

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7508

Petition of Georgia Mountain Community Wind, LLC,)
for a Certificate of Public Good, pursuant to 30 V.S.A.)
Section 248, authorizing the construction and operation)
of a 5-wind turbine electric generation facility, with)
associated electric and interconnection facilities, on)
Georgia Mountain in the Towns of Milton and Georgia,)
Vermont, to be known as the "Georgia Mountain)
Community Wind Project")

Order entered: 6/27/2013

ORDER RE: MOTION TO MODIFY OPERATING PROTOCOL FOR BATS

On June 11, 2010, the Public Service Board ("Board") issued a Certificate of Public Good ("CPG") authorizing the construction of a wind generation facility by Georgia Mountain Community Wind, LLC ("GMCW"), subject to certain conditions, including the following condition related to minimizing bat fatalities:

28. GMCW shall file, for Board approval, a plan to incorporate adjustments to the Project's operations to minimize bat fatalities. Parties will have three weeks, from the date this plan is filed with the Board, to comment on the plan. GMCW cannot commence operations until the plan is approved.

On February 23, 2012, GMCW filed an *Operating Protocol for Bats* ("Operating Protocol").

On November 13, 2012, via e-mail, the Agency of Natural Resources ("ANR") filed a letter with the Board recommending that the Operating Protocol be amended to reflect the following:

1. The time period for adjustments should be from thirty (30) minutes before sunset. The operational adjustments can end thirty minutes before sunrise.
2. The first year of operational adjustments can commence on July 1, provided the operational adjustments may change in subsequent years depending on the results of the first year of monitoring. Based on the monitoring that takes place

from the June 1-June 30 period, the operational adjustments may need to be modified to commence on June 1, 1012 (sic), to address endangered bats.¹

On November 15, 2012, GMCW filed a letter stating that it had no objections to ANR's November 13 recommendations.²

No other party filed comments regarding the Operating Protocol.

On November 28, 2012, the Board issued an Order approving the Operating Protocol subject to the two conditions recommended by ANR.³

On June 20, 2013, ANR filed a motion with the Board asking that the November 28, 2012, Order approving the Operating Protocol be amended to replace the first condition noted above with the following:

1. The time period for the operational adjustments shall be from thirty (30) minutes before sunset to sunrise.

ANR states that the original recommendation which allows required operational adjustments to end 30 minutes before sunrise was inadvertent, and extending the operational adjustments until sunrise will help minimize potential impacts to bats from the project.⁴

ANR states that it has conferred with GMCW and that GMCW consents to the requested change.

Based on ANR's representation regarding GMCW's consent to the requested change, along with the fact that ANR and GMCW were the only two parties to file comments on the original Operating Protocol, we are granting ANR's motion.

GMCW shall file a revised Operating Protocol reflecting the approved revision within 10-calendar days of the date of this Order.

SO ORDERED.

1. Letter from Judith L. Dillon, Esq., to Susan M. Hudson, Clerk of the Board, dated 11/13/12.

2. Letter from Andrew Raubvogel, Esq., to Susan M. Hudson, Clerk of the Board, dated 11/15/12.

3. Docket 7508, Order of 11/28/12.

4. ANR Motion at 2-3.

Dated at Montpelier, Vermont, this 27th day of June, 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: June 27, 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.