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Mrs. Susan Hudson, Clerk
Vermont Public Service Board
112 State Street, 4th Floor
Montpelier, Vermont 05620-2701

VIA EMAIL AND FIRST CLASS MAIL

Re: Docket No. 7628; Craftsurby, Albany and LMG Reply to GMP's Brief Re: Noise Monitoring Plan.

Dear Mrs. Hudson:

This letter is in reply to GMP's Brief Re: Noise Monitoring Plan. The Towns and LMG believe that they have sufficiently covered the key issues in their initial Brief and will not endeavor to waste the Board's time reiterating those arguments in reply to GMP. It is clear from LMG and the Towns' Brief that certain alterations of the proposed noise monitoring plan are warranted, and the Towns/LMG are hopeful that the Board will do the right thing and ensure the protection of the public health by adopting the plan provisions that the Towns and LMG have proposed.

There is, however, one issue that GMP argued that requires a response. GMP stated that "[t]he Towns and LMG's additional proposed changes do not meet the standard for a compliance filing on noise testing issues; instead they constitute new standards for noise testing, are thus inconsistent with the May 31 Order, and should be rejected." GMP at 5. This argument is ridiculous for several reasons. First, if the Board were to adopt GMP's argument, it would preclude any opportunity for a substantive review of the noise monitoring plan, and provide an unfair means for GMP to evade the Towns/LMG's right to participate in creating that plan. GMP failed to provide a noise monitoring plan with its initial testimony, thereby waiting until post-certification review to submit their proposed plan. As such, there was no plan for the Towns/LMG to comment on during the initial testimony and hearings. The Board therefore provided some very general guidance regarding what was expected of the plan, but left the review of that plan for later.

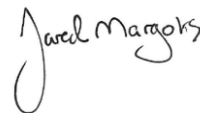
If the only review provided by the Board is whether the proposed plan meets the limited and very general requirements contained in the Board's Order, then GMP would have the opportunity to create the most biased plan they could, as long as it fell within the wide

parameters set forth in the Order. This would be incredibly imprudent for a monitoring protocol necessary to ensure that the Project does not have an undue adverse health impact on the public. In order for those impacted by this proposed plan to have a sufficient opportunity to participate in the formulation of the plan, the parties must have the opportunity and ability to comment on the specific provisions of the proposed plan, and offer alternative provisions to ensure that the plan is sufficiently robust to protect their interests.

Second, even if GMP is correct in arguing that the review of the noise monitoring plan should be limited to an evaluation of whether GMP's proposal meets the standard set by the Board, the Towns/LMG's proposals are consistent with this review. The Board's Order specifically stated that it expected "a monitoring program to confirm under a variety of seasonal and climactic conditions compliance with the maximum allowable sound levels described above...." Order at 102. The Towns/LMG have argued that GMP's plan does not adequately meet this standard, and that certain provisions (listed by GMP on page 4 of their Brief) are necessary to meet the Board's standard of showing "compliance with the maximum allowable sound levels." Since the plan requirements proposed by the Towns/LMG provide specific means and methods for achieving the standard that the Board set regarding the noise monitoring plan, such as the use of worst-case monitoring locations and a minimum amount of usable data to ensure compliance, they are consistent with the standards set by the Board and GMP's argument is inapposite.

The Towns/LMG's proposed requirements are not new standards that have been raised after specific standards have been set by the Board. The situation in Docket 7156, which GMP relies on,¹ is entirely irrelevant, since that ruling pertained to a motion to alter filed after the parties had already had the initial opportunity to review and comment on the proposed noise monitoring plan, and the plan had been approved. This, however, is the parties' first opportunity to review and comment on the proposed plan, which has not yet been approved by the Board, and there is therefore no basis for rejecting the Towns/LMG's proposed plan requirements. The Towns/LMG's proposed requirements should be incorporated into the plan to protect the health and well-being of the public living in the vicinity of this Project.

Sincerely,

A handwritten signature in cursive script that reads "Jared Margolis".

Jared M. Margolis, Esq.

cc. Service List

¹ GMP at 5.