

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: 7/15/2013

**ORDER TO SHOW CAUSE
AND NOTICE OF HEARING**

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"). Condition 39 of the Order and CPG requires Green Mountain Power Corporation ("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).¹

Consistent with the requirements of GMP's approved sound-monitoring plan, GMP has conducted and filed reports on two periods of sound monitoring, the first taking place between December 6, 2012, and January 12, 2013 (the "Fall Monitoring Period" and "Fall Report"), and the second taking place between February 19, 2013, and March 25, 2013 (the "Winter

1. Docket 7628, Order of 5/31/11 at 165; CPG dated 5/31/11 at 8.

Monitoring Period" and "Winter Report"). The two reports showed there were a number of times when the Project was operating at noise levels in excess of the applicable noise standard that was established in the Order and CPG.²

The Board received and reviewed comments on the results of the sound monitoring conducted during the Fall Monitoring Period and Winter Monitoring Period, as reflected in the Fall Report and Winter Report, from GMP, the Department of Public Service ("Department"), Lowell Mountains Group, Inc., the Towns of Albany and Craftsbury, and the Town of Lowell.

After having reviewed the comments filed by these parties, we conclude that it is appropriate to convene a hearing at which GMP must show cause, on the record through prefiled testimony subject to cross-examination, why the Board should not impose sanctions, pursuant to 30 V.S.A. § 30, for operation of the Project in violation of the noise standard imposed by Condition 39 of the Order and CPG.

GMP shall prefile testimony setting forth its positions and recommendations in detail no later than close of business on July 26, 2013. Other parties with standing on the noise issue may also file testimony by that date. In the interest of making efficient use of the hearing time, it would be helpful to the Board if the Department were to prefile testimony regarding its views as to the range of appropriate penalties warranted for the exceedances that have occurred. Prefiled testimony shall include any recommended fines pursuant to 30 V.S.A. § 30, supported by analysis using the statutory factors enumerated in 30 V.S.A. § 30(c), plus any other considerations the parties deem relevant.

At the hearing, all parties that prefile testimony will be given the opportunity to address what sanctions the Board should impose for these violations. We will convene this hearing on August 8, 2013, at 9:30 A.M. Following the hearing, the parties will be provided an opportunity to file legal memoranda setting forth their final recommendations and the reasons therefore.

2. Letter, Peter H. Zamore, Esq., to Susan M. Hudson, Clerk of the Board, dated February 26, 2013; letter, Peter H. Zamore, Esq., to Susan M. Hudson, Clerk of the Board, dated May 6, 2013; Fall 2012 Report at 41-42; Winter 2013 Report at 36.

NOTICE OF HEARING

You are hereby notified that the Public Service Board will hold a HEARING, pursuant to 30 V.S.A. §§ 10, and 30, in PSB Docket No. 7628, on Thursday, August 8, 2013, commencing at 9:30 A.M. The hearing will be held at the Public Service Board Hearing Room, Third Floor, People's United Bank Building, 112 State Street, Montpelier, Vermont. The purpose of the hearing will be for GMP to show cause, on the record through sworn prefiled testimony subject to cross-examination, why the Board should not impose sanctions, pursuant to 30 V.S.A. § 30 for operation of the so-called Kingdom Community Wind project in violation of the noise standard imposed by Condition 39 of the May 31, 2011, Order and CPG issued in Docket 7628. At the hearing, parties with standing on the issue of noise will be given the opportunity to present evidence and argument regarding what sanctions the Board should impose for these violations.

SO ORDERED.

Dated at Montpelier, Vermont, this 15th day of July, 2013.

<u>s/James Volz</u>	)	
	)	
	)	
<u>s/David C. Coen</u>	)	
	)	
	)	
<u>s/John D. Burke</u>	)	

PUBLIC SERVICE
BOARD
OF VERMONT

OFFICE OF THE CLERK

FILED: July 15, 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)