

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7250

Amended Petition of Deerfield Wind, LLC, for a)
certificate of public good authorizing it to construct and)
operate a 17-turbine, 34-35.7 MW wind generation)
facility, and associated transmission and interconnection)
facilities, on approximately 80 acres in the Green)
Mountain National Forest, located in Searsburg and)
Readsboro, Vermont, with 7 turbines to be placed on the)
east side of Route 8 on the same ridgeline as the existing)
GMP Searsburg wind facility (Eastern Project Area), and)
10 turbines along the ridgeline to the west of Route 8 in)
the northwesterly orientation (Western Project Area))

Order entered: 11/6/2007

ORDER RE: MOTIONS TO INTERVENE

In this Order, the Vermont Public Service Board ("Board") addresses requests to intervene from the following persons and entities:

Green Mountain Power Corporation ("GMP");
Vermont Natural Resources Council ("VNRC");
Windham Regional Commission ("WRC");
Town of Searsburg;
Town of Readsboro;
Town of Wilmington;
Conservation Law Foundation ("CLF");
E. Donald Pike;
Vermont Public Interest Research Group ("VPIRG");
Save Vermont Ridgelines ("SVR");
Clifford and Diana Duncan;
Fairwind Vermont, Inc. ("Fairwind");
National Grid USA, Inc. ("National Grid");
Thomas Shea;
Industrial Wind Action Group ("IWAG"); and
Duncan Cable TV Service ("DCTV").

We address each of these motions below. However, we note that a number of the moving parties are representing themselves. In addition, several of the organizations seeking to intervene

also have representation from non-attorneys. These parties are reminded that, even though we make efforts to enable participation by non-attorneys, they are still required to adhere to all of the Board's Rules of Practice. This includes the requirement that all documents be served on all other parties to the proceeding.

This proceeding has a large number of parties. We encourage parties with similar interests to work together in the preparation of testimony and discovery and the examination of witnesses. To reduce duplicative testimony and examination, the Board also has the authority to require parties to join with other parties "with respect to appearance by counsel, presentation of evidence or other matters." We do not impose any such requirements at this time, but may in the future if the "interests of justice and economy of adjudication require."¹

GMP

GMP states that the proposed project may interconnect with facilities owned by GMP. In addition, GMP states that it has entered into a Letter of Intent with the petitioner, Deerfield Wind, LLC ("Deerfield Wind") relating to the purchase of power and related environmental attributes from the proposed project.

No party commented on GMP's motion and it is granted on a permissive basis under Rule 2.209(B).

VNRC

VNRC states that it has a substantial interest in the ecological integrity of the state's natural resources that may be adversely affected by the outcome of the proceeding, depending on the degree to which environmental impacts are mitigated or avoided.

Deerfield Wind does not object to VNRC's intervention, but asks that the Board limit the intervention to those criteria on which VNRC has demonstrated an interest. According to Deerfield Wind, VNRC's intervention should be restricted to criteria (b)(5) of 30 V.S.A. § 248 relating to the environment and natural resources.

1. Board Rule 2.209(C).

The Department of Public Service ("Department") does not object to VNRC being granted party status on a permissive basis.

We grant VNRC's motion to intervene on a permissive basis. We will, pursuant to Rule 2.209(C), limit VNRC's intervention to the interests it identified in its motion.

WRC

WRC filed a motion to intervene. The Motion did not identify any specific interests or issues on which WRC seeks to participate.

Deerfield Wind does not object to the intervention of WRC. However, Deerfield Wind states that WRC has not specifically identified the interests that may be affected. Accordingly, Deerfield Wind asks that the Board request WRC to identify its interests as well as the specific criteria on which it seeks to participate.

The Department does not object to WRC being granted party status on a permissive basis.

We grant WRC's intervention request on a permissive basis. However, we request that WRC file a statement specifying its interests in this proceeding.

Searsburg and Readsboro

The Towns of Searsburg and Readsboro state that the proposal would lead to the construction of seventeen wind towers (10 in Searsburg, 7 in Readsboro), transmission facilities, roads and cleared areas within the two towns, as well as a new substation in Searsburg. As a result, the two towns note that the project will directly affect each of them environmentally and economically. Each town seeks to intervene to present testimony on criteria (b)(1) (orderly development), (b)(2)(need), (b)(4)(economic benefit), and (b)(5)(aesthetics and environment).

Deerfield Wind does not object to the intervention of either town on these criteria.

The Department does not object to the Towns of Searsburg and Readsboro being granted party status on a permissive basis.

We grant the intervention of the Towns of Searsburg and Readsboro on a permissive basis limited to issues related to the interests it identified.

Wilmington

The Town of Wilmington filed a petition to intervene which did not identify its interest in the outcome of the proceeding.

Deerfield Wind states that it does not object to Wilmington's participation, but asks that the intervention be limited to the Section 248 criteria that relate to a demonstrated interest. Since Wilmington's petition does not identify any interests, Deerfield Wind asserts that it would be appropriate for the Board to require the Town to specify its particular interests and the Section 248 criteria under which it seeks to intervene.

The Department does not object to the Town of Wilmington being granted party status on a permissive basis.

The Town of Wilmington's request to intervene is granted on a permissive basis. However, we request that the Town identify, within 15 days of this Order, its specific interests; its intervention will be limited to issues relating to those interests.

CLF

CLF states that it is a private, non-profit environmental organization dedicated to the protection and responsible use of New England's natural resources. This includes "ensuring that the degradation of the natural environment resulting from the provision of electricity in Vermont and in the region is minimized." It states that its members have a substantial interest in the promotion of clean and cost-effective renewable energy and appropriate siting of wind facilities.

Deerfield Wind does not object to CLF's intervention but asks that we limit the scope of the intervention to those criteria on which the party has demonstrated a substantial interest. Deerfield Wind recommends that CLF's intervention be limited to criteria (b)(1)(orderly development), (b)(2)(need), (b)(4)(economic benefit, (b)(5)(aesthetics and the environment), and (b)(7)(consistency with the Department's electric plan).

The Department does not object to CLF being granted party status on a permissive basis.

We grant CLF's motion to intervene under Rule 2.209(B). CLF's intervention is limited to the interests that it identified in its motion.

Donald Pike

Mr. Pike and his family state that they are the owners of a long border with the National Forest Service property in Searsburg on which the turbines will be constructed. He states that he has a concern about the current and future detrimental effects of the turbines.

Deerfield Wind states that Mr. Pike's intervention should be limited to criteria (b)(5). However, Deerfield Wind also asks that the Board request that Mr. Pike provide additional information on the specific interests and the criteria under which he seeks to intervene.

The Department does not object to Mr. Pike being granted party status on a permissive basis.

We grant Mr. Pike's motion to intervene on a permissive basis, limited to issues that may affect his interests as an adjoining landowner.

VPIRG

VPIRG states that it is a consumer and environmental organization that seeks to protect and promote the health of Vermont's people, environment, and locally-based economy. VPIRG states that its members have a strong interest in the development and availability of renewable energy resources in the state as a means of preserving the integrity of the environment, limiting rate fluctuation, and providing cost-effective power. VPIRG also notes that it intends to coordinate its activities with CLF.

Deerfield Wind does not object to VPIRG's intervention, but requests that the Board limit the scope of the intervention to the criteria on which VPIRG has demonstrated a substantial interest, which it states are (b)(1)(orderly development), (b)(2)(need), (b)(4)(economic benefit, (b)(5)(aesthetics and the environment), and (b)(7)(consistency with the Department's electric plan).

We grant VPIRG's motion to intervene on a permissive basis. As requested by Deerfield, we limit the scope of the intervention to the interests VPIRG identified in its motion.

SVR

SVR states that it is a citizens' group with members from the communities in which the proposed wind turbines would be constructed, and from nearby communities. SVR asserts that it has a substantial interest in issues related to Deerfield's investment in and construction of wind electric general facilities. SVR identifies specific issues of concern related to each of the statutory criteria.

Deerfield Wind states that it has no objection to the individual participation of Denise Foery (who filed the intervention request for SVR) on those criteria on which she may have an interest (principally, (b)(1) and (b)(5)). However, Deerfield Wind objects to the intervention of SVR. Deerfield contends that the motion does not provide any information on the organization's purpose or specific interests. Deerfield Wind also argues that the motion contains only generalized information on what it characterizes as the "alleged" members of the organization.

The Department does not object to SVR being granted party status on a permissive basis.

We agree with Deerfield Wind that SVR's motion does not adequately describe either the purposes or the interests of the organization. Without such information, it is impossible to assess whether and how the proposed wind facility will affect the interests of SVR's members. If it seeks to intervene, SVR shall provide, within 10 days of this Order, additional information describing both the purposes and interests of the organization. This should include by-laws or other documentation showing the group's purpose. SVR shall also indicate the approximate number of members and whether any of these members are also separately admitted as parties.

Clifford and Diana Duncan

The Duncans state that their home is located within the viewshed of the proposed wind turbines. They assert that this will cause permanent financial harm to their property as well as harm to the environment.

Deerfield Wind does not oppose the Duncans' intervention or participation on criteria (b)(5)(aesthetics and environment). However, Deerfield states that the Duncans have not demonstrated a particularized interest relating to the other criteria.

The Department indicates that it has no objection to the Board granting the Duncans intervention on a permissive basis.

At this time, we do not grant the Duncans' motion to intervene. Instead, we ask that the Duncans provide additional information explaining the location of their residence relative to the proposed wind turbine sites (including a description of the distance) so that we can better ascertain the extent of their interest.

Fairwind

Fairwind states that it is a state-wide citizens group whose mission is to promote the responsible development of wind electric generating facilities in Vermont. Fairwind states that it has members living in Wilmington, Vermont, a neighboring town. In addition, Fairwind asserts that it was founded with the purpose of ensuring that Deerfield's wind facility is constructed and built so as to protect the economic, energy, and environmental resources of its members.

Deerfield Wind does not object to the intervention, although it requests that the Board limit the scope of the intervention to the criteria on which Fairwind has demonstrated a substantial interest, which it states are (b)(1) (orderly development), (b)(2)(need), (b)(4)(economic benefit), and (b)(5)(aesthetics and environment).

The Department does not object to Fairwind being granted party status on a permissive basis.

Fairwind's request to intervene is granted, limited to the interests that Fairwind identified in its motion.

National Grid

National Grid asserts that the project would directly affect National Grid and its affiliates' transmission facilities. In particular, National Grid states that in order to maintain output from the Deerfield Wind's proposed project, National Grid will have to upgrade portions of its transmission system. National Grid seeks party status on criteria (b)(3)(reliability) and (b)(10)(transmission facilities).

Deerfield Wind does not oppose National Grid's intervention on criteria (b)(3) and (b)(10).

We grant National Grid's intervention on a permissive basis, limited to the interests identified in its motion.

Thomas Shea

Mr. Shea states that he and his family own the properties that are closest to the existing generating station in Searsburg. According to the motion, the proposed project will surround his property on two sides, will be within one mile in each direction, and will be within line of sight. Mr. Shea states that his specific concerns relate to criteria (b)(1) (orderly development), (b)(3)(reliability), (b)(4) (economic benefit), (b)(5)(aesthetics and environment), and (b)(6)(integrated resource plan).

Deerfield Wind does not object to Mr. Shea's intervention on criteria (b)(1), (b)(4), (b)(5), or (b)(6). Deerfield Wind objects to Mr. Shea's intervention on criteria (b)(3), and asserts that the intervention petition does not identify a sufficiently specific interest on that criteria and the ability of other parties to protect any generalized interest Mr. Shea may have.

The Department does not object to Mr. Shea being granted party status on a permissive basis.

We grant Mr. Shea's motion on a permissive basis, limited to the interests he has identified in his motion.

IWAG

IWAG states that it is a national organization whose members include abutters and neighbors on the lands adjacent to those that Deerfield Wind plans to use to construct the wind turbines. IWAG raises specific concerns with the potential impact of the project under criteria (b)(1) (orderly development), (b)(2)(need), and (b)(5)(aesthetics and environment).

Deerfield Wind objects to IWAG's intervention for the same reasons that it objected to the intervention of SVR. Deerfield Wind adds that the intervention request does not identify how

the project would affect the organization's interest or its members' interest. Accordingly, Deerfield Wind asks that we deny IWAG's motion.

The Department does not object to IWAG being granted party status on a permissive basis.

We reach the same conclusion here that we do for SVR; IWAG's motion does not adequately describe either the purposes or the interests of the organization. Without such information, it is impossible to assess whether and how the proposed wind facility will affect the interests of its members. If it seeks to intervene, IWAG shall provide, within 10 days of this Order, additional information describing both the purposes and interests of the organization. This should include by-laws or other documentation showing the group's purpose. IWAG shall also indicate the approximate number of members and whether any of these members are also separately admitted as parties.

DCTV

DCTV states that it holds a Certificate of Public Good to provide cable television and other services in several towns in southern Vermont. According to DCTV, it receives its signal at a site east of the village of Wilmington. DCTV expresses concern that construction of the wind turbines could adversely affect the signal it now receives, thereby creating the risk of substantial financial harm.

Deerfield Wind does not object to the intervention of DCTV. Deerfield Wind requests that the intervention be limited to criterion (b)(4) (economic benefit), based upon the allegations in DCTV's motion.

The Department does not object to DCTV being granted party status on a permissive basis.

We grant DCTV's request to intervene on a permissive basis. DCTV's asserted interest in this proceeding is the potential for financial harm arising from interference. Therefore, its participation is limited to that interest.

So ORDERED.

Dated at Montpelier, Vermont, this 6th day of November, 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: November 6, 2007

ATTEST: s/Susan M. Hudson
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)