

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 24-2234-PET

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| Petition of Vermont Transco LLC and Vermont Electric Power Company, Inc. for a waiver, pursuant to 30 V.S.A. § 248(k), for the emergency replacement and relocation of a structure and the addition of another on the VELCO K24-5 Line in Waterbury, Vermont | Hearings at Montpelier, Vermont July 19 and 22, 2024 |
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Order entered: 07/24/2024

PRESENT: Edward McNamara, Chair
Margaret Cheney, Commissioner
J. Riley Allen, Commissioner

APPEARANCES: Debra L. Bouffard, Esq.
Sheehey Furlong & Behm
for Vermont Electric Power Company, Inc. and
Vermont Transco LLC

James Porter, Esq.
Vermont Department of Public Service

Donald J. Einhorn, Esq.
Vermont Agency of Natural Resources

Scott and Chelsy Barber, *pro se*

Michael Bravin, *pro se*

Glen Torres, *pro se*

ORDER GRANTING WAIVER PURSUANT TO 30 V.S.A. § 248(k)

I. INTRODUCTION

In this Order, the Vermont Public Utility Commission (“Commission”) grants, subject to conditions, Vermont Electric Power Company, Inc. and Vermont Transco LLC’s (collectively “VELCO”) amended emergency petition, filed pursuant to 30 V.S.A. §248(k), requesting authorization to replace and install structures on the VELCO K24-5 Duxbury Tap-Stowe Line in Waterbury, Vermont.

II. PROCEDURAL HISTORY

On July 19, 2024, VELCO filed its emergency petition. The Vermont Department of Public Service Department (“Department”) and the Vermont Agency of Natural Resources (“ANR”) both received copies of the emergency petition, as required by statute.

On July 19 and 22, 2024, the Commission conducted emergency hearings. Representatives from the Department and ANR participated in the hearings. At the hearings, Scott and Chelsy Barber, Michael Bravin, and Glen Torres, neighboring landowners and residents, were granted party status. Also at the hearings, the prefiled testimony of William F. McNamara was admitted into the evidentiary record without objection, and there was live testimony and questioning on the record of the following VELCO witnesses: William F. McNamara, Jason Pew, and Jacob Watrous.

On January 23, 2024, VELCO filed an amended petition (“Amended Petition”) and letter with additional follow-up information (“VELCO Further Update Letter”).¹

III. FINDINGS

1. VELCO is a company as defined by 30 V.S.A. § 201, and as such is subject to the Commission’s jurisdiction pursuant to 30 V.S.A. § 203. VELCO’s office is located at 366 Pinnacle Ridge Road in Rutland, Vermont. Amended Petition at 1.

2. On July 17, 2024, VELCO deenergized the K24-5 Duxbury Tap-Stowe Line (“K24-5 Line”) to do structural testing of certain laminated utility poles. The testing was prompted by an event that occurred in another location on this line — a recent failure of a laminated pole structure that was only approximately 15 years old. The July 17, 2024, structure testing reports revealed that Structure LCP-020 — another laminated pole on the K24-5 Line — requires immediate replacement. William F. McNamara, VELCO (“McNamara”) pf. at 3-4.

3. The reports indicated pole damage so significant that VELCO determined it was not safe to reenergize the K24-5 Line until replacement poles are put in place. McNamara pf. at 4.

¹ The Amended Petition and VELCO Further Update Letter are admitted into the evidentiary record. If any party has an objection to these documents being entered into evidence, the party must submit its objection within 14 days of the date this Order is entered. At the start of the hearing held on July 22, 2024, VELCO explained the modifications to its petition that were memorialized in writing in the Amended Petition. The proposed modifications were the subject of the July 22 hearing.

4. During the testing of Structure LCP-020, core samples revealed an 11-inch void extending much of the way up the pole. The interior of the pole was described as “mush,” with no resistance to the drill taking the core samples. The pole must be replaced immediately. Tr. 7/22/24 Jacob Watrous, VELCO (“Watrous”) at 28-30.

5. Because Structure LCP-020 is unsafe, the K24-5 Line remains deenergized. Having the K24-5 Line deenergized creates risk to system stability and reliability. With no 115kV service into the VELCO Stowe substation, Stowe and the surrounding areas are susceptible to potential voltage collapse² and manual load shedding³ to preserve the ability to serve some load under certain peak conditions. McNamara pf. at 4, 6.

6. Expeditious in-kind replacement of Structure LCP-020 to address the emergency is not possible because: (1) VELCO cannot obtain a laminated utility pole that would both meet the necessary engineering and condition requirements and be delivered in an acceptable timeframe, and (2) it would take many months to design and fabricate a replacement steel structure and install and cure the necessary concrete foundation. VELCO Further Update Letter; McNamara pf. at 7.

7. To replace Structure LCP-020 expeditiously and temporarily, VELCO is proposing to install a single wood pole approximately 30 feet west of where Structure LCP-020 is currently located. The replacement wood pole will be approximately 65 feet above grade with three guy wires and two anchors. Additionally, VELCO will need to install a new three-pole guyed wood structure, referred to as Structure LCP-021, approximately 150 feet north of the existing Structure LCP-020. The middle pole will be approximately 60 feet above grade and the poles on either side will be approximately 50 feet above grade. Each side pole will be approximately 12 feet from the middle pole, making the width of the three-pole structure approximately 24 feet. McNamara pf. at 4-5; Tr. 7/22/24 McNamara at 86-87.

8. Most of the work will be within the existing utility right of way. However, VELCO anticipates needing to use one access route that is outside the current right of way as well as

² Voltage collapse occurs when there is greater need for power in an area than the system can provide. This results in voltage drop, which means certain mechanical and electrical devices stop functioning. Additionally, voltage collapse can result in other lines becoming overloaded, creating an unhealthy condition on the larger electrical system. Tr. 7/19/24 William F. McNamara, VELCO (“McNamara”) at 42.

³ Manual load shedding is when electrical system operators are forced to disconnect load (*i.e.*, choosing which customers continue to receive electrical service and which do not). Tr. 7/19/24 McNamara at 42.

needing to remove five danger trees located outside the right of way that could affect service if they were to fall on the line. VELCO is actively working with the affected landowners to secure the necessary legal access and permissions.⁴ McNamara pf. at 5; Tr. 7/19/24 at 50-52.

9. VELCO plans to submit a request on or before February 3, 2025, for Commission approval under 30 V.S.A. § 248 to install a permanent replacement of Structure LCP-020 with a steel pole and the removal of Structure LCP-021 to restore the current aesthetic condition to the greatest extent possible. VELCO will provide regular pre-filing communications with the landowners participating in this proceeding, and if VELCO cannot make the February filing deadline, it will notify all parties by January 17, 2025. Amended Petition at 3; Tr. 7/19/24 at 11-13.

IV. DISCUSSION AND CONCLUSION

Section 248(k) of Title 30 of the Vermont Statutes Annotated provides that:

(1) Notwithstanding any other provisions of this section, the Commission may waive, for a specified and limited time, the prohibitions contained in this section upon site preparation for or construction of an electric transmission facility, a generation facility, or an energy storage facility as necessary to ensure the stability or reliability of the electric system or a natural gas facility, pending full review under this section.

(2) A person seeking a waiver under this subsection shall file a petition with the Commission and shall provide copies to the Department of Public Service and the Agency of Natural Resources. Upon receiving the petition, the Commission shall conduct an expedited preliminary hearing, upon such notice to the governmental bodies listed in subdivision (a)(4)(C) of this section as the Commission may require.

(3) An order granting a waiver may include terms, conditions, and safeguards, including the posting of a bond or other security, as the Commission deems proper, considering the scope and duration of the requested waiver.

(4) A waiver shall be granted only upon a showing that:

(A) good cause exists because an emergency situation has occurred;

(B) the waiver is necessary to provide adequate and efficient service or to preserve the property of the public service company devoted to public use;

(C) measures will be taken, as the Commission deems appropriate, to minimize significant adverse impacts under the criteria specified in subdivisions (b)(5) and (8) of this section; and

⁴ This Order does not grant VELCO any legal permissions to access property to which VELCO does not have legal access.

(D) taking into account any terms, conditions, and safeguards that the Commission may require, the waiver will promote the general good of the State.
(5) Upon the expiration of a waiver, if a certificate of public good has not been issued under this section, the Commission shall require the removal, relocation, or alteration of the facilities subject to the waiver, as it finds will best promote the general good of the State.

Based on the record in this case, the Commission concludes that an emergency situation exists; that a waiver under 30 V.S.A. § 248(k) is necessary to provide adequate and efficient service to customers in Stowe and the surrounding areas; that, with the conditions set forth in the Order below, measures will be taken to minimize any adverse impacts under the criteria specified in Section 248(b)(5) and (8); and that the waiver will promote the general good of the State.

V. ORDER


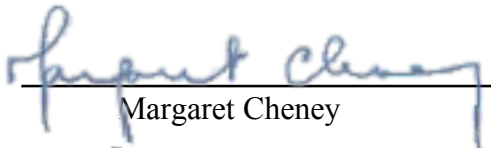
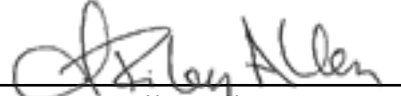
IT IS HEREBY ORDERED, ADJUDGED, AND DECREED by the Vermont Public Utility Commission (“Commission”) that:

1. Pursuant to 30 V.S.A. § 248(k), the prohibition of 30 V.S.A. § 248(a)(2)(A) against site preparation for or construction of an electric transmission facility — in this case, the removal of Structure LCP-020 and the replacement with a wood pole and the addition of Structure LCP-021 — before issuance of a certificate of public good (“CPG”) is waived, subject to the following conditions:

- a. The replacement structures must be installed in accordance with the testimony and evidence provided by Vermont Electric Power Company, Inc. and Vermont Transco LLC (collectively “VELCO”) in this proceeding.
 - b. On or before February 3, 2025, VELCO must file a petition for a CPG under 30 V.S.A. § 248 to install a permanent replacement of Structure LCP-020 with a steel pole and the removal of Structure LCP-021. If VELCO anticipates needing additional time to file its petition under 30 V.S.A. § 248, VELCO must file an extension request by January 17, 2025.
2. This waiver will last until the Commission issues a final order in response to VELCO’s request for approval under 30 V.S.A. § 248.

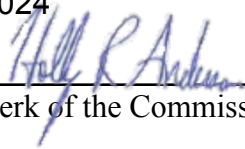
3. VELCO must pay all invoices from any State agency that (a) are related to this proceeding and (b) are not still under review by the Commission.

Dated at Montpelier, Vermont this 24th day of July, 2024.

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

OFFICE OF THE CLERK

Filed: July 24, 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)

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. 24-2234-PET - SERVICE LIST

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