

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7156

Amended Petition of UPC Vermont Wind, LLC (now)
known as 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: 3/27/2009

PROTECTIVE ORDER RE TERMS AND CONDITIONS
OF POWER PURCHASE AGREEMENTS

On February 27, 2009, Vermont Wind, LLC ("Vermont Wind") filed three power purchase agreements: one agreement is between Vermont Wind and the City of Burlington Electric Department, and two are between Vermont Wind and Vermont Electric Cooperative, Inc. Accompanying the February 27 letter is a Motion for Protective Order in which Vermont Wind contends that certain specific terms and conditions in the power purchase agreements contain sensitive and confidential information. Accompanying the motion is an averment from Vermont Wind that the following terms of the power purchase agreements contain sensitive, confidential commercial information: (1) the prices for energy, renewable energy credits, and capacity; (2) the liquidated damages clauses; (3) bank account numbers; (4) the definition of Minimum Energy Volume; and (5) information associated with certain credit thresholds.¹

On March 12, 2009, Ridge Protectors, Inc. filed a letter stating that it is willing to be bound by the requested protective order. On March 13, 2009, the Department of Public Service filed a letter stating that it has no objection to Vermont Wind's motion for a protective order.

1. This list is inclusive of the three power purchase agreements; not all of these terms are included in each of the agreements.

The Public Service Board issued a Protective Order in this Docket on July 20, 2006. We find that the information sought to be protected by Vermont Wind should be kept confidential in accordance with the terms of the July 20 Protective Order.

On March 20, 2009, Vermont Wind filed a letter stating that it intends to file a power purchase agreement with Washington Electric Cooperative, Inc ("WEC"). In order to provide greater efficiency in reviewing the agreement, we include the sensitive, confidential commercial terms and conditions of the WEC power purchase agreement in today's Protective Order, provided that they are limited to the five terms listed in Vermont Wind's February 27 averment.² If any party objects to this action, it may request that the Board reconsider this Order.

SO ORDERED.

Dated at Montpelier, Vermont, this 27th day of March, 2009.

<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 27, 2009

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)

2. Vermont Wind may request that additional terms and conditions contained in the power purchase agreement with WEC be kept confidential once the agreement is filed.