

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 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))

Order entered: 5/24/2016

SIXTH ORDER RE: COMPLIANCE FILINGS

I. INTRODUCTION

On April 16, 2009, the Vermont Public Service Board (“Board”) issued an order (“Order”) and certificate of public good (“CPG”) in this docket approving, subject to certain conditions, the construction and operation of a wind electric generating facility (the “Project”). On July 17, 2009, the Board issued an amended CPG (“Amended CPG”), in which several of the conditions contained in the CPG were altered. Among other things, the CPG and Amended CPG required the CPG Holder, Deerfield Wind, LLC (“Deerfield”), to make a number of post-certification compliance filings.

On March 16, 2016, Deerfield submitted compliance filings that included a stipulation among itself, the Vermont Agency of Natural Resources (“ANR”), and the Vermont Natural Resources Council, Inc. (“VNRC”) (the “Stipulating Parties”), regarding mitigation for black

bear habitat required by Condition 11 of the Amended CPG (the “Mitigation Stipulation”).¹ The Mitigation Stipulation also addresses ongoing compliance with Condition 12 of the Amended CPG regarding implementation of a multi-year study on the impact of the Project on bears.

Our review of the Mitigation Stipulation raises a number of questions. We conclude that the best means to better understand the Mitigation Stipulation and how it addresses Conditions 11 and 12 of the Amended CPG is to convene a technical hearing. The technical hearing will provide the opportunity to place relevant documents into evidence and to explore the basis for approving any variation from Conditions 11 and 12 of the Amended CPG. A technical hearing will also provide an opportunity to hear testimony from the Stipulating Parties about the Mitigation Stipulation and responses to Board staff questions.

George Young, Esq., is appointed as the Hearing Officer for the purpose of conducting the hearing and establishing a schedule for any further process related to the Mitigation Stipulation. A list of questions will be provided to the Stipulating Parties in advance of the technical hearing.

The Stipulating Parties are directed to confer with the parties to the proceeding and propose several dates and times for a technical hearing to be held between June 10 and June 16, 2016, or between July 6 and July 21, 2016. Deerfield shall file mutually agreed-upon dates, in order of preference, as soon as practicable, keeping in mind that the Clerk of the Board must issue notice of the hearing at least 12 days in advance of hearing under 30 V.S.A. § 10(b).

SO ORDERED.

1. Deerfield filing of 3/16/2015, Attachment 1.

Dated at Montpelier, Vermont, this 24th day of May, 2016.

<u>s/James Volz</u>	)	
	)	PUBLIC SERVICE
	)	
<u>s/Margaret Cheney</u>	)	BOARD
	)	
	)	OF VERMONT
<u>s/Sarah Hofmann</u>	)	

OFFICE OF THE CLERK

FILED: May 24, 2016

ATTEST: s/Judith C. Whitney
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@vermont.gov)

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.