

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: 5/1/2014

PROCEDURAL ORDER RE EXTENSION FOR FILING
CONTINUOUS SOUND MONITORING PROPOSAL

On March 31, 2014, the Public Service Board ("Board") issued an Order ("March 31 Order") directing Green Mountain Power Corporation ("GMP") to negotiate in good faith with the parties in this Docket that have standing on the issue of noise in an attempt to reach agreement on a continuous sound monitoring proposal and establishing April 30, 2014, as the deadline by which any such agreement must be filed.¹ The March 31 Order also set forth guidelines in the form of the basic characteristics of an acceptable continuous noise monitoring proposal to assist the parties in their attempts to reach an agreement.² In the event the parties were unable to reach an agreement, the March 31 Order directed GMP to advise the Board on whether it would be willing to "voluntarily commit to a period of continuous sound monitoring

1. Docket 7628, Order of 3/31/14 at 8.

2. Docket 7628, Order of 3/31/14 at 6-8. The guidelines set out in the March 31 Order were established solely for the purpose of resolving the current investigation into the imposition of civil penalties on GMP for violations of the sound standards applicable to GMP's wind electric generation facility in Lowell, Vermont. The guidelines are not intended to reflect what the Board would find acceptable for a program of continuous sound monitoring in any other context. *Id.* at 4-5.

consistent with the guidelines set forth in today's Order for the Board's consideration as a mitigating factor when determining the amount of a civil penalty under Section 30."³

On April 29, 2014, the Department of Public Service ("Department") filed a letter seeking an extension of the deadline for filing an agreed-upon proposal until May 14, 2014. According to the Department, the parties have been working towards an agreement for a continuous monitoring proposal, but the Department is not yet in a position to "agree to and/or finalize a particular proposal at this time." The Department states that it is authorized to represent that GMP, the Agency of Natural Resources and Conservation Law Foundation all do not object to the extension request, and that no other party has responded to the Department's request as of the time of its filing.⁴

The Board has considered the Department's request and determined that it is reasonable. Accordingly, the parties shall file with the Board any jointly-proposed plan for continuous sound monitoring at GMP's Lowell Mountain site no later than close of business on May 14, 2014. In the absence of agreement among the parties, we again direct GMP to advise the Board on whether it would be willing to voluntarily commit to a period of continuous sound monitoring consistent with the guidelines set forth in the March 31 Order for the Board's consideration as a mitigating factor when determining the amount of a civil penalty under Section 30.

So ORDERED.

3. Docket 7628, Order of 3/31/14 at 8-9.

4. Letter from Aaron Kisicki, Esq., to Susan M. Hudson, Clerk of the Board, dated April 29, 2014.

Dated at Montpelier, Vermont, this 1st day of May, 2014.

<u>s/James Volz</u>	)	
	)	PUBLIC SERVICE
	)	
<u>s/John D. Burke</u>	)	BOARD
	)	
	)	OF VERMONT
<u>s/Margaret Cheney</u>	)	

OFFICE OF THE CLERK

FILED: May 1, 2014

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.