

**STATE OF VERMONT
PUBLIC SERVICE BOARD**

Docket No. 8300

Petition of Entergy Nuclear Vermont Yankee, LLC)
and Entergy Nuclear Operations, Inc. for a)
certificate of public good, pursuant to 30 V.S.A.)
§ 248 and 10 V.S.A. § 6522, authorizing)
construction of a second independent spent fuel)
storage installation storage pad and related)
improvements, including installation of a new)
diesel generator with an electrical rating of)
approximately 200 kW, at the Vermont Yankee)
Nuclear Power Station in the Town of Vernon,)
Vermont)

June 18, 2015

**RESPONSE OF THE DEPARTMENT OF PUBLIC SERVICE TO THE NOTICE OF
APPEARANCE AND MOTION TO INTERVENE OF THE TOWN OF VERNON,
AND NEW ENGLAND COALITION, INC'S PEITION FOR LEAVE TO INTERVENE**

The Department of Public Service ("Department" or "DPS"), by and through undersigned counsel, submits the following response to New England Coalition, Inc's ("NEC") Petition for Leave to Intervene, dated April 29, 2015, and the Notice of Appearance and Motion to Intervene of the Town of Vernon ("Vernon"), filed in the above-captioned docket proceeding on June 11, 2015. The Department does not object generally to the permissive intervention of NEC and Vernon, pursuant to PSB Rule 2.209(B), in the proceeding at this time. It recommends, however, that the Public Service Board ("Board" or "PSB") provide both NEC and Vernon an opportunity to identify the specific 30 V.S.A. § 248 and 10 V.S.A. § 6522 criteria the respective parties wish to address.

NEC Petition for Leave to Intervene

NEC's petition outlines its substantial interest in the outcome of the proceeding. NEC's stated interests include, among others, proper Project siting, "design and civil engineering",

financing for construction and maintenance, and ensuring that Entergy has sufficient funds for “complete decommissioning and/or site restoration”.¹ The petition is, however, unclear how NEC’s concerns relate to the criteria the Board must use evaluate the Project petition. In the event that an intervenor is granted party status, “the Board may restrict such party's participation to only those issues in which the party has demonstrated an interest.”² Here, the Department is unable to make a definitive recommendation with respect to the scope NEC’s proposed intervention, and the Board is unable to make a determination on the same, absent further clarification from NEC of how the concerns relate to the applicable statutory criteria in this proceeding. The Department therefore recommends that the Board provide NEC an opportunity to identify the specific statutory criteria that are related to NEC’s interests, and an opportunity for the parties to comment, prior to a Board ruling on NRC’s proposed scope of intervention and the overall petition.

Vernon’s Motion to Intervene

The Department interprets Vernon’s intervention motion to indicate that the town has a substantial interest in the outcome of the proceeding, principally with respect to the orderly development of the town.³ Like NEC’s petition, however, Vernon’s motion does not make clear which issues related to the Board’s review criteria it seeks to address in the proceeding. Specifically, it is unclear whether Vernon is seeking party status to address the § 248(b)(1)

¹ NEC Petition for Leave to Intervene, Apr. 29, 2015 at 2.

² PSB Rule 2.209(C).

³ Vernon’s motion further states, “[p]er 24 V.S.A. § 4345a duties of regional planning commissions, we are to appear before the Public Service Board to aid the board on making determinations under 30 V.S.A. § 248.” The Department notes that cited statute applies only to regional planning commissions, as created pursuant to the requirements of 24 V.S.A. § 4341, and not a lone municipality, such as Vernon. The Department therefore does not interpret Vernon’s statement to establish a basis for the Board to grant party status to the town in this proceeding.

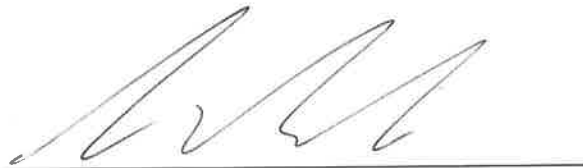
“orderly development of the region” criterion, or if orderly development is merely the basis for the town’s substantial interest in the outcome of the proceeding. The impact of this uncertainty is the same as that addressed above.

The Department therefore recommends that the Board provide Vernon the opportunity to identify the specific statutory criteria that are related to Vernon’s interests, and an opportunity for the parties to comment, prior to a Board ruling on Vernon’s proposed scope of intervention and the overall motion.

Dated at Montpelier, Vermont this 18th day of June, 2015

Respectfully submitted,

VERMONT PUBLIC SERVICE DEPARTMENT

A handwritten signature in black ink, appearing to read 'A. Kisicki', written over a horizontal line.

Aaron Kisicki
Special Counsel

cc: Docket 8300 Service List