

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7508

Petition of Georgia Mountain Community Wind, LLC,)
for a certificate of public good, pursuant to 30 V.S.A.)
Section 248, authorizing the construction and operation)
of a 5-wind turbine electric generation facility, with)
associated electric and interconnection facilities, on)
Georgia Mountain in the Towns of Milton and Georgia,)
Vermont, to be known as the "Georgia Mountain)
Community Wind Project")

Order entered: 12/9/2010

SCHEDULING ORDER

On June 11, 2010, the Public Service Board ("Board") issued an Order and Certificate of Public Good ("CPG") to Georgia Mountain Community Wind, LLC ("GMCW") in this docket.

In an Order issued on August 6, 2010, we directed GMCW to provide a proposed schedule for proceedings in order for the Board to determine an appropriate set-back distance from the base of the Project's turbines to the adjacent property lines. In the August 6 Order, we set a deadline of August 27, 2010, for GMCW to file its proposed schedule, or a status report on this matter.

On August 27, 2010, GMCW filed its status update; GMCW stated that it "has been and continues to be in negotiations with the FitzGerald family regarding setback alternatives." GMCW indicated that it would circulate a proposed schedule to the parties the following week and would submit a proposed schedule to the Board "soon thereafter."

The Board received no further communication from GMCW regarding the set-back proceedings. In a filing dated October 4, 2010, the "Landowner Intervenor"¹ stated that they had not received a proposed schedule from GMCW. In a memorandum dated October 15, 2010, the Board required GMCW to file a proposed schedule for set-back proceedings by October 29, 2010.

1. Daniel and Tina FitzGerald, Kenneth and Virginia Mongeon, Kevin and Cindy Cook, George A. and Kenneth N. Wimble, Scott and Melodie McLane, Matthew and Kimberly Parisi, and Jane and Heidi FitzGerald (collectively, "Landowner Intervenor").

On October 29, 2010, GMCW filed a proposed schedule. Because GMCW had not yet filed its direct testimony and other parties had not provided comment on the schedule the Board adopted a limited schedule in an Order issued on November 3, 2010. That schedule required the Petitioner to file its direct testimony on November 10, 2010. On November 4, 2010, the Landowner Intervenor filed their proposed schedule. Based on that schedule, GMCW would have filed its direct testimony on November 17, 2010.

It appears that GMCW intended to follow the schedule proposed by the Landowner Intervenor. On November 19, 2010, GMCW informed the Board that it "must extend the filing of its evidence on the set back issue" due to the travel schedule and unavailability of a key witness. GMCW stated: "At this point, while we are working earnestly to meet a filing date of early next week, we believe that it may be possible that the filing will extend to the early part of the week of November 30th, given the intervening Thanksgiving holiday." GMCW then filed its testimony on November 22, 2010.

On December 1, 2010, the Landowner Intervenor requested that the deadline to serve discovery be set for December 13, 2010. GMCW urges the Board to adopt a deadline of December 6, 2010, in order to retain all other schedule dates as originally proposed by the Landowner Intervenor. GMCW claims that the postponement of the discovery deadline will "result in a significant extension to the schedule" because discovery responses would be due immediately after Christmas weekend.

The Board approved this project on June 11, 2010, and concluded that we would conduct additional proceedings to determine an appropriate set-back distance from the turbines to the adjacent property lines. GMCW did not request further action until prompted by the Board and neglected to follow up with the Board after the August 27 status update until, again, prompted by the Board.

Given the history surrounding the schedule for these set-back proceedings, we do not see a sufficient reason to reject the Landowner Intervenor's request to file discovery one week later than GMCW requests that it be filed. Further, we address GMCW's concern regarding the Christmas holiday by extending the deadline for GMCW's discovery responses.

Therefore, the Board adopts the following schedule:

Petitioner filed direct testimony	November 22, 2010
Discovery served on Petitioner	December 13, 2010
Petitioner responds to discovery	December 30, 2010
Non-Petitioners file direct testimony	January 13, 2011
Discovery served on Non-Petitioners	January 27, 2011
Non-Petitioners respond to discovery	February 10, 2011
Technical Hearing	March 10 & 11, 2011

We remind all parties to this docket that the schedule described in this Order is the designated schedule for this proceeding. The parties must follow this schedule unless a timely request to change it is made to, and approved by, the Board. Any requests to modify this schedule must refer to this Order. The requesting party should attempt to consult with the other parties prior to making its submission and indicate whether the parties agree to the proposal.

So ORDERED.

Dated at Montpelier, Vermont, this 9th day of December, 2010.

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

OFFICE OF THE CLERK

FILED: December 9, 2010

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)