

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: 3/15/2011

ORDER RE: POWER PURCHASE AGREEMENT

On October 21, 2010, Georgia Mountain Community Wind, LLC ("GMCW"), filed a redacted version of a power purchase agreement ("PPA") that it has entered into with the City of Burlington Electric Department ("BED") for the sale of 100% of the energy, capacity, renewable energy credits, and ancillary services associated with GMCW's wind generation facility. In the same filing, GMCW also submitted a motion for confidential treatment of Attachment 1 of the PPA, which contains pricing terms. GMCW requested that the Public Service Board ("Board") issue a protective order keeping confidential the redacted information which GMCW alleged is competitively sensitive.

On December 9, 2010, the Board denied GMCW's motion without prejudice.

On December 23, 2010, GMCW filed a motion to reconsider and included an averment from BED regarding the potential negative impacts if the pricing terms contained in Attachment 1 were made public.

The confidentiality of power purchase contract terms has recently been raised in several ongoing Board proceedings. We have determined it would be beneficial to explore this issue in a workshop open to all Vermont electric utilities and any other interested parties.¹ In the

1. See the separate memorandum from the Clerk of the Board issued today for more information about this workshop.

meantime, because there are potentially negative impacts to ratepayers if pricing information is not kept confidential, we will protect the redacted information on a provisional basis, pending our broader exploration of confidential treatment of power purchase contract terms.

Therefore, GMCW's motion for reconsideration is granted, on a provisional basis, until the Board has had the opportunity to more fully explore whether the pricing terms contained in power purchase agreements, generally, as well as in this particular PPA, should be public information.

Accordingly, It IS HEREBY ORDERED that Attachment 1 of the PPA filed by GMCW on October 21, 2010, shall be treated in this proceeding as follows:

1. The pricing information that is subject to this Order as confidential information shall not be opened or released from custody of the Clerk of the Board except by order of the Board. Notwithstanding this Protective Order, the members of the Board, and any employee or consultant specifically authorized by the Board to assist the Board in this proceeding and any Hearing Officer appointed to the Docket, may have access to such sealed Allegedly Confidential Information, but shall not disclose the contents of any such sealed information to any person who is not authorized by this Protective Order to have access to such information.
2. If any of the protected information becomes public, such information shall no longer be subject to this Protective Order. GMCW shall promptly inform the Board and the Vermont Department of Public Service if it makes public any of the protected information or if it becomes aware that such information has become public.
3. The Board will retain jurisdiction to make such amendments, modifications and additions to this Order as it may, from time to time, deem appropriate, including any such amendments, modifications or additions resulting from a motion made pursuant to the Protective Agreement. Any party or other person may apply to the Board for an amendment, modification or addition of this Order. The Board specifically reserves the ability to modify this Order based on its broader consideration of confidential treatment of power purchase contracts in the workshop process noted above.

Dated at Montpelier, Vermont, this 15th day of March, 2011.

<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: March 15, 2011

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)