

**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  
STATE OF VERMONT DEPARTMENT OF PUBLIC SERVICE**

Introduction

On November 23, 2015, The Vermont Department of Public Service (PSD) submitted a letter to the Green Mountain Care Board requesting amicus curiae status in this Certificate of Need (CON) proceeding. For the reasons stated below, we designate the PSD 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 organization requesting amicus curiae status must show that it can provide material, relevant nonduplicative evidence that assists the Board in the decision-making process. GMCB Rule 4.000 (Certificate of Need), § 4.406(6).

The Department of Public Service’s Request

The PSD is a Vermont state agency charged with representing the public interest concerning energy, telecommunications, water and wastewater issues. *See* PSD website, available at [http://publicservice.vermont.gov/about\\_us](http://publicservice.vermont.gov/about_us). In this role, the PSD regularly appears before state and federal courts and agencies to offer its opinion and expertise in these areas. *Id.*

In its letter requesting amicus curiae status, the PSD contends that SVMC failed to show that it considered a “biomass” option for its boiler plant, which the PSD states is more cost-effective than the option SVMC has proposed. PSD Letter (11/23/15) at 1. The letter, written by Asa Hopkins, Director of the Planning & Energy Resource Division, outlines comparative fuel cost, availability, emissions, reliability, staffing and maintenance requirements, and safety. *Id.* at 1-3. In addition, the letter summarizes information regarding Vermont’s energy, economic development, and forest management plans and goals, and includes a detailed and informative

attachment from the United States Department of Agriculture. *Id.* at 3-5; Memorandum (11/20/15) to PSD from USDA Wood Energy Technical Assistance Team, with attachments.

Based on the representations in its request and information provided, we agree that the PSD can render material assistance and relevant, nonduplicative evidence to assist the Board in its review of this CON application. We therefore designate the PSD amicus curiae status pursuant to Rule § 4.406(6).

Order

Based on the above, we GRANT the Vermont Department of Public Service amicus curiae status in this proceeding. Accordingly, all parties shall copy PSD on all materials entered into the record, and materials submitted by PSD 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