

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

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: 05/16/22

ORDER APPROVING AMENDMENT TO DECOMMISSIONING FUND LETTER OF CREDIT,
OPENING COMPLIANCE CASE IN EPUC, AND
REQUIRING NOTIFICATION OF THE CLERK TO MAINTAIN PARTY STATUS

I. LETTER OF CREDIT

On August 8, 2007, the Vermont Public Utility Commission (“Commission”) issued an order and certificate of public good (“CPG”) in this case approving, subject to certain conditions, the construction and operation of an electric generation facility (the “Project”) by UPC Vermont Wind, LLC (“CPG Holder”).¹ The CPG included conditions requiring the CPG Holder to file for Commission review and approval a letter of credit.²

On February 22, 2018, the Commission approved a replacement letter of credit and drawing certificate filed on February 10, 2018.

On January 31, 2022, the Bank of Nova Scotia filed with the Commission an amendment to the previously approved letter of credit increasing the amount by \$74,478 to \$1,735,530.

Having reviewed the amendment to the letter of credit, we find that it complies with our requirements regarding letters of credit, and it is approved.

To ensure compliance with current Commission requirements, the CPG Holder is encouraged to consult the Commission’s website (<https://puc.vermont.gov/electric/letter-of->

¹ Order of August 8, 2007.

² See, CPG at ¶ 32.

[credit](#)) where up-to-date information about filing a letter of credit is posted, including a sample letter of credit and drawing certificate.

II. COMPLIANCE CASE

The August 8, 2007, order and CPG for this Project imposed numerous conditions on the CPG Holder that have required and will continue to require various compliance filings with the Commission, for many years into the future.

Since the time the order and CPG were issued, the Commission has transitioned from a hard-copy, paper-based filing and case-management system to an on-line, electronic filing and case-management system. This new system is known as ePUC. The transition to ePUC has been quite positive and has been effective in reducing the burdens on all parties, especially with respect to those resulting from the need to file multiple copies of documents with the Commission and to serve hard copies of all filings on all parties to a case, which in some cases can be many.

When ePUC was implemented, the Commission determined that, because of resource constraints and challenges associated with importing extensive paper records into ePUC, nearly all cases that were pending at that time would continue to be processed under the older hard-copy, paper-based system. These cases are known as “legacy cases.” The Commission expected that the number of open legacy cases would decrease over time as final orders were issued in those proceedings.

While this has happened, many legacy cases, like Docket 7156, remain open because they require compliance filings over many years (in some instances, over the life of the project). Rather than continuing to require parties to file paper copies of compliance filings in those legacy cases for many years to come, the Commission has determined that it is appropriate to create new ePUC cases to enable those compliance filings and any comments on those compliance filings to be filed electronically via ePUC.³

Based on this decision, the Commission will open a new case in ePUC that will be assigned a new case number. Once the new case is opened, Docket 7156 will be closed. All

³ The Commission expects that it will take some time to complete this transition for all of the legacy cases that require compliance filings.

future compliance filings required by the order and CPG issued in Docket 7156 and comments on them must be made in the new case. Inquiries or information about alleged compliance problems must also be filed in that case and the Commission will then determine whether a separate case needs to be opened to address any new issues that may arise.

All parties still on the service list in Docket 7156 can automatically become parties in the new case. However, some parties on the service list may no longer wish to participate in the remaining compliance matters. Therefore, the Commission directs all parties currently on the service list who wish to continue to participate in the remaining compliance matters to email the clerk of the Commission at puc.clerk@vermont.gov by the close of business on June 15, 2022. If you do not email the clerk of the Commission by that date, you will not be added to the new case's service list and a motion to intervene will need to be filed and granted for you to obtain party status.

In your email to the clerk, you must indicate whether you will participate in the new case by ePUC or by paper. If you decide to participate by paper, you can later elect to switch to electronic participation using ePUC. If and when you choose to participate using ePUC, you will not be permitted to switch back to paper-based participation absent a showing of cause.

The Commission strongly encourages all parties who wish to continue their participation in the remaining compliance matters to do so using ePUC. However, use of ePUC does require a broadband connection. Therefore, if you do not have a broadband connection, or for some other reason do not want to participate in the future using ePUC, you can still participate in hard copy. This means that you will still receive paper copies of filings. However, it also means that when you file something, you will still be required to serve paper copies of your filing on all other parties, unless they consent to receive service from you electronically (e.g. by email attachment).

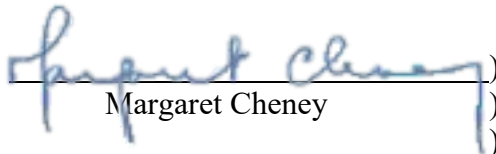
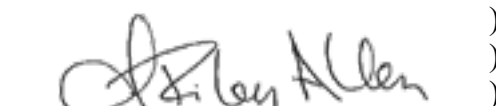
Instructions for creating an ePUC user account can be found here:

<https://puc.vermont.gov/epuc-information/create-epuc-user-account>. Instructions for how to make a filing using ePUC can be found here: <https://puc.vermont.gov/epuc-information/make-filing>. General information and guidance for using ePUC can be found here: <https://puc.vermont.gov/epuc-information/epuc-help>. Additionally, Commission staff are available to answer questions regarding the use of ePUC.

When the service list for the new case is complete, the Commission will issue an order closing Docket 7156 and a separate order in the new case indicating that all compliance-related filings required by the order and CPG issued in Docket 7156 shall be made in the new case from that date forward.

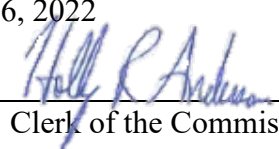
SO ORDERED.

Dated at Montpelier, Vermont, this 16th day of May, 2022.

	)	
Margaret Cheney	)	PUBLIC UTILITY
	)	
	)	COMMISSION
	)	
	)	OF VERMONT
J. Riley Allen	)	

OFFICE OF THE CLERK

Filed: May 16, 2022

Attest: 
Clerk of the Commission

Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Commission (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: puc.clerk@vermont.gov)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Commission within 30 days. Appeal will not stay the effect of this Order, absent further order by this Commission or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Commission within 28 days of the date of this decision and Order.

PUC Docket No. 7156 - Service List - Parties:

Parties:

Vermont Department of Public Service
112 State Street
Montpelier VT 05620-2601
DPS-PA@vermont.gov

Andrew N. Raubvogel, Esq.
Geoffrey H. Hand, Esq.
Dunkiel Saunders Elliot Raubvogel & Hand, PLLC
91 College Street, PO Box 545
Burlington, VT 05402-0545
araubvogel@dunkielsaunders.com
ghand@dunkielsaunders.com

(For Vermont Wind, LLC)

John W. Kessler, Esq.
Vermont Agency of Natural Resources
National Life Building, Drawer 20
Montpelier, VT 05620-0501
john.kessler@vermont.gov

Town of Sheffield
c/o William St. Peter, Town Clerk
37 Dane Road
Sheffield, VT 05866
sheffieldvtownclerk@gmail.com

(For Town of Sheffield)

Vincent Illuzzi, Esq.
PO Box 226
Orleans, VT 05860-0226
Vincent.illuzzi@vermont.gov

(Pro Se and for Frank Illuzzi)

Downs Rachlin Martin PLLC
52 State Street, PO Box 1072
Montpelier, VT 05602-1072
info@drm.com

(For UHS of Sutton, Inc. and
Universal Health Services, Inc.)

Paul Brouha, *pro se*
Ridge Protectors, Inc.
92 Queen Elizabeth Farm Lane
Sutton, VT 05867
Paul.brouha@gmail.com

Arthur B. Sanborn, Town Administrator
Town of Lyndon
P.O. Box 167
Lyndonville, VT 05851
dawn@lyndonvt.org

Renewable Energy Vermont
P.O. Box 1036
Montpelier, VT 05601
jonathan@revermont.org

Town of Burke
212 School Street
West Burke, VT 05871
burke@burkevermont.org

Michael & Marsha Burrington
P.O. Box 156
Sheffield, VT 05866

Hershenson Carter Scott & McGee, PC
P.O. Box 909
Norwich, VT 05055
smcgee@sheeheyvt.com

(For Town of Sutton and Ridge Protectors, Inc.)

Brian Woods
2276 Wheelock Road
Sutton, VT 05867

(For Marilyn Pastore & the Inn at
Mountain View Farm)

Town of Newark
266 Watch Dog Lane
Newark, VT 05871
newarktownclerk@gmail.com

Town of Kirby
346 Town Hall Road
Lyndonville, VT 05851
townclerk.kirbyvermont@gmail.com

Byron Savoy
1708 King George Farm Road
Sutton, VT 05867

Town of Westmore
54 Hinton Hill Road
Orleans, VT 05860
Clerk@westmoreonline.org

William R. May, Esq.
May & Davies
P.O. Box 303
Barton, VT 05822
maydavies@together.net

(For Barton Village, Inc. & Town of Barton)