

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 23-3088-PET

Petition of Vermont Wind, LLC to amend its certificate of public good to require the petitioner to file decommissioning fund status reports every third year consistent with Vermont Public Utility Commission Rule 5.904(B)(4)	
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Order entered: 10/12/2023

FINAL ORDER GRANTING AMENDMENT TO CERTIFICATE OF PUBLIC GOOD

In this Order, the Vermont Public Utility Commission (“Commission”) adopts the following proposal for decision.

PROPOSAL FOR DECISION

I. INTRODUCTION

This case involves a petition filed on September 8, 2023, by Vermont Wind, LLC (“Vermont Wind” or the “CPG Holder”) with the Vermont Public Utility Commission (“Commission”) requesting an amendment to the certificate of public good (“CPG”) issued to it by the Commission on August 8, 2007, in Docket No. 7156. Specifically, Vermont Wind seeks an amendment to Condition 32 of the CPG so that its decommissioning reporting and funding obligations occur on a three-year cycle consistent with Commission Rule 5.904(B)(4), rather than on the annual basis currently required by the CPG.

In today’s proposal for decision I recommend that the Commission approve the petition with conditions.

II. PROCEDURAL HISTORY

On August 8, 2007, in Docket No. 7156, the Commission issued a CPG to Vermont Wind authorizing the construction and operation of a wind generation facility in Sheffield, Vermont (the “Project”).

On September 8, 2023, Vermont Wind filed a petition to amend the CPG. That petition was assigned Case No. 23-3088-PET.

On September 29, 2023, the Vermont Department of Public Service (“Department”) filed comments in support of the petition.

III. DISCUSSION

Vermont Wind seeks an amendment to the condition of its CPG related to its decommissioning funding requirements. Specifically, Vermont Wind seeks to amend condition 32 of the CPG so that its decommissioning reporting and funding obligations occur on a three-year cycle consistent with Commission Rule 5.904(B)(4), rather than on the annual basis currently required by the CPG.

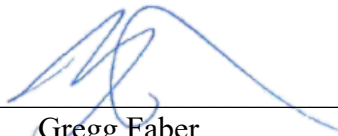
When the Commission issued Vermont Wind a CPG for the Project, the Commission had not yet adopted a rule governing the decommissioning of projects subject to Commission review and approval under 30 V.S.A. § 248. At that time, in the absence of a rule, the Commission imposed decommissioning requirements on a case-by-case basis and customarily imposed an annual requirement for reporting on and adjusting decommissioning fund balances similar to that imposed on Vermont Wind in its CPG.

Since that time, the Commission adopted Commission Rule 5.900, which establishes standard requirements for the decommissioning of electric generation, electric transmission, and natural gas facilities.¹

I recommend that the Commission find that the proposed amendments will promote the general good of the State of Vermont because they are consistent with the decommissioning requirements adopted by the Commission in Rule 5.900.

This proposal for decision has not been circulated to the parties pursuant to 3 V.S.A. § 811 because it is not adverse to any party.

Date: October 12, 2023



Gregg Faber
Hearing Officer

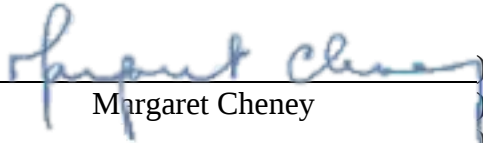
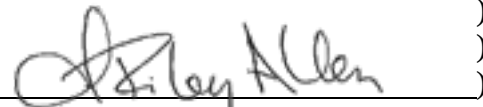
¹ Rule 5.900 took effect on August 15, 2017.

IV. ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED by the Vermont Public Utility Commission (“Commission”) that:

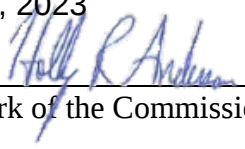
1. The findings, conclusions, and recommendations of the Hearing Officer are hereby adopted. All findings proposed by parties, to the extent that they are inconsistent with this Order, were considered and not adopted.
2. The change in the decommissioning fund requirements described above will promote the general good of the State of Vermont pursuant to 30 V.S.A. § 248, and an amendment to the certificate of public good (“CPG”) issued in Docket No. 7156 on October 8, 2007, to that effect shall be issued in this matter.
3. All future compliance filings related to the Project shall be made in the compliance subcase of this case, Case No. 23-3088-PET, using ePUC.
4. As a condition of this Order, Vermont Wind, LLC shall comply with all terms and conditions set out in the CPG issued in Docket No. 7156 and the amendments issued in conjunction with this Order.
5. The Commission will close Case No. 23-0597-LCOMP.

Dated at Montpelier, Vermont, this 12th day of October, 2023.

 Margaret Cheney	)	PUBLIC UTILITY
	)	COMMISSION
	)	OF VERMONT
 J. Riley Allen	)	

OFFICE OF THE CLERK

Filed: October 12, 2023

Attest: 
Clerk of the Commission

Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Commission (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: puc.clerk@vermont.gov)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Commission within 30 days. Appeal will not stay the effect of this Order, absent further order by this Commission or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Commission within 28 days of the date of this decision and Order.

PUC Case No. 23-3088-PET - SERVICE LIST

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