

March 23, 2020

By E-Mail and First-Class Mail

Ms. Judith Whitney, Clerk
Vermont Public Utility Commission
112 State Street, Drawer 20
Montpelier, VT 05620-2701

Re: Docket No. 7250 – Amended Petition of Deerfield Wind, LLC for a certificate of public good authorizing it to construct and operate a 15-turbine, 30 MW wind generation facility in Searsburg and Readsboro, Vermont.

Dear Ms. Whitney,

On March 9, 2020, the Public Utility Commission (“Commission” or “PUC”) issued an order in this proceeding requesting comments from Petitioner Deerfield Wind, LLC (“Deerfield”) and the Department of Public Service (“DPS”) on the following: (i) whether under the Final Sound Monitoring Protocol (January 16, 2018) (“Protocol”), the results of the Fall 2018 and Spring 2019 Sound Monitoring campaigns trigger Outdoor Indoor Noise Reduction (“OINR”) testing at Site B; and (ii) if the criteria for OINR testing have been met at Site B, for Deerfield to explain whether it has offered OINR testing to the homeowners at Site B pursuant to the Protocol. Deerfield provides its responses to these issues below. In addition, Deerfield addresses statements in the Windaction-Shea (“WAG/Shea”) Joint Comments in Response to Vermont PUC Order of February 12, 2020 (March 4, 2020), which are not relevant to the matters presently before the Commission. Finally, Deerfield responds to the Department’s Comments on the Fall 2020 Sound Monitoring (dated February 20, 2020), concerning how wind gusts will be dealt with when calculating Project-only sound levels for the upcoming Fall 2020 Sound Monitoring.

I. OINR testing at Site B

Under the Protocol, if post-construction sound monitoring demonstrates Project-only sound levels of 40 dBA(Leq)(1 hr) or higher at a given residence, the homeowner is eligible for OINR testing.¹ In the Fall 2018 and Spring 2019 Monitoring Reports, Cross-Spectrum Acoustics (“CSA”) reported a computed “turbine-only” sound level of 40 dBA at Site B.² The Commission accepted the CSA results in its January 9, 2020 Order, and found that the Project complies with the amended CPG’s sound limits: “None of the reported project-only sound levels at the three Sites—Sites A, B,

¹ Protocol at Sec. 2.5 (Jan. 16, 2018).

² See Deerfield Wind—Fall 2018 Sound Monitoring Compliance Report, at 21 (Jan. 7, 2019; Revised Oct. 11, 2019); and Deerfield Wind—Spring 2019 Sound Monitoring Compliance Report, at 29 (Aug. 13, 2019; Revised Oct. 11, 2019).

and C—are outside the Amended CPG’s allowable limits of 45 dBA (exterior) or 30 dBA (interior).”³ (footnotes omitted)

In responding to the Commission’s January 9th Order, Deerfield reiterated its previously-stated view that CSA’s analyses in the Fall 2018 Report and Spring 2019 Report likely overstated the “turbine-only” sound levels due to the methodology used for data analysis, including, for example, the inclusion of sound levels where wind gusts were over 5 m/s.⁴

Deerfield is nonetheless aware that the Commission accepted CSA’s results. As such, the CSA-reported sound levels for Site B would trigger eligibility for an OINR test under Section 2.5 of the Protocol.

Deerfield discussed the CSA sound monitoring results and OINR testing with the homeowner at Site B in December 2019, and at that time the homeowner stated that he did not intend to request OINR testing.

II. WAG/Shea’s March 4, 2020 response includes irrelevant or inaccurate statements

As noted above, the Commission has held that the Project complies with the CPG’s noise limits based upon the Fall 2018 and Spring 2019 sound monitoring results, after having considered comments from the parties. *See Order of January 9, 2020*. The only issue left open by the Commission was whether OINR testing should be required at the Shea residence (Site C). *Id.* at 11. To resolve that sole issue, the Commission required Deerfield to elect one of two options: conduct the OINR testing at the Shea residence, or conduct an additional round of sound monitoring in the Fall of 2019 to determine whether OINR testing should be required. Deerfield elected the option of additional sound monitoring, at Site C only. *See Deerfield letter dated January 31, 2020*.

After Deerfield’s January 31st filing, the Commission provided the other parties with an opportunity to respond to Deerfield’s selection of additional sound monitoring at Site C, and its request for clarification on the sound monitoring methodology. *See Order dated February 12, 2020*. The Department supported Deerfield’s selection of additional sound monitoring. *See DPS filing of February 20, 2020*. WAG/Shea also responded, on March 4, 2020, but did not directly address the Commission’s narrow request. Instead, WAG/Shea presented arguments that seek to revisit the prior sound monitoring campaigns as well as aspects of the Protocol.

First, WAG/Shea incorrectly characterizes Deerfield’s position in its January 31st filing by stating that Deerfield is *requesting* additional sound measurements.⁵ The next round of sound monitoring was not a request by Deerfield, but rather a selection of one of the two options presented to Deerfield by the Commission in the order dated January 9, 2020.

Second, WAG/Shea go beyond the scope of the Commission’s January 9th Order regarding Mr. Shea’s request for OINR testing by seeking further testing at Sites A and B, sites where Mr. Shea’s home is not located.⁶ The only purpose of the Fall 2020 monitoring is to determine whether to

³ Order Finding Project in Compliance with Amended CPG and Ordering Deerfield to Select next Step in Resolving OINR Testing Issue, at 10 (Jan. 9, 2020).

⁴ Deerfield Letter to PUC in Response to PUC 1-9-2020 Order re OINR Testing, at 1 (Jan.31, 2020).

⁵ WAG/Shea’s March 4th filing at 1.

⁶ *Id.* at 2.

conduct OINR testing at Mr. Shea's residence. Deerfield and the Department both agree that "[m]onitoring at Sites A and B will not inform this question."⁷

Given the Commission's prior determination of project compliance and the limited scope of the outstanding issue regarding Site C (OINR testing), all as reflected in the January 9th Order, WAG/Shea's effort to reopen the prior sound monitoring results and to require additional monitoring at Sites A and B should be denied.

III. Treatment of wind gusts in Fall 2020 sound monitoring program

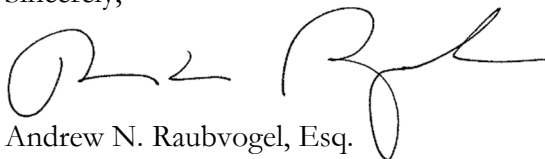
Deerfield's January 31, 2020, filing reiterated its prior concern that sound monitoring periods during which wind gusts are over 5 m/s should be excluded from the data set when the Fall 2020 monitoring occurs. The Department's February 20th response does not directly address the issue as it only refers to wind speeds: "CSA followed this methodology: it excluded data with *wind speeds* above 5 m/s..."⁸

As used in the Protocol, "wind speed" includes both the *average* wind speed over a period and the *gust* wind speed. There is an important distinction between the two. "Wind gusts" reflect short bursts of wind, or the maximum wind speed, whereas the "average wind speed" is the mean wind speed: an average reflecting both instantaneous wind speeds that are lower and higher than the mean value. When wind gusts are over 4 to 5 m/s, it can cause sounds unrelated to the wind turbines (wind-induced noise) as well as microphone pseudo-noise. As a result, inclusion of average or gust wind speeds above 4 to 5 m/s inaccurately biases the measurements high. This is why the Protocol requires periods with average and/or gust wind speeds *above* 4 to 5 m/s to be removed.⁹

The Fall 2018 and Spring 2019 data includes data where the measured wind gusts were above 5 m/s, a fact that Deerfield noted in its filings dated November 15, 2019, December 12, 2019, and January 31, 2020. Deerfield thus believes the Commission should specifically address the wind gust issue for the Fall 2020 sound monitoring program.

Deerfield thanks the Commission in advance for its consideration of the above. Please let me know if you have any questions or require further information.

Sincerely,



Andrew N. Raubvogel, Esq.
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cc: Service List

⁷ DPS Comments on Fall 2020 Sound Monitoring, at 3 (Feb. 20, 2020).

⁸ *Id.* at 2 (emphasis added).

⁹ See Protocol, at 8 ("Data during some periods will be removed from the results. These include periods when: Wind speeds (*average* or *gusts*) at a monitoring site are above 4 to 5 m/s") [emphasis added].

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Amended Petition of Deerfield Wind, LLC for)
a certificate of public good authorizing it to)
construct and operate 15 turbine, 30 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 8 turbines along the ridgeline)
to the west of Route 8 in the northwesterly)
orientation (Western Project Area))

Docket No. 7250

CERTIFICATE OF SERVICE

I, Gillian Bergeron, certify that on March 23, 2020, I forwarded copies of Deerfield Wind, LLC's *Letter to the PUC in Response to PUC 3/9/2020 Order re OINR Testing at Site B* to the following service list by the delivery method noted:

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Dated at Burlington, Vermont, this 23rd day of March, 2020.

By:


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Paralegal