

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: 12/20/2012

**ORDER RE: NOISE MONITORING PLAN**

**I. INTRODUCTION AND PROCEDURAL HISTORY**

On June 11, 2010, the Public Service Board ("Board") issued an Order and Certificate of Public Good authorizing the construction of a wind generation facility by Georgia Mountain Community Wind, LLC ("GMCW"), subject to certain conditions, including the following related to noise monitoring at the project site:

GMCW shall submit, for Board approval, a noise monitoring plan to be implemented during the first full year of operation. The plan shall establish a monitoring program to confirm under a variety of seasonal and climatic conditions compliance with the maximum allowable sound levels described above. 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.<sup>1</sup>

On October 4, 2011, GMCW filed its proposed Noise Monitoring Plan (the "Plan"). No party filed comments on the Plan.

On October 31, 2012, the Board issued an Order in which it declined to approve the Plan due to its lack of information regarding how interior sound levels would be calculated and how GMCW intends to handle noise complaints and noise violations. The proposal also lacked

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1. Docket 7508, Order dated 6/11/10 at 91; Certificate of Public Good dated 6/11/10 at 5.

detailed information regarding the measurement and subtraction of background noise, data processing, and reporting.<sup>2</sup>

On November 15, 2012, GMCW filed a revised Plan in response to the Board's October 31, 2012, Order.

On December 6, 2012, the Department of Public Service ("DPS") filed comments with the Board expressing several concerns with the revised Plan.

On December 7, 2012, the Clerk of the Board issued a memorandum requesting that GMCW respond to the concerns raised by the DPS, as well as additional concerns raised by Board staff, by December 13, 2012.

On December 13, 2012, GMCW filed its responses to the concerns raised by Board staff and the DPS along with a second revised Plan showing changes made in response to those concerns.

No other comments were received regarding the Plan.

## **II. DISCUSSION**

We have reviewed the revised Plan, filed December 13, 2012, and determined that it adequately addresses the concerns raised by Board staff and the DPS, and therefore approve the Plan as filed on December 13, 2012.

In its response, GMCW explained its reasoning for certain provisions in the Plan, added additional information to clarify certain actions to be taken under the Plan, and revised the Plan where appropriate.

One concern raised by the DPS was based on a difference between the Plan submitted by GMCW and the noise monitoring plan approved by the Board in Docket 7628 for Green Mountain Power Corporation's ("GMP") wind electric generation facility in the Town of Lowell.<sup>3</sup> GMP's plan requires GMP to investigate noise complaints from residences up to 1.5 miles away from the project site, whereas GMCW's Plan extends this obligation only

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2. Docket 7508, Order of 10/31/12 at 3.

3. See Docket 7628, Order of 5/16/12.

0.9 miles from the project site. Both developers used the same sound consultant for their projects and the objective in each case was to extend the radius of investigation out to a distance where there still exists a reasonable possibility that the applicable noise limits might be exceeded. According to GMCW, the modeled sound level for its project at 0.9 miles is approximately the same as the modeled sound level for GMP's project at 1.5 miles so the same level of impact is captured at each project site.<sup>4</sup>

We conclude that GMCW's explanation is reasonable and accept the proposed complaint investigation radius. However, after commercial operations commence, if it appears that potential noise level violations are reasonably possible outside the proposed radius, we will reconsider this requirement and may direct that the radius be increased.

The DPS also requested that GMCW change its Plan so that a complaining homeowner would not have to request outside-to-inside testing, recommending instead that GMCW be required to affirmatively offer the testing under specified circumstances.

GMCW objects to this request on the grounds that it goes beyond what is required of GMP in its noise monitoring plan for the project in Lowell.<sup>5</sup>

We conclude that the DPS's request is reasonable and direct GMCW to revise its Plan accordingly. GMCW's revised Plan shall be filed with the Board within thirty days of this Order. We also note our expectation that GMCW will provide copies of its complaint resolution protocol to the nearby residences upon request, and that GMCW will provide complete responses to any inquiries made about the complaint resolution protocol. In short, we expect GMCW to ensure that any complaining homeowner within the complaint investigation radius is fully aware of the terms of the protocol.

With respect to the other issues raised by Board staff and the DPS, we conclude that GMCW's responses were adequate to address those concerns.

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4. Letter from Andy Raubvogel, Esq., to Susan M. Hudson, Clerk of the Board dated 12/13/12 at 3-4 ("GMCW Letter").

5. GMCW Letter at 4.

### III. ORDER

Based on the foregoing, we conclude that the proposed Noise Monitoring Plan as filed on December 13, 2012, with the revision discussed above, meets the applicable requirements of our June 11, 2010, Order and Certificate of Public Good and is hereby approved.

**So ORDERED.**

Dated at Montpelier, Vermont, this 20<sup>th</sup> day of December, 2012.

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|------------------------|---|----------------|
| <u>s/James Volz</u>    | ) |                |
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|                        | ) | PUBLIC SERVICE |
| <u>s/David C. Coen</u> | ) |                |
|                        | ) | BOARD          |
|                        | ) |                |
|                        | ) | OF VERMONT     |
| <u>s/John D. Burke</u> | ) |                |

OFFICE OF THE CLERK

FILED: December 20, 2012

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.*