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US Department of Energy

AUG 06 2014

Electricity Delivery and
Energy Reliability

August 6, 2014

Christopher Lawrence
Katherine Konieczny
Office of Electricity Delivery and Energy Reliability (OE-20)
U.S. Department of Energy
1000 Independence Avenue SW.
Washington, DC 20585

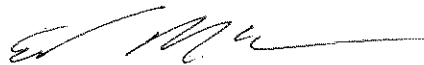
**Re: Docket PP-400 (New England Clean Power Link Project Application for
Presidential Permit)**

Dear Mr. Lawrence and Ms. Konieczny:

Attached please find two copies of the motion to intervene and comments of the Vermont Department of Public Service submitted in the above Docket. An electronic version is also being emailed to you both.

If you have any questions regarding this filing, please do not hesitate to contact me.

Respectfully,



Edward McNamara
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AUG 06 2014

Electricity Delivery and
Energy Reliability

UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
OFFICE OF ELECTRICITY DELIVERY AND ENERGY RELIABILITY

New England Clean Power Link Project
Application for Presidential Permit

Docket PP-400

Motion to Intervene and Comments of the Vermont Department of Public Service

On May 20, 2014, TDI-New England (TDI-NE) filed an application for a Presidential Permit for its New England Clean Power Link Project. On July 9, 2014, the Department of Energy, Office of Electricity Delivery and Energy Reliability (DOE) issued notice of the application and established August 8, 2014, as the deadline for comments and motions to intervene. The Vermont Department of Public Service (VDPS) submits the following motion to intervene and provides a description of the state-level review of any subsequent petition filed by TDI-NE.

I. Communications

The person to whom correspondence, pleadings, and other papers in regard to this proceeding should be addressed is designated as follows:

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II. Motion to Intervene

The VDPS is charged to represent the interests of the public in utility matters.¹ As the state of Vermont's public advocate, VDPS has an affirmative duty to protect the interests of Vermont consumers in securing reliable, safe, reasonably priced power consistent with

¹ See 30 V.S.A. § 2(b).

applicable state and federal statutes. TDI-NE's proposed project would involve approximately 154 miles of high voltage transmission infrastructure located within Vermont, and has the potential to impact Vermont's natural resources, electric system, and electric rates. Accordingly, VDPS requests leave to intervene in this proceeding to represent the interests of electric consumers in the state of Vermont and submits that such participation is in the public interest.²

III. Summary of State Level Review of Proposed Transmission Infrastructure

In determining whether the TDI-NE application is in the public interest, DOE considers the environmental impacts of the proposed project and the impact on electric reliability. While DOE is statutorily charged with reviewing the potential impacts of the TDI-NE proposal, the state of Vermont also has jurisdiction to determine whether the proposed project promotes the public good of the state. At this time, the VDPS is not taking a position on the proposed Clean Energy Power Link Project, as it will be fully participating in the state-level review of the proposed project. However, in order to provide background to DOE's efforts, we present below a brief summary of Vermont's statutory review of transmission infrastructure, and the role of state entities in that review.

Under Vermont law, any electric transmission facility located within the state must receive a certificate of public good from the Vermont Public Service Board (VPSB) prior to beginning site preparation or construction.³ The VPSB cannot issue a certificate of public good unless it finds that the proposed project meets numerous substantive criteria, including the requirements that the VPSB find that the proposed 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.⁴

² See 18 C.F.R. §§ 385.214(b)(2)(ii) and 385.214(b)(2)(iii) (2012).

³ See 30 V.S.A. § 248 (the full text of the statute is available at <http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=30&Chapter=005&Section=00248>).

⁴ While the VPSB must take into account the recommendations of municipal and regional entities in determining whether a proposed project unduly interferes with orderly development, the proposed project does not have to obtain zoning or planning permits from these municipal and regional entities. See *City of South Burlington v. Vermont Electric Power Co.* (1975) 133 Vt. 438.

- Is required to meet the need for present and future demand for service which could not otherwise be provided in a more cost-effective manner through energy conservation programs and measures and energy-efficiency and load management measures.
- Will not adversely affect system stability and reliability.
- Will result in an economic benefit to the State and its residents.
- Will not have an undue adverse effect on esthetics, historic sites, air and water purity, the natural environment, the use of natural resources, and the 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.⁵
- Is in compliance with the electric energy plan approved by the [VDPS] under section 202 of this title, or that there exists good cause to permit the proposed action.⁶

30 V.S.A. § 248(b).

The VDPS is a statutory party to all VPSB proceedings and is an active participant – in past cases involving significant transmission infrastructure, the VDPS has submitted testimony on all of the criteria listed above, with the exception of natural resource issues, which is handled by the Vermont Agency of Natural Resource (VANR).

VANR is the only other statutory party to siting cases at the VPSB⁷ and typically provides testimony on the potential impacts to natural resources. In addition, VANR has its own independent and concurrent jurisdiction over impacts which require state environmental permits (including permits related to wetlands, NPDES construction stormwater discharge, and stream alteration).

Also relevant to the TDI-NE proposal will be the participation of the Vermont Agency of Transportation (VTrans), which has independent jurisdiction to issue permits for work within a state highway right-of-way or on adjacent property that will affect drainage reaching the highway right-of-way.⁸ While VTrans is not a statutory party to

⁵ The statutory criteria referenced are used to evaluate the environmental impacts of any development reviewed under Vermont's state-wide land-use planning statute.

⁶ The Electric Energy Plan is required by statute to cover "a 20-year period and shall serve as a basis for State electrical energy policy. The Electric Energy Plan shall be based on the principles of 'least cost integrated planning' set out in and developed under section 218c of this title." 30 V.S.A. § 202(b).

⁷ See 30 V.S.A. § 248(a)(4)(E).

⁸ See 19 V.S.A. § 111.

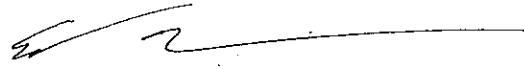
VPSB siting proceedings, it has previously intervened and provided comments regarding the impact of proposed projects on highway infrastructure.⁹

The VDPS acknowledges DOE's authority to review the potential impacts of the Clean Energy Power Link Project under Executive Order 12038. These comments are intended to provide a summary of the Vermont state-level review of TDI-NE's proposed project. VDPS and other relevant state agencies will provide substantive comments on the potential impacts of the proposed project during the state-level review required under Vermont law.

IV. Conclusion

For the reasons stated above, the VDPS requests that DOE grant its motion to intervene.

Respectfully submitted,



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Date: August 6, 2014

⁹ See VPSB Docket 7970.