

STATE OF VERMONT
PUBLIC SERVICE BOARD

VERMONT PUBLIC
SERVICE BOARD

2016 AUG 24 PM 4 30

Docket No. 8585

Investigation in to Meteorological Tower at)
700 Kidder Hill Road in Irasburg, Vermont)

August 24, 2016

**VERMONT DEPARTMENT OF PUBLIC SERVICE'S RESPONSE TO
RESPONDENT'S STATEMENT OF UNDISPUTED MATERIAL FACTS AND
SUPPLEMENTAL STATEMENT OF UNDISPUTED MATERIAL FACTS**

1. Mr. Blittersdorf installed a meteorological station on his property at 700 Kidder Hill Road in November and December of 2000. On November 19, 2010, he used a Bobcat to transport components of a 60-meter tall, 10/8-inch diameter mast to the field on the high point of his property. On December 29, 2010, the tower was raised and installation completed.

Blittersdorf pf. at 2.

Undisputed.

2. When Mr. Blittersdorf installed the meteorological station at 700 Kidder Hill Road, he had no plans to take it down. Blittersdorf pf. at 4.

The Department has no basis to dispute or not dispute without further discovery and/or cross-examination; also immaterial as to whether a violation of 30 V.S.A. §§ 246 and/or 248 occurred and/or whether the Board has jurisdiction over the instant MET station.

3. One of the primary purposes for which the meteorological station was installed was to test prototypes in a private location. This prototype testing is ongoing, and as long-term data is needed, Respondent considers it important to conduct long-term testing. Blittersdorf pf. at 4-5; Blittersdorf affidavit (Blittersdorf aff.) at ¶¶2-3.

Undisputed, but immaterial as to whether a violation of 30 V.S.A. §§ 246 and/or 248

occurred and/or whether the Board has jurisdiction over the instant MET station. Mr.

Blittersdorf's prefiled testimony states that the other primary purpose was for "assessing the wind on my property" and to "measure wind for residential turbines."

4. The Town of Irasburg taxed the met tower as real property in 2016. Blittersdorf aff. at ¶4.
Undisputed, but immaterial as to whether a violation of 30 V.S.A. §§ 246 and/or 248 occurred and/or whether the Board has jurisdiction over the instant MET station.

5. When Mr. Blittersdorf appealed the Town's assessed value of the met tower, he indicated to the representatives of the Town of Irasburg holding the associated July 14, 2016 hearing on the matter that he considered his met tower to be permanent, and therefore was only contesting the amount of the tax and not the taxation of the met tower as real property. Blittersdorf aff. at ¶5.
Undisputed, but immaterial as to whether a violation of 30 V.S.A. §§ 246 and/or 248 occurred and/or whether the Board has jurisdiction over the instant MET station.

6. At the July 14, 2016 hearing, the representatives of the Town of Irasburg confirmed Mr. Blittersdorf's understanding that they were taxing the met tower on the basis that it was permanent, and that if the structure was going to be taken down, they would not tax it. Blittersdorf aff. at ¶6.
Undisputed, but immaterial as to whether a violation of 30 V.S.A. §§ 246 and/or 248 occurred and/or whether the Board has jurisdiction over the instant MET station.

7. At the time he installed the met tower on his property, Mr. Blittersdorf was not considering a non-residential wind project. He was only considering prototype testing and a residential turbine installation to power his log cabin. Blittersdorf pf. at 4-5; 8-9.
The Department has no basis to dispute or not dispute without further discovery and/or cross-examination; also immaterial as to whether a violation of 30 V.S.A. §§ 246 and/or 248 occurred and/or whether the Board has jurisdiction over the instant MET station.

8. It never occurred to Mr. Blittersdorf when he installed the met tower that there would be enough wind on his property for anything more than a small residential installation, particularly in light of the elevation of his land, which was lower than the elevation of land

hosting existing projects, such as the Sheffield wind project. Blittersdorf pf. at 9-10.

The Department has no basis to dispute or not dispute without further discovery and/or cross-examination; also immaterial as to whether a violation of 30 V.S.A. §§ 246 and/or 248 occurred and/or whether the Board has jurisdiction over the instant MET station.

9. Mr. Blittersdorf first considered a non-residential scale project on his land at 700 Kidder Hill Road around late 2013/ early 2014, based on meteorological data gathered from a LIDAR unit and the met tower, a wind assessment report based on said data, a change in market conditions, and the advancement in low-wind-speed wind turbine technology. Blittersdorf pf. at 10.

The Department has no basis to dispute or not dispute without further discovery and/or cross-examination; also immaterial as to whether a violation of 30 V.S.A. §§ 246 and/or 248 occurred and/or whether the Board has jurisdiction over the instant MET station.

10. The data collected from the met tower, though helpful in terms of making the financial decision to install residential turbines, was not a necessary precursor to the installation of residential wind turbines on my property. Blittersdorf aff. at ¶8.

Disputed. Data recorded by the MET station was used in determining the suitability of the site for the net-metered wind facilities; also immaterial as to whether a violation of 30 V.S.A. §§ 246 and/or 248 occurred and/or whether the Board has jurisdiction over the instant MET station.

11. The data collected from the tower alone was not necessary or sufficient for Respondent to assess whether the wind resource on his property was adequate for a potential non-residential wind electric generating project. Blittersdorf aff. at ¶9.

The Department has no basis to dispute or not dispute without further discovery and/or cross-examination; also immaterial as to whether a violation of 30 V.S.A. §§ 246 and/or 248 occurred and/or whether the Board has jurisdiction over the instant MET station.

12. Mr. Blittersdorf does not consider the met tower to be part of his residential wind turbine

installation. Blittersdorf aff. at ¶7.

The Department has no basis to dispute or not dispute without further discovery and/or cross-examination; also immaterial as to whether a violation of 30 V.S.A. §§ 246 and/or 248 occurred and/or whether the Board has jurisdiction over the instant MET station.

13. Mr. Blittersdorf knew about the Anemometer Loan Program at the time he installed the met tower on his property, because equipment from NRG Systems, which he founded, was being used in that program. Blittersdorf pf. at 6.

Undisputed, but immaterial as to whether a violation of 30 V.S.A. §§ 246 and/or 248 occurred and/or whether the Board has jurisdiction over the instant MET station.

14. Many meteorological station installations have been undertaken in Vermont without a certificate of public good although the data collected from them may be used to determine whether a wind turbine would work in a particular location. The PSD is aware of these installations because it provided funding and managed grants that allowed those installations to occur. Blittersdorf pf. at 5-7.

Disputed; also immaterial as to whether a violation of 30 V.S.A. §§ 246 and/or 248 occurred and/or whether the Board has jurisdiction over the instant MET station.

Respondent's Supplemental Undisputed Material Facts

15. Mr. Blittersdorf purchased property in Irasburg, Vermont in October, 2010 where he intended to build a log cabin that was powered by one or more small wind turbines. Blittersdorf pf. at 2.

Undisputed, but immaterial as to whether a violation of 30 V.S.A. §§ 246 and/or 248 occurred and/or whether the Board has jurisdiction over the instant MET station.

16. Mr. Blittersdorf has been studying wind since he was a child and he has been testing wind measuring devices since he was a teenager. Blittersdorf pf. at 4.

Undisputed, but immaterial as to whether a violation of 30 V.S.A. §§ 246 and/or 248 occurred and/or whether the Board has jurisdiction over the instant MET station.

17. Mr. Blittersdorf is an inventor of wind assessment technology and holds 2 patents.
Blittersdorf pf. at 1.
Undisputed, but immaterial as to whether a violation of 30 V.S.A. §§ 246 and/or 248 occurred and/or whether the Board has jurisdiction over the instant MET station.
18. The instrumentation attached to the met mast when it was installed consisted of a lightning rod, multiple levels of wind direction vanes, wind speed anemometers and a heated anemometer, a data logger (approximately 1.5 square feet) and a 250-watt, approximately 3' x 5' solar 3 panel located near the bottom of the mast. Blittersdorf pf. at 4; Exhibit DB-2.
The Department has no basis to dispute or not dispute without further discovery and/or cross-examination. The testimony makes clear that MET station included the instrumentation listed above, but not whether the list constitutes the entirety of the instrumentation installed on the station.
19. Met masts are not a necessity for the installation of wind turbines. Wind turbines can and have been installed in Vermont without a met mast first being installed and operated to evaluate the viability of a site for the turbines. Deposition of Ron Holland 8/5/2016 at 11:15-19; Deposition of Andrew Perchlik 8/5/2016 at 30:8 to 30:16 and 33:24 to 34:4.
The Department has no basis to dispute or not dispute without further discovery and/or cross-examination. This fact is supported by statements made at deposition by individuals without relevant technical education and/or experience in the field. For instance, Andrew Perchlik stated that his familiarity with developing wind projects was "just through my role as being executive director [of Renewable Energy Vermont]" and that he had no experience either installing or participating in the installation of a meteorological tower with instruments. Deposition of Andrew Perchlik, Aug. 5, 2016 at 20:17 to 21:06; 26:06 to 26:14.
20. A met tower and data from a met tower are not needed to operate residential wind turbines, and larger megawatt size turbines are operated by anemometers that work in conjunction with the turbine. Deposition of Andrew Perchlik 8/5/2016 at 40:16 to 41:11; Deposition of

Robert Holland, 8/5/2016 at 25:7.

The Department has no basis to dispute or not dispute without further discovery and/or cross-examination. See 19 above.

21. There are alternatives for evaluating wind resources at different locations throughout Vermont, including LIDAR, which measures wind speed and wind direction, as well as publicly available data on state wind resources and wind mapping. Deposition of Andrew Perchlik, 8/5/2016 at 35:24 to 36:22 and 73:4-6; Deposition of Robert Holland, 8/5/2016 at 11:15-19.

Undisputed, but immaterial as to whether a violation of 30 V.S.A. §§ 246 and/or 248 occurred and/or whether the Board has jurisdiction over the instant MET station.

Dated at Montpelier, Vermont this twenty-fourth day of August, 2016.

Respectfully submitted,

VERMONT DEPARTMENT OF PUBLIC SERVICE



Aaron Kisicki
Special Counsel

cc: Docket 8585 Service List