

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: 10/25/2012

**SECOND ORDER RE ADJOINING LANDOWNER NOISE COMPENSATION PLAN**

**I. INTRODUCTION**

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 (the "Project"). Among other things, the Order required the Petitioners to make a number of post-certification compliance filings. Condition 42 of the Order and CPG required the Petitioners to file a plan for providing compensation to adjoining landowners in the event noise levels from the Project would preclude otherwise allowable residential development on adjoining parcels.

**II. PROCEDURAL HISTORY**

On July 16, 2012, Green Mountain Power Corporation ("GMP") filed its proposed Adjoining Landowner Noise Compensation Plan ("Proposed Plan") for Board review and approval.

Responsive comments were filed by Don and Shirley Nelson, Kevin McGrath and Dyer-Dunn, Inc. ("DDI").

On August 17, 2012, the Board issued an Order requiring GMP to make numerous changes to its Proposed Plan and declining to approve it as filed.<sup>1</sup>

On August 28, 2012, GMP filed a revised Adjoining Landowner Noise Compensation Plan ("Revised Plan") for Board review and approval.

On September 14, 2012, responsive comments were filed by DDI seeking a limited number of changes to the Revised Plan.

On October 5, 2012, the Board issued an Order in which it amended Condition 42 to extend its coverage to landowners of non-adjoining parcels, provided the parcels were in existence as of May 31, 2011, and directing GMP to make further revisions to the Revised Plan and to submit them for Board review and approval.<sup>2</sup>

On October 19, 2012, GMP filed for Board review and approval a second set of revisions ("Second Revised Plan") in response to the Board's October 5, 2012, Order.

No party has filed comments on GMP's October 19, 2012, filing.

### **III. DISCUSSION**

We have reviewed the Second Revised Plan and conclude that the revisions made by GMP are consistent with the requirements of the Board's October 5, 2012, Order. Accordingly, the Second Revised Plan filed by GMP on October 19, 2012, is hereby approved.

**SO ORDERED.**

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1. *See generally* Docket 7628, Order of 8/17/12.

2. *See generally* Docket 7628, Order of 10/5/12.

Dated at Montpelier, Vermont, this 25<sup>th</sup> day of October, 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:      October 25, 2012

ATTEST: s/Judith C. Whitney  
Deputy 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.*