

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7530

Petition of Entergy Nuclear Vermont Yankee,)
LLC, pursuant to 30 V.S.A. § 248(j), for a)
Certificate of Public Good to Locate a New)
Perimeter Fence at the Property Boundary of the)
Vermont Yankee Nuclear Power Station)

Order entered: 10/19/2009

I. INTRODUCTION

This case involves a petition filed with the Vermont Public Service Board ("Board") by Entergy Nuclear Vermont Yankee, LLC ("ENVY") on June 10, 2009. ENVY requests approval, pursuant to 30 V.S.A. § 248(j), to construct a new perimeter fence at the Vermont Yankee Nuclear Power Station ("VY Station" or "Station") located in Vernon, Vermont (the "Project"). The new fence will be constructed on the west side of the existing "Owner Controlled Area" at Vermont Yankee and will run along the site boundary in a north-south direction for approximately 1500 feet. The fence will be a "fixedknot" galvanized farm fence approximately 75 inches tall; however, portions of the fence may consist of a typical chain-link style configuration. The purpose of the new fence is to clearly identify the VY Station boundary and prevent the general public from accessing the Station site, which contributes to the general security of the Station. The petition included prefiled testimony and exhibits as well as proposed findings and a proposed order, pursuant to the requirements of 30 V.S.A. § 248(j).

II. PROCEDURAL HISTORY

Notice of the filing in this Docket and of a public hearing to be held at the Vernon Elementary School in Vernon, Vermont on July 13, 2009, was sent on June 26, 2009, to all entities specified in 30 V.S.A. § 248(a)(4)(c), and all other interested parties. The notice stated that any party wishing to submit comments as to whether the petition raises a significant issue

with respect to the substantive criteria of 30 V.S.A. § 248 needed to file comments with the Board on or before July 24, 2009. On August 7, 2009, the Clerk of the Board ("Clerk") sent out an additional notice to all of the parties in this docket extending the comment deadline to August 24, 2009.

On July 13, 2009, the Board held a public hearing at the Vernon Elementary School in Vernon, Vermont, pursuant to the June 26 notice circulated by the Clerk. At the hearing, the Board heard comments from a total of twenty-five members of the general public who requested to speak. A majority of the commenters voiced opposition to construction of the new fence and expressed concerns involving ENVY's compliance with the Vermont Department of Health's ("DoH") regulations concerning boundary-line dosage.

On July 22, 2009, the Agency of Natural Resources ("ANR") filed a letter with the Board stating that it had not identified any significant issues related to the substantive criteria of 30 V.S.A. § 248. The Vermont Department of Public Service ("DPS") submitted comments on July 24, 2009, which stated that the DPS does not believe that the petition raises any substantive issues with respect to the criteria of 30 V.S.A. § 248.

Eleven members of the public filed comments with the Board between July 14, 2009, and July 22, 2009. All commenters were opposed to the Project and raised concerns involving boundary-line radiation dosage limits and strict enforcement of DoH regulations concerning boundary-line dosage. Some commenters noted that the DoH regulations are currently undergoing possible revision.

On July 22, 2009, Senator Peter Shumlin, Senate President Pro Tem, filed a letter with the Board requesting that the Board postpone its review of the Petition pending the release of DoH's 2008 radiation monitoring report of the VY Station, and to provide the public with adequate time to review the information submitted in this docket. The Board agreed to consider Senator Shumlin's request upon completion of review of all public comments received in this proceeding. The Board extended the comment period deadline to August 24 and posted all of the information filed in this docket on its web site. No additional public comments were received by the Board prior to the extended comment period deadline. DoH released its health monitoring report on August 7, 2009, finding that ENVY is in compliance with DoH's site-boundary dosage

limits.¹

The Board has determined that the proposed project will be of limited size and scope and that the petition has effectively addressed the issues raised with respect to the substantive criteria of 30 V.S.A. § 248. Consequently, we find that the procedures authorized by Section 248(j) are sufficient to satisfy the public interest, and no hearings are required.

III. FINDINGS

1. ENVY is a company that manufactures and sells electricity within the meaning of 30 V.S.A. § 201, and is subject to the Board's jurisdiction. Petition at 1.
2. ENVY owns and operates the Vermont Yankee Nuclear Power Plant in Vernon, Vermont, which is an electric-generation facility. McElwee pf. at 1.
3. The VY Station is currently surrounded by a fence which encloses the Owner Controlled Area, or "OCA." The OCA is part of the security-patrolled area and access to this area is limited. Entergy owns additional land on the outside of the OCA which, in some instances, abuts Governor Hunt Road. Entergy proposes to locate a new perimeter fence further west of the existing OCA fence in order to clearly identify the Station boundary and to provide a demarcation to exclude the general public from the VY Station property. McElwee pf. at 2.
4. The new fence will run in a north-south direction for approximately 1,500 feet. The new fence will be a "fixedknot" galvanized farm fence or equivalent approximately 75 inches tall. Portions of the fence may be a typical chain-link style fence in order to facilitate access and egress gates. McElwee pf. at 2-3.
5. The additional area that is currently to the west of the existing OCA fence that will be enclosed by the new fence consists of either agricultural land or residential lawn area. McElwee pf. at 3.
6. The Project will not impact the use of agricultural land on the adjacent Miller farm, as access to the existing land will be provided to support continued agricultural use. *Id.*
7. There will be no new roads, lighting or other facilities constructed as part of the Project.

1. *Surveillance 2008, Vermont Yankee Nuclear Power Station*, Report on Public Health Monitoring, August 7, 2009, Vermont Department of Health.

Shrubbery will be planted on the west side of the new fence as requested by the abutting landowners to minimize any aesthetic impact. *Id.*

8. Provisions will be made to install an electrical power supply (110 volt AC) to facilitate the powering of radiation monitoring equipment on the new fence line. This power will be supplied from an existing power panel. The cable will be buried underground at a depth not to interfere with the normal farming and use of the land and will meet all applicable codes and standards. *Id.*

9. The Project will not change the Station's operations in any material respect and will not have any significant local or regional impacts. *Id.*

Orderly Development of the Region

[30 V.S.A. § 248(b)(1)]

10. The Project will not unduly interfere with the orderly development of the region, with due consideration having been given to the recommendations of the municipal and regional planning commissions, the recommendations of municipal legislative bodies, and the land conservation measures contained in the plan of any affected municipality; this finding is supported by findings 11 through 16, below.

11. By letter dated April 16, 2009, ENVY provided the Town of Vernon Planning Commission with plans for the construction of the Project as required by subsection 248(f). McElwee pf. at 4.

12. By letter dated April 27, 2009, the Vernon Planning Commission stated that it had agreed to waive the 45-day notice pursuant to § 248(f) and had determined that the Project will not unduly interfere with the orderly development of the region or overburden municipal and governmental services in the Town of Vernon. McElwee pf. at 4; exh. EN-3.

13. At its meeting held on April 20, 2009, the Vernon Selectboard voted that the Project will not unduly interfere with the orderly development of the region and will not overburden municipal and governmental services in the Town of Vernon. McElwee pf. at 5; exh. EN-4.

14. The Vernon Town Plan states the town's policy to encourage land uses that help to protect river corridors, scenic highways and roads, scenic views and other scenic resources. The

Project will not adversely affect river corridors, scenic highways and roads, scenic views or other scenic resources; the Project will be sited adjacent to ENVY's electric-generation facility, which is industrial in character, consists of concrete and metal sidings and includes transmission lines, towers and transformers; the Project will not adversely affect the view of the Connecticut River corridor; and the Project is not located on a scenic highway or road. McElwee pf. at 5-6; exh. EN-5.

15. On April 15, 2009, ENVY provided the Windham Regional Commission ("WRC") with plans for the Project as required by Section 248(f). By letter dated May 1, 2009, Mr. James P. Matteau, Executive Director of the WRC, responded that the Project will not have an adverse aesthetic effect and will not unduly interfere with the orderly development of the region; the WRC further waived the 45-day, pre-application review allowed under subsection 248(f). McElwee pf. at 7; exh. EN-6.

16. The Project is consistent with the Windham Regional Plan's land use policies: it is located within an existing development area; it is a consistent use in terms of function and scale; it will not impact any natural resources of the surrounding area; and it does not involve the extension or expansion of roads, energy transmission or distribution facilities. McElwee pf. at 10.

Need for Present and Future Demand for Service

[30 V.S.A. § 248(b)(2)]

17. The Project will not affect power generation or transmission, and therefore this criterion is not applicable.

System Stability and Reliability

[30 V.S.A. § 248(b)(3)]

18. The VY Station, and the transmission lines that serve it, will not change if the Project is constructed. McElwee pf. at 12.

Economic Benefit to the State

[30 V.S.A. § 248(b)(4)]

19. Measures to reinforce the VY Station's site boundary and to exclude the general public indirectly benefit the State and region's economy by helping to ensure that the benefits of the

Station's power, which represents a low-cost, long-term source of supply to Vermont, with the associated benefits in terms of jobs, income and property taxes paid, will continue. *Id.*

**Aesthetics, Historic Sites, Air and Water Purity,
the Natural Environment and Public Health and Safety**

[30 V.S.A. § 248(b)(5)]

20. The Project as proposed will not have an undue adverse effect on aesthetics, historic sites, air and water purity, the natural environment and the public health and safety; this finding is supported by findings 21 through 68, below, which are based on the criteria specified in 10 V.S.A. § § 1424a(d) and 6086(a)(1) through (8), 8(A) and (9)(K).

Outstanding Resource Waters

[10 V.S.A. § 1424(a)(d)]

21. The Project will not be located on or near any segment of any outstanding resource waters, as defined by the Vermont Water Resources Panel. McElwee pf. at 13.

Water and Air Pollution

[10 V.S.A. § 6086(a)(1)]

22. The Project will not cause air pollution levels that create a threat to public health or a nuisance for nearby neighbors. There will be no sources of emissions from the Project other than minimal dust during the digging of post holes and fence construction. There are no other sources of air emissions from the Project. The Project will not cause water pollution and will comply with applicable regulations adopted by the Vermont Departments of Environmental Conservation and Health. McElwee pf. at 14.

Headwaters

[10 V.S.A. § 6086(a)(1)(A)]

23. The Project is not situated in a headwaters area or a significant aquifer-recharge area. Specifically, the Project area is not the headwaters of applicable waters as characterized by steep slopes and shallow soils and has a drainage area greater than 20 square miles. *Id.*

24. The Project area is not over 1,500 feet in elevation. The elevation is approximately 252 feet and is not the watershed of a public-water supply designated by the DoH. *Id.*

Waste Disposal

[10 V.S.A. § 6086(a)(1)(B)]

25. The Project does not involve the disposal of waste. The Project will not generate industrial/manufacturing wastewater, chemicals, pesticides, batteries, radiation, hazardous wastes or any other harmful or toxic substances, and will not involve the injection of waste materials or any harmful or toxic substances into groundwater or wells. *Id.*

Water Conservation

[10 V.S.A. § 6086(a)(1)(C)]

26. The Project will not have water supply or wastewater connections, and therefore no additional water will be used as a result of the Project. McElwee pf. at 15.

Floodways

[10 V.S.A. § 6086(a)(1)(D)]

27. The Project site is outside of the 100-year floodway and outside of the floodway fringe. The VY Station and related improvements are built at an elevation generally around 252 feet above sea level, a level in excess of the FEMA 100- and 500-year flood elevations, which are approximately 226.3 and 230.9 feet above sea level at the VY Station's intake structure (based on FEMA Flood Insurance Study Profile and Mapping, effective September 28, 2007). McElwee pf. at 15-16; exh. EN-8.

Streams & Shorelines

[10 V.S.A. § 6086(a)(1)(E) and (F)]

28. There are no streams in the Project area; the closest river shoreline is the Connecticut River. The Project will have no impact on the natural condition of the Connecticut River, its shoreline, vegetation or stability. McElwee pf. at 16.

29. The new fence will be located further west of the existing OCA fence, on the west side of the VY Station property, and will run in a north-south direction for approximately 1,500 feet. The fence boundary on the east side of the VY Station site adjacent to the Connecticut River will not be affected. *Id.*

30. The VY Station is a secure site, so no access to the water for recreation is presently provided from the property. *Id.*

Wetlands

[10 V.S.A. § 6086(a)(1)(G)]

31. Based on a review of the National Wetlands Inventory Mapping, there are no significant wetlands in the area of the Project. Therefore, the Project will not create an undue adverse impact upon significant wetlands. McElwee pf. at 17; exh. EN-9.

Sufficiency of Water and Burden on Existing Water Supply

[10 V.S.A. §§ 6086(a)(2)&(3)]

32. The Project will not have water-supply or wastewater connections. *Id.*

Soil Erosion

[10 V.S.A. § 6086(a)(4)]

33. The Project as designed will not result in unreasonable soil erosion or reduce the ability of the land to hold water. The VY Station is located on a relatively flat site located above the Connecticut River and over the years has been engineered to establish stormwater drainage systems and other erosion-stabilizing features subject to applicable ANR stormwater-operating permits. McElwee pf. at 18.

34. The VY Station has also obtained coverage under a Multi-Sector Permit for Stormwater Discharges Associated with Industrial Activity (or "SGP") through Permit #3653-9003, which covers the entire Station. These systems and features ensure that the VY Station's operation, and therefore the proposed Project, will not cause unreasonable soil erosion or reduction in the capacity of the land underneath the VY Station to hold water. *Id.*

Transportation Systems

[10 V.S.A. § 6086(a)(5)]

35. The Project will not cause unreasonable congestion or unsafe conditions with respect to the only applicable transportation facilities: local highways. Aside from a limited temporary increase in construction vehicles and delivery trucks bringing the new fence materials on site during construction, the Project's limited traffic, similar to but far less than traffic during a scheduled outage, will not cause unusual congestion or unsafe transportation conditions. *Id.*

Educational and Municipal Services

[10 V.S.A. § 6086(a)(6)&(7)]

36. The Project will have no impact on educational services. It will not change employment at Vermont Yankee and therefore the number of children to be educated in the area. McElwee pf. at 19.

Aesthetics, Necessary Wildlife Habitat, Historic Sites and Rare and Irreplaceable Natural Areas

[10 V.S.A. § 6086(a)(8)]

37. The installation of the fence will be in keeping with the rural nature of the area and the community. The area is currently comprised of farm land which very often has a similar type fence around it to keep animals in or out. McElwee pf. at 20; exh. EN-12 at 1.

38. The new fence will be located west of the existing OCA fence, and will run in a north-south direction for approximately 1,500 feet. The new fence will be a "fixedknot" galvanized farm fence or equivalent approximately 75 inches tall. Portions of the fence may be a typical chain-link style fence in order to facilitate access and egress gates. McElwee pf. at 2-3.

39. The additional area that is currently to the west of the existing OCA fence and that will now be enclosed by the new fence is either agricultural land or lawn area. McElwee pf. at 3.

40. The Project will not impact the use of agricultural land on the adjacent Miller farm as access to the existing land will be provided. *Id.*

41. There will be no new roads, lighting or other facilities constructed as part of this Project. Shrubbery will be planted on the west side of the new fence as requested by the abutting landowners to minimize any aesthetic impact. *Id.*

42. On behalf of ENVY, Harry Dodson of Dodson Associates, Ltd., a landscape architecture and planning firm, performed a visual analysis of the proposed fence and concluded that the Project will not result in any adverse or unduly adverse visual impacts, as there will be very minimal visual change to the site and the surrounding landscape, and the Project has been designed to be visually unobtrusive and to reflect the agricultural character of its setting. McElwee pf. at 20; exh. EN-12 at 5.

43. The fence will be partially visible from the rear of four private residences along the east

side of Governor Hunt Road between the Vernon School and the Vernon Town Offices. Existing vegetation will partially obscure the fence in many of these backyard areas. In some locations the fence will be visible from the back of certain homes, profiled against the field at certain times of the year. *Id.*

44. The proposed fence will be located at the edge of a lawn along an existing wooded area approximately 125 feet north of the Governor Hunt House. The fence will be visible from the infrequently used north side of the historic house and the fence's small size, design and color will allow it to blend with the agricultural character of the area. *Id.*

45. The fence will be partially visible at a distance of 250 to 800 feet from three short sections of Governor Hunt Road between the Vernon School and the Vernon Town Offices. It will be installed in an existing agricultural field in these locations and will be primarily visible in the winter and spring before crops obscure the fence. The sections of the road with views of the proposed fence average 200 feet in length or about 5 seconds each at the posted speed limit at this location. Because the fence will in most cases be located at right angles to the direction of travel and will be framed by existing trees, it will not be visually apparent to most travelers. McElwee pf. at 1-2.

46. When located at the edge of existing wooded or shrubby areas as it will be for over half of its length, the proposed fence will be difficult to distinguish from its background. *Id.*

47. When located in the agricultural field, the fence will be out of sight during the growing season but partially visible during the winter and early spring. *Id.*

48. The proposed fence will have limited impacts on open space in the area. It will not reduce the amount of existing open space nor will it change the use of the space. *Id.*

49. The Project "fits" in the context of the area. The location, low visual profile, modest height and agricultural character of the proposed fence will allow it to blend in with its surroundings. McElwee pf. at 3.

50. Since the proposed fence will have minimal visual impacts on the site and surrounding area, it will not violate standards promulgated by the Town of Vernon, the Windham Regional Commission and the State of Vermont to protect the aesthetic and scenic character of the area and agricultural resources located in the area. McElwee pf. at 4.

51. The project will not be visually apparent from Vermont Route 142, a state scenic road, nor will it be a visually disruptive factor from the north side of the historic Governor Hunt House. No local, regional or state standards, regulations or bylaws exist prohibiting fences and the proposed Project meets community standards regulating fences. *Id.*

52. The Project will not offend the sensibilities of the average person. A low farm fence located in the middle distance at the edges of a farm field is in character with the Vermont landscape and will not be readily noticeable to, much less offensive to the average viewer. *Id.*

53. The Project's aesthetic impact will not be undue. ENVY has taken generally-available mitigating steps to improve the harmony of the proposed Project with its surroundings, including avoiding impacts to the agricultural use of land by the Miller farm, installing shrubbery on the west side of the fence, selecting a fence type and design with minimal visual impacts and that is consistent with the agricultural character of the site, and providing additional screening to abutting landowners upon request. McElwee pf. at 3-4; exh. EN-12 at 5.

54. The proposed Project will be visually considered part of the existing power-plant facility and will not significantly change the character of the area. Existing vegetation will act as screening from other buildings in the area, especially during the summer months. McElwee pf. at 21.

55. Because the Station's construction in the early 1970s substantially disturbed the site, and since that time the area has been utilized for agricultural purposes, no archeological review of the Project site was required. *Id.*

56. According to the Vermont Fish and Wildlife Nongame and Natural Heritage Program, there are no significant natural habitats identified on the Project site. McElwee pf. at 20.

57. The Project will not affect any necessary wildlife habitat or endangered species sites. *Id.*

Discussion

Based on the above findings, the proposed project will not have an undue adverse effect on the aesthetics or scenic and natural beauty of the area. In reaching this conclusion, we rely on the Environmental Board's methodology for determination of "undue" adverse effects on aesthetics and scenic and natural beauty as outlined in the so-called Quechee Lakes decision. Quechee Lakes Corporation, 3W0411-EB and 3W0439-EB, dated January 13, 1986.

As required by this decision, it is first appropriate to determine if the impact of the project will be adverse. The project would have an adverse impact on the aesthetics of the area if its design is out of context or not in harmony with the area in which it is located. If it is found that the impact would be adverse, it is then necessary to determine that such an impact would be "undue." Such a finding would be required if the project violates a clear written community standard intended to preserve the aesthetics or scenic beauty of the area, if it would offend the sensibilities of the average person, or if generally available mitigating steps would not be taken to improve the harmony of the project with its surroundings. The Board's assessment of whether a particular project will have an "undue" adverse effect based on these standards should be significantly informed by the overall societal benefits of the project.²

As outlined in the findings above, the Project does not violate any written community standards intended to preserve the aesthetic and scenic or natural beauty of the area. The Project area is comprised mostly of farm land which uses fencing similar to the type being proposed by ENVY thus minimizing the visual impact of the Project on the surrounding landscape. In addition, ENVY has made reasonable accommodations for abutting landowners by agreeing to plant shrubbery along the west side of the new fence line to further minimize any aesthetic impact. When viewed in this context, the Project will fit the context of its surroundings and will not have an adverse aesthetic impact.

Development Affecting Public Investments

[10 V.S.A. § 6086(a)(9)(K)]

58. The most significant public-utility facility in the area is the VY Station itself. The purpose of the Project is to clearly identify the VY Station boundary and prevent the general public from accessing the Station site, which contributes to the general security of the Station, and therefore any quasi-public investment in the Station will be enhanced by the Project. McElwee pf. at 22.

59. The Project's construction and operation will not adversely affect the State's or Vernon's investments in highways. *Id.*

60. The Project will have no impact on operation of the New England Central Railroad, and

2. Docket 6884, Order of 4/21/04 at 20-21.

several trains, including Amtrak's Vermonter, pass near (about 1,100 feet at the closest point) but outside of the VY Station's site daily. *Id.*

61. The Project will have minimal affect on the Connecticut River as the majority of the Project will be located away from the river and will have limited scenic and no water-quality impact on the river. *Id.*

62. The Project is located well to the north of the Vernon dam and will have no effect on the hydroelectric station located at the dam. *Id.*

63. The construction and use of the Project will have no permanent traffic impact on state or local highways and a very limited impact during construction. *Id.*

Public Health and Safety

[30 V.S.A. § 248(b)(5)]

64. The Project will exclude the general public from the Station site. McElwee pf. at 23.

65. The Chiefs of the Vernon Police and Fire Departments have reviewed the Project plans and determined that the Project will not have an adverse effect on the public health and safety. McElwee pf. at 23; exhs. EN-10 and EN-11.

Discussion

We have carefully considered the concerns expressed by a number of commenters regarding boundary-line dosage limits and compliance with the DoH regulations. We conclude that the proposed relocation of the fenceline will have no effect on ENVY's compliance with the DoH boundary-line dosage limits, because those limits are applied at the "site boundary" under both the existing rule and the proposed revised rule.³ Because the limits specifically apply at the site boundary rather than at the fenceline, moving the fence will not affect ENVY's compliance with either the existing or the proposed revised DoH boundary-line dosage limits.

Least-Cost Integrated Resource Plan

[30 V.S.A. § 248(b)(6)]

66. As a wholesale utility that does not distribute electricity to the public, ENVY is not obligated to prepare and submit for approval an integrated-resource plan (or "IRP") so the

3. See Section 5-305(B)(1)(e) of the existing DoH Regulations, and Sections 5-303(38) and 5-305(D)(1)(e) of the proposed revised DoH Regulations.

sixth 248 criterion is not applicable. McElwee pf. at 24.

Compliance with Electric Energy Plan

[30 V.S.A. § 248(b)(7)]

67. Vermont's Electric Energy Plan, dated January 19, 2005 (the "Plan"), does not specifically mention the Project; however, the Plan recognizes that the VY Station is the state's single largest supply source. McElwee pf. at 24; Plan at 4-6.

68. The proposed Project complements the goals of the Plan and the Plan Update, as it contributes to the safe operation of the Station by providing a clear demarcation of the Station's boundaries. McElwee pf. at 24.

Existing or Planned Transmission Facilities

[30 V.S.A. § 248(b)(10)]

69. The Project does not require access to or use of transmission facilities. McElwee pf. at 25.

III. CONCLUSION

Based upon all of the above evidence, we conclude that the proposed Project will be of limited size and scope; the petition does not raise a significant issue with respect to the substantive criteria of 30 V.S.A. § 248; the public interest is satisfied by the procedures authorized by 30 V.S.A. § 248(j); and the proposed project will promote the general good of the state.

IV. ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that:

1. The proposed modifications, in accordance with the evidence, plans, and other information presented in this proceeding, will promote the general good of the State of Vermont in accordance with 30 V.S.A. Section 248, and a certificate of public good shall be issued in the matter.

Dated at Montpelier, Vermont, this 19th day of October, 2009.

s/James Volz)

PUBLIC SERVICE

s/David C. Coen)

BOARD

s/John D. Burke)

OF VERMONT

OFFICE OF THE CLERK

FILED: October 19, 2009

ATTEST: s/Judith C. Whitney

Deputy Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.