

February 4, 2014

Below, please find comments submitted on S. 0201 and S 0292 by Erle B. Pierce on behalf of National Grid in Vt. (DBA New England Power)

S.201

I request the Vt. State Senate Committee on Natural Resources and Energy consider comments on proposed changes to substantive criteria, as follows:

1. Page 12, lines 15-17 This amendment requires the PSB to deny an application where one or more substantive criteria cannot be met unless a clear and convincing showing of state-wide benefit can be made. First, the substantive criteria are often framed as creating an “unreasonable” or “undue” impact or burden on a particular resource. There is some inherent ambiguity and subjectivity in such standards, which may make it easier to impose the heightened standard for unpopular (albeit needed) projects. Second, requiring a “clear and convincing” showing is easily abused and could out to be very difficult for an applicant to achieve. Any intervener opposing a project could easily proffer an expert to testify for the sole purpose of creating a “battle of experts.” This scenario could force the PSB into a situation like judicial proceedings where it has to weigh the admissibility of expert evidence and weighs the credibility of the experts. At worst, a battle of experts could make it impossible to satisfy the “clear and convincing” standard. This odds of this happening are heightened here where other amendments intend on making intervention easier. Finally, the phrase “other factors affecting the general good of the State” is ambiguous. How direct do the benefits need to be? Will the State view regional reliability projects as less beneficial because their benefits are regionalized, rather than targeted to State residents? The PSB should have greater flexibility to exercise its expertise and professional judgment to weigh the totality of the evidence and should not be forced to deny on the basis of a single criterion.
2. Page 10, lines 6-10 This amendment means that if the Applicant/Project cannot comply with any recommendation from a regional or local planning commission or a municipal body or even a land conservation policy contained in a Town Plan then the Applicant must make a clear and convincing showing of state-wide benefit. The same objections to this unnecessarily high standard of review outlined above also apply here. In addition, this amendment may give what amounts to veto power to localities. If cities and towns don’t want transmission within their borders then this amendment would encourage them to rush to amend their Town Plans to make that harder. That would increase the likelihood that applicants would have to satisfy a higher standard going forward. Again, the PSB should retain the flexibility to exercise its expertise and professional judgment based on the totality of the evidence without the constraints that are imposed by this amendment.

We respectfully request the removal of the words “clear and convincing” in the sections of the bill mentioned above.

S.292

The requirement of no net increase in greenhouse gas emission may be onerous and overbroad. Our concern is with SF6 gas, which is used to insulate circuit breakers. There are no commercially available circuit breakers above 69kV that do not use SF6 gas. The Company has facilities above 69kV in Vermont and will have to maintain and replace breakers in the normal course of business. In addition, all breakers leak at some minimal level according to manufacturer's specifications. Taken together, these facts mean that the Company could not comply with a law stating that we cannot emit any additional GHGs.

We would recommend certain exemptions on page 4, line 20:

(A)will not result in a net increase in greenhouse gas emissions, **except in the case of electric transmission facilities where there is no commercially available alternative or for equipment that is needed for emergencies"**

Thank you for the opportunity to comment and for your consideration of our recommendations.

**Erle B Pierce
Sheehan Phinney Capitol Group
Concord, NH 03301**

603-496-1665

Representing National Grid