

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7250

Petition of Deerfield Wind, LLC, for a)
certificate of public good authorizing it to)
construct and operate up to a 45 MW wind)
generation facility, and associated transmission)
and interconnection facilities, comprised of)
between 15 and 24 wind turbines on)
approximately 80 acres in the Green Mountain)
National Forest, located in Searsburg and)
Readsboro, Vermont, with turbines to be placed)
both on the east side of Route 8 on the same)
ridgeline as the existing GMP Searsburg wind)
facility (Eastern Project Area), and along the)
ridgeline to the west of Route 8 in a)
northwesterly orientation (Western Project)
Area) –)

Order entered: 3/9/2007

ORDER RE: SUFFICIENCY OF PETITION FOR CONCEPTUAL APPROVAL

I. INTRODUCTION

In this Order, the Vermont Public Service Board ("Board") concludes that, at this time, the Board is unable to adequately review the January 8, 2007, petition submitted by Deerfield Wind, LLC ("Deerfield") for a certificate of public good, pursuant to 30 V.S.A. Section 248 and Board Rule 5.400, seeking authorization to construct up to a 45 MW wind electric generation facility and associated facilities, and for conceptual approval of the project under Board Rule 5.402(c)(3), which would be followed by post-certification review of the final design plans. As explained below, we direct Deerfield to file an amended proposal that contains sufficient detail to allow meaningful review. Once we receive this filing, the Board shall promptly schedule a

prehearing conference. If, at that time, Deerfield continues to seek conceptual approval, Deerfield shall make the appropriate showing as required in Board Rule 5.402(c)(3).

II. BACKGROUND

On January 8, 2007, Deerfield Wind, LLC ("Deerfield") submitted a petition for a certificate of public good, pursuant to 30 V.S.A. Section 248 and Board Rule 5.400, seeking authorization to construct up to a 45 MW wind electric generation facility and associated facilities. In its petition, Deerfield asks for conceptual approval of the project under Board Rule 5.402(c)(3), which would be followed by post-certification review of the final design plans. On January 23, 2007, the Board issued a memorandum seeking comments from parties as to the appropriateness of Deerfield's request for conceptual approval.

The Vermont Department of Public Service ("Department"), the Vermont Agency of Natural Resources ("ANR"), and the Windham Regional Commission filed comments questioning whether Deerfield had demonstrated that conceptual approval is appropriate. These comments pointed out that Deerfield had not shown that the benefits of conceptual approval would outweigh the costs as required by Rule 5.402(c)(3), particularly in light of the fact that many aspects of the proposal are not fully developed. The Department and ANR ask that we require Deerfield to submit a more specific proposal with additional design detail and, if Deerfield continues to seek conceptual approval, a full demonstration pursuant to Board Rule 5.402(c)(3).

II. DISCUSSION

Board Rule 5.402(c)(3) allows a petitioner seeking approval under Section 248 to request that the Board grant conceptual approval of a project with design details to be worked out after certification. Under that Rule, a petitioner seeking conceptual approval must:

include in its petition a request for such approval and provide supporting evidence to show that the cost of the petitioner's submitting design details with the petition would outweigh the benefits of such submission....¹

1. Board Rule 5.402(c)(3).

Deerfield's filing does not contain an adequate cost-benefit demonstration as required under this Rule. As a result, we are not prepared to consider conceptual approval of the proposed project based upon the level of detail in the petition and accompanying testimony.

Moreover, we are concerned that the proposal that Deerfield has submitted is not sufficiently concrete for parties or the Board to review, whether under conceptual approval or as a final design. Even for a request for conceptual approval, the petitioner needs to illustrate with sufficient specificity what will be built and where. In order to evaluate a project under the criteria of 30 V.S.A. §248, there needs to be, at the very least, sufficient information as to actual project location, number and size of turbines, and associated structures including roads, interconnecting power lines, and planned substations, to allow the Board and parties to conduct a meaningful review of the project. It is also unreasonable to require parties to devote significant resources to reviewing the effects of wind turbines and an access road when the petitioner is not sure whether that is what is planned. This information is not currently available, and to proceed in an attempt to review Deerfield's proposal at this conceptual level would be unfair to parties and an inefficient use of the Board's time and resources.

We recognize that during the review of a project, the petitioner may seek to alter aspects of the proposal. In many cases, petitioners make such changes in response to concerns raised by parties or additional information learned during the review. Our concern that filings must contain a fair amount of specificity is not intended to "lock-in" petitions and deter modifications. Similarly, Deerfield should not read our concerns as necessarily demanding precise turbine location and heights. Nonetheless, the wide range of potential configurations set out in the petition does not appear to fairly apprise the Board, parties or interested persons of what would be constructed.

Despite the lack of detail, we are not dismissing Deerfield's petition at this time. Instead, Deerfield shall file a proposal that contains sufficient detail to allow meaningful review of its proposal. We encourage Deerfield, as it prepares its filing, to work with the Department and ANR. We shall schedule a prehearing conference promptly once we receive this filing. If, at that time, Deerfield continues to seek conceptual approval, Deerfield shall make the appropriate showing as required in Board Rule 5.402(c)(3).

SO ORDERED.

Dated at Montpelier, Vermont, this 9th day of March, 2007.

<u>s/James Volz</u>	)	
	)	PUBLIC SERVICE
	)	
<u>s/David C. Coen</u>	)	BOARD
	)	
	)	OF VERMONT
<u>s/John D. Burke</u>	)	

OFFICE OF THE CLERK

FILED: March 9, 2007

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)