

MEMORANDUM

To: Parties in PSB Docket No. 7628 (Lowell Mountain Wind Project)

From: Susan M. Hudson, Clerk of the Board

Re: Comments on compliance filings

Date: June 24, 2011

On June 6, 2011, the Petitioners in Docket 7628 filed with the Public Service Board ("Board") the first of a number of compliance filings required by the Board's Order of May 31, 2011. The June 6, 2011, filing contained the final design plans for the project, aesthetic, natural resource and noise analyses related to project changes, a final blasting plan, a revised project budget, and a list of collateral permits and their status. Pursuant to the Board's May 31, 2011, Order, party comments on these materials were due on June 20, 2011. On June 20, 2011, Lowell Mountains Group ("LMG") and the Towns of Albany and Craftsbury (the "Towns") filed comments on the materials filed by the Petitioners on June 6, 2011. The Agency of Natural Resources ("ANR") filed comments on June 21, 2011. Each of these entities included in their comments a request to supplement their comments after a period for additional review of the materials in question.

On June 10, 2011, the Petitioners filed a second set of compliance materials consisting of an archaeology report, the Serpentine Outcrop management plan, the noise monitoring plan and the high-elevation wetlands mitigation plan. Pursuant to the Board's May 31, 2011, Order, party comments on these materials are due June 24, 2011. On June 20, 2011, the Towns filed a motion asking that they be allowed until July 1, 2011, to file their comments on the noise monitoring plan. According to the Towns, unavoidable conflicts in the schedules of their attorney and their noise expert necessitate the request.

The Board has carefully considered these requests and will allow supplemental comments on the June 6 filing, given the large volume of materials that the Petitioners filed on that date, and given the fact that at the same time the parties have been preparing and responding to motions for reconsideration. Any such supplemental comments shall be filed by July 1, 2011. Additionally, we are extending the comment deadline for the

June 10, 2011, filing from June 24, 2011, to July 1, 2011.¹

While the Board understands the desire on the part of LMG, the Towns and ANR to have additional time to respond to these compliance filings, the parties should be mindful of the fact that the Board has made a determination that construction and operation of the project is in the public good, subject to satisfaction of the conditions included in the Board's approval, and that timely consideration by the Board of the compliance filings is a necessary component of this process. Accordingly, the parties should not take the Board's decision today as an indication of a willingness to extend future comment deadlines. The Board imposed a two-week comment period for responding to compliance filings because it concluded that would be adequate to protect the interests of all parties, striking a balance between providing sufficient time to review and respond to the filings, while still addressing these matters in a timely fashion.²

¹This memorandum should in no way be construed as a ruling on any deadline modification requests made by various parties in their motions for reconsideration. Those motions will be ruled on after the deadlines for oppositions and replies have passed.

²See Docket 7628, Order of 12/27/10 at 11 (providing limited amendment to schedule). *See also*, Docket 7628, Order of 9/27/10 at 4 (noting that schedule would not be altered absent significant and compelling reasons).