

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Docket No. 7373

Joint Petition of Vermont Electric Power )  
Company, Inc., Vermont Transco, LLC, and )  
Central Vermont Public Service Corporation for a )  
certificate of public good, pursuant to 30 V.S.A. )  
Section 248, authorizing the construction of the )  
Southern Loop Transmission Upgrade Project )

**ISO NEW ENGLAND'S SUPPLEMENTAL MEMORANDUM IN  
SUPPORT OF ITS MOTION TO INTERVENE**

ISO New England Inc. files this supplemental memorandum in further support of its Motion to Intervene, filed on January 25, 2008, and in reply to the Response of Carl Ferenbach, III, and Judy W. Ferenbach [to] Motions of ISO New England, Inc. and Vermont Public Power Supply Authority to Intervene and for Determination of Party Status, dated January 29, 2008. (Ferenbach Response).

ISO, which serves as the independent system operator responsible for the reliable daily operation of the New England region's bulk electric generation and transmission system, filed its Motion to Intervene in this docket because it meets the criteria for intervention under Board Rule 2.209. By virtue of its unique status and responsibilities respecting the regional power system, ISO has demonstrated that it has substantial interests that may be adversely affected by the outcome of the application to construct the Southern Loop Transmission Upgrade Project, that the present proceeding affords the exclusive means by which ISO can protect its interests relating to the Project, and that its interests will not otherwise be

adequately represented by existing parties to this docket. ISO's interests relate to the project as a whole, not confined to the specific criteria set forth in 30 V.S.A. § 248(b). Minimally, ISO's interests and expertise relate to the issues described in § 248(b)(2) (the project is required to meet the need for present and future demand for service), (3) (the project will not adversely affect system stability and reliability), and (7) (the project is in compliance with an approved electric energy plan).

Ferenbach has filed a response to ISO's Motion to Intervene, arguing that ISO's party status be limited to the issues set forth in § 248(b)(3) and (7). This argument should be rejected for the following reasons.

First, Ferenbach has no standing to oppose or to request limitations on ISO's participation in this docket. By Order dated January 10, 2008, the Board granted permissive intervention to the Ferenbachs "limited to the interests that the Ferenbachs specifically identify in their motion to intervene – i.e., impacts to their property with respect to wetlands, a stream, bodies of water, a trail system, the ecosystem and natural botanical and biological communities, forestry management plans, aesthetics and the natural beauty, rare and irreplaceable natural areas, and Vermont Land Trust restrictions and plans – and any other impacts to natural resources on their property that the Ferenbachs discover through further investigation." The arguments made by Ferenbach in their response to ISO's Motion to Intervene have nothing to do with the issues to which their intervention is limited.

Second, ISO's interests are broader than as stated by Ferenbach. In addition to its

interests in the issues described in § 248(b)(3) and (7), ISO also has a paramount interest in whether proposed transmission projects meet a need for present and future demand, as described in § 248(b)(2). By Order of the Federal Energy Regulatory Commission, ISO was established to be the independent system operator of the New England bulk power grid on July 1, 1997. In 2001, FERC conferred authority on ISO to be responsible for the regional transmission planning process. ISO New England Inc. & New England Power Pool, Order on Rehearing Requests and Compliance Filings, 95 FERC ¶ 61,384 (2001). And in 2003, FERC confirmed ISO's authority to approve planning for upgrades and changes to supply and demand-side resources. New England Power Pool & ISO New England Inc., 103 FERC ¶ 61,304 (2003). In exercising its responsibilities, ISO must continually address the demands on the bulk system. Need and reliability are necessarily linked in any event; to the extent a system component is found to be unreliable, a solution that meets demand is needed.

Accordingly, ISO asks the Board to reject Ferenbach's request to limit ISO's participation as an Intervenor in this docket.

Dated at Montpelier, Vermont this 4<sup>th</sup> day of February, 2008.

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