

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7628

Joint Petition of Green Mountain Power Corporation,)
Vermont Electric Cooperative, Inc., and Vermont)
Electric Power Company, Inc. for a certificate of public)
good, pursuant to 30 V.S.A. Section 248, to construct up)
to a 63 MW wind electric generation facility and)
associated facilities on Lowell Mountain in Lowell,)
Vermont, and the installation or upgrade of)
approximately 16.9 miles of transmission line and)
associated substations in Lowell, Westfield and Jay,)
Vermont)

Order entered: 5/16/2012

ORDER RE NOISE MONITORING PLAN

On May 31, 2011, the Public Service Board ("Board") issued an Order (the "Order") and Certificate of Public Good ("CPG") in this docket approving, subject to certain conditions, the construction and operation of the proposed wind electric generating facility. Among other things, the Order required the Petitioners to make a number of post-certification compliance filings. Condition 41 of the Order and CPG required Green Mountain Power Corporation ("GMP") to file with the Board a Noise Monitoring Plan (the "Plan") for comment by the parties and review and approval by the Board. Condition 41 required that the Plan be consistent with the noise monitoring plan approved by the Board in Docket 7156 (the "Sheffield Plan"),¹ that it extend from construction through the first two years of project operation, and that it address a number of specific items that were not addressed in the Sheffield Plan.²

On October 7, 2011, GMP filed a final revised version of the Plan that it contended complied with the Order and CPG. The revised Plan reflected a number of changes made by

1. *Amended Petition of UPC Vermont Wind*, Docket 7156, Order of 9/20/10 at 2-3.

2. Docket 7628, Order of 5/31/11 at 165-66.

GMP as the result of input from other parties; however, disagreement remained among certain parties over a number of aspects of the Plan.³

On December 13, 2011, following the prefiling of written testimony by, and a period of discovery among, certain of the parties, the Board held a technical hearing on the revised proposed Plan.

On April 3, 2012, the Board issued an Order approving the revised Plan as filed by GMP on October 7, 2011, subject to a number of conditions.⁴

On May 3, 2012, GMP filed a newly-revised version of the Plan in response to the Board's April 3, 2012, Order. GMP states in its cover letter that it circulated the newly-revised Plan to the parties on April 24, 2012, asking that any comments on the Plan be provided to GMP by May 1, 2012. According to GMP, the Towns of Lowell and Albany (the "Towns") and Lowell Mountains Group, Inc. ("LMG") responded that they had no comments on the Plan, and no other parties replied. GMP also states that it, the Towns, LMG and the Department of Public Service have agreed to retain the firm of Cavanaugh Tocci Associates, Inc. to serve as the neutral third-party observer that is required by our April 3, 2012, Order.⁵

We have reviewed the Plan as filed May 3, 2012, and conclude that GMP has met the conditions of our April 3, 2012, Order by making the revisions to the Plan required by that Order. Accordingly, the Noise Monitoring Plan as filed May 3, 2012, is hereby approved.

SO ORDERED.

3. See Docket 7628, Order of 4/3/12 at 2-10 for a more detailed discussion of the procedural history surrounding the Plan and the areas of disagreement among certain parties.

4. See Docket 7628, Order of 4/3/12 at 11-27.

5. Letter from Peter H. Zamore, Esq., to Susan M. Hudson, Clerk of the Board, dated May 3, 2012. We commend the parties for reaching agreement on the identity of the neutral third-party observer.

Dated at Montpelier, Vermont, this 16th day of May, 2012.

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

OFFICE OF THE CLERK

FILED: May 16, 2012

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)

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