

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7508

Petition of Georgia Mountain Community Wind, LLC)
for an Amended Certificate of Public Good, pursuant to)
30 V.S.A. § 248, authorizing the construction and)
operation of a 3 to 5-turbine, 7.5 to 12 MW wind)
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: 11/9/2012

ORDER RE: AMENDED CERTIFICATE OF PUBLIC GOOD

I. INTRODUCTION

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 Condition 15, which states that "construction activities shall only occur between 7:00 AM to 5:00 PM, Monday through Saturday and shall cease on Sundays and federal and state holidays."

On October 31, 2012, GMCW filed its *Motion to Amend CPG Condition 15 to Extend Construction Hours for a Limited Time and Limited Purpose* ("Motion"). GMCW's Motion concerns extending the allowable hours of construction for the limited purpose of erecting and assembling the turbines and performing assembly work within the turbines and the supervisory control and data acquisition ("SCADA") structure. GMCW's Motion was accompanied by a stipulation between GMCW, the Vermont Department of Public Service ("Department"), the Vermont Agency of Natural Resources ("ANR"), and the Neighbor-Intervenors,¹ (collectively, the "Parties"), which jointly recommends that Condition 15 be amended to allow limited extended construction hours. The stipulation states that the Parties agree that the Board should amend Condition 15 of the CPG as follows:

1. Daniel and Tina Fitzgerald, Kenneth and Virginia Mongeon, George A. and Kenneth N. Wimble, Scott and Melodie McLane, and Jane and Heidi FitzGerald (collectively, "Neighbor-Intervenors").

Construction activities shall only occur between 7:00 AM to 5:00 PM, Monday through Saturday and shall cease on Sundays and federal and state holidays. For the limited purpose of erecting and assembling the four wind turbines, and conducting internal work within the four turbines and within the SCADA structure, GMCW shall be permitted to extend construction hours through December 31, 2012, as follows: (i) until 8:30 PM Monday through Saturday; and (ii) on an as-needed basis only, from 7:00 AM to 5:00 PM on Sundays. If Sunday work is necessary GMCW shall make reasonable efforts to minimize truck traffic on Ted Road, including, but not limited to car-pooling and scheduling to avoid multiple trips. GMCW shall notify Neighbor-Intervenors no less than 12 hours prior of its intent to use a Sunday work day. GMCW shall also notify Neighbors, when feasible, of the need to work past 5:00 PM on any given Monday through Saturday work day.

GMCW represents that it must complete construction of the Project by December 31, 2012, to maintain its eligibility for the federal 1603 renewable energy project grant. According to GMCW, it began constructing the Project in May 2012, and was scheduled to have all of the turbine components on-site by October 18, 2012, but, as a result of delays by the turbine manufacturer, the turbine component deliveries will not be completed until approximately November 21, 2012, and will put the Project six weeks behind schedule. GMCW asserts that amending Condition 15, to allow extended construction hours will allow the Project to be operational by December 31 and, thus, allow the Project to remain economic and deliver renewable energy to Vermont ratepayers under its Power Purchase Agreement with the City of Burlington Electric Department.

GMCW's representatives affirm that: (a) GMCW does not expect to regularly use the extended hours; (b) the activities to occur during the extended hours are not heavy noise-producing activities and will not increase traffic or generate additional dust and would have occurred during the normal course of construction if not for the turbine-delivery delays; (c) GMCW will take all reasonable steps to minimize the number of vehicles entering and exiting the Project site; (d) GMCW will, to the extent practical, replace audio backup warning devices on the vehicles to be used during the extended hours with broadband or more localized sound-profile alarms; (e) the maximum hourly sound levels produced by the turbine-related construction activities during the proposed expanded hours will not exceed 45 A-weighted decibels ("dBA") at the exterior of any home; and (f) no lighting will be directed upwards to light the upper tower

sections or crane.² Based on these representations, GMCW states that the work to be performed during the extended construction hours will not cause significant impacts on any of the substantive criteria of 30 V.S.A. § 248 and has provided affidavits to support this assertion.³

The Board has reviewed the Motion, the accompanying affidavits, and the stipulation between the Parties, and concludes that, pursuant to 30 V.S.A. § 248, an amended CPG should be issued without further investigation or hearing, replacing Condition 15 of GMCW's existing CPG with the following:

Construction activities shall only occur between 7:00 AM to 5:00 PM, Monday through Saturday, and shall cease on Sundays and federal and state holidays. For the limited purpose of erecting and assembling the four wind turbines, and conducting internal work within the four turbines and within the SCADA structure, GMCW shall be permitted to extend construction hours through December 31, 2012, as follows: (i) until 8:30 PM Monday through Saturday; and (ii) on an as-needed basis only, from 7:00 AM to 5:00 PM on Sundays. If Sunday work is necessary GMCW shall make reasonable efforts to minimize truck traffic on Ted Road, including, but not limited to car-pooling and scheduling to avoid multiple trips. GMCW shall notify Neighbor-Intervenors no less than 12 hours prior of its intent to use a Sunday work day. GMCW shall also notify Neighbors, when feasible, of the need to work past 5:00 PM on any given Monday through Saturday work day.⁴

So ORDERED.

2. Affidavits of Kenneth Kaliski and Martha Staskus, on behalf of GMCW, filed on October 31, 2012; Motion at 4-7.

3. *Id.*

4. The "Neighbor-Intervenors" group, which signed the stipulation, does not include four of the original "Landowner Intervenors" (Kevin and Cindy Cook (the "Cooks") and Matthew and Kimberly Parisi (the "Parisis")) who participated as a group throughout this Docket. GMCW served notice of the Motion and the stipulation on the Cooks and the Parisis, on October 31, 2012, and the Board has not received any comments regarding the Motion or stipulation from those parties at this time. In addition, the Cooks and Parisis have not been active participants in the post-CPG compliance filings in this Docket. However, as parties to this Docket, the Cooks and Parisis may file a motion for reconsideration of, or a request to stay, this Order with the Clerk of the Board within ten days of the date of this Order. In the meantime, GMCW may utilize the extended construction hours upon issuance of this Order.

Dated at Montpelier, Vermont, this 9th day of November, 2012.

<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: November 9, 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)