



For a thriving New England

CLF Vermont 15 East State Street, Suite 4  
Montpelier, VT 05602  
P: 802.223.5992  
F: 802.223.0060  
www.clf.org

March 19, 2014

Honorable Peter Shumlin  
Office of the Governor  
109 State Street, Pavilion  
Montpelier, VT 05609

By email to: Elizabeth Miller, [elizabeth.miller@state.vt.us](mailto:elizabeth.miller@state.vt.us)  
Jeb Spaulding, [jeb.spaulding@state.vt.us](mailto:jeb.spaulding@state.vt.us)  
Chris Recchia, [chris.recchia@state.vt.us](mailto:chris.recchia@state.vt.us)  
Lawrence Miller, [lawrence.miller@state.vt.us](mailto:lawrence.miller@state.vt.us)  
James Volz, [james.volz@state.vt.us](mailto:james.volz@state.vt.us)  
Deborah Markowitz, [deb.markowitz@state.vt.us](mailto:deb.markowitz@state.vt.us)

Re: Public Record Request

Dear Governor Shumlin:

This is a public records request pursuant to 1 V.S.A. sec. 315 et seq. The Conservation Law Foundation requests public records related to electric system transmission, gas pipeline capacity, and electricity imports from Canada.

### Definitions

For purposes of this request, the following words and phrases are defined as follows:

“Communications” means communication in any form or medium including, without limitation, oral, telephonic, written, e-mail, and electronic communications.

“Document” means any “public record” or “public document” as defined in 1 V.S.A. sec. 317(b) and includes correspondence, letter, paper, record or file kept in any medium, including hard copies, paper copies, and all electronic media; the term “document” specifically includes all e-mail communications.

“Electricity Market Participant” means any ‘Individual Participant’ recognized as such under the February 23, 2011 Restated Participants Agreement Among ISO-NE and NEPOOL and Individual Participants.

“FERC” means the Federal Energy Regulatory Commission.



“ISO-NE” means “Independent System Operator-New England, the Regional Transmission Organization for New England designated and regulated by FERC.

“NESCOE” means the New England States Committee on Energy.

“NESCOE Letter” means the attached letter dated January 21, 2014, from NESCOE to ISO- NE captioned “Re: Request for ISO-NE technical support and assistance with tariff filings related to electric and natural gas infrastructure in New England.”

“Vermont Governmental Representatives” means any person acting for or on behalf of the State of Vermont or any department or agency of the State of Vermont. It includes, without limitation, all elected officials; the staff members of all elected officials; and any employee of any state agency, department, or quasi-governmental entity, including, without limitation, the Vermont Public Service Department, the Vermont Agency of Administration, the Vermont Agency of Natural Resources, the Vermont Agency of Commerce and Community Development and the Vermont Public Service Board.

#### Documents Requested

1. TRANSMISSION BUILD-OUTS. All Documents created and/or dated after June 30, 2012, constituting, memorializing, or otherwise relating to communications between or among Vermont Governmental Representatives and representatives of any other New England state, NESCOE, ISO-NE, FERC, natural gas transmission or distribution companies, and/or Electricity Market Participant regarding “New Electric Transmission Infrastructure” as set forth in the NESCOE Letter; this includes, without limitation:

- (a) All Documents relating to proposals for development of transmission infrastructure;
- (b) All Documents relating to the extent of, need for, reliability impacts of, and locations for development of new transmission infrastructure;
- (c) All Documents relating to the cost(s) of and cost allocation(s) for new transmission infrastructure;
- (d) All Documents relating to electrical system planning by ISO-NE for development of new transmission infrastructure;
- (e) All Documents relating to the development of, requests for and/or filing of tariff changes to facilitate development of new transmission infrastructure;
- (f) All Documents relating to analysis of non-transmission alternatives (NTAs) in lieu of new transmission infrastructure;
- (g) All Documents relating to analysis of greenhouse gas emissions impacts associated with the development of new transmission infrastructure.

2. GAS PIPELINE CAPACITY. All Documents created and/or dated after June 30, 2012, constituting, memorializing, or otherwise relating to communications between or among Vermont Governmental Representatives and representatives of any other New England state, NESCOE, ISO-NE, FERC, natural gas transmission or distribution companies, and/or Electricity Market Participant regarding “Increased Natural Gas Capacity” as set forth in the NESCOE Letter; this includes, but is not limited to:

- (a) All Documents relating to proposals for increased natural gas pipeline capacity into New England;
- (b) All Documents relating to the extent of, need for, reliability impacts of and locations for development of increased natural gas pipeline capacity into New England;
- (c) All Documents relating to the cost(s) and cost allocation(s) for the procurement of new pipeline capacity into New England;
- (d) All Documents relating to the development of, requests for, and/or filing of tariff changes for recovery of the cost of any such procurement of increased pipeline capacity through the electricity Regional Network Services rate, or by any other means;
- (e) All Documents relating to analysis of alternatives to new or increased pipeline capacity, including, without limitation, energy efficiency;
- (f) All Documents relating to analysis of greenhouse gas emission impacts associated with the development of increased pipeline capacity into New England.

3. HYDROPOWER. All Documents created and/or dated after June 30, 2012, constituting, memorializing, or otherwise relating to communications between or among Vermont Governmental Representatives and representatives of any other New England state, NESCOE, ISO-NE, FERC, natural gas transmission or distribution companies, and/or Electricity Market Participant regarding hydropower imports from Canada; this includes, but is not limited to:

- (a) All Documents relating to any proposed project to import hydropower from Canada including but not limited to the Northern Pass project;
- (b) All Documents constituting, memorializing, or otherwise relating to communications relating to hydropower purchases from Canada between Vermont Governmental Representatives and any officials, employees, or representatives of the Province of Quebec; Hydro Quebec; Hydro Renewable Energy, Inc.; HQ Energy Services (US), Inc.; Northeast Utilities; Northern Pass Transmission, LLC; and NU Transmission Ventures, Inc.
- (c) All Documents relating to the costs to import and/or the financial terms applicable to importation of hydropower from Canada;
- (d) All Documents relating to eligibility of hydropower from Canada under the Renewable Portfolio Standard or Renewable Energy Standard of any New England state.
- (e) All Documents relating to the development of requests for, and/or filing of tariff changes for purposes of importing hydroelectricity from Canada.

- (f) All Documents relating to analysis of greenhouse gas emissions impacts associated with the importation of hydroelectricity from Canada.

Charges for Record Request and Format

CLF recognizes that there may be a charge for providing and compiling the requested records. If possible, please provide this information in electronic format. If you expect costs to exceed \$100.00, please provide an estimate of the charges and allow me to respond before proceeding with fulfilling the request.

Exemption and Privilege Log

To the extent that you claim that any document or communication is exempt from this request due to an exception within the public records law or due to any alleged privilege, kindly provide a log identifying which documents you claim are exempt, specify the exemption or privilege that you are asserting applies, and explain why you believe such exemption or privilege applies to such document or communication.

Thank you for your assistance with this request. Please let me know if there is anything I can do to facilitate your response.

Sincerely,

*Sandra Levine*

Sandra Levine  
[slevine@clf.org](mailto:slevine@clf.org)