

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 17-4311-INV

Investigation pursuant to 30 V.S.A. Sections 30 and 209 into whether Deerfield Wind, LLC, violated conditions of its certificate of public good pertaining to blasting during construction of its wind electric generation facility in Searsburg and Readsboro, Vermont	
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Order entered: 11/08/2017

ORDER OPENING INVESTIGATION
AND NOTICE OF PREHEARING CONFERENCE

I. INTRODUCTION

On July 28, 2017, the Vermont Public Utility Commission (“Commission”) received a complaint from Francis Candiloro alleging that blasting conducted by Deerfield Wind, LLC (“Deerfield”) as part of construction of its 15-turbine wind electric generation facility¹ at Route 8 in Searsburg and Readsboro, Vermont (the “Project”), caused damage to his property.

Mr. Candiloro indicated that he contacted the Vermont Department of Public Service Consumer Affairs and Public Information Division (“CAPI”) to discuss his complaint. Accordingly, we requested that CAPI provide us with information on its investigation.

On August 21, 2017, CAPI provided us with information on its investigation, which was conducted from May 11, 2017, to July 12, 2017. According to the CAPI investigation, blasting for the Project occurred between October 2016 and May 2017. At the conclusion of its investigation, CAPI concluded that it had adequate reason to believe that Deerfield may have violated conditions of its certificate of public good (“CPG”), and that a Commission investigation was required to obtain additional facts. CAPI recommended that Mr. Candiloro file a complaint with the Commission.

In today’s Order, the Commission is initiating an investigation to determine whether Deerfield violated conditions of its CPG pertaining to blasting.

¹ The project received a certificate of public good from the Commission in Docket No. 7250.

While this order is being sent to all parties in Docket 7250, the parties in that case are not automatically parties in this new proceeding, and future orders in this proceeding will not be sent to the parties to that case. Persons and entities seeking party status in this new proceeding must file a motion to intervene in this case. Persons who are not seeking party status but wish to receive email notifications when the Commission issues documents or parties make filings in this proceeding may “subscribe” to the case in ePUC. Information on how to subscribe to a case is available on the Commission’s website at: <http://puc.vermont.gov/epuc-information/subscribe-case>.

Given the nature of the alleged damages to Mr. Candiloro’s property, Mr. Candiloro will be deemed a party in this case, and will have the rights and responsibilities² of being a party, unless he informs us that he does not wish to be a party. We note that if Mr. Candiloro chooses not to be a party to this case, we may decide that we have insufficient evidence to proceed with an investigation.

II. ORDER

The Vermont Public Utility Commission (“Commission”) hereby opens an investigation pursuant to 30 V.S.A. §§ 30 and 209 to determine whether Deerfield Wind, LLC, (“Deerfield”) violated conditions of its certificate of public good (“CPG”) pertaining to blasting.

Pursuant to 30 V.S.A. § 8, Monica Stillman is appointed to serve as the hearing officer to conduct the proceedings in this matter.

Pursuant to 30 V.S.A. § 10, a prehearing conference will be held before the hearing officer on November 17, 2017, commencing at 1:00 P.M., in the Susan M. Hudson Hearing Room, located on the 3rd floor of the People’s United Bank Building, 112 State Street, Montpelier, Vermont.

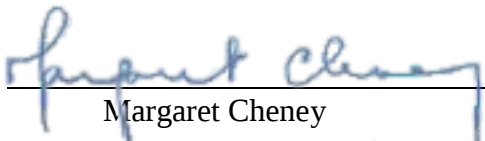
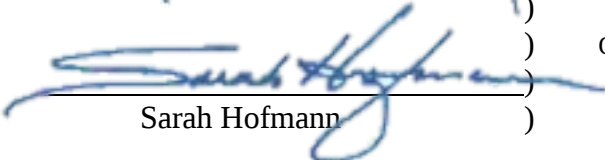
² Party status includes the right to conduct discovery, present evidence, cross-examine other parties’ witnesses, and file briefs, and the responsibility to comply with the Commission’s rules and orders, including the schedule to be established for this proceeding, the obligation to respond to the information requests of other parties, and the obligation to provide paper copies of each filing to those parties not using ePUC. Furthermore, under the Commission’s rules “anyone appearing as a pro se representative [i.e., representing themselves rather than being represented by an attorney] shall be under all the obligations of an attorney admitted to practice in this state with respect to the matter in which such person appears.”

Parties may attend the prehearing conference by telephone. Parties choosing to attend by phone must inform the Clerk of the Commission by November 16, 2017. Call-in information is as follows:

Phone number: 1-631-992-3444

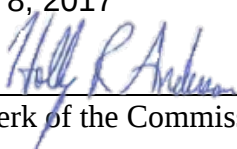
Participant pin: 4085308

Dated at Montpelier, Vermont, this 8th day of November, 2017.

_____	)	
	)	PUBLIC UTILITY
	)	
	)	
Margaret Cheney	)	COMMISSION
	)	
	)	
Sarah Hofmann	)	OF VERMONT

OFFICE OF THE CLERK

Filed: November 8, 2017

Attest: 
Deputy Clerk of the Commission

Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Commission (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: puc.clerk@vermont.gov)

PSB Case No. 17-4311-INV - SERVICE LIST

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Others Receiving Notice:

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PUC Docket No. 7250 - Service List:

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