

STATE OF VERMONT  
PUBLIC UTILITY COMMISSION

Case No. 23-3734-PET

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Petition of Vermont Electric Power Company, Inc. and Vermont Transco LLC, for a certificate of public good, pursuant to 30 V.S.A. § 248, authorizing upgrades to the K42 transmission line in Georgia, St. Albans, Swanton, and Highgate, Vermont	
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Order entered: 08/19/2024

**ORDER GRANTING 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. and Vermont Transco LLC (collectively “VELCO”). VELCO requests a certificate of public good (“CPG”) under 30 V.S.A. § 248, authorizing upgrades to the K42 transmission line in Georgia, St. Albans, Swanton, and Highgate, Vermont (the proposed “Project”).

In this Proposal for Decision, I recommend that the Commission approve the Project and issue a CPG, subject to conditions set forth in this Order.

**II. PROCEDURAL HISTORY**

On October 26, 2023, VELCO filed a petition for the Project with supporting testimony and exhibits.

In a November 21, 2023, Order, a schedule was established for the proceeding and the Vermont Division for Historic Preservation’s (“DHP”) motion to intervene was granted.

On February 27, 2024, the Vermont Agency of Agriculture, Food and Markets’ (“AAF”) motion to intervene was granted.

At the parties’ agreement, the schedule was adjusted by Orders issued on March 6, April 10, April 23, and May 21, 2024.

On May 15, 2024, VELCO filed a Memorandum of Understanding between DHP and VELCO (“DHP MOU”).

In a June 5, 2024, Order, VELCO’s motion to stay was granted to allow additional time for AAFM, the Vermont Agency of Natural Resources (“ANR”), and VELCO to negotiate.

In a June 25, 2024, Order, the stay was lifted and a schedule was established for the remainder of the case.

On July 9, 2024, VELCO filed a Memorandum of Understanding between ANR and VELCO (“ANR MOU”) and entered it into the record as exhibit VELCO-ANR-1.

On July 10, 2024, VELCO filed a Memorandum of Understanding between AAFM and VELCO (“AAFM MOU”).

On July 22, 2024, the Vermont Department of Public Service (“Department”) filed comments stating that it supports the petition and did not identify any concerns under the statutory criteria. The Department also filed its determination under 30 V.S.A. § 202(f).

On July 23, 2024, VELCO filed proposed findings and a proposed CPG.

On August 6, 2024, VELCO filed a motion to grant an exception to the requirements of Commission Rule 5.805(E). VELCO stated that the Department, ANR, DHP, and AAFM have no objection to the motion.

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

No party 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: prefiled testimony of William McNamara, VELCO, and exhibits WFM-1 through WFM-5; prefiled testimony of Hantz Pr sum , VELCO, and exhibits HAP-1 and HAP-2; prefiled testimony of Andrew McMillan, VELCO, and exhibits AM-1 through AM-6; prefiled testimony of Scott Mallory, VELCO, and exhibits SSM-1 through SSM-13; prefiled testimony of Jeffrey Disorda, VELCO, and exhibits JSD-1 and JSD-2; exhibits SSM-14 (revised 10/31/23) and SSM-14, Appendix A through Appendix D; supplemental testimony (2/23/24) of Scott Mallory and exhibit SSM-15; exhibits WFM-2 (revised 2/23/24) and WFM-3 (revised 2/23/24); supplemental testimony (2/23/24) of Andrew McMillian, and exhibits AM-4 (revised 2/23/24) and AM-7 and AM-8; supplemental testimony (6/18/24) of Scott Mallory and exhibit SSM-16 (revised 6/18/24); supplemental testimony (6/18/24) of Andrew McMillan; supplemental

testimony (7/11/24) of Andrew McMillan, and exhibits AM-9 and AM-10; the petition; exhibit VELCO-ANR-1; DHP MOU; AAFM MOU; and Department's Section 202(f) determination.

### **III. 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 report the following findings to the Commission in accordance with 30 V.S.A. § 8(c).

#### **Description of the Project**

1. VELCO is a company as defined by 30 V.S.A. § 201, with a principal place of business at 366 Pinnacle Lane in Rutland, Vermont, and is subject to the Commission's jurisdiction pursuant to 30 V.S.A. § 203. Petition at 1; McNamara pf. at 2.

2. The Project will rebuild the existing K42 transmission line between Georgia and Highgate, Vermont. The K42 line connects the Georgia substation and the Highgate substation and travels through the towns of Georgia, St. Albans, Swanton, and Highgate. McNamara pf. at 3-4; exh. WFM-2 (revised 2/23/24).

3. The Project improves local and regional reliability and reduces electrical line losses by addressing aging infrastructure and asset management. Approximately 70% of the K42 line structures need to be replaced. The Project also addresses congestion in the constrained local transmission area known as the Sheffield/Highgate Export Interface ("SHEI") area. Mallory pf. at 7-9.

4. The K42 line was installed in 1958 and is a single circuit, 115 kV line with mostly two-pole, wood H-frame structures. The line travels through the St. Albans switching tap. The tap effectively breaks the K42 line into two sections: a southern section from Georgia of approximately 6.7 miles; and a northern section to Highgate of approximately 10 miles. McNamara pf. at 4.

5. The K42 line is in a 150-foot-wide, right-of-way corridor. In the Highgate section, the line shares the right-of-way with other 46 kV transmission lines. The Project will be built in the existing right-of-way, replacing the two-pole, H-frame structure design with a single-pole, vertical design. The portion of the rebuilt line, outside the Highgate substation and south to the Missisquoi River crossing, and one structure outside the Georgia Substation will use the existing

H-frame configuration structure design because of right-of-way restrictions in those areas. McNamara pf. at 4-5; Mallory pf. at 8.

6. The new K42 line structures will use self-weathering steel, single poles, steel arms, and steel braces. The self-weathering steel will have a similar look to wood components. The foundation for the new structures will be mostly directly embedded poles. Approximately ten structures require some improved foundations to support the increased loads added by the second conductor per phase and reduced pole counts per structure. These improved foundations will likely be either a concrete pier, or steel screw/grouted rod type anchors. McNamara pf. at 5.

7. The vertical line configuration will require an increase in height to maintain safe electrical clearances. On average the new structures for the rebuilt K42 line will be approximately 28 feet taller above grade. The increase in height has been minimized by placing the three phases in a delta configuration (*i.e.*, two phases are side by side, instead of all three stacked vertically). Mallory pf. at 8; Mallory pf. supp. (2/23/24) at 3-4.

8. The new Project structures will generally be in the same locations as the existing structures, offset approximately 27 feet to the east. Small shifts (from 0 feet to 25 feet) ahead or back will occur periodically throughout the line to facilitate construction with the adjacent circuit still being energized. About two dozen structures are expected to be moving more than 25 feet, for three primary reasons: (a) to move out of wet areas, undesirable terrain, or to avoid other environmental resources; (b) to avoid other utilities or obstacles; and (c) to improve ground clearances complicated by steep rock outcrops, cliffs, and related terrain. McNamara pf. at 6-7; exh. WFM-4.

9. The Project includes replacing the existing single-stranded conductors with new two-stranded, bundled aluminum conductor steel reinforced (“ACSR”) conductors (two conductors per each of the three phase wires). The Project also includes a single-stranded galvanized steel overhead shield wire assembly that contains internal fiber optic strands. McNamara pf. at 5; Mallory pf. at 9.

10. The existing line will remain in service during construction and be removed after the new line is energized. The Project will require limited outages of the K42 line to connect the replacement line. These outages should not directly cause or require customer outages; however, given the importance of the K42 line to local and regional reliability, the outages will create the

risk of customer outages. These risks will be mitigated by the line design, methods of construction, and monitoring of weather and system conditions to schedule connection work. Mallory pf. at 8-9.

11. The main laydown area for the Project will be an approximately 10-acre area within the eastern portion of the Shelburne Limestone Corporation's active quarry. The access for the laydown area will be 65 Demers Drive in Swanton, Vermont. The use will include construction meetings and equipment and material storage during Project construction. The site will not be altered, except for temporary fencing and signage. Mallory pf. supp. (6/18/24) at 2-3; exh. SSM-16 (revised 6/18/24).

12. Project materials may also be stored temporarily in the maintenance area for the K42 line across Route 78 from the Highgate substation, and in an area immediately outside the Georgia substation. A construction trailer for storage and construction meetings may be placed at the laydown area in Swanton or at one of the two substation areas identified for Project storage. Mallory pf. supp. (6/18/24) at 3.

13. The storage area across Route 78 from the Highgate substation will become a permanent entrance and laydown area for use during Project construction and any ongoing maintenance needs. Mallory pf. at 10.

14. Project construction hours will be 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. No construction will occur on Sundays, or state or federal holidays. Exceptions to these construction hours include construction activities: (1) performed during required outages needed to maintain system reliability; (2) crossing the Interstate 89 highway during lower traffic periods; and (3) because of the short summer construction season, on Bennington Battle Day, a state holiday. Mallory pf. at 14-15.

15. The Project is expected to commence operations in two phases. The southern portion of the K42 line is expected to be commissioned first, followed by the northern portion of the K42 line. Mallory pf. 14-15; McNamara pf. at 4.

### Discussion

The Commission typically includes a standard condition in CPGs for Section 248 projects that requires a CPG holder to file with the Commission, the parties, and the city or town where

the Project is located a letter confirming that it has fulfilled all pre-operation CPG conditions and that it intends to begin operation of the project.

VELCO plans to commence operations for the Project in two phases, with the southern portion of the K42 line expected to be commissioned first, followed by the northern portion of the K42 line. This is consistent with the layout of the K42 line. The K42 line travels through the St. Albans switching tap. The tap effectively breaks the K42 line into two sections: a southern section from Georgia of approximately 6.7 miles; and a northern section to Highgate of approximately 10 miles. VELCO seeks to modify the standard CPG condition requiring notice before commencing Project operations. VELCO proposes to provide separate notice before commencing operation in each of the two phases.

Given that the Project involves reliability of the electric grid and the K42 line breaks between the two sections, it is reasonable for the Project to commence operations in two phases. Based on these factors, I recommend that the Commission amend its standard permit condition to accommodate the noticing request.<sup>1</sup>

### **Review of Project Under the Section 248 Criteria**

#### **Orderly Development of the Region**

[30 V.S.A. § 248(b)(1)]

16. 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.

17. The Project is consistent with the Georgia Comprehensive Municipal Plan, the St. Albans Town Plan, the Swanton Town and Village Municipal Plan, and the Highgate Town Plan. The plans do not have any policies regarding land use or energy that specifically pertain to or conflict with the Project. Mallory pf. at 18.

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<sup>1</sup> The Commission has previously granted this exception for a project constructed in two phases. 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 the rebuild of the Lowell Substation and the upgrade of the B20 line in Eden, Johnson, and Lowell, Vermont; and Joint Petition of Green Mountain Power Corporation, the Village of Morrisville Water & Light Department, and the Village of Johnson Water & Light Department authorizing the upgrade of the B22 line in Johnson and Morristown, Vermont*, Case No. 19-4464-PET, Order of 5/21/20.

18. The Highgate Town Plan highlights that SHEI limitations are causing generation to be curtailed and that the barrier needs to be addressed for Highgate to meet its energy goals. The Project helps address the SHEI limitations. Mallory pf. at 18.

19. The Project is consistent with the Northwest Regional Planning Commission Plan. The plan contains no policies that contradict the Project. The plan contains a policy to support efforts to upgrade infrastructure, including energy, to make it available and dependable, and a policy to support efforts to maintain and upgrade transmission infrastructure. The plan references a need to improve the limited transmission capacity in the SHEI area to meet regional renewable generation goals. Mallory pf. at 18.

20. The towns of Georgia, St. Albans, and Swanton have provided letters of support for the Project. Mallory pf. at 19; exh. SSM-8.

#### **Need for Present and Future Demand for Service**

[30 V.S.A. § 248(b)(2)]

21. The Project will 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, including those developed pursuant to the provisions of subsection 209(d), section 218c, and subsection 218(b) of Title 30 of the Vermont Statutes Annotated. This finding is supported by the additional findings below.

22. The K42 line supports electric flow southward to the greater Chittenden County area, allowing for up to 225 MW of power from Quebec to reach Vermont, and for generation in northern Vermont to reach central Vermont. The line also supports electric flow northward to northern Vermont loads between Highgate and Newport. Mallory pf. at 7.

23. The Project is needed to address asset condition and retirement age concerns. Approximately 25% of the wooden structures on the line are currently in a deficient condition, with defects such as holes, rot, checks/splitting, bowing, and poor strength measurements. Approximately 42% of the structures are of retirement age and need to be replaced before the next inspection. VELCO's practice is to replace wooden structures that are approximately 60 years old or older and at the end of their useful life. The Project follows good utility

maintenance practices designed to maintain facilities in acceptable condition for reliable service and public safety. Prsum pf. at 9; Mallory pf. at 7; exh. SSM-2.

24. The Project will minimize the risk of a first contingency event creating widespread outages in northern Vermont. The K42 line is one of only two high-voltage transmission lines that supply a large area of Vermont spanning from St. Johnsbury to St. Albans. If the K42 line is taken out of service, it creates a single contingency supply situation that involves a level of risk that is higher than generally acceptable system design and operation. This kind of event could affect approximately 53,000 customers of Vermont Electric Cooperative, Inc., Green Mountain Power Corporation, and Swanton Village, Inc. Electric Department, covering the northern Vermont area between St. Johnsbury and St. Albans. Mallory pf. at 20-21.

25. The K42 line is in the SHEI. The SHEI area is export-constrained, which means the energy-generating resources exceed the electric demand in the area, and the transmission lines leading out of the area are not sufficient to transport out the excess energy without jeopardizing the reliable operation of the grid. Prsum pf. at 4-5.

26. ISO New England demarcated the SHEI as export-constrained and established generator operation limits to ensure transmission grid stability and reliability. ISO New England manages the operation limits by scheduling and dispatching generation through the energy markets based on energy bid price. During certain operational periods, operation limits are reached and generation resources in areas of northern Vermont that sell power in the energy market are required to reduce their output due to the lack of transmission system capacity to export power. These occurrences reduce the net energy revenue that generators receive because their output is reduced, or the locational marginal price received is lower. Prsum pf. at 4-5.

27. The SHEI congestion causes increased power costs for most Vermont customers because their distribution utilities own generation facilities in the SHEI that have reduced net energy revenues. Not all Vermont customers are adversely affected by congestion costs because either their distribution utility does not own resources in the SHEI, or their distribution utility benefits by purchasing power at lower locational marginal prices. Prsum pf. at 5.

28. A review of historical loading shows that the K42 line is loaded heavily and at a nearly constant level. These flows create significant losses and contribute to the voltage and



stability concerns that inform ISO New England's establishment of a SHEI operation limitation. Prsum pf. at 5.

29. The Project improves system stability and reliability by addressing the deficient asset condition of the existing K42 line. The addition of the second conductor reduces line energy losses, improves system strength, improves the reactive margin, and increases the export capacity of the SHEI. Prsum pf. at 5.

30. The Project includes the addition of a second conductor in a bundled configuration (two conductors for each of the three-phase wires). The second conductor reduces energy losses on the K42 line by 50%. Line energy loss occurs when electric flow and other carrying equipment generate heat and resistance. Line loss reduction is a critical objective for utilities because generators using the line need to produce more energy than is ultimately used by customers to overcome the energy line loss. Prsum pf. at 5-6; Mallory pf. at 9.

31. The Project with the added conductor will improve system strength by reducing line resistance and line reactance. The value of improving these line attributes is a more resilient electric grid and a grid in a better position to respond to and recover from disturbances. The improved system strength makes it less likely for generators and other inverter-based resources, like the Highgate import facility, to trip or temporarily cease to operate. Prsum pf. at 6.

32. The Project will improve the reactive margin for the K42 line. A lower reactance reduces inductive line losses and avoids energy being supplied by generators and other voltage control equipment. The Project will increase the capacitive nature of the K42 line, which has the opposite effect of the inductive nature. For the same system condition, the inductive needs are less, resulting in more reserve capability that can be used to respond to low voltage events. Prsum pf. at 6.

33. The Project will improve the current carry capacity of the K42 line and is estimated to improve the SHEI export limit by approximately 20 MW. With two conductors, the K42 line will be able to carry more power out of the constrained export area. Export limits are affected by voltage and stability capacities. The improved system strength and reactive margin associated with the Project will improve these capacities, resulting in an increased export limit. Prsum pf. at 6-7.

34. The Project helps alleviate future transmission constraints within the SHEI area. Upgrades to Green Mountain Power Corporation's B20 and B22 lines are expected to alleviate most of the current congestion that caused existing generation to be curtailed. Mallory pf. at 9; Pr sum  pf. at 8.

35. The Project cannot be avoided by non-transmission alternatives. The Project was reviewed by the Vermont System Planning Committee Geotargeting Subcommittee. The Geotargeting Subcommittee concluded that the Project addresses asset condition needs and cannot be avoided by use of a non-transmission alternative. Based on this review, VELCO did not perform a non-transmission alternative analysis. Mallory pf. at 15; exh. SSM-6.

36. The Project is needed to replace existing deficient transmission line assets that support present and future demand within Vermont and New England. The need for the Project cannot be provided in a more cost-effective manner through energy efficiency, conservation, or load management measures. Mallory pf. at 19.

37. The Project was reviewed under the ISO New England planning and stakeholder review process. VELCO demonstrated that energy loss reduction achieved by the second conductor exceeded a benefit-to-cost ratio of 1.0. Pr sum  pf. at 8-9.

38. The Project represents the least-cost alternative for addressing asset condition concerns, retirement age concerns, and line losses. VELCO conducted a cost-benefit analysis that compared the value of the Project as designed with a project that involved replacement of the structures in-kind and in the same place as existing structures. The single-pole design results in substantially more value for both Vermont and regional customers. The single-pole line allows for a second conductor to be added to the structures to provide significant line loss savings and added future export capacity for the SHEI. Mallory pf. at 22-25; exh. SSM-9.

39. The single-pole design provides added benefits that include allowing construction with the existing line in service, avoiding significant construction-related outages, and providing space for a second line in the right-of-way, allowing for future transmission capacity. Mallory pf. at 23-25.

**Impact on System Stability and Reliability**

[30 V.S.A. § 248(b)(3)]

40. The Project will not have an adverse effect on system stability and reliability. The Project improves system stability and reliability by addressing aging infrastructure, reducing line energy losses, improving the system strength and reactive margin, and increasing system capacity. Pr sum  pf. at 10; exh. HAP-2.

**Economic Benefit to the State**

[30 V.S.A. § 248(b)(4)]

41. The Project will result in an economic benefit to the State and its residents. This finding is supported by the additional findings below.

42. The Project will benefit the State and its residents by improving the reliability of the electrical system in the Project area and by minimizing the costs and public safety problems associated with power outages. Mallory pf. at 29-30.

43. The Project will provide an economic benefit to Vermont electric ratepayers by reducing congestion in the SHEI area and reducing line losses. The enhanced transmission capacity and the reduction in line losses enable additional revenues for Vermont distribution-utility-owned generation. Mallory pf. at 29-30.

44. The Project's single-pole design allows for a second single-pole line on the western side of the right-of-way. The single-pole design creates system value by allowing space for a future line if needed by the region and avoiding the costs to acquire a new right-of-way. The single-pole design provides customer value by minimizing construction-related outages. Mallory pf. at 22-24.

45. The Project will also increase property tax revenues based on the capital investment required for the upgrades. There will be local economic benefits associated with engaging local businesses and contractors during the construction phase of the Project. Mallory pf. at 29-20.

46. The Project cost was initially estimated to be approximately \$84,644,559. The cost estimate includes \$14,618,610 of material costs, \$26,711,132 of labor costs, \$22,166,841 of indirect costs, \$3,400,853 in escalation costs, \$4,132,417 in capital interest, and \$13,614,706 in contingency. Mallory pf. at 11-13; exh. SMM-4.

47. The Project cost estimate was updated with more recent quotes and costs to approximately \$88,684,552, with contingency. The increase of \$4,039,993 is approximately 4.8%. The key changes causing the increase are: construction mat use, structure foundations, access routes, and contracted labor rates to build access routes to the structures. Mallory pf. supp. (6/18/24) at 4.

48. VELCO estimates that 100% of the Project costs will meet the definition of a pool transmission facility and will be paid on a New England-wide, load-ratio basis. Presently, Vermont's load-ratio share of regional costs is approximately 4%. Mallory pf. at 13-14; Mallory pf. supp. (6/18/24) at 5; exh. SSM-5.

**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)]

49. 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)]

50. 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. McMillan pf. at 12; exh. AM-2 at 8.

**Air Pollution and Greenhouse Gas Impacts**

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

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

52. Construction and maintenance of the Project will include limited vehicle emissions from the use of diesel- and gasoline-powered vehicles and equipment. Emissions from

construction vehicles will be small in scale and limited to the duration of construction.

McMillan pf. at 13.

53. Dust from construction activities will be managed in accordance with the Vermont Standards and Specifications for Erosion Prevention and Sediment Control and the VELCO Environmental Guidance Manual. McMillan pf. at 13.

54. There will be no sustained releases of greenhouses gases or air pollution associated with the operation of the Project. McMillan pf. at 13.

55. Sound from construction equipment for the Project will be limited to the duration and hours of construction. The Project does not include the installation of sound-producing equipment. Mallory pf. at 30.

#### **Water Pollution**

[10 V.S.A. § 6086(a)(1)]

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

57. The Project activities will involve more than one acre of earth disturbance. An Individual Construction Stormwater Discharge Permit will be obtained for the Project before the start of construction. All earth-disturbing activities will be performed in accordance with the Construction Stormwater Discharge Permit, the Vermont Standards and Specifications for Erosion Prevention and Sediment Control, and the VELCO Environmental Guidance Manual. McMillan pf. at 13; exh. VELCO-ANR-1.

58. The Project is expected to result in less than one acre of new impervious surfaces. The Project access for the St. Albans tap includes plans to use pervious road surface alternatives to avoid the need to obtain an operational stormwater discharge permit. McMillan pf. supp. (6/18/23) at 3.

59. Under the terms of the ANR MOU, an Operational Stormwater Permit or a determination from ANR that the Project does not require a permit will be obtained before beginning site preparation or construction of the Project. If an Operational Stormwater Permit is required, all Project work, including operation and maintenance, will be performed in accordance with the terms and conditions of the permit. Exh. VELCO-ANR-1.

60. Under the terms of ANR MOU, a Vermont Section 401 Water Quality Certification or a final determination from the ANR that it has waived the Section 401 Water Quality Certification will be obtained before beginning Project site preparation or construction. If a Section 401 Water Quality Certification is required, all Project work, including operation and maintenance, will be performed in accordance with the terms and conditions of the Water Quality Certification. McMillan pf. supp. (6/18/24) at 3-4; exh. VELCO-ANR-1.

#### Discussion

Under the terms of the ANR MOU, VELCO agrees to comply with the requirements of the Vermont stormwater and Section 401 water quality programs. To ensure no undue water pollution or stormwater impacts in the Project area, ANR and VELCO propose that the requirements for obtaining any necessary stormwater and water quality permits or certifications be included as CPG conditions. I recommend that the Commission accept the terms of the ANR MOU with respect to the stormwater permit and water quality requirements and adopt the proposed CPG conditions.

#### Headwaters

[10 V.S.A. § 6086(a)(1)(A)]

61. The Project will not have an undue adverse impact on headwaters. This finding is supported by the additional findings below.

62. The Project site is in headwater areas because certain portions of the site contain steep slopes and shallow soils and are located in watersheds of less than 20 square miles. McMillan pf. at 15-16; exh. AM-2 at 9-10.

63. The Project is not characterized by other features that define headwaters as set forth in 10 V.S.A. § 6086(a)(1)(A). The Project is not above 1,500 feet in elevation, is not in an area that supplies significant amounts of recharge water to aquifers, and is not in a watershed of a public water supply as designated by ANR. McMillan pf. at 15-16; exh. AM-2 at 9-10.

64. Potential effects on ground and surface water quality will be managed with the implementation and adherence to the Project-specific erosion prevention and sediment control plan (developed as part of Individual Construction Stormwater Discharge Permit), and applicable best management practices contained in the VELCO Environmental Guidance Manual. McMillan pf. at 15-16; exh. AM-2 at 9-10.

65. There will be no reduction in ground or surface water quality of headwaters from the construction and operation of the Project. McMillan pf. at 15-16; exh. AM-2 at 9-10.

66. The Project will meet all applicable health and Vermont Department of Environmental Conservation regulations regarding reduction of the quality of the ground or surface waters in a headwaters area. McMillan pf. at 15-16; exh. AM-2 at 9-10.

#### **Waste Disposal**

[10 V.S.A. § 6086(a)(1)(B)]

67. The Project will meet all applicable health and Vermont Department of Environmental Conservation 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. This finding is supported by the additional findings below.

68. The Project will involve the disposal of solid waste, construction debris, and other waste. Waste and debris that cannot be reused or recycled will be disposed of according to the applicable state and federal regulations and best management practices. Sanitary waste during construction will be disposed of by obtaining and using portable toilets. McMillan pf. at 16.

69. Clean wood products that are brought onsite during Project construction as part of material deliveries (*i.e.*, pallets) will be stockpiled and disposed of according to Act 148, the Universal Recycling and Composting Law. McMillan pf. at 16.

70. Existing K42 line structure replacement/removal activities will be performed according to the Penta best management practices identified in Docket 8310 and will include onsite training for entities working on the Project that handle penta-treated poles. McMillan pf. at 16-17.

71. The VELCO Spill Prevention, Control, and Countermeasure Plan includes spill prevention and response measures in the event of a release of oil or hazardous material at any of the substation sites coincident with the K42 line (Georgia substation, St. Albans tap, Highgate converter, and Highgate substation). McMillan pf. at 17.

72. If a release of a hazardous material occurs during the Project's construction phase, VELCO will take appropriate steps to contain it; report the release to the Department of Environmental Conservation (as necessary); remove the contaminated material from the site for

proper disposal; and restore the area in accordance with the VELCO Environmental Guidance Manual, and applicable state and federal regulations. McMillan pf. at 14.

**Water Conservation**

[10 V.S.A. §§ 6086(a)(1)(C)]

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

74. Project water use is expected to be minimal and occur only during construction. Water may be used during construction activities to support vegetation establishment, limited concrete washout activities, and dust suppression. McMillan pf. at 18.

75. Project construction will incorporate measures to conserve water use and recycle water where technically and economically feasible. The Project will not include permanent water conservation measures because following construction and commissioning, no water usage will be needed to operate the K42 line. McMillan pf. at 17-18.

**Floodways**

[10 V.S.A. § 6086(a)(1)(D)]

76. The Project 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. This finding is supported by the additional findings below.

77. VELCO considered both flood inundation and fluvial erosion hazards pursuant to the ANR's Flood Hazard Area and River Corridor Protection Procedure in designing the Project, specifically the structure replacements. McMillan pf. at 19.

78. Project engineering and design limitations preclude the ability to relocate all structures outside flood hazard and river corridor areas. The Project will site replacement structures to minimize or avoid flood hazard areas and river corridor areas, wherever possible, according to ANR's procedure and the VELCO Environmental Guidance Manual. Where replacement structures cannot be reasonably shifted entirely outside of a flood hazard area and river corridor area, new structures will be shifted further away from the watercourse than the existing structure. McMillan pf. at 19-20; exh. AM-2 at 11-12.



79. At one angle structure location, replacement structure 264 will be marginally closer to the adjacent watercourse than the existing structure. Project design made efforts to shift away from the top of bank of the Mill River and associated river corridor and flood zone. Structure 264's location proximate to the Mill River will require its inclusion in the Project's Flood Hazard Area and River Corridor Permit. The Project will implement structure-hardening measures at this location to mitigate fluvial erosion hazard risks. McMillan pf. at 19-20; McMillan pf. supp. (2/23/24) at 4; exh. AM-2 at 11-12.

80. The Project will result in 13 of the replacement structures being located in flood hazard areas. Replacement structures that cannot reasonably shift outside of floodplains and/or river corridors will be reviewed for structure hardening design measures. Structure hardening design measures include deeper pole embedding; more robust pole hole sleeves with higher reveals; and where guy anchors are used, use of more robust guy anchor types, with increased depths and placed as far as possible from the expected areas of high-water flow. McMillan pf. 20-21; exh. AM-2 at 11-12.

81. The Project will avoid a net reduction of flood storage capacity by transporting overburden box-cut materials from access construction activities within flood hazard areas and river corridor areas to an adjacent upland area for permanent stabilization in accordance with the Project's permit conditions and the VELCO Environmental Guidance Manual. McMillan pf. at 20; exh. AM-2 at 11-12.

82. Project access roads that are located within a flood hazard area or river corridor will be constructed by box-cutting and backfilling with imported material so as not to change the existing flood storage capacity or lateral mobility of the watercourse. The Project minimizes impacts to flood hazard areas and river corridor areas where possible by using temporary mat bridges and avoiding construction of permanent accesses in several locations along the right-of-way. McMillan pf. at 20; exh. AM-2 at 11-12.

83. Under the terms of the ANR MOU, VELCO will obtain a Flood Hazard Area and River Corridor Permit before beginning site preparation or construction of the Project. All Project work will be performed according to the terms and conditions of the permit. McMillan pf. at 21; exh. VELCO-ANR-1.

### Discussion

Under the terms of the ANR MOU, VELCO agrees to obtain a Flood Hazard Area and River Corridor Permit. To ensure no undue flood hazard impacts occur in the Project area, ANR and VELCO propose that the requirement for obtaining a permit be included as CPG condition. I recommend that the Commission accept the terms of the ANR MOU with respect to the flood hazard areas and river corridors and adopt the proposed CPG condition.

### Streams

[10 V.S.A. § 6086(a)(1)(E)]

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

85. The Project area includes 14 perennial streams, six intermittent streams, one intermittent/ephemeral feature, one ephemeral stream, and 15 ditches. The existing K42 line crosses five different named stream features, including the Missisquoi River, Mill River, Stevens Brook, Stone Bridge Brook, and Hungerford Brook. McMillan pf. at 22; exh. AM-2 at 12-13.

86. The Project will minimize impacts on streams and riparian buffers, including: minimizing the potential for hydrologic change within the sub-watershed; ensuring the integrity of and stabilizing steep slopes in the Project area; limiting construction activity within streams and riparian buffers; and performing stream crossings in accordance with the VELCO Environmental Guidance Manual and any permit authorizations. McMillan pf. at 23-24.

87. Project replacement structures will be located outside of streams and riparian buffers where feasible. Project design includes locating structure replacements as far from stream banks as feasible to protect transmission infrastructure, minimizing potential stream impacts, and maintaining an appropriate riparian buffer for all streams. McMillan pf. at 24.

88. Where stream crossings are unavoidable to support the Project, stream accesses and crossings will use temporary construction mat bridges or install new permanent stream crossings. Temporary mat bridges will span bank-full width to minimize streambed disturbance, protect the banks, and provide adequate clearance for water flow. McMillan pf. at 24.

89. The Project will include the installation of three new culverts and one replacement culvert at intermittent stream features. To maintain water quality and facilitate safe and efficient access by construction equipment, existing culverts that may have been plugged, failed, or

otherwise need repair will be replaced or upgraded along existing access routes. These replacement culverts will also promote hydrologic connectivity and aquatic organism passage and help prevent bank erosion, sedimentation, or inadvertent failure. McMillan pf. at 24; exh. AM-2 at 13.

90. Culvert design and installation will follow the VELCO Environmental Guidance Manual and Guidelines for the Design of Stream/Road Crossings for Passage of Aquatic Organisms in Vermont. These crossings and associated structures will be included with the Project's Section 404 permit application administered by the US Army Corps of Engineers. McMillan pf. at 24-25.

91. The Project will not require a Vermont Stream Alteration Permit. No new permanent crossing structures will involve 10 or more cubic yards of fill in any perennial stream. McMillan pf. at 25.

92. Under the terms of the ANR MOU, all impacts to vegetation located within riparian zones of rivers and streams resulting from Project site preparation or construction activities will be mitigated. Mitigation efforts include timber mat placement or vegetation cutting, and complying with the Project-specific riparian buffer revegetation and monitoring plan contained in exhibit AM-9. McMillan pf. supp. (7/11/24) at 2; exh. VELCO-ANR-1; exh. AM-9.

93. Because the Project is designed to avoid sensitive resources to the extent practicable, will implement best management practices and site-specific erosion control measures, and will follow the VELCO Environmental Guidance Manual and stream-related permit conditions, the Project will maintain the natural conditions of the streams, and will not endanger the health, safety, or welfare of the public or adjoining landowners. McMillan pf. at 25; McMillan pf. supp. (7/11/24) at 2; exh. VELCO-ANR-1; exh. AM-9.

### Discussion

Under the terms of the ANR MOU, VELCO agrees to mitigate all impacts to vegetation located within riparian zones of rivers and streams resulting from Project site preparation or construction activities. To ensure no undue adverse effects on streams in the Project area, ANR and VELCO propose that the mitigation requirement be included as a CPG condition. I recommend that the Commission accept the terms of the ANR MOU with respect to river and streams and adopt the proposed CPG conditions.

**Shorelines**

[10 V.S.A. § 6086(a)(1)(F)]

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

95. A portion of the Project area is located within or adjacent to the shoreline of the Missisquoi River. The K42 line crosses the Missisquoi River at structure span 415-416 at the northern end of the Project area. McMillan pf. at 26; exh. AM-2 at 14.

96. The Project crossing of the Missisquoi River will require federal approval under Section 10 of the Rivers and Harbors Act for the line's aerial crossing component. McMillan pf. at 26.

97. The Project shoreline associated with the Missisquoi River will remain in its current condition. No Project-related earth disturbance will occur along the banks of the Missisquoi River. VELCO will manage shoreline vegetation in accordance with the VELCO Transmission Vegetation Management Plan. The Project will follow applicable shoreline protection measures contained in the VELCO Environmental Guidance Manual, Project-specific erosion prevention and sediment control plan, and associated state and federal permit authorizations. McMillan pf. at 26; exh. AM-2 at 14.

98. The Project must of necessity be located on the shoreline of the Missisquoi River. The Project uses the existing right-of-way and must cross the river to connect line structures along the right-of-way. McMillan pf. at 26-27; exh. AM-2 at 14.

99. The Project will retain shorelines and waters of the Missisquoi River in their natural condition. The Project will allow continued access to the waters and the recreational opportunities provided by the river waters, retain or provide compatible vegetation that will screen the Project from the waters, and stabilize the bank from erosion as necessary with vegetation cover. McMillan pf. at 26-27.

**Wetlands**

[10 V.S.A. § 6086(a)(1)(G)]

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

101. The Project area includes 56 Class II wetlands and 30 Class III wetlands. Project activities within and near wetland resources will involve temporary and permanent access route construction, and ground disturbance associated with the transmission infrastructure. McMillan pf. at 28; exh. AM-2 at 16.

102. The Project will include tree trimming and some select tree removal along the edge of the existing right-of-way, which includes some wetland areas. The Project will include some small tree and sapling removal along access routes in wetlands or wetland buffers. McMillan pf. at 28-29; exh. AM-2 at 16.

103. Project replacement structures and elements will be located to avoid or minimize potential impact to wetland resources where feasible. For example, eight replacement structures will be shifted outside the wetland location of the existing K42 line structures. Two replacement structures (structures 361 and 410), access roads, and a work pad will unavoidably be in wetlands. McMillan pf. at 29; exh. AM-2 at 16.

104. The Project will avoid construction activities within wetlands wherever feasible. Where avoidance is not achievable, permanent impacts to wetlands will be avoided through the deployment of temporary timber matting during construction. The Project will ensure protection of wetlands and associated water quality during construction by implementing practices and measures contained in the Project-specific erosion prevention and sediment control plan and the VELCO Environmental Guidance Manual. McMillan pf. at 29-30; exh. AM-2 at 16.

105. Permanent impacts to wetlands caused by Project structures and elements will be addressed in the state and federal wetland permits obtained for the Project. To minimize wetland impacts, Project access roads will cross wetland features at the narrowest point in the right-of-way. Structure 410 and the associated work pad will be located to minimize permanent wetland impacts. McMillan pf. at 29-30; exh. AM-2 at 16.

106. The Project will obtain a Section 404 Clean Water Act permit from the U.S. Army Corps of Engineers for approximately 1.12 acres of permanent impacts to waters (including wetlands). The Project will obtain a State Wetlands Permit for approximately 0.98 acre of permanent impacts to Class II wetlands and 3.4 acres of permanent impacts to Class II wetland buffers. To address permanent wetland impacts, the Project will likely include an in-lieu fee

payment administered by Ducks Unlimited for the U.S. Army Corps of Engineers. McMillan pf. at 29-30; exh. AM-2 at 16.

107. The Project includes specific measures to minimize and mitigate the impacts on amphibians and their use of the amphibian breeding habitat features in certain wetlands and a vernal pool identified in the ANR MOU. McMillan pf. at 30; McMillan pf. supp. (6/18/24) at 2-3; exh. AM-2 at 16; exh. AM-10; exh. VELCO-ANR-1.

108. Under the terms of the ANR MOU, VELCO will obtain a Vermont Wetlands Permit before beginning site preparation or construction of the Project. All Project work will be performed according to the terms and conditions of the permit. Exh. VELCO-ANR-1.

109. Herbicide will not be applied within 100 feet of certain wetlands, as identified in the ANR MOU, during site preparation and construction of the Project. McMillan pf. at 30; McMillan pf. supp. (6/18/24) at 2-3; exh. VELCO-ANR-1.

110. If blasting is required for the Project, blasting will not occur within 100 feet of certain wetlands, as identified in the ANR MOU. McMillan pf. at 30; McMillan pf. supp. (6/18/24) at 2-3; exh. VELCO-ANR-1.

### Discussion

Under the terms of the ANR MOU, VELCO agrees to implement measures to avoid or minimize impacts to wetlands and wetland buffer zones in the Project area. VELCO also agrees to obtain a Vermont Wetlands Permit before beginning site preparation or construction of the Project. To ensure no undue adverse effects on wetlands in the Project area, ANR and VELCO propose that the avoidance and minimization measures should be included as CPG conditions. I recommend that the Commission accept the terms of the ANR MOU with respect to wetlands and adopt the proposed CPG conditions.

### **Sufficiency of Water and Burden on Existing Water Supply**

[10 V.S.A. §§ 6086(a)(2) and (3)]

111. The Project will not cause an unreasonable burden on an existing water supply or affect the sufficiency of water. This finding is supported by the additional findings below.

112. Water may be used during construction activities to support vegetation establishment, limited concrete washout activities, and dust suppression. No water usage will be needed to operate the K42 line. McMillan pf. at 17-18.

113. Project construction will use water on a temporary basis from one of the onsite water supply wells at the Georgia substation, Highgate converter station, Highgate substation, or from water bodies in accordance with state and federal regulations, or from municipal sources with appropriate municipal approvals. McMillan pf. at 18.

**Soil Erosion**

[10 V.S.A. § 6086(a)(4)]

114. 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.

115. The Project will cause significant amounts of earth disturbance across the 16.7-mile K42 line right-of-way to install line structures and access roads. The Project will obtain an Individual Construction Stormwater Discharge Permit. McMillan pf. at 32-33.

116. All earth-disturbing activities for the Project will be conducted in accordance with the Individual Construction Stormwater Discharge Permit, best management practices, a Project-specific erosion prevention and sediment control plan, the Vermont Standards and Specifications for Erosion Prevention and Sediment Control, and the VELCO Environmental Guidance Manual. McMillan pf. at 32-33.

117. The Project is not expected to require blasting to create holes for the line structures. If blasting becomes necessary, Project construction will follow VELCO's rock removal specifications and the Vermont Department of Environmental Conservation's best management practices for blasting. Mallory pf. at 10-11; exh. SSM-3.

118. The Project will include the removal of both incompatible vegetation (vegetation that matures at heights greater than 12 feet) and compatible vegetation (vegetation that does not mature at heights greater than 12 feet) to allow for the construction of the new line and decommissioning and removal of the existing K42 line. The Project right-of-way will be maintained with compatible vegetation that grows slowly. Incompatible vegetation will be removed as part of a four-year vegetation management cycle. Disorda pf. at 3; exh. JSD-2.

119. Project vegetation removal will be completed using various techniques. Excavator-mounted brush mowers will grind trees in place and spread the chips on the ground to protect soils from compaction and erosion. In areas where the brush mowers cannot be used due to

terrain limitations and to reduce soil disturbance, vegetation will be hand-cut with chainsaws, cut up into smaller pieces, and left within the right-of-way. In residential areas, trees will be hand-cut using chainsaws, and the limbs will be chipped into trucks and removed, unless the landowner requests that the wood be left on the property. Disorda pf. at 4.

120. Compatible vegetation is expected to reestablish quickly within the easement following Project construction. The compatible vegetation root and seed stock will remain in place in areas where the soil is not disturbed. In those areas where there is soil disturbance during construction, seed and mulch will be added post-construction to facilitate regrowth. Following construction, vegetation will be maintained in accordance with the VELCO Transmission Vegetation Management Plan. Disorda pf. at 4.

121. The Project will require the removal of danger trees from outside of the easement area to ensure safe and reliable transmission of electricity. Danger trees are trees that have the potential to cause a fault or damage to the transmission line in the event of a tree failure. The Project line is being constructed closer to the edge of the existing right-of-way, resulting in certain trees being closer to the energized line and requiring removal. In many cases, trees along the edge have grown limbs that extend out into the easement. Danger trees are identified for removal using International Society of Arboriculture best management practices contained in the VELCO Transmission Vegetation Management Plan. Disorda pf. at 4-6.

### **Transportation**

[10 V.S.A. § 6086(a)(5)]

122. 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 the additional findings below.

123. There will be minor short-term traffic impacts due to the pulling of conductor across roadways and deliveries of Project equipment to the transmission line area during the construction period. Mallory pf. at 31-32.

124. Construction equipment deliveries will use existing roads with vehicles that are commonly used on public roads. During delivery of any large equipment, traffic control service will be employed to manage traffic flow and to enable the passage of emergency response vehicles. Mallory pf. at 31-32.



125. The Project will obtain permits from the Agency of Transportation for Interstate 89 access, aerial crossing, and highway curb cuts. VELCO will obtain all required highway crossing permits and provide advance notice of construction activities to affected adjoining neighbors. Mallory pf. at 15 and 31-32.

126. The Project will require the stringing of conductor over railway corridors. The Project will obtain a permit from the New England Central Railroad for the railroad crossing. Mallory pf. at 15 and 32.

127. The transportation and railway crossing permits needed for the Project are typically pursued approximately 1-2 months before their need in the construction schedule. Mallory pf. at 15.

128. During delivery of any large equipment or materials to the laydown area in Swanton, traffic control services will be used to manage traffic flow at Demers Drive and to enable the passage of emergency response vehicles. The use of Demers Drive avoids residential traffic and sound concerns. Mallory pf. supp. (6/18/24) at 3.

129. The Federal Aviation Administration provided a determination of no hazard to air navigation for the Project structures. The Project will not require visible markers or lighting for aviation safety. Mallory pf. at 32; exh. SSM-12.

### Discussion

VELCO seeks an amended version of the 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. The Project will require permits from the Agency of Transportation and a permit from the New England Central Railroad for aerial crossings of Interstate 89 and a railroad corridor. VELCO states that these permits are typically not pursued until approximately 1-2 months before the need in the construction schedule. VELCO seeks approval to obtain these permits closer to the start date of the construction activities requiring the permits.

The Project involves upgrades to transmission line structures to address asset conditions and reliability of the electric grid. The transportation permits are needed at the beginning stages of the construction schedule and are applied for 1-2 months before the need in the construction schedule. Based on these factors and given the limits of the construction activities associated

with these permits, I recommend that the Commission amend its standard permit condition to accommodate the request.<sup>2</sup>

**Educational Services**

[10 V.S.A. § 6086(a)(6)]

130. 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. Mallory pf. at 33.

**Municipal Services**

[10 V.S.A. § 6086(a)(7)]

131. 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. Mallory pf. at 33.

**Aesthetics, Historic Sites, and Rare and Irreplaceable Natural Areas**

[10 V.S.A. § 6086(a)(8)]

132. 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**

133. The Project rebuilds an existing 16.7-mile, 115 kV transmission line from the Georgia substation to the Highgate substation, known as the K42 line. Between these substations, the Project passes through portions of four towns: Georgia, St. Albans, Swanton, and Highgate. Mallory at pf. 33-34; exh. SSM-14 (revised 10/31/23); exh. SSM-15.

134. The Project will switch the existing line structures from horizontal configuration (H-frame structures) to a vertical configuration (single-pole structures) and relocate the line approximately 15 feet east within the right-of-way. Replacement structure heights will be approximately 76.8 feet above ground, an increase of approximately 28 feet. The new structures

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<sup>2</sup> The Commission has previously granted this limited exception in transmission upgrade cases. See *Petition of the Town of Stowe Electric Department requesting a certificate of public good, pursuant to 30 V.S.A. §§ 248(j), for approval to upgrade its existing Wilkins Substation in Stowe, Vermont*, Case No. 24-1553-PET, Order of 8/1/24; *Petition of Vermont Electric Cooperative Inc. for a certificate of public good, pursuant to 30 V.S.A. § 248(j), for approval to upgrade its existing substation in Eden, Vermont*, Case No. 23-4186-PET, Order of 2/2/24.

will be constructed using self-weathering steel. The replacement conductor will include a second conductor in a bundled configuration and will be a lower light reflectance, non-specular conductor. Mallory pf. at 33-34; exh. SSM-14 (revised 10/31/23); exh. SSM-15.

135. The Project consists of the replacement of existing transmission infrastructure. Project visibility will be limited to incremental increases due to the change in height of structures, the change in conductor design, and vegetation clearing to construct and deconstruct Project elements. Visibility from publicly accessible locations in Georgia, St. Albans, Swanton, and Highgate is mostly constrained to roadways that cross or are located near the Project corridor. Mallory pf. at 33-34; exh. SSM-14 (revised 10/31/23); exh. SSM-15.

136. Most of the Project corridor or right-of-way easement is located on private property, and at several locations within proximity to and view of private residences. Project visibility from these residences will be like that of the existing line. There will be limited instances where the additional height of the structures and vegetation removal will increase visibility. Mallory pf. at 33-34; exh. SSM-14 (revised 10/31/23); exh. SSM-15.

137. The Project materials and colors primarily consist of weathered steel transmission structures, glass insulators, aluminum conductors, and the shield and fiber optic cables. Although the materials of the pole structures will change from wood to metal, the structures will have an aesthetic similar to the existing wooden structures. The weathering steel will acquire a medium to dark brown color, unlike the lighter gray of the aged existing wooden structures. A non-specular treatment will reduce the glare and reflectivity of the conductors. Mallory pf. at 33-34; exh. SSM-14 (revised 10/31/23); exh. SSM-15.

138. The Project will result in an adverse aesthetic impact on the surrounding area due to increases in visibility, new areas of visibility, and changes to the appearance of transmission infrastructure. Mallory pf. at 33-34; exh. SSM-14 (revised 10/31/23); exh. SSM-15.

139. The Project will not violate a clear, written community standard intended to preserve the aesthetics or natural beauty of the area. There are no clear, written standards in the town plans of Georgia, St. Albans, Swanton, or Highgate concerning specific resources that pertain to the Project site and surrounding area. Mallory pf. at 33-34; exh. SSM-14 (revised 10/31/23); exh. SSM-15.

140. The Project includes mitigating elements that help to reduce potential adverse aesthetic impacts. The upgrades to the K42 line will be located within an existing transmission line corridor. Project infrastructure will be similar in color, scale, and form to existing transmission infrastructure within the same location. Clearing for the Project will be limited to vegetation within the right-of-way and limited removal of danger trees outside the right-of-way. Landscape plantings are proposed at five locations (one in Georgia, one in St. Albans, and three in Swanton) to screen and soften visibility of the Project. VELCO conducted a community engagement process that resulted in design changes to limit aesthetic impacts. Mallory pf. at 33-34; exh. SSM-14 (revised 10/31/23); exh. SSM-15.

141. The Project will not be shocking or offensive to the average person. The Project replaces an existing line with a new line similar in character. The Project will not be a dominant or highly visible feature in the landscape. Mallory pf. at 33-34; exh. SSM-14 (revised 10/31/23); exh. SSM-15.

142. Although the Project will have an adverse effect on aesthetics, this adverse effect is not undue because: (1) the Project will not violate any clear, written community standard; (2) the Project includes mitigation strategies that help to reduce potential adverse aesthetic impacts; and (3) the Project will not be shocking or offensive. Mallory pf. at 33-34; exh. SSM-14 (revised 10/31/23); exh. SSM-15.

### Discussion

For projects requiring the implementation of aesthetic mitigation measures, Section 248 CPGs issued by the Commission include a condition, pursuant to Commission Rule 5.805(E), that requires the CPG holder to maintain mitigation measures contained in the final aesthetics mitigation plan or revised final aesthetics mitigation plan for the life of the project as those measures are depicted on the plan.

Pursuant to Commission Rule 5.806, VELCO seeks a waiver to the post-construction requirement of Rule 5.806(E) that requires ongoing maintenance of mitigation measures for the life of the Project. The Project includes proposed landscape mitigation plantings at five locations identified in exhibit SSM-14, Appendix B. VELCO states that most of the proposed plantings are located on private property, either within the right-of-way or outside the right-of-way. In the remaining instances, the plantings are located on town property outside of the right-of-way.

VELCO also states that it commits to a three-year inspection of the plantings after installation to ensure the plantings get established. However, VELCO maintains that the long-term decisions about these plantings will be subject to the discretion and legal rights of individual landowners and states that it is more reasonable for the long-term oversight and responsibility of the plantings contemplated under Rule 5.805(E) to rest with the owners of the property—who have the legal right to remove, add, or modify plantings that are located on their property. For this reason, VELCO argues that there is good cause to grant a waiver of the post-construction requirements of Commission Rule 5.805(E).

I recommend the Commission grant the waiver of Commission Rule 5.805(E) and amend the standard aesthetic CPG conditions to not include the requirement to maintain mitigation measures for the life of the Project. VELCO commits to a three-year inspection of the plantings after installation to ensure the plantings get established. Most of the proposed plantings are located on private property, either within the right-of-way or outside the right-of-way, and the remaining plantings are located on town property outside of the right-of-way. The waiver provides that VELCO will establish the plantings in coordination with landowners but provides landowners with the discretion to control the condition of those plantings over the long term.

#### Historic Sites

143. The Project will not have an undue adverse effect on nearby above-ground historic properties and structures. The Project will not adversely affect the six historic properties located along the existing K42 line right-of-way, nor will the Project indirectly affect the sixteen historic properties within the Project viewshed. McMillan pf. at 5; exh. AM-8; DHP MOU.

144. The archaeological resource assessment for the K42 line identified several archaeologically sensitive areas. Phase I archaeological studies and discussions with DHP identified four sensitive areas that will need Phase II subsurface testing. McMillan pf. at 6-10; exh. AM-3; DHP MOU.

145. Phase II archaeological subsurface testing will be conducted to: (a) refine the site boundary of a previously identified site near Structure 416 for Project avoidance or protection through the use of best management practices; (b) refine eligibility determinations and site limits at a site near Structures 221 and 222; (c) supplement Phase I testing near Structure 264; and

(d) supplement Phase I testing near a matted temporary access to Structure 243. McMillan pf. at 6-10; exh. AM-3; DHP MOU.

146. Following the completion of Phase II testing and study determinations, the Project will be constructed using best management practices and buffer protections identified in the DHP MOU to avoid impacts to any archaeological resource sites within the Project area.

Archaeological resource sites and not-to-be-disturbed archaeological buffer zones will be identified on all relevant Project site plans or construction plans. McMillan pf. at 6-10; exh. AM-3; DHP MOU.

147. Under the terms of the DHP MOU, VELCO agrees to avoidance and minimization measures that will protect any archaeological resources identified in the Project area. McMillan pf. at 6-10; exh. AM-3; DHP MOU.

148. The Project will not have an undue adverse effect on archaeological resources provided that the measures identified in the DHP MOU are implemented. McMillan pf. at 6-10; exh. AM-3; DHP MOU.

### Discussion

The archaeological resource assessment completed for the Project identified archaeologically sensitive areas along the K42 line. Under the terms of the DHP MOU, VELCO agrees to complete the archaeological investigations on the four archaeologically sensitive areas before starting construction in those areas of the K42 line. The DHP MOU also identifies mitigation and avoidance measures to protect any archaeological resources identified in the Project locations. To ensure protection of any identified archeological resources in the Project area, DHP and VELCO propose that the avoidance and minimization measures identified in the DHP MOU be included as CPG conditions. I recommend that the Commission accept the DHP MOU and adopt the proposed CPG conditions.

### Rare and Irreplaceable Natural Areas

149. The Project will not have an undue adverse effect on rare and irreplaceable natural areas. An occurrence of Acidic Riverside Outcrop (State rarity ranking S3, Uncommon) is observed in the Project area, along the Missisquoi River. The Project is designed to avoid the natural community. No other rare and irreplaceable natural areas are observed in the Project area. McMillan pf. at 33; exh. AM-2 at 18.

**Necessary Wildlife Habitat and Endangered Species**

[10 V.S.A. § 6086(a)(8)(A)]

150. 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.

151. Deer wintering areas were identified in two sections of the Project area, consisting of forested lands outside the transmission line corridor near structures 394 through 408 and structures 234 through 236. McMillan pf. at 34; exh. AM-2 at 20.

152. Under the terms of the ANR MOU, Project construction activities and vegetation clearing will not be conducted during the period of December 15 through April 15 in the identified deer wintering areas. By following these restrictions, the Project will have no direct impact on deer wintering areas. McMillan pf. at 34-35; exh. AM-2 at 20; exh. VELCO-ANR-1.

153. Grassland bird habitat was identified in the Project area between structures 223 through 230. Project site preparation and construction activities will result in temporary impacts to approximately 8.82 acres of necessary wildlife habitat for grassland birds in the area between structures 223 and 230. McMillan pf. at 35; exh. AM-2 at 20; exh. VELCO-ANR-1.

154. Grassland bird habitat areas will be re-established to pre-construction conditions during final restoration activities. Under the terms of the ANR MOU, VELCO agrees to make a payment to the Mass Audubon Bobolink fund for work associated with the Project that will result in temporary impacts to necessary wildlife habitat for grassland birds. McMillan pf. at 35; exh. AM-2 at 20; exh. VELCO-ANR-1.

155. For rare, threatened, or endangered plant species identified in the Project area, the Project will implement protective measures contained in the VELCO Environmental Guidance Manual to avoid or limit impacts to these plant species. These measures include contractor training, signage, barricade flagging, and identifying population locations on Project plans. A Project monitoring and control plan will be implemented to limit the potential spread of invasive plants that could hinder the ongoing success of rare, threatened, or endangered plant species. McMillan pf. at 36; exh. AM-2 at 20-22.

156. Fernald's sedge (*carex merritt-fernaldii*), a state-rare plant species, was identified in the Project area, east of the Georgia substation. Perplexed tick-trefoil (*desmodium perplexum*), a state-rare plant species, was also identified in the Project area, adjacent to the Highgate

substation. The Project will implement protective measures contained in the VELCO Environmental Guidance Manual to avoid or limit impacts to these plant species. McMillan pf. at 36; exh. AM-2 at 20-22.

157. Houghton's flat sedge (*Cyperus houghtonii*), a state-threatened plant species, was identified in the Project area near structure 210. Under the terms of the ANR MOU, a Takings Permit for the Houghton's flat sedge will be obtained for the Project. The Project will include the implementation of protective measures identified in the ANR MOU to avoid impacts to the Houghton's flat sedge during construction. McMillan pf. 36; exh. AM-2 at 21-22; exh. VELCO-ANR-1.

158. Low bindweed (*Calystegia spithamea*), a state-threatened plant species, was identified in the Project area near structure 418. Under the terms of the ANR MOU, before starting Project site preparation or construction, an additional plant survey for low bindweed will be performed. If any Project activities will occur within five feet of the low bindweed, a Vermont Threatened and Endangered Species Takings Permit will be obtained. The Project will include the implementation of protective measures identified in the ANR MOU to avoid impacts to the low bindweed during construction. McMillan pf. 36; exh. AM-2 at 21-22; exh. VELCO-ANR-1.

159. Fringe-top closed gentian (*Gentiana andrewsii*), a state-threatened plant species, was identified in the Project area near structures 231-232 and 314-315. Under the terms of the ANR MOU, before starting Project site preparation or construction, an additional plant survey for the fringe-top closed gentian will be performed. If any Project activities will occur within five feet of the fringe-top closed gentian, a Vermont Threatened and Endangered Species Takings Permit will be obtained. The Project will include the implementation of protective measures identified in the ANR MOU to avoid impacts to the fringe-top closed gentian during construction. McMillan pf. 36; exh. AM-2 at 21-22; exh. VELCO-ANR-1.

160. Rare, threatened, or endangered species animal species identified near the Project area include several aquatic organisms. The Project is designed to avoid impacts to the associated watercourses and their habitat. McMillan pf. at 36; exh. AM-2 at 23-24; *see also* wetland findings above.



161. Eastern meadowlarks were observed near the Project area. Limited grading within a hedgerow for rocky debris management near structures 223 through 230 has the potential to affect the eastern meadowlark. Under the terms of the ANR MOU, the Project will implement specific construction work practices to minimize the risk of a taking of the state-threatened eastern meadowlark. If all such work practices cannot be practically implemented during construction, a Vermont Threatened and Endangered Species Takings Permit will be obtained for the Project. McMillan pf. at 36-37; exh. AM-2 at 23-24; exh. VELCO-ANR-1.

162. The Project area is within the summer range of the Northern long-eared bat, but there are no known occurrences of the species or hibernacula near the Project. Because the Project will impact less than one percent of suitable forested habitat within one mile, no additional conservation measures are required for Northern long-eared bat. McMillan pf. at 37; exh. AM-2 at 23-24.

### Discussion

Under the terms of the ANR MOU, VELCO agrees to comply with certain protective measures, including obtaining ANR takings permits, to limit or avoid impacts to rare, threatened or endangered plant and animal species in the Project area. To ensure no undue adverse effects on rare, threatened, or endangered plant and animal species, ANR and VELCO propose that the protective measures identified in the ANR MOU be included as CPG conditions. I recommend that the Commission accept the terms of the ANR MOU with respect to rare, threatened, or endangered species and adopt the proposed CPG conditions.

In addition, VELCO seeks an amended version of the 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. The Project will and may require ANR takings permits for certain rare, threatened, or endangered plant and animal species identified in specific areas along the right-of-way. VELCO seeks flexibility to begin site preparation and construction activities for portions of the Project that are not subject to these permits. Under the terms of the ANR MOU, VELCO and ANR agree that site preparation and construction may proceed for portions of the Project that are not subject to the permits.

The Project involves upgrades to transmission line structures to address asset conditions and reliability of the electric grid. For Project areas needing takings permits, protective measures

will be implemented to avoid construction activities where rare, threatened, or endangered species have been identified, including signage, barricade flagging, and identifying population locations on Project plans. Based on these factors, and because VELCO's request is supported by an MOU with ANR, I recommend that the CPG include conditions that allow VELCO to conduct Project site preparation and construction before receiving the takings permits.<sup>3</sup>

### **Development Affecting Public Investments**

[10 V.S.A. § 6086(a)(9)(K)]

163. 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. This finding is supported by the additional findings below.

164. The public investments or facilities affected by the Project include roadways, railways, utility infrastructure, and a canoe carry trail in Highgate. No other public investments will be affected by the Project. Mallory pf. at 31-35.

165. The Project will rebuild the existing K42 line in the existing right-of-way. The Project construction will have minor short-term traffic impacts on roadways and railway corridors. Mallory pf. at 31-32.

166. A canoe carry trail to get around the Highgate Falls dam runs through Project structures 416 and 417. To ensure public safety during construction, trail blockage and closure notification will be provided to the Northern Forest Canoe Trail organization that maintains the trail during the temporary periods of active construction. Mallory pf. at 34-35.

### **Public Health and Safety**

[30 V.S.A. § 248(b)(5)]

167. 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.

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<sup>3</sup> The Commission has previously granted this limited exception in transmission upgrade cases. 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 the construction of the New Haven Operations Facility in New Haven, Vermont*, Case No. 19-4582- PET, Order of 8/12/20; *Petition of Vermont Electric Power Company, Inc. and Vermont Transco LLC, for a certificate of public good, pursuant to 30 V.S.A. § 248, authorizing upgrades to the St. Johnsbury substation in St. Johnsbury, Vermont*, Case No. 23-3761-PET, Order of 7/25/24.

168. The Project will be designed and constructed in accordance with National Electrical Safety Code requirements. The Project will adhere to prudent utility construction practices throughout the construction phase. Mallory pf. at 30.

169. Electric and magnetic field (“EMF”) levels were modeled and reviewed for the Project. Modeled EMF values are expected to fall well below the health-based guidelines for public exposure to EMF. There is no expectation of adverse health effects from EMF due to the Project. Mallory pf. at 31; exh. SSM-11.

**Primary Agricultural Soils**

[30 V.S.A. § 248(b)(5)]

170. 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.

171. The Project is located on approximately 400 acres, mostly within a 16.7-mile right-of-way through Georgia, St. Albans, Swanton, and Highgate, Vermont. The Project area contains approximately 306 acres of primary agricultural soils. McMillan pf. 39; McMillan pf. supp. 5; exh. AM-7; AAFM MOU.

172. Project construction will temporarily affect certain primary agricultural soils located in the right-of-way. Approximately 8.6 acres of primary agricultural soils will be permanently affected by the Project roads on and off the right-of-way. McMillan pf. 39; McMillan pf. supp. 5; exh. AM-7; AAFM MOU.

173. Under the terms of the AAFM MOU, VELCO agrees to certain conditions that will protect any primary agricultural soils that are temporarily affected by Project construction. McMillan pf. 39; McMillan pf. supp. 5; exh. AM-7; AAFM MOU.

174. VELCO will perform post-construction agricultural subsoiling to remediate compaction, as necessary. When restoring temporarily disturbed areas, VELCO will follow its Environmental Guidance Manual to the extent the remediation procedures are consistent with the AAFM’s reclamation guidance. When reclaiming primary agricultural soils disturbed during construction, VELCO will take all reasonable steps to return the areas of primary agricultural soils back to their condition before Project disturbance. AAFM MOU.

175. The temporarily stockpiled soil containing primary agricultural soils, for reclamation at the end of Project construction, will be managed to avoid erosion and

sedimentation issues through stabilization measures identified in VELCO's Environmental Guidance Manual. AAFM MOU.

176. In areas of Project tree clearing not related to roads, pads, or poles, no stumping or grubbing of trees will occur. In areas allowed for grubbing and stumping, tree clearing will minimize soil disturbance. Tree stumps that are removed will be shaken clean and stumps will either be chipped or ground up. Chips and ground wood will be used to fill any minor depressions, widely dispersed, and/or transported off the site for proper disposal. Wood will not be piled on the site after construction is complete unless there is no reasonably available alternative location on the landowner's parcel, the landowner wants to keep the wood, or the landowner directs the wood to be left on the property. AAFM MOU.

177. Under the terms of the AAFM MOU, for primary agricultural soils permanently affected by the Project, VELCO agrees to pay an off-site mitigation fee in the amount of \$51,823.60 to the Vermont Housing and Conservation Board. These funds will be applied to the preservation of primary agricultural soils in the Project area through a permanent conservation easement. AAFM MOU.

178. The Project will not have an undue adverse effect on primary agricultural soils provided that the conditions identified in the AAFM MOU are implemented. McMillan pf. 39; McMillan pf. supp. 5; exh. AM-7; AAFM MOU.

### Discussion

Under the terms of the AAFM MOU, VELCO agrees to implement measures to minimize impacts to primary agricultural soils during the construction of the Project. These measures include the payment of an off-site mitigation fee for primary agricultural soils permanently affected by the Project. To minimize impacts to any primary agricultural soils in the Project area, AAFM and VELCO propose that the protective measures identified in the AAFM MOU be included as CPG conditions. I recommend that the Commission accept the AAFM MOU and adopt the proposed CPG conditions.

### **Consistency With Company's Least Cost Integrated Plan**

[30 V.S.A. § 248(b)(6)]

179. VELCO does not have an integrated resource plan, but periodically produces transmission studies. VELCO produces a long-range transmission plan every three years. The

Project was identified in VELCO's 2021 Vermont Long-Range Transmission Plan as necessary to address asset condition and as a SHEI mitigation solution. *Présumé* pf. at 10.

180. The Project is consistent with the principles of least-cost planning. The Project represents the least-cost alternative to addressing asset condition concerns, retirement age concerns, and line losses. The Project is on the list of possible upgrades to address the mitigation of the SHEI constraint. *Mallory* pf. at 29; *Présumé* pf. at 10-11.

#### **Compliance with Twenty-Year Electric Plan**

[30 V.S.A. § 248(b)(7)]

181. The Project is consistent with the 2022 Comprehensive Energy Plan approved by the Department under 30 V.S.A. § 202(f). This finding is supported by the additional findings below.

182. The Comprehensive Energy Plan contains goals to meet the energy needs in the transportation, thermal, and electric sectors with renewable energy generation. The Project improves the efficiency of the K42 line and addresses SHEI area capacity limitations. The Project enables additional renewable energy generation in the SHEI area. *Présumé* pf. at 11.

183. The Comprehensive Energy Plan contains objectives to optimize the electric grid to ensure resilience and responsiveness, and to benefit all electric customers. The Project addresses structure degradation, and the new structures are expected to perform better under severe weather conditions. *Présumé* pf. at 11.

184. The Department has determined, pursuant to 30 V.S.A. § 202(f), that the Project is consistent with the 2022 Comprehensive Energy Plan. Department's Section 202(f) determination.

#### **Existing or Planned Transmission Facilities**

[30 V.S.A. § 248(b)(10)]

185. The Project can be served economically by existing or planned transmission facilities without undue adverse effects on Vermont utilities or customers. The Project enhances the existing utility system and improves system reliability and service to benefit Vermont utilities and customers. Project work will be coordinated with the Vermont distribution utilities to minimize system impacts during construction. *Mallory* pf. at 35.

**IV. CONCLUSION**

Based upon the evidence in the record, I recommend that the Commission conclude that the Project, subject to the conditions set forth herein:

(a) 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 the recommendations of the municipal legislative bodies;

(b) will meet a 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, including those developed pursuant to the provisions of 30 V.S.A §§ 209(d), 218c, and 218(b);

(c) will not adversely affect system stability and reliability;

(d) will result in an economic benefit to the State and its residents;

(e) will not have an undue adverse effect on aesthetics, historic sites, air and water purity, the natural environment, the use of natural resources, and 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;

(f) is consistent with the principles of least-cost planning;

(g) is consistent with the *Vermont Twenty-Year Electric Plan*;

(h) does not involve a facility affecting or located on any segment of the waters of the State that has been designated as outstanding resource waters;

(i) can be served economically by existing or planned transmission facilities without undue adverse effects on Vermont utilities or customers;

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: August 19, 2024



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Mary Jo Krolewski  
Hearing Officer

**V. 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 other 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 upgrades to the K42 transmission line in Georgia, St. Albans, Swanton, and Highgate, Vermont (the “Project”) proposed for construction and operation by Vermont Electric Power Company, Inc. and Vermont Transco LLC (collectively the “CPG Holder”) will promote the general good of the State of Vermont pursuant to 30 V.S.A. § 248, and a certificate of public good (“CPG”) to that effect will be issued in this matter.


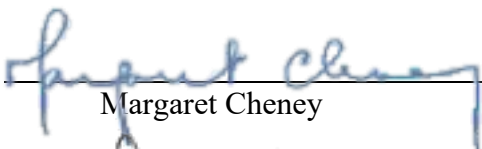
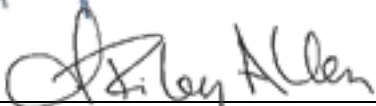
3. The Memorandum of Understanding between the CPG Holder and the Vermont Agency of Natural Resources is accepted. The CPG Holder must comply with all the terms of the Memorandum of Understanding.

4. The Memorandum of Understanding between the CPG Holder and the Vermont Agency of Agriculture, Food and Markets is accepted. The CPG Holder must comply with all the terms of the Memorandum of Understanding.

5. The Memorandum of Understanding between the CPG Holder and the Vermont Division for Historic Preservation is accepted. The CPG Holder must comply with all the terms of the Memorandum of Understanding.

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

Dated at Montpelier, Vermont, this 19th day of August, 2024.

 _____ )	) PUBLIC UTILITY
Edward McNamara )	
) )	
 _____ )	) COMMISSION
Margaret Cheney )	
) )	
 _____ )	) OF VERMONT
J. Riley Allen )	

OFFICE OF THE CLERK

Filed: August 19, 2024

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](mailto: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. 23-3734-PET - SERVICE LIST

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