

**STATE OF VERMONT
GREEN MOUNTAIN CARE BOARD**

In re: Application of Southwestern Vermont)
 Medical Center: Replacement Boiler) GMCB-017-15con
 Plant)
_____)

**ORDER GRANTING AMICUS CURIAE STATUS TO
RENEWABLE ENERGY VERMONT**

Introduction

On November 23, 2015, Renewable Energy Vermont (REV) submitted a letter to the Green Mountain Care Board requesting interested party status in this Certificate of Need (CON) proceeding. For the reasons stated below, we deny the request and instead designate REV amicus curiae in this docket.

Project Overview

On October 13, 2015, Southwestern Vermont Medical Center (SVMC) filed a CON application with the Board to replace its aging boiler plant. The project entails the purchase of three Unilux High Pressure Steam Watertube Boilers, the decommissioning and removal of the existing boilers and two underground oil storage tanks, and the construction of a 2,000 square foot prefabricated metal building to house the replacement boilers. SVMC estimates that the project will cost \$3,275,000.

Intervenor's Burden

A person or entity requesting interested party status in a CON proceeding must demonstrate that it “will be substantially and directly affected by the new health care project under review.” 18 V.S.A. § 9440(c)(7); GMCB Rule 4.000, § 4.406. Rule 4.000, governing CONs, explains:

A substantial and direct impact shall include, but not be limited to, a direct financial or other business interest in the proposed project. A general interest in a project as a function of being in the subject service area or otherwise being generally concerned with the health care system shall not be sufficient.

Id. § 4.406(3). To meet its burden, the requesting entity must sufficiently detail the basis for its interest in the proceeding and must demonstrate how CON criteria and health policy goals relate to its request. *Id.* § 4.406(2). In addition to interested party status, the Board may grant the requesting person or entity amicus curiae status upon a showing that it can provide material, relevant nonduplicative evidence that assists the Board in the decision-making process. *Id.* § 4.406(6).

REV's Request

REV is a nonprofit, nonpartisan trade association seeking to reduce the state's reliance on fossil fuels and expand the use of renewable sources of power. According to REV, SVMC has failed to adequately consider the use of woodchip fuel (biomass) sourced from local forests and its choice to use compressed natural gas is therefore flawed. REV disagrees with SVMC's analysis comparing energy sources, outlined on page 17 of the application, and offers to provide the Board "alternative perspectives." REV explains that the use of advanced woodchip heating is safe, environmentally sustainable, cost effective, and supports the Vermont economy and its energy goals. *See* REV Letter (11/23/15) at 1-3. REV supports its request with information from energy consultants and project managers active in biomass energy analysis and research. *Id.* at 5.

Based on the representations in its request, REV has not met its burden to show that it will be substantially and directly affected by the proposed project, as required by applicable statute and rule. REV has demonstrated, however, that as an organization focused on energy policy it is uniquely poised to provide the Board material assistance and relevant evidence in its review of this CON application. We therefore designate REV amicus curiae status pursuant to Rule § 4.406(6).

Order

Based on the above, we GRANT Renewable Energy Vermont amicus curiae status in this proceeding. Accordingly, all parties shall copy REV on all materials entered into the record, and materials submitted by REV shall be admitted into the record and copied to all parties.

Dated: December 10, 2015 at Montpelier, Vermont.

GREEN MOUNTAIN CARE BOARD

/s/ Alfred Gobeille
Board Chair