

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: 9/25/2013

PROCEDURAL ORDER RE CONTINUOUS NOISE MONITORING

On August 8, 2013, the Public Service Board ("Board") conducted a technical hearing to consider the imposition of sanctions under 30 V.S.A. § 30 against Green Mountain Power Corporation ("GMP") for violations of the noise standards imposed on the operation of GMP's wind electric generation facility located in Lowell, Vermont (the "Project").¹

Following the hearing, briefs were filed by GMP, the Department of Public Service ("Department") and Donald and Shirley Nelson (the "Nelsons"). GMP filed a reply brief. No other party filed a reply brief.²

In their briefs, both the Department and the Nelsons discuss the desirability of continuous noise monitoring for the Project. The Nelsons recommend that we impose continuous

1. Condition 39 of the Board's Order and Certificate of Public Good approving the Project requires GMP to "construct and operate the proposed project so that the turbines emit no prominent discrete tones pursuant to ANSI standards at the receptor locations, and project-related sound levels at any existing surrounding residences do not exceed 45 dBA(exterior)(Leq)(1 hr) or 30 dBA (interior bedrooms)(Leq)(1 hr)." Docket 7628, Order of 5/31/11 at 165; CPG dated 5/31/11 at 8.

2. On September 10, 2013, the Nelsons filed a correction to their initial brief.

monitoring as a requirement.³ The Department recommends that the Board direct GMP to investigate the cost and feasibility of continuous noise monitoring for the Project and to file a report with the Board and parties describing the results of the investigation, with parties then having an opportunity to file comments on the report. In the event such monitoring is found to be feasible, useful and not excessively costly, the Department states that it is willing to work with GMP to reach an agreement that would direct payments to the costs of continuous monitoring in lieu of the imposition of a civil penalty under Section 30.

In its reply brief, GMP notes that it is willing to investigate the possibility of continuous monitoring and to review its findings with the Department. GMP proposes that such an effort be undertaken separately from the current show cause proceeding and that GMP and the Department submit their reports and recommendations within 90 days.⁴

Given the interest expressed by the Department and the Nelsons in the possibility of continuous monitoring, and given GMP's stated willingness to explore such a possibility, we direct GMP to undertake an investigation into the feasibility of continuous monitoring for the Project and to file a report with the Board within 90 days of the date of this Order.⁵ Thereafter, parties with standing on the issue of noise shall have 14 days in which to file comments on and recommendations in response to the report.

Today's Order is not a final resolution of the question of sanctions pursuant to Section 30 for the reported noise violations. We will defer this issue until after we have reviewed and considered GMP's report, the parties' comments thereon, as well as any settlement proposal.

SO ORDERED.

3. Nelson Brief at 8-9.

4. GMP Reply Brief at 6.

5. In investigating the feasibility of continuous monitoring, we encourage GMP to consult with the Department given statements made during the technical hearing by the Department's witness, Mr. St. Peter, that the Department's inquiries into the feasibility of continuous monitoring for the Project did not suggest any insurmountable problems. Tr. 8/8/13 at 144 (St. Peter).

Dated at Montpelier, Vermont, this 25th day of September, 2013.

<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: September 25, 2013

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.