

**STATE OF VERMONT
GREEN MOUNTAIN CARE BOARD**

In re: Fletcher Allen Health Care)
 Burlington Property Acquisition)
 Certificate of Need Application) Docket No. GMCB 015-14con
_____)

**ORDER GRANTING AMICUS CURIAE STATUS
TO THE CITY OF BURLINGTON**

The City of Burlington has filed a motion with the Green Mountain Care Board requesting interested party status in this certificate of need (CON) proceeding. For the reasons below, the City is granted amicus curiae status.

In this proceeding, Fletcher Allen Health Care, Inc. (FAHC) seeks a CON permitting it to purchase four commercial office buildings, five vacant lots, and an abutting parcel of vacant land located in South Burlington (the Property) for a total cost of \$52,641,971. The project involves only the acquisition of the Property. FAHC is not seeking CON approval for any construction, renovation, or development of new or existing buildings, the acquisition of equipment, or the creation of any new health care facilities or health services. As FAHC acknowledges in the CON application, any such project(s) will require separate CON approval in the future.

As a municipal corporation, the City is charged with protecting the general welfare of its citizens. The City argues that, as a result, it has an interest, sufficient to support party status, in “the potential substantial and direct effects the project may have on the City and its residents.” City of Burlington Req. for Int. Party Status (Req.) at 1.

However, the potential impacts the City points to all relate to future uses of the Property, not to the subject of this CON proceeding—FAHC’s proposed acquisition of the Property.

Therefore, the City's argument does not demonstrate a substantial and direct impact sufficient to grant interested party status under 18 V.S.A. § 9440(c)(7) and GMCB Rule 4.000, § 4.406(3).

While the City's concerns about potential transportation, access to care, and cost issues are important, they are premature in the context of this proceeding because the current application will not result in the reconfiguration of any of FAHC's services or facilities. Such changes cannot happen until they are fully vetted through future CON proceedings.

As Vermont's largest population center and the longtime site of FAHC's main campus, however, the City is uniquely poised "to render material assistance to the Board by providing nonduplicative evidence relevant to the Certificate of Need application decision." GMCB Rule 4.000, § 4.406(6). Accordingly, we grant the City amicus curiae status, and we encourage the City to provide information likely to assist the Board's review and/or offer questions that the Board, in its discretion, may pose to FAHC.

Based on the above, it is ORDERED that the City is granted Amicus Curiae status in this docket. The City shall be copied by all parties on all materials entered into the record and materials submitted by the City shall be admitted into record and copied to all parties. Finally, if the City intends to submit any proposed questions for the Board to consider posing to the applicant, it must do so on or before July 21, 2014.

Dated: July 9, 2014
Montpelier, Vermont

GREEN MOUNTAIN CARE BOARD

By: /s/ Alfred Gobeille
Alfred Gobeille, Chair