

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: 9/13/2012

ORDER RE THIRD REVISED TRANSPORTATION 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 ("Project"). Among other things, the Order required the Petitioners to make a number of post-certification compliance filings. Condition 6 of the Order and CPG required Green Mountain Power Corporation ("GMP") to file with the Board a Transportation Plan (the "Plan") for comment by the parties and review and approval by the Board.

Condition 6 of the CPG states:

The Petitioners shall file a complete transportation plan for Board review and approval prior to the commencement of construction activities. Parties with standing on this issue will have two weeks to file comments on the plan once it is filed.

By Orders dated July 27, 2011, May 17, 2012, and July 19, 2012, we approved the original Plan, a revised Plan and a second revised Plan, respectively.

On September 7, 2012, GMP filed a third request for Board approval of a proposed amendment to its Plan to permit delivery of a repaired base tower section to the Project site via a modification to a previously approved delivery route. Specifically, GMP seeks authority to

utilize an approximate 5-mile stretch of interstate highway I-91 between the Canadian border¹ and exit 28 on I-91 in Vermont, at which point the delivery vehicle would continue on to the Project site via the remainder of the previously approved route. The 5-mile stretch for which GMP seeks approval is located entirely within the Town of Derby, Vermont. According to GMP, use of the modified route will allow it to avoid an estimated one-week delay in delivering the tower section associated with transport by rail from Marmen, QC, to Island Pond, Vermont, and then by truck to the Project site via the existing approved route. GMP is also seeking a waiver of the 30-day and 60-day time intervals related to the road survey and municipal consultation requirements of its Plan.²

GMP represents that it contacted the Town of Derby Road Commissioner, notifying him of the proposed amended route, offering to meet with town officials or first responders, offering the town an opportunity to participate in a road survey, and asking if the town had any concerns. According to GMP, Derby's Road Commissioner declined to participate in the road survey and stated the town had no concerns over GMP's proposal. GMP represents that it completed the road survey on September 7, 2012, and that it received approval for the amended route from the Vermont Agency of Transportation ("VTrans") on August 31, 2012. GMP further states that it will provide Derby and all other towns along the amended route with a day-ahead e-mail of the planned transport. Lastly, GMP states that it is authorized to represent that the Department of Public Service supports its current request.³

Based on GMP's representations,⁴ we approve the use of the amended route for the sole purpose of delivering the repaired tower section to the Project site, and waive the 30-day and 60-day timing intervals for the road survey and town consultation requirements of the Plan. However, we note that while GMP states that it received approval from VTrans for use of the amended route, it did not expressly state whether any transportation permits are required for the

1. The tower section was repaired in Marmen, QC.

2. Letter from Peter H. Zamore, Esq., to Susan M. Hudson, Clerk of the Board, dated September 7, 2012, at 1 ("GMP Letter").

3. GMP Letter at 2.

4. We note that the only other party that appears to have standing to respond to GMP's current request is the Department of Public Service, which, according to GMP, supports the request. Accordingly, there is no need to await comments from other parties before issuing this approval.

delivery vehicle, and if so, whether it had obtained any such permits. Accordingly, this approval is conditioned upon GMP obtaining any required transportation permits for use of the newly-approved segment of roadway. GMP shall notify the Board, prior to transport, that either no permits are required, or that it has obtained any required permits.

SO ORDERED.

Dated at Montpelier, Vermont, this 13th day of September, 2012.

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

OFFICE OF THE CLERK

FILED: September 13, 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.