

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 20-1951-PET

Green Mountain Power Corporation request for a non-substantial change determination, or in the alternative amend the CPG issued to the Lowell Mountain Kingdom Community Wind Project in Docket 7628	
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Order entered: 09/02/2022

ORDER RE LIGHTING AT LOWELL MOUNTAIN WIND FACILITY

In today's order, the Vermont Public Utility Commission ("Commission") adopts the Hearing Officer's report and recommendation and determines that no further action is needed at this time with respect to the lighting system at Green Mountain Power Corporation's Lowell Mountain wind facility.

HEARING OFFICER REPORT AND RECOMMENDATION

On May 13, 2022, Green Mountain Power Corporation ("GMP") filed with the Commission a status report on its efforts to obtain approval of an Aircraft Detection Lighting System for use at its Lowell Mountain wind facility pursuant to Condition 34 of the May 31, 2011, certificate of public good issued by the Commission in Docket 7628.

On July 14, 2022, Representative Katherine Sims filed with the Commission an email inquiry regarding the lighting at GMP's Lowell Mountain wind facility.

On July 22, 2022, I issued a procedural order directing GMP to respond to Representative Sims's inquiry by no later than August 8, 2022. In that order, I also established August 15, 2022, as the deadline for all other parties to this proceeding to file comments on GMP's response.

On July 29, 2022, GMP filed its response to the July 22 order.

No other party filed comments addressing either Representative Sims's inquiry or GMP's response.

After reviewing GMP's response and the requirements of the certificate of public good ("CPG") that govern the lighting system at GMP's Lowell Mountain wind facility, I recommend that the Commission determine that GMP is in compliance with those requirements and that no further action is warranted in response to representative Sims's inquiry at this time.

Condition 34 of the CPG states:

The Petitioners shall apply for and take all reasonable steps to obtain approval of the Object Collision Avoidance System (“OCAS”), and shall install the OCAS promptly should it obtain approval. If the Petitioners are unable to obtain approval of the OCAS, they shall submit for review by the Department and approval by the [Commission] an alternative Lighting Mitigation Plan, within 3 months of notification of disapproval of the OCAS. Parties with standing on the issue shall have two weeks to file comments from the time any alternative Lighting Mitigation Plan is filed.¹

According to GMP, no lighting mitigation systems had been approved for use at wind generation facilities at the time it was seeking approval for the Lowell Mountain wind facility. However, the OCAS system was actively under development and potentially would be available for use at the Lowell Mountain wind facility and was therefore the focus of GMP’s proposal.² GMP explains that the review of the OCAS system by the Federal Aviation Administration (“FAA”) experienced significant delays and that during that time the FAA approved general technical standards for Aircraft Detection Lighting Systems for use in the United States. The OCAS system never received approval from the FAA because it did not meet the general standards applicable to Aircraft Detection Lighting Systems. Thus, GMP was never able to apply to the FAA for approval of the OCAS system at the Lowell Mountain wind facility.³

GMP also details its ongoing efforts to obtain FAA approval for other Aircraft Detection Lighting Systems at the Lowell Mountain wind facility.⁴

After reviewing both the language of Condition 34 of the CPG and the history of GMP’s efforts to obtain FAA approval of a lighting mitigation system for use at its Lowell Mountain wind facility, I recommend that the Commission conclude that GMP is in compliance with its obligations under Condition 34 and that no further action is needed at this time. I also recommend that the Commission direct GMP to continue to file status reports every six months with detailed descriptions of its efforts and any progress made to meeting the goal of installing a lighting mitigation system at the facility.

¹ Docket No. 7620, CPG issued 5/31/11 at Condition 34.

² GMP response at 2.

³ GMP response at 2.

⁴ GMP response at 2-4.

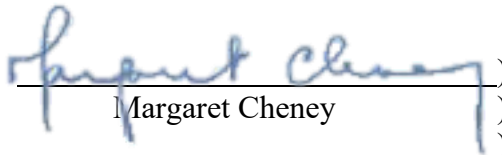
ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED by the Public Utility Commission (“Commission”) of the State of Vermont that:

1. The report and recommendation of the hearing officer are adopted.
2. No further action will be taken at this time with respect to the lighting system at Green Mountain Power Corporation’s (“GMP”) Lowell Mountain wind facility.
3. GMP shall continue to file status reports every six months in the compliance subcase of this case on its efforts to obtain FAA approval for the use of a lighting mitigation system at the Lowell Mountain wind facility.

SO ORDERED.

Dated at Montpelier, Vermont, this 2nd day of September, 2022.

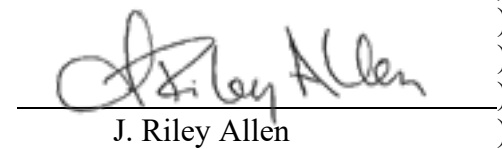


Margaret Cheney

) PUBLIC UTILITY

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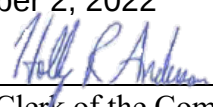
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J. Riley Allen

OFFICE OF THE CLERK

Filed: September 2, 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)

PUC Case No. 20-1951-PET - SERVICE LIST

Parties:

Carolyn Browne Anderson, Esq. (for Green Mountain Power Corporation)
Green Mountain Power Corporation
2152 Post Road
Rutland, VT 05702
carolyn.anderson@greenmountainpower.com

Debra L. Bouffard, Esq. (for Green Mountain Power Corporation)
Sheehey Furlong & Behm
30 Main Street, 6th Floor
P.O. Box 66
Burlington, VT 05402-0066
dbouffard@sheeheyvt.com

Erin C. Brennan, Esq. (for Vermont Department of Public Service)
Vermont Department of Public Service
112 State Street
Montpelier, VT 05620
Erin.Brennan@vermont.gov

Victoria J. Brown, Esq. (for Vermont Electric Cooperative Inc.)
Vermont Electric Cooperative, Inc.
42 Wescom Road
Johnson, VT 05656
vbrown@vermontelectric.coop

Arlene P. Duffy (for Green Mountain Power Corporation)
30 Main Street, 6th Fl
PO Box 66
Burlington, VT 05401
aduffy@sheeheyvt.com

Donald J. Einhorn, Esq. (for Vermont Agency of Natural Resources)
Vermont Agency of Natural Resources
1 National Life Drive, Davis 2
Montpelier, VT 05602-3901
donald.einhorn@vermont.gov

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

(for Green Mountain Power Corporation)

Donald Nelson, *pro se*
2058 Pine Hill Road
Newport, VT 05855
ds-nelson@peoplepc.com

Shirley Nelson, *pro se*
2058 Pine Hill Road
Newport, VT 05855
ds-nelson@peoplepc.com

James Porter, Esq.
Vermont Department of Public Service
112 State Street
Montpelier, VT 05620
james.porter@vermont.gov

(for Vermont Department of Public Service)

S Mark Sciarrotta
Vermont Electric Power Company, Inc.
366 Pinnacle Ridge Road
Rutland, VT 05701
msciarrotta@velco.com

(for Vermont Transco LLC) (for Vermont
Electric Power Company, Inc.)