

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: 11/10/2009

ORDER RE CONSTRUCTION OF MET TOWERS

Introduction

On April 16, 2009, the Public Service Board ("Board") issued an Order and Certificate of Public Good ("CPG") approving Deerfield Wind, LLC's ("Deerfield") petition to construct a wind generation facility in Searsburg and Readsboro, Vermont. On July 17, 2009, the Board issued a subsequent Order that included an amended CPG. Condition 2 of the Order and of the CPG required Deerfield to submit for Board approval final construction plans for the turbines and other project infrastructure. On August 14, 2009, Deerfield filed a request for Board approval of the installation of four MET towers. Deerfield states that, as part of its preparation of construction plans, its final site suitability assessment "will require the erection of 4 temporary meteorological ("MET") towers (2 on the western turbine string and 2 on the eastern turbine string) to collect additional wind data." Deerfield represents that it would remove the MET towers prior to the start of construction. Deerfield's filing included a site map and a brief narrative summary of the site work necessary to install the MET towers.

On August 19, 2009, the Board requested comments from other parties.

On September 4, 2009, the Department of Public Service ("Department") filed a letter stating that it did not object to the installation of the four temporary MET towers. The Department stated that its primary concern related to the possible aesthetic impact. The Department represents that, based upon conversations with Deerfield, it appeared that no permanent alteration of the forest cover around the turbine sites would occur, since the additional clearing of approximately one to two acres would be entirely within an area that had been previously clear-cut. The Department recommends, however, that we require Deerfield to allow the additional one to two acres to revegetate after the MET towers are removed.

No other party commented.

Deerfield responded to the Department's letter on September 9, 2009. Deerfield states that it concurs with the Department's proposed requirement that areas cleared for purposes of the MET towers, but that are not within the clearing limits of the approved Project, be allowed to naturally re-vegetate.

Discussion

The Board has determined that construction of the MET towers should be allowed to proceed at this time. No party contests installation of the MET towers or contends that the MET towers will have a significant impact. Given the relatively minor impact of the MET towers, we approve construction of the towers, subject to two conditions.

First, we adopt the condition recommended by the Department. Following removal of the temporary MET towers, Deerfield shall permit the areas cleared for placement of the MET towers, that are not within the area to be cleared as part of the Project to revegetate.

Second, Deerfield has made no provision for decommissioning of the MET towers. As we observed recently in Docket 7156, *Petition of UPC Vermont Wind, LLC*, the Board has previously allowed the construction of MET towers at other projects without requiring the establishment of a decommissioning fund. However, the absence of any provision for decommissioning of the MET towers is a potential concern if, for any reason, construction of the Project that we conditionally approved does not occur. This leads us to conclude that

construction of the MET towers must be accompanied by an adequate fund for their decommissioning.

In the context of Docket 7156, we addressed this issue by requiring the applicant to post a letter of credit in the amount of \$20,000 for decommissioning the MET towers.¹ No party in the proceeding has recommended a particular dollar amount or even commented on the decommissioning issue. As a result, we do not know whether a similar requirement would be reasonable. We, therefore, require, as a condition of our approval, that Deerfield file a proposal for decommissioning the MET towers, including identification of the appropriate amount to be reserved for decommissioning and the appropriate vehicle for ensuring those sums are available (e.g., a decommissioning fund or a letter of credit). After parties have an opportunity to review the proposal, we will determine the final amount that Deerfield must make available and require Deerfield to take steps to ensure that those sums are available. Deerfield shall make its filing within 14 days of this Order. Comments on Deerfield's filing shall be submitted within one week of Deerfield's filing.

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED by the Public Service Board of the State of Vermont that:

1. Construction of the meteorological ("MET") towers, as proposed in Deerfield Wind LLC's August 14, 2009, filing is approved, subject to the following conditions.
2. Following removal of the temporary MET towers, Deerfield shall permit the areas cleared for placement of the MET towers that are not within the area to be cleared as part of the Project to revegetate.
3. By November 24, 2009, Deerfield shall file, for Board approval, a proposal for decommissioning of the MET towers authorized by this Order.

1. Docket 7156, Order of 2/18/08.

Dated at Montpelier, Vermont, this 10th day of November, 2009.

<u>s/James Volz</u>	)	
	)	PUBLIC SERVICE
	)	
<u>s/David C. Coen</u>	)	BOARD
	)	
	)	OF VERMONT
	)	

OFFICE OF THE CLERK

FILED: November 10, 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)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.