

STATE OF VERMONT  
PUBLIC UTILITY COMMISSION

Case No. 17-3550-INV

---

Investigation pursuant to 30 V.S.A. §§ 30 and 209 regarding the alleged failure of Vermont Gas Systems, Inc. to comply with the certificate of public good in Docket 7970 by burying the pipeline at less than required depth in New Haven, Vermont	
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

---

Order entered: 04/05/2018

**NOTICE OF BROADENED SCOPE OF INDEPENDENT EXPERT REVIEW**

On December 6, 2017, I notified the parties that the Vermont Public Utility Commission (the “Commission”) was preparing contract documents for an independent third-party expert to assess the self-certification data related to the Addison natural gas pipeline depths filed by Vermont Gas Systems, Inc. (“VGS” or the “Company”) on August 11, 2017. In this Order I am notifying the parties of the Commission’s determination to broaden the scope of that independent expert review to include the issues addressed in a motion to broaden the scope of the investigation filed by the Intervenors<sup>1</sup> on March 1, 2018, and supplemented on March 8, 2018 (the “Intervenors’ Motion”).

On March 22, 2018, in response to the Intervenors’ Motion, the Company filed comments in this case and in case no. 18-0395-PET<sup>2</sup> (the “VGS Comments”). In its March 22 filing, the Company asserted that there is a linkage between the incidents that form the basis of the petition in case no. 18-0395-PET and the allegations that are the basis for the Intervenors’ Motion in this case. The Company represented that it believes that an independent expert should be retained by the State to review the pipeline construction concerns addressed in this case and in case no. 18-0385-PET, and that “[s]uch an expert could conduct a thorough review of VGS’ construction practices and construction-related documentation to assess VGS’ compliance with the applicable pipeline safety regulations and the Final Order in Docket 7970.”<sup>3</sup>

---

<sup>1</sup> Kristin Lyons, Jane Palmer, Nathan Palmer, Lawrence Shelton, and Rachel Smolker.

<sup>2</sup> *Notice of Probable Violation of Vermont Gas Systems, Inc. for certain aspects of the construction of the Addison natural gas pipeline*, case no. 18-0395-PET.


<sup>3</sup> VGS Comments at 2.

Also on March 22, 2018, the Vermont Agency of Natural Resources (“ANR”) and the Vermont Department of Public Service (“DPS” or the “Department”) each filed comments in response to the Intervenor’s Motion (respectively the “ANR Comments” and the “DPS Comments”). ANR asserts that further investigation is warranted to determine whether permanent bentonite trench breakers are missing from where they are necessary to avoid the potential for a significant impact to a wetland or stream resource.<sup>4</sup> The Department recommends that “either the Commission, or the Department, contract for the services of an independent, third-party expert, to review and report on the pipeline’s depth-of-cover, and any other items which the Commission may identify as warranting additional investigation, following a status conference and scoping workshop to identify such issues.”<sup>5</sup>

The parties are hereby notified that the Commission is broadening the scope of its solicitation for an independent third-party expert to conduct a thorough review of the construction, performance, and safety of the Addison natural gas pipeline authorized in Docket 7970. A status conference will be scheduled as soon as practicable to discuss this process.

**SO ORDERED.**

Dated at Montpelier, Vermont, this 5th day of April, 2018.

  
 Michael E. Tousley, Esq.  
 Hearing Officer

OFFICE OF THE CLERK

Filed: April 5, 2018

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))*

---

<sup>4</sup> ANR Comments at 2.

<sup>5</sup> DPS Comments at 5.

PUC Case No. 17-3550-INV - SERVICE LIST

Parties:

R. Jeffrey Behm (for Vermont Gas Systems, Inc.)  
Sheehey Furlong & Behm  
30 Main Street, 6th Fl  
Burlington, VT 05401  
aschrader@sheeheyvt.com

Debra L. Bouffard, Esq. (for Vermont Gas Systems, Inc.)  
Sheehey Furlong & Behm  
30 Main Street, 6th Floor  
P.O. Box 66  
Burlington, VT 05402-0066  
dbouffard@sheeheyvt.com

Jake Clark, Esq. (for Vermont Department of Public Service)  
Vermont Department of Public Service  
112 State Street  
Montpelier, VT 05620-2601  
jake.clark@vermont.gov

James Dumont (for Kristin Lyons) (for Nathan Palmer) (for  
Jane Palmer) (for Rachel Smolker) (for  
Lawrence Shelton)  
PO Box 229  
Bristol, VT 05443  
dumont@gmavt.net

Donald J. Einhorn, Esq. (for Vermont Agency of Natural Resources)  
Vermont Agency of Natural Resources  
1 National Life Drive, Davis 2  
Montpelier, VT 05602-3901  
donald.einhorn@vermont.gov

Owen McClain, Esq. (for Vermont Gas Systems, Inc.)  
Sheehey Furlong & Behm P.C.  
30 Main Street  
P.O. Box 66  
Burlington, VT 05402  
omclain@sheeheyvt.com

James Porter, Esq.  
Vermont Department of Public Service  
112 State St  
Montpelier, VT 05620  
james.porter@vermont.gov

(for Vermont Department of Public Service)

Richard H. Saudek, Esq.  
Diamond & Robinson, P.C.  
15 E. State Street  
P.O. Box 1460  
Montpelier, VT 05601-1460  
rhs@diamond-robinson.com

(for Vermont Fuel Dealers Association)