

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7156

Amended Petition of UPC Vermont Wind, LLC, for a)
Certificate of Public Good, pursuant to 30 V.S.A. § 248,)
authorizing the construction and operation of a 40 MW)
wind electric generation facility, consisting of 16 wind)
turbines, and associated transmission and interconnection)
facilities, in Sheffield and Sutton, Vermont, to be known as)
the "Sheffield Wind Project")

Order entered: 11/30/2006

ORDER RE MOTION TO INTERVENE OF TOWN OF BARTON

On November 15, 2006, the Town of Barton ("Barton") filed a motion to intervene with the Public Service Board ("Board"). Barton's request states that the changes to the proposed project now have the potential to negatively impact Barton. In particular, Barton's request expresses concern regarding the potential impact of UPC Vermont Wind, LLC's ("UPC") revised proposal on access roads to the proposed project sites. Barton also states that it "would also like to keep the door open concerning the impact of the proposed project on the economic effects (e.g., on tourism and property values) and on the aesthetics and the public's use and enjoyment of Crystal Lake State Park."

On November 15, 2006, the Vermont Department of Public Service ("Department") filed a letter stating that it does not object to "a permissive grant of intervention for the Town for the interests described in its request." The Department contends that, although the intervention request was filed after the deadline for intervention, Barton's interests appear to result from changes to the proposed project, and therefore, Barton's request should be considered timely. Finally, the Department states that Barton should take the proceeding as it finds it, including any scheduling decisions made prior to the grant of party status.

On November 21, 2006, UPC filed a letter stating that it does not object to Barton's intervention request but requests that the Board limit Barton's participation "to potential impacts newly presented in UPC's rebuttal testimony" UPC also contends that Barton should take the proceeding as it finds it.

We grant Barton permissive intervention pursuant to Board Rule 2.209(B). We recognize that the intervention request was received well after the deadline established in the Board's scheduling order of April 13, 2006. However, the interests expressed in Barton's motion, at least as they relate to the issue of access roads, appear to be based upon potential impacts that are newly presented due to UPC's changes to the proposed project.

We note that Barton was one of the towns that had originally received notice of the proposed project, and had received a copy of the Board's April 13 scheduling order establishing the deadline for intervention. For these reasons, we will not allow Barton to litigate all issues presented in this case, but instead limit Barton's intervention to those interests that have been newly affected due to UPC's proposed changes to the project; namely, whether the proposed project would cause unreasonable congestion or unsafe conditions with respect to roadways and whether the proposed project would cause an unreasonable burden on the ability of Barton to provide municipal or governmental services. These issues arose as a result of UPC's changes to the proposed project. In addition, Barton must take the schedule as it finds it.

SO ORDERED.

Dated at Montpelier, Vermont, this 30th day of November, 2006.

<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 30, 2006

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)