

**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 17)
turbine, 34 to 37.5 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))

**Reply Brief of Windham Regional Commission
Proposed Partial Findings of Fact and Conditions**

February 19, 2009

30 V.S.A. § 248(b)(1) – Orderly Development of the Region

Discussion

In its brief, the petitioner states in regard to the Windham Regional Plan:

144. The Project will not conflict with any of the Plan's general or specific provisions and it will not violate any clear written community standards articulated in the Plan.
Deerfield Wind, LLC Proposed Findings of Fact and Order, January 22, 2009, at 37

The proposed project does, in fact, conflict with certain specific policies in the Windham Regional Plan, which is inevitable in the case of any development in sensitive areas, such as high elevation ridgelines. While the Public Service Board (Board) must give due consideration to recommendations of the regional planning commission, it must at the same time balance any such conflicts with the overall public good, including values such as production of renewable energy, that the project could provide.

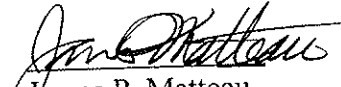
With regard to the above issues, the Board addressed similar conflicts its Order in Docket #5823 for the original Searsburg wind facility involving consideration of the provisions of a substantially similar version of the Windham Regional Plan. In that Docket the Board recognized that “any economically viable commercial scale wind development must be sited at high elevation and topographically prominent locations to intercept useful quantities of wind energy” and concluded that the Searsburg project complied with the Regional Plan because it had been sited to minimize the impacts of the facility to the extent possible. *Searsburg*, Docket 5823, Order of 5/16/96 at 28 (¶ 38).

Conclusion

The Windham Regional Commission proposes that the Board similarly find in this case that such inevitable conflicts must be balanced against the public good and, if the Board otherwise finds the project to be economically viable, that the project can go forward despite such conflicts. In making that determination, however, the Board should clearly state that such findings apply to this project and this site, and not generally for all projects or other sites. Further, the Board should impose conditions to eliminate or minimize the physical impacts on sensitive areas, such as wildlife habitat.

Dated at Brattleboro, Vermont this 19th day of 2009

Windham Regional Commission

By: 
James P. Matteau
Executive Director