located within the town of Grand Isle, Vermont (the proposed “PV20 Project” or “Project”).

I recommend that the Board approve the Project and issue a CPG, subject to conditions.

II. PROCEDURAL HISTORY

On September 9, 2015, VELCO filed a petition, testimony, and exhibits (the “Petition”) requesting a CPG pursuant to 30 V.S.A. § 248 for the construction of the PV20 Project.

On October 28, 2015, I held a prehearing conference.

On November 6, 2015, I issued a prehearing conference memorandum and scheduling order that established the schedule for this Docket.

On November 18, 2015, I conducted a site visit at the Project site in Grand Isle, and I convened a public hearing at the Grand Isle School.

On January 12, 2016, I issued two procedural orders, one approving a protective agreement between VELCO and the Vermont Department of Public Service (“Department”) and another granting VELCO’s motion for the confidential treatment of two exhibits.

On January 25, 2016, the Vermont Agency of Natural Resources (“ANR”) prefiled testimony and exhibits.

On March 24 and 30, 2016, I issued procedural orders adjusting the schedule and setting a technical hearing date.

On April 15, 2016, VELCO and ANR filed a memorandum of understanding (“MOU”).¹

On April 21, 2016, the Department filed its determination, pursuant to 30 V.S.A. § 202, that the Project is consistent with the Vermont Electric Plan.²

On April 28, 2016, I held a technical hearing during which all of the prefiled testimony, exhibits, and MOU were admitted into evidence.

No further filings were received by the Board regarding the Project.

III. FINDINGS

Pursuant to 30 V.S.A. § 8, and based on the record and evidence before me, I present the following findings of fact and conclusions of law to the Board.

Background and Project Description

General Information

1. VELCO is a company as defined by 30 V.S.A. § 201 and is subject to the Board’s jurisdiction pursuant to 30 V.S.A. § 203, with offices located at 366 Pinnacle Ridge Road, Rutland, Vermont. Petition at 1.
2. VELCO owns, operates, and plans for Vermont’s high-voltage electric transmission system. Petition at 2.
3. VELCO and the New York Power Authority (“NYPA”) jointly own the existing section of the PV20 115 kV circuit, which connects the NYPA Plattsburgh substation, located in Beekmantown, New York, to the VELCO Sand Bar substation, located in Milton, Vermont. NYPA and VELCO ownership is demarcated at the state border within Lake Champlain (the “Lake”). Scott Mallory, VELCO (“Mallory”) pf. at 3 and 5.

1. Although the Department did not sign the MOU, at the technical hearing Counsel for the Department stated that “as long as the proposed project is constructed, operated, and maintained in accordance with the MOU between VELCO and ANR, as well as the plans and evidence submitted in this proceeding, the Department believes the project will promote the general good of the State of Vermont.” Tr. 4/28/2016 at 59-60 (Grace).

2. I am admitting the Department’s determination into the evidentiary record as exhibit Board-1. Because this proposal for decision was not circulated to the parties, any party objecting to the admission of this exhibit shall file its objection thereto within 10 days of the date of issuance of the final Board Order in this proceeding.

4. The PV20 circuit is a transmission line that supports the transfer of power between New York and the New England region and provides Vermont and New Hampshire with critical contingency support. Hantz Pr sum , VELCO (“Pr sum ”) pf. at 2-3.

5. The existing VELCO portion of the PV20 circuit consists of an underwater (“submarine”) segment, an underground segment, and an overhead segment of transmission line.

- a. The submarine segment runs in the Lake from the New York-Vermont border to near the Grand Isle shoreline and consists of four 500 kcmil cables, installed in 1958, and three 1,000 kcmil cables, installed in 1970.
- b. The underground segment begins in the Lake near the Grand Isle shoreline and runs seven cables underground to the existing Grand Isle termination station.
- c. At the Grand Isle termination station, the PV20 transitions to an overhead, three-phase transmission line segment that runs to the Sand Bar substation.

Mallory pf. at 4 and 12; exh. Pet-SSM-2.

6. The VELCO portion of the PV20 Project includes:

- a. installing four new cables from the underwater New York-Vermont border to a new termination station in Grand Isle, Vermont, primarily within the Lake (a distance of approximately 0.7 miles);
- b. installing a new termination station with associated equipment and access road just north of the existing termination station;
- c. installing an approximately 400-foot segment of overhead transmission line to the east of the new termination station, including two new line structures, to connect the new termination station to the remainder of the PV20 line that connects to the Sand Bar substation;
- d. removing the submarine and underground segments of the existing PV20 line (seven oil-filled cables) from the underwater New York-Vermont border to the existing Grand Isle termination station;
- e. removing the existing Grand Isle termination station and associated equipment; and
- f. removing an approximately 400-foot segment of overhead transmission line, including two structures, just east of the existing termination station.

Mallory pf. at 4 and 11-14; exhs. Pet-SSM-2 and Pet-EM-2 through Pet-EM-6.

New Line from the New York-Vermont Border to the Interconnection Point with the Existing Vermont Pv20 Line

7. The new line will consist of four approximately six-inch-diameter 3,553 kcmil XLPE cables, rated at 230 kV and operated at 115 kV. The Vermont segment will run for approximately 3,504 feet from the New York-Vermont border to the new Grand Isle termination station, while the entire cable installation will run approximately 9,250 feet between the new Plattsburgh termination station and the new Grand Isle termination station. Edward McGann, VELCO (“McGann”) pf. at 3; Mallory pf. at 5; exh. Pet-EM-2.

8. All four of the new cables will contain energized conductors, with three of the cables carrying load and the fourth energized only from the Vermont side to be able to monitor its health for use as a backup. Mallory pf. at 5 and 8; McGann pf. at 7

9. Within the Lake, the new cables will be placed approximately 30 feet to the north of the northernmost existing cable and will be installed with 300 feet of space between the two inner cables and 50 feet of space between the outer cables. McGann pf. at 4; exhs. Pet-SSM-2, Pet-TF-4 at 38-43, and Pet-EM-2.

10. Starting from the west at water depths of just over 200 feet, the cables will be laid directly on the bottom of the Lake. At water depths of approximately 100 feet, the cables will transition to burial approximately four feet within the lakebed using jet-sled installation techniques. At water depths of approximately 30 feet, the cables will be installed into a conduit, via horizontal direction drill (“HDD”) technologies, that will extend underground to the new Grand Isle termination station. Timothy Follensbee, VELCO (“Follensbee”) pf. at 4; exhs. Pet-EM-2, Pet-TF-4 at 38-43 and 48; *see*, Joint-1 at exh. iii.

11. At the new Grand Isle termination station, the line will transition to a new overhead transmission line segment to connect with the existing overhead transmission line approximately 400 feet to the southeast of the new terminal station location. The new overhead transmission line segment will require the installation of two new structures. McGann pf. at 6; Follensbee pf. at 4-5; exhs. Pet-TF-4 at 43-47 and Pet-EM-2 through Pet-EM-6..

12. The conductor and shield wire from the existing overhead section of line will be reused for the new overhead line segment, and the two new structures will be similar to the existing overhead line segment structure, with the height increasing from approximately 45 feet above ground to 52 feet above ground. McGann pf. at 6-7; exh. Pet-EM-3.

13. The Project will include fiber optic cable lashed to each of the four new transmission cables, terminating at the new Plattsburgh termination station and connecting to the VELCO fiber network at the new Grand Isle termination station. The fiber cable will be used for submarine cable temperature monitoring and protective relaying. McGann pf. at 4.

14. The cable system installation will be conducted in accordance with the following plans, developed in consultation with ANR: the Turbidity Monitoring Plan; the Aquatic Invasive Species Management Plan; the HDD Inadvertent Return Contingency Plan; and the Installation Spill Prevention, Containment, and Contingency (“SPCC”) Plan. Exh. Joint-1 at 2-3 and exhs. i, ii, iii, and iv.

New Grand Isle Termination Station and Access Road

15. The new Grand Isle termination station will be built to the immediate north of the existing station so that the existing PV20 line may remain in service during construction. The new termination station will have a footprint of approximately 110 feet by 119 feet and will be surrounded by a gated security fence. The station will include a control building with a footprint of approximately 12 feet wide by 16 feet long and 16 feet high. The control building will house equipment for cable fault targeting relays, optical cable temperature measurement, metering, remote monitoring using a supervising control and management data acquisition (“SCADA”) system, station security, fiber optic communications, and associated ancillary systems. Light-emitting diode yard lights will be installed at the termination station, mounted to the building, perimeter fence, and steel structures. The light mounted to the control building will be controlled via a photocell, while lights mounted to the perimeter fence and steel structures will be manually switched remotely by the SCADA system or by on-site personnel only during emergency and security response events. Mallory pf. at 5; McGann pf. at 4-5; exhs. Pet-SSM-2, Pet-SSM-8, Pet-EM-3, and Pet-TF-4 at 44-47.

16. VELCO will construct an approximately 840-foot-long gravel access drive (generally 16 feet wide) off Vermont Route 314. The Vermont Agency of Transportation has already approved the access (permit ID# 39045). McGann pf. at 5; exhs. Pet-EM-3, Pet-SSM-2, and Pet-TF-4 at 40 and 44.

17. Installation of the new termination station, line, and access road will require some clearing of vegetation. Exhs. Pet-SSM-2 and Pet-TF-4 at 44.

Removal Activities

18. After the new cable system and termination station are in service, the Petitioners will remove the existing cables and associated equipment. Mallory pf. at 2.

19. Each of the seven existing cables is a low-pressure, fluid-filled cable with oil-permeated insulating paper. The four existing 500 kcmil cables are trenched approximately two feet below grade and spaced approximately six feet on center from each terminal station out to approximately 200 feet from the Lake shore, while the three existing 1000 kcmil cables are spaced approximately 50 feet on center out approximately 500 feet from the Lake shore. The submarine portions of the cables originally were laid on the Lake bottom, where they sank into the mud and are now covered by two to four feet of silt. McGann pf. at 2-3.

20. One of the cables being removed failed in 1969 as a result of a thermal overload and was removed from service. A 40-foot section of that cable was cut and removed for factory failure analysis, and the remaining portions of it were capped. McGann pf. at 2.

21. Removal activities will include purging the oil from the cables and oil reservoirs in the existing termination station, removal of the cables and the reservoirs, and dismantling of the existing Grand Isle termination station. Follensbee pf. at 16; exh. Pet-TF-4 at 9.

22. The existing termination station site will be restored once the facility is removed. Follensbee pf. at 29; exh. Pet-TF-4 at 9.

23. Removal activities will be conducted in accordance with VELCO's Environmental Management Plan for Decommissioning and Reclamation of Electric Facilities and VELCO's Environmental Guidance Manual. Follensbee pf. At 10-11; exhs. Pet-TF-4, Pet-TF-5, and Pet-TF-6.

24. Removal activities also will be conducted in accordance with the following plans: the Turbidity Monitoring Plan, the Aquatic Invasive Species Management Plan, and the SPCC Removal Plan, each of which was developed in consultation with ANR. Exh. Joint-1 at 2-3 and exhs. i, ii, and v.

Schedule

25. VELCO proposes to begin primary construction as soon as September of 2016, with work on the directional drilling, access road, site grading, and termination station installation. The cable installations and any remaining termination station work are scheduled to start with lake thaw and the opening of the Champlain canal system in the spring of 2017 and to be completed by the winter of 2017. The subsequent removal activities are planned to begin in the spring of 2018 and to be completed by summer of that year. Mallory pf. at 23; exh. Pet-SSM-6 at 2.

26. Lakebed-disturbing activities will be limited to the period from June 1 to October 1. This restriction does not apply to HDD activities, provided that HDD activities are conducted in a manner that prevents the introduction of sediments into, or the creation of turbidity within, the Lake beyond the immediate vicinity of the in-water HDD entry point. Exh. Joint-1 at 3.

Orderly Development of the Region

[30 V.S.A. § 248(b)(1)]

27. 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 and legislative bodies and the land conservation measures contained in the town and regional plans. This finding is supported by findings 28 through 30, below.

28. The Project is consistent with the principles and goals of the Grand Isle Town Plan and the Northwest Regional Plan. Mallory pf. at 24-26; exhs. Pet-SSM-7, Pet-SSM-8 at 16-20, and Pet-SSM-9.

29. The Project will provide replacement energy transmission services, while mitigating the aesthetic impacts of the Project by locating the proposed termination facilities on a parcel of land

with nearby vegetation that will provide screening of the Project from both water-based and land-based viewpoints. The Project will minimize clearing and will be underground from within the Lake to the new termination station. Additionally, the Project contributes to the societal benefits associated with reliable energy transmission. Mallory pf. at 24-26; exhs. Pet-SSM-2 and Pet-SSM-8 at 20.

30. The Town of Grand Isle Selectboard supports the Project, and the Northwest Regional Planning Commission has stated that the Project does not conflict with the Regional Plan. Exh. Pet-SSM-9.

Need for Present and Future Demand for Service

[30 V.S.A. § 248(b)(2)]

31. The Project is required to 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. This finding is supported by findings 32 through 41, below.

32. The PV20 circuit is a critical transmission line. Currently, if one of the PV20's active cables failed, the circuit would be disconnected automatically. Bringing the line back into partial service in the event of disconnection involves work by both NYPA and VELCO and takes approximately two days. *Présumé* pf. at 2-3.

33. NYPA and VELCO have determined that the Project is needed now because, based on an evaluation of the condition of the cables, the risk of a cable failure is too high. *Présumé* pf. at 5.

34. The Project will improve the circuit's integrity and ability to provide a sustainable level of service to meet present and future demand. *Présumé* pf. at 5.

35. The existing PV20 cables need to be replaced because the cables have either surpassed or are nearing the end of their lifespan, have been damaged, or, in the instance of one of the 500 kcmil cables, have been taken out of service. Further, the existing cables are filled with mineral oil that, if it leaked, could result in environmental impacts and require remediation. The replacement cables do not contain any oil. The existing Grand Isle termination station consists of

aged equipment that is in need of replacement to save maintenance costs and improve reliability. Re-routing the existing overhead transmission line is needed to accommodate the location of the new termination station. Mallory pf. at 5-7; exh. Pet-SSM-3.

36. Failure of two or more of the existing working cables could result in the total disconnection of the PV20 line, and restoration would require repairing the cables. The resulting lengthy outage would negatively affect Vermont's and New York's ability to manage contingencies and conduct day-to-day maintenance activities, as well as reduce ISO-NE's and NYPA's reliability and market efficiency. In addition, an outage would restrict New York's and northern Vermont's generation output, reduce in-area short-circuit strength, and reduce Vermont's transmission system capacity by as much as 350 MW, likely increasing the operating costs for electric distribution utilities in Vermont. This condition also would expose the system to voltage collapse problems for several contemporaneous contingencies, which could not be remedied with area generation. Pr sum  pf. at 3-4.

37. Operating the PV20 circuit in a reduced capacity would negatively affect wind generation in New York, reduce VELCO's ability to conduct day-to-day maintenance activities, and reduce import capacity into the northwest Vermont region. Those circumstances would result in the need to run more expensive generation, reduce the capacity of the system to transfer power between regions, and limit the amount of generation that could be run at individual power plants. Pr sum  pf. at 4-5.

38. Installing a new spare cable may help to avoid lengthy transmission outages. It is not feasible to utilize the existing equipment as a spare given its deteriorated and obsolete condition and the risks of oil-filled equipment. An installed spare cable mitigates the outage time in replacing or repairing a failure of one of the three-phase cables, as it could be switched to transmit electricity within one day and used until the damaged cable was repaired. Without a spare cable, a failure of one cable would cause an immediate long-term outage of the PV20 circuit. Mallory pf. at 8-9; exh. Pet-SSM-3.

39. NYPA and VELCO are installing new cables designed to meet a 300 MVA continuous rating. The 300 MVA criterion meets the existing 262 MVA rating, with additional margin for

load growth uncertainty and compatibility with VELCO's standard 115 kV overhead line design. McGann pf. at 3

40. The Project will install cables and terminal equipment insulated and rated for 230 kV but operated at 115 kV. Doing so requires a current investment that is a small incremental cost relative to the overall Project costs, which will be shared with NYPA while providing flexibility for future capacity upgrades during the expected 40-year service life of the cables. Upgrading the cables later would require a duplication of the current Project's engineering, manufacturing, delivery, and installation costs, which would be much greater than the incremental cost. Mallory pf. at 10; exh. Pet-SSM-6 at 1.

41. This Project is an in-kind replacement of an existing transmission facility. Non-transmission alternatives, such as energy efficiency, load management measures, and energy conservation programs, cannot resolve the need to restore a redundant supply line to northwest Vermont and Plattsburgh area loads. Pr sum  pf. at 7-8.

Impact on System Stability and Reliability

[30 V.S.A. § 248(b)(3)]

42. The Project will not have an undue adverse impact on system stability and reliability. This finding is supported by findings 43 through 45, below.

43. The Project will improve system reliability by replacing the aged submarine cables and by building a spare cable. Pr sum  at 5 and 8.

44. ISO New England reviewed the Project for reliability impacts and determined that implementation of the PV20 Project plan would not have a significant adverse effect on the reliability or operating characteristics of VELCO's transmission facilities, other transmission owners' facilities, or the system of a market participant. Exh. Pet-HAP-2.

45. VELCO and NYPA design standards were factored into the design of the terminal stations and overhead transmission line. VELCO's engineering design standards are based on industry standards, including the National Electrical Safety Code ("NESC"), the Institute of Electrical and Electronic Engineers ("IEEE"), the American National Standards Institute ("ANSI"), and the National Electrical Manufacturers' Association ("NEMA"). VELCO and

NYPA utilized specialized consulting engineering services to design and develop submarine cable equipment specifications that comply with pertinent national and international cable manufacturing, testing, and installation standards, including standards established by ANSI, the Association of Edison Illuminating Companies (“AEIC”), the Insulated Cable Engineers Association (“ICEA”), the International Electrotechnical Commission (“IEC”), the Council on Large Electric Systems (“CIGRE”), and IEEE. McGann pf. at 7-8.

Economic Benefit to the State and Its Residents

[30 V.S.A. § 248(b)(4)]

46. The Project will result in an economic benefit to the State and its residents. This finding is supported by findings 47 through 50, below.

47. The Project creates economic and safety benefits to Vermont and its residents by ensuring reliable electric transmission service, which is fundamental to the State’s economic development. Mallory pf. at 27.

48. The Project replaces aged and damaged infrastructure before complete failure, which could result in economic costs associated with higher wholesale electricity prices, generation limits, difficulty in performing transmission system maintenance, and potentially exposing the electrical system to voltage collapse problems and outages that can damage computers, equipment, and appliances, interrupt businesses, and threaten public safety. The Project provides an economic benefit to Vermont by reducing the risk of such losses and reducing maintenance costs. Mallory pf. at 27.

49. The Project will increase property tax and education tax revenues based on the capital investment required for the replacement assets. VELCO expects to report a grand list value of the new cables and terminal station at approximately \$22 million, resulting in roughly a \$389,000 property tax bill during the new cables’ first year of service. Mallory pf. at 27.

50. VELCO’s share of the Project costs is \$49,771,086, of which approximately \$41.6 million is classified as a Pool Transmission Facility (“PTF”) within the ISO New England transmission tariff, which means Vermont will pay only for its load ratio share (approximately 4%). The Non-PTF VELCO portion, which includes the installation of the spare cable and the

removal costs, amounts to approximately \$8.2 million. Mallory pf. at 21-23; exh. Pet-SSM-6 at 1.

Aesthetics, Historic Sites, Air and Water Purity, the Natural Environment

[30 V.S.A. § 248(b)(5)]

51. The Project will not have an undue adverse effect on aesthetics, historic sites, air and water purity, the natural environment, 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), and greenhouse gas impacts. This finding is supported by findings 52 through 120, below.

Public Health and Safety

[30 V.S.A. § 248(b)(5)]

52. The Project will not have any undue adverse effect on public health and safety. This finding is supported by findings 53 through 59, below.

53. The Project is designed to meet the applicable safety standards of the NESC, and the termination station will include a perimeter fence. Mallory pf. at 28; exh. Pet-SSM-2.

54. VELCO and NYPA will operate and maintain the Project in the same manner that the companies operate and maintain existing cables and facilities. Mallory pf. at 29.

55. The Project will improve safety by reducing the risk of widespread blackouts, which present risks to public health and safety. Mallory pf. at 29.

56. VELCO will employ construction practices that are intended to safeguard the public and adjoining landowners. VELCO will coordinate installation activities with the Vermont Electric Cooperative and telecommunication providers with service nearby to ensure proper facility movement and safe clearances. Mallory pf. at 15 and 29.

57. To the extent that blasting is required, VELCO will abide by its blasting management plan, the site-specific notification and survey radius, and ANR's Best Management Practices for Blasting to Avoid Environmental Contamination. Mallory pf. at 13; exh. Pet-SSM-5.

58. During operation, the new cables and new termination station will not produce significant sound. Mallory pf. at 28.

59. The Project's installation and removal activities will result in increased sound levels, mainly due to vehicle back-up alarms, drilling, assembly, and any necessary blasting. However, the work will be temporary, from approximately September 2016 through the Summer of 2018. VELCO proposes to conduct construction activities between the hours of 7:00 A.M. and 7:00 P.M., Monday through Sunday, and to cease land construction activities on state and federal holidays, except for work involving scheduled transmission outages, horizontal directional drilling, or submarine cable installation or removal in the Lake. Mallory pf. at 28.

Discussion

VELCO's proposal to conduct construction activities between the hours of 7:00 A.M. and 7:00 P.M., Monday through Sunday, runs counter to the Board's practice in similar projects. Therefore, we do not accept VELCO's proposed working hours and, instead, include the following condition in the CPG issued for the PV20 Project:

VELCO shall restrict construction activities and related deliveries, except during required outages or as required by other permits, to the hours between 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 shall cease construction activities on Sundays and state and federal holidays.

Outstanding Resource Waters

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

60. The Project will not be located on or near any outstanding resource waters. Follensbee pf. at 13-14; exh. Pet-TF-4 at 14.

Air Pollution and Greenhouse Gas Impacts

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

61. The Project will not result in undue air pollution, including greenhouse gas emissions. This finding is supported by findings 62 through 65, below.

62. During construction, the Project will result in only minor air emissions from the use of diesel- and gasoline-powered vehicles and equipment. There may also be a minor amount of

temporary and short-term dust emissions during equipment and material transport, earthmoving, and general construction activities. Follensbee pf. at 14; exhs. Pet-TF-4 and Pet-TF-6.

63. If needed, VELCO will manage dust resulting from construction activities in accordance with a site-specific Erosion Prevention and Sediment Control (“EPSC”) Plan, which will include measures to be implemented in accordance with the Vermont Standards and Specifications for Erosion Prevention and Sediment Control, the Project’s construction stormwater discharge permit, and the VELCO Environmental Guidance Manual. Dust control primarily will be accomplished through the stabilization of disturbed soils and the application of water or calcium chloride, as needed. Follensbee pf. at 14; exh. Pet-TF-4.

64. Once commissioned, the Project will not produce any regulated air emissions. Follensbee pf. at 14; exh. Pet-TF-4.

65. The PV20 transmission line will not cause greenhouse gas emissions; thus, there will be no undue, adverse effect associated with greenhouse gas emissions from the Project. Pr sum  pf. at 8; Follensbee pf. at 33-34.

Water Pollution

[10 V.S.A. § 6086(a)(1)]

66. The Project will not result in undue water pollution. This finding is supported by findings 68 through 72, below.

67. The Project will create less than one acre of new impervious surfaces and does not require an operational phase stormwater permit from the Vermont Department of Environmental Conservation (“DEC”) for stormwater discharges associated with impervious surfaces, nor any other pollutant discharge (National Pollutant Discharge Elimination System or NPDES) permit. Follensbee pf. at 15 and 20.

68. A significant portion of this Project is located within Lake Champlain. Each Project component and its potential impacts to the Lake and its associated water quality have been evaluated and will be minimized during Project activities. Follensbee pf. at 15-16; exh. Pet-TF-4.

69. VELCO will utilize appropriate Best Management Practices and will remain in compliance with the Vermont Water Quality Standards. Follensbee pf. at 16; exh. Pet-TF-4.

70. The Project presents the risk of introducing aquatic invasive species (“AIS”) into the Lake through the use of vessels, such as barges and tug boats, that travel from the New York and New Jersey metropolitan areas, along a substantial length of the Hudson River, and through the Champlain Canal en route to the Project site. Delays during transport, in waters outside the Lake, may increase the risk of AIS introduction. An AIS mitigation plan is necessary to avoid undue adverse impacts to the Lake. Misha Cetner, ANR (“Cetner”) pf. at 5-6.

71. Water quality monitoring during the cable system installation and removal is planned to ensure that there are no violations of water quality standards, nor adverse impacts to the operations of the Ed Weed Fish Culture Station or the Grand Isle Consolidated Water District (“GICWD”), located along the Lake’s shoreline south of the Project site. Compliance with a Project-specific HDD Inadvertent Return Contingency Plan and SPCC Plans for installation and removal activities will help ensure that the Project does not create undue adverse impacts on the Lake, the GICWD, or the Ed Weed Fish Culture Station. Cetner pf. at 7-9; Follensbee pf. at 18; exhs. Pet-TF-4 at 52 and Joint-1 at exh. i.-iv.

72. VELCO signed an MOU with ANR stipulating to the following conditions to avoid adverse impacts to the Lake and to address concerns raised and recommendations made by ANR:

- (a) The Petitioners shall obtain all state and federal permits necessary to construct the Project before commencing construction.
- (b) The Petitioners shall obtain and renew as appropriate all state and federal permits necessary to operate the Project prior to commencing operation of the Project.
- (c) The Petitioners shall construct and operate the Project in accordance with all permits and approvals authorizing the Project’s construction and operation.
- (d) The Petitioners shall engage a qualified environmental inspector during cable installation and removal activities who will be responsible for monitoring compliance with all applicable permits and the conditions of this Stipulation and MOU and the CPG.

- (e) The Petitioners shall construct the Project in accordance with the requirements of the following plans, which are attached to the Stipulation as Exhibits (i) through (v) and incorporated by reference into the Stipulation. The Petitioners shall not make any modifications or changes to those plans without prior consultation and approval of ANR.
 - (i) Turbidity Monitoring Plan dated April 14, 2016.
 - (ii) Aquatic Invasive Species Management Plan dated April 1, 2016.
 - (iii) HDD Inadvertent Return Contingency Plan dated April 1, 2016.
 - (iv) Installation Spill Prevention, Containment, and Contingency Plan dated March 10, 2016.
 - (v) Removal Spill Prevention, Containment, and Contingency Plan dated April 1, 2016.
- (f) The Petitioners shall limit lakebed-disturbing activities to the period from June 1 to October 1. This restriction does not apply to HDD activities, provided that these HDD activities are conducted in a manner that prevents the introduction of sediments into or creation of turbidity within the Lake beyond the immediate vicinity of the in-water HDD entry point. For purposes of this limitation, “lakebed-disturbing activities” include activities related to both cable installation and cable removal, including the laying of cable on the lakebed.
- (g) The Petitioners will not cause the permanent removal of woody debris, trees, stumps, historical sawn logs, rock, aquatic plants, or animal life from the Lake during installation and removal activities without advance approval from ANR. Advance approval is not required for incidental removal of small items, including those of the type listed above, that may be attached to or cling to the cable or other equipment during removal activities. Aquatic invasive species shall not knowingly be removed from the Lake, or moved from one portion of the Lake to another portion of the Lake, except in accordance with the following: aquatic invasive species that are inadvertently removed from the Lake during the cable removal activities due to their attachment to the cables or other equipment shall not be transported on the outside of

a vessel and shall only be transported and disposed of in a manner that will not cause reintroduction into the Lake or any other waters of the state of Vermont.

Exh. Joint-1 at 2-3 and exhs. (i)-(v).

Headwaters

[10 V.S.A. § 6086(a)(1)(A)]

73. The Project will not be not located within a headwaters area. Follensbee pf. at 17-19; exh. Pet-TF-4 at 17-19.

Waste Disposal

[10 V.S.A. § 6086(a)(1)(B)]

74. The Project will meet applicable health and DEC regulations regarding the disposal of waste. This finding is supported by the findings under the water pollution criterion, above, and findings 75 through 78, below.

75. All construction and decommissioning materials and debris will be disposed of at a NYPA-approved disposal facility and in accordance with the New York Department of Environmental Conservation's waste management regulations. In the event that any of this material must be disposed of at an alternate location, VELCO will work with the contractor to ensure that the material is being disposed of in accordance with applicable regulations. Follensbee pf. at 26; exh. Pet-TF-4 at 19-21.

76. Trees and woody vegetation removed to accommodate construction will either be chipped on-site or transported for off-site disposal. Follensbee pf. at 19.

77. The Project will not need permanent sanitary waste treatment, will not require on-site sanitary waste treatment or the use of public waste treatment facilities, and will not involve any on-site waste disposal or the injection of waste materials or any harmful or toxic substances into groundwater or wells. Exh. Pet-TF-4 at 19-20.

78. VELCO has tested the cooling oil of the existing cables twice for polychlorinated biphenyls ("PCBs"), once in 1982 and again in 2015, and all tests have reported no detection of PCBs, with a one part per million ("ppm") detection limit. The contractor selected to dispose of

the cables will be required to test the oil again for PCBs before purging the oil and removing the cables. In the unlikely event that the contractor's tests detect the presence of PCBs above the regulatory threshold of 50 ppm, additional safety precautions will be taken in connection with disposal. In all events, the oil will be recycled or disposed of in accordance with applicable regulations. Follensbee pf. at 20.

Floodways

[10 V.S.A. § 6086(a)(1)(D)]

79. The Project will not have an undue adverse impact on floodways. This finding is supported by findings 80 and 81, below.

80. The Project will not be located within a floodway or floodway fringe. Follensbee pf. at 26; exh. Pet-TF-4 at 21-22.

81. The HDD subterranean installation of the new cables, removal of the existing cables, and general access to and from the Lake will occur within the FEMA-mapped floodplain along the Lake shoreline but will be located below ground or will not result in any significant change to the existing elevation. Therefore, the Project will not restrict or divert the flow of flood waters, or endanger the health, safety, and welfare of the public, riparian, or downstream landowners during flooding or from potential erosion. As such, there will be no undue adverse impacts to floodways. Follensbee pf. at 26; exh. Pet-TF-4 at 21-22.

Streams

[10 V.S.A. § 6086(a)(1)(E)]

82. No streams were identified within or adjacent to the Project area. Exh. Pet-TF-4 at 22.

Shorelines

[10 V.S.A. § 6086(a)(1)(F)]

83. The Project will not impinge on the current shoreline condition, recreational use, or existing riparian vegetation or result in decreased bank stability from the current condition and

will, therefore, not have any undue adverse effect on the shoreline. This finding is supported by finding 84 and 97 through 100, below.

84. In order to meet the overall purpose and design of the Project, (i.e., removal of existing cables, installation of new cables, and the location of the existing and proposed terminal stations), the Project must be located, in part, within the shoreline of the Lake. However, Project impacts have been minimized, and the Project will not impede public or recreational access to the Lake. Exh. Pet-TF-4 at 23-24.

Wetlands

[10 V.S.A. § 6086(a)(1)(G)]

85. The Project will not be located within or adjacent to any wetlands and will have no undue adverse impact on wetlands. Follensbee pf. at 30; exh. Pet-TF-4 at 24-25.

Water Conservation, Sufficiency of Water, and Burden on Existing Water Supply

[10 V.S.A. §§ 6086(a)(1)(C), (a)(2) & (a)(3)]

86. The Project will not have an undue adverse impact on the conservation of water or water supplies. This finding is supported by findings 87 through 95, below.

87. During operation, the Project will not use water or require a private or public water supply. Follensbee pf. at 25.

88. During construction, minor amounts of water may be required for activities such as dust suppression, vegetation establishment, HDD activities, oil purging of the existing cables, and in-Lake construction activities associated with the jet sled operation. The minimal water required for these activities will be supplied by the Lake or by an existing public water source. Follensbee pf. at 25.

89. Two Grand Isle Consolidated Water District intakes are located approximately 28 and 180 feet below the Lake surface and more than 2,700 and 3,900 feet to the south of, and hydrologically upgradient of, Project activities. These two Grand Isle Consolidated Water District intakes will not be unduly adversely affected by the Project. Follensbee pf. at 25-26; exh. Joint-1 at exh. (i).

90. The Ed Weed Fish Culture Station, located at 14 Bell Hill Road in Grand Isle, Vermont, is owned and operated by ANR's Fish and Wildlife Department. The water that supplies the fish culture station is pumped from Lake Champlain through the Grand Isle Consolidated Water District intakes. Adam D. Miller, ANR ("Miller") pf. at 6.

91. The Ed Weed Fish Culture Station stocks approximately 1,070,000 fish annually. These fish species include brown trout, rainbow trout, steelhead rainbow trout, lake trout, landlocked Atlantic salmon, and walleye. Miller pf. at 7.

92. A significant amount of water from the Grand Isle Consolidated Water District deep-water intake is required every day to maintain adequate operation of the fish facility. Due to temperature and sediment issues, it is not possible to switch to the shallow-water intake. Miller pf. at 16.

93. Deep-lake water movement, known as a seiche,³ has been documented to occur in the vicinity of the Project area, with associated high-velocity "bore" currents that may have the potential to carry sediment from the cable installation and removal locations to the deep-water intake. Such a current could become established under circumstances of sustained and prolonged wind from a southerly direction, during summer lake temperature stratification. Should that occur, the operation of a jet plow may result in elevated suspended sediment being entrained by one of these currents and carried in the direction of the intake. Cetner pf. at 10.

94. Significant turbidity could potentially overwhelm the fish culture station's influent treatment system. Turbid water can stress fish, irritating gills and skin, making them more susceptible to pathogens. The risk of fish contracting a pathogen and showing clinical signs of disease is a heightened possibility when they are exposed to turbid water. Depending on the disease, mortality can range from small, abnormal mortality to a large-scale die-off. Miller pf. at 10-11.

95. The real-time water quality monitoring and corrective action thresholds established under the Turbidity Monitoring Plan developed jointly by VELCO and ANR will reduce the

3. Seiche is a standing wave oscillating in a body of water, especially one caused by changes in atmospheric pressure. See, <http://oceanservice.noaa.gov/facts/seiche.html>.

potential for impacts to the Ed Weed Fish Culture Station. Cetner pf. at 10-11; Miller pf. at 14-15; exh. Joint-1 at exh. (i).

Soil Erosion

[10 V.S.A. § 6086(a)(4)]

96. The Project will not cause undue soil erosion or reduce the capacity of the land to hold water so that a dangerous and unhealthy condition results. This finding is supported by findings 97 through 100, below.

97. Installation of the Project will require less than five acres of earth disturbance. Follensbee at 31.

98. The Project will obtain a construction stormwater discharge permit (GP 3-9020) from DEC, which will require VELCO to develop a site-specific EPSC plan, which will include measures to be implemented in accordance with the Vermont Standards and Specifications for Erosion Prevention and Sediment Control. Follensbee pf. at 31; exh. Pet-TF-6.

99. VELCO's project contractor will be required to comply with the VELCO Environmental Guidance Manual ("VEGM"). In accordance with the VEGM, VELCO will engage a qualified environmental inspector to be on-site to perform routine environmental inspections of the site and construction activities to ensure that the Project remains in compliance with the EPSC Plan, the VEGM, and all environmental permit conditions during construction activities. Follensbee pf. at 31; exh. Pet-TF-6.

100. VELCO and its contractors will follow the VELCO Environmental Management Plan for Decommissioning and Reclamation of Electric Facilities, which includes specific EPSC measures. Follensbee pf. at 21; exh. Pet-TF-5.

Transportation

[10 V.S.A. § 6086(a)(5)]

101. 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. This finding is supported by findings 102 through 105, below.

102. The new termination station will be accessed just north of the existing Grand Isle termination station access road off Route 314. Exh. Pet-SSM-2.

103. The Project will result in minor, short-duration traffic impacts due to deliveries of equipment and material to the site during the construction period (expected to be from the fall of 2016 to the summer of 2018). Such deliveries will use existing roads with vehicles that are commonly used on public roads. During delivery of any large equipment, VELCO and its contractors will employ the services of traffic-control personnel to manage traffic flow. Mallory pf. at 31-32.

104. Short-term, in-lake restrictions due to project-related directional drilling, cable delivery, installation, and removal will be necessary. However, such restrictions will be limited in duration and area and will be coordinated with the U.S. Coast Guard, the U.S. Army Corps of Engineers, harbor and marina masters, and ferry operators. As the submarine cable routes are north of the Grand Isle ferry, no significant impact is expected to the ferry route or schedule. Mallory pf. at 31-32.

105. VELCO will obtain any necessary transportation-related permits needed for delivery of equipment or materials. Mallory pf. at 31-32.

Educational and Municipal Services

[10 V.S.A. § 6086(a)(6) & (7)]

106. The Project will not place any unreasonable burden on the ability of any municipality to provide educational, municipal, or governmental services. Mallory pf. at 33.

Aesthetics, Historic Sites and Rare and Irreplaceable Natural Areas

[10 V.S.A. § 6086(a)(8)]

107. The Project will not have an undue adverse impact on aesthetics, historic sites, or rare and irreplaceable natural areas. This finding is supported by findings 108 through 117, below.

Aesthetics

108. The submarine segment of the Project will be installed underwater, and the underground segment of the Project will be installed subterranean so neither will have an impact on aesthetics. Exhs. Pet-SSM-2 and Pet-EM-2.

109. The above-ground terrestrial portion of the Project area is bounded to the east by Route 314 (West Shore Road) and to the west by Lake Champlain and is surrounded almost entirely by mature vegetation, thereby limiting visibility of the Project both from the water and from the land. Exh. Pet-SSM-8 at 3 and 10-14.

110. The overall aesthetic impact of the above-ground terrestrial portion of the Project will not be adverse to the nearby roads or Lake Champlain within a one-mile radius. Even if the above-ground terrestrial portion of the Project were considered to be adverse from some nearby areas, such effects would not be considered unduly adverse. Exh. Pet-SSM-8 at 10-14 and 20.

111. The Project is adjacent to an existing termination station that historically has contained electrical infrastructure along the shoreline. Exh. Pet-SSM-8 at 20.

112. The Project will not involve extensive clearing and will have a positive aesthetic impact on the area by installing the new termination station in a location that is less visible from publicly accessible viewpoints compared with the existing infrastructure, which will be removed. Exh. Pet-SSM-8 at 15 and 20.

Historic Sites

113. The submarine, underground, and above-ground portions of the Project will not have an undue adverse impact on historic sites. Exhs. Pet-TF-2 and Pet-TF-3.

114. The Project will not have an undue adverse impact on above-ground historic sites. Two State Register-listed properties and one State and National Register-listed property are mapped within 0.58 miles of the Project. The Project will not be visible from these properties, or it will be screened adequately from these properties. Follensbee pf. at 9; exh. Pet-TF-2 at 1-2.

115. The majority of the Project site was deemed sensitive for potential precontact archeological resources. Over 225 shovel test pits were excavated within the Project area in accordance with Vermont Division for Historic Preservation Guidelines for Conducting

Archeology in Vermont, and no potential archeological sites were found. Follensbee pf. at 8-9; exhs. Pet-TF-3.

116. The Lake Champlain Maritime Museum reviewed the Project activities within the Lake and did not uncover any historic resources within the Vermont portion of the Lake. Follensbee pf. at 8-9; exh. Pet-TF-2.

Rare and Irreplaceable Natural Areas

117. There are no rare and irreplaceable natural areas present within the Project area. Follensbee pf. at 32; exh. Pet-TF-4 at 29.

Necessary Wildlife Habitat and Endangered Species

[10 V.S.A. § 6086(a)(8)(A)]

118. No threatened or endangered species or necessary wildlife habitat are within the aquatic or terrestrial Project areas. However, as a means to preserve and protect fish and wildlife habitat, VELCO has agreed to seasonal restrictions for lakebed-disturbing activities and to obtain advance approval from ANR for any permanent removal of woody debris, trees, stumps, historical sawn logs, rock, aquatic plants, or animal life from the Lake during installation and removal activities, other than for incidental removal of small items. Follensbee pf. at 32; Cetner pf. at 11-12; exhs. Pet-TF-4 at 29 and Joint-1 at 3.

Development Affecting Public Investments

[10 V.S.A. § 6086(a)(9)(K)]

119. The Project will not unnecessarily or unreasonably endanger any public or quasi-public investment in the facilities, service, or lands, and it will not materially jeopardize the function, efficiency, or safety of, or the public's use or enjoyment of or access to, any facility, service, or lands. The Project will have no significant or long term traffic impacts on nearby roads, and Lake Champlain access and ferry use will not be affected significantly because construction activities will be temporary and create only limited travel restrictions in the specific construction area. Mallory pf. at 32-33.

120. Pursuant to 29 V.S.A. Chapter 11, VELCO will obtain and comply with a Lake Encroachment Permit for activities within the Lake. *See*, Cetner pf. at 15; exh. Joint-1 at 2.

Consistency With Company's Least-Cost Integrated Plan

[30 V.S.A. § 248(b)(6)]

121. VELCO does not have an Integrated Resource Plan and is not required to have one, but the Project follows least-cost planning principals. *Présumé* pf. at 5-8; Mallory pf. at 31.

Compliance with Electric Energy Plan

[30 V.S.A. § 248(b)(7)]

122. The Department determined that the Project is consistent with the Vermont Electric Plan, pursuant to 30 V.S.A. § 202. Exh. Board-1.

Existing or Planned Transmission Facilities

[30 V.S.A. § 248(b)(10)]

123. The Project can be served economically by existing or planned transmission facilities without undue adverse effect on Vermont utilities or customers. This finding is supported by findings 124 and 125, below.

124. The Project does not require any additional transmission facilities and replaces existing facilities, maintaining the current level of electric service reliability to Vermont utilities and customers. VELCO personnel will coordinate with NYPA, ISO New England, and local distribution utilities during construction and placement of the Project into service, with the goal of maintaining continued service to customer loads. *Présumé* pf. at 11-12; exh. Pet-HAP-2.

125. Removal of the existing facilities will be performed after the Project has been put into active service so as to avoid lengthy electrical outages and reliability problems between New York and New England. Mallory pf. at 14.

IV. CONCLUSION

VELCO and ANR filed a stipulated-to proposal for decision and proposed CPG, with no objection from other parties. The parties have waived their rights under 3 V.S.A. § 811 to review and comment upon a proposal for decision, or present oral argument, provided that the Board issues an order consistent with the stipulated proposal for decision. Given that today's Proposal for Decision is consistent with the stipulated proposal for decision, I am not circulating this Proposal for Decision to the parties for their review and comment.

VELCO has provided sufficient evidence to demonstrate that the Project complies with all applicable Section 248 criteria. Based upon the evidence in the record, I recommend that the Board approve the Project and issue a CPG for construction of the Project with the conditions set forth in the proposed Order and CPG, below.

Dated at Montpelier, Vermont, this 29th day of June, 2016.

s/John C. Gerhard

John C. Gerhard, Esq.
Hearing Officer

V. ORDER

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

1. The findings, conclusions, and recommendations of the Hearing Officer are adopted.
2. The construction of the PV20 Cable Replacement Project (the “Project”) from the New York border to the town of Grand Isle, Vermont, by Vermont Transco LLC, and Vermont Electric Power Company, Inc. (“VELCO”) will promote the general good of the State of Vermont in accordance with 30 V.S.A. § 248, and a certificate of public good (“CPG”) to that effect shall be issued.
3. Construction, operation, and maintenance of the Project shall be in accordance with the plans and evidence as submitted in this proceeding. Any material deviation from these plans or substantial change in the Project must be approved by the Board. Failure to obtain advance approval from the Board for a material deviation from the approved plans or a substantial change to the Project may result in the assessment of a penalty pursuant to 30 V.S.A. §§ 30 and 247.
4. Prior to proceeding with construction, VELCO shall obtain all necessary state and federal permits and approvals. Construction, operation, and maintenance of the Project shall be in accordance with such permits and approvals, and with all other applicable regulations.
5. VELCO shall restrict construction activities and related deliveries, except during required outages or as required by other permits, to the hours between 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 shall cease construction activities on Sundays and state and federal holidays.
6. VELCO shall engage a qualified environmental inspector during cable installation and removal activities to be responsible for monitoring compliance with all applicable permits and the conditions of the Stipulation, Memorandum of Understanding, and CPG in this Docket.
7. VELCO shall construct the Project in accordance with the requirements of the following plans, which are attached to the Stipulation as Exhibits (i) through (v) and incorporated by reference into the Stipulation. VELCO shall not make any modifications or changes to those plans without prior consultation and approval of the Vermont Agency of Natural Resources (“ANR”):

- (i) Turbidity Monitoring Plan dated April 14, 2016;
- (ii) Aquatic Invasive Species Management Plan dated April 1, 2016;
- (iii) HDD Inadvertent Return Contingency Plan dated April 1, 2016;
- (iv) Installation Spill Prevention, Containment, and Contingency Plan dated March 10, 2016; and
- (v) Removal Spill Prevention, Containment, and Contingency Plan dated April 1, 2016.

8. VELCO shall limit lakebed-disturbing activities to the period from June 1 to October 1. This restriction does not apply to horizontal direction drill (“HDD”) activities, provided that these HDD activities are conducted in a manner that prevents the introduction of sediments into or creation of turbidity within Lake Champlain (the “Lake”) beyond the immediate vicinity of the in-water HDD entry point. For purposes of this limitation, “lakebed-disturbing activities” include activities related to both cable installation and cable removal, including the laying of cable on the lakebed.

9. VELCO shall not cause the permanent removal of woody debris, trees, stumps, historical sawn logs, rock, aquatic plants, or animal life from the Lake during installation and removal activities without advance approval from ANR. Advance approval is not required for incidental removal of small items, including those of the type listed above, that may be attached to or cling to the cable or other equipment during removal activities. Aquatic invasive species shall not knowingly be removed from the Lake, or moved from one portion of the Lake to another portion of the Lake, except in accordance with the following: Aquatic invasive species that are inadvertently removed from the Lake during the cable-removal activities due to their attachment to the cables or other equipment shall not be transported on the outside of a vessel and shall only be transported and disposed of in a manner that will not cause reintroduction into the Lake or any other waters of the state of Vermont.

Dated at Montpelier, Vermont, this 29th day of June, 2016.

s/James Volz)

) PUBLIC SERVICE

s/Margaret Cheney)

) BOARD

s/Sarah Hofmann)

) OF VERMONT

OFFICE OF THE CLERK

FILED: June 29, 2019

ATTEST: s/Judith C. Whitney
Clerk of the Board

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

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