

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: 1/25/2012

ORDER RE CONDITION 27 AND LEASE COMPLIANCE FILINGS

INTRODUCTION

On May 31, 2011, the Public Service Board ("Board") issued an Order ("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. Condition 14 of the CPG required the Petitioners to file for Board review and approval any executed lease agreements with involved landowners. Additionally, Condition 27 of the CPG required the Petitioners to file for Board review and approval a plan detailing how Green Mountain Power Corporation ("GMP") will employ best management practices related to the installation, maintenance, and eventual disposal of circuit breakers containing sulfur hexafluoride ("SF6") in order to avoid or minimize SF6 emissions.

On January 9, 2012, in response to Conditions 14 and 27, GMP filed a Wind Farm Neighbor Easement Agreement between Wind Blown Energy LLC and GMP dated as of January 29, 2010 ("Wind Farm Neighbor Easement") and its proposed SF6 Plan.

In this Order we determine that the Wind Farm Neighbor Easement does not require our approval, and conditionally approve the SF6 Plan for the reasons discussed below.

DISCUSSION

A. Wind Farm Neighbor Easement

Condition 14 of the CPG states:

GMP shall submit to the Board, for review and approval, any executed lease agreements with involved private landowners. Any such lease agreements may be redacted to protect confidential business information. At a minimum, such lease agreements shall contain provisions which ensure that decommissioning can effectively occur in the event of GMP's insolvency or dissolution, the revocation of any permit issued to GMP, GMP's breach of any lease, or an order of the Board requiring decommissioning, and allow access to the impacted land for purposes of fulfilling any CPG condition, including access by representatives of the Vermont Department of Public Service ("Department"), the Board, and ANR. Upon approval by the Board, a notice of leasehold interest for each lease agreement shall be recorded in the land records of the relevant municipality.

GMP filed the Wind Farm Neighbor Easement noting that the easement controls the relationship between the signatories on lands owned by Wind Blown Energy LLC where no infrastructure associated with the project will be located, and therefore does not address issues of access onto project lands.¹

In an Order dated December 16, 2011, we explained that our primary purpose in requiring GMP to file any executed leases covering project lands was to ensure that relevant state officials would have access to the project site to enforce any of the conditions imposed in the CPG, and to ensure that project decommissioning could commence in a timely fashion when required if GMP was unable or unwilling to do so at that time. Given that the Wind Farm Neighbor Easement does not implicate lands where any project components will be located, the concern that gave rise to Condition 14 is not present with respect to this particular agreement. Accordingly, we conclude that there is no need for us approve the Wind Farm Neighbor Easement.

B. SF6 Plan

Condition 27 of the CPG states:

GMP shall submit a plan for Board approval prior to commencing turbine installation, that details how GMP will employ best management practices related

1. Letter to Susan M. Hudson, Board Clerk, dated January 6, 2012, at 1.

to the installation, maintenance, and eventual disposal of the SF6-containing circuit breakers in order to avoid or minimize SF6 emissions.

According to GMP, its proposed SF6 Plan is based on “‘Best management practices’ for the purpose of avoiding or minimizing SF6 emissions,” and represents a “compilation of industry knowledge and experience gathered through correspondence with other utilities and equipment manufacturers.”² The SF6 Plan sets forth the procedures for the acquisition, storage and handling of SF6 gas, including filling and removing SF6 gas from the circuit breakers, and removing and handling of any hazardous solid by-products.³ The information presented in the SF6 Plan is derived from the U.S. Environmental Protection Agency's SF6 Emission Reduction Partnership for Electric Power Systems, Northeast Utilities System Handling and Use of Sulfur Hexafluoride Gas.⁴

We have reviewed the proposed SF6 Plan and conclude that, provided it is properly implemented, it will avoid or minimize SF6 emissions. However, to ensure that the proposed SF6 Plan is being properly implemented, we condition our approval of the proposed plan on GMP filing an annual report covering each of the first three years of commercial operation of the wind turbines that sets forth an inventory of SF6 emissions for the prior 12 months. The report shall be filed with the Board within 60 days of the end of the first twelve months of commercial operation, and annually thereafter for the following two years. The report should set forth the amount of SF6 emitted from both storage and operational sources, as well as a percentage figure setting forth the amount of the emissions as a percentage of overall SF6 at the site, both in storage and in use in the circuit breakers.

CONCLUSION

For the foregoing reasons, we conclude there is no need for us to approve the Wind Farm Neighbor Easement and we accordingly take no action with respect to its approval or

2. SF6 Plan at 1.

3. *See*, SF6 Plan, generally.

4. SF6 Plan at 4.

disapproval. The SF6 Plan is approved subject to the condition that GMP file annual emissions reports for the first three years of commercial operation as described above.

SO ORDERED.

Dated at Montpelier, Vermont, this 25th day of January, 2012.

<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: January 25, 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.