

ENERGY GENERATION SITING POLICY COMMISSION
DRAFT POSSIBILITIES AND OPTIONS

held on the 20th day of February, at 9:00 a.m., at
the Agency of Agriculture Board Room, 116 State
Street, Montpelier, Vermont.

COMMITTEE MEMBERS PRESENT:

Jan Eastman, Chair

Tom Bodett

Louise McCarren

Gaye Symington

Chris Recchia

Deborah Markowitz

Linda McGinnis

AMANDA J. WENRICH - REGISTERED PROFESSIONAL REPORTER

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1 CHAIRPERSON EASTMAN: So, Tom
2 Bodett is on the phone. Okay,
3 everybody? And we've got Louise, Tom
4 and Scott, Chris and Gaye and me and
5 Deb's on her way. And we have a few
6 other people around the room but, not --
7 not as many as last time.

8 So we're here for our schedule
9 that says February 20th, Delivery of
10 Session Number 3. So, um -- so, today I
11 should start by saying that last week, I
12 was asked by the Senate of Natural
13 Resources to go and testify. So I did
14 that on Friday morning. And, um, and as
15 I said to the scheduler, I said that,
16 well, I didn't have much to say about
17 substantive matters because we haven't
18 come up with any recommendations yet.
19 But they're in the process of marking up
20 S21 and S30. And so I gave them a
21 little brief spiel on what we were doing
22 and the process that we were going
23 through to, you know, to come up with
24 things. And, um, I did not take a
25 position on the moratorium for us

1 because I said we had not taken one,
2 that was within their purview.

3 Um, it's always interesting, as
4 always. I did tell them that our final
5 recommendations would be the last week
6 in April, but we should have some --
7 draft something in draft form out by the
8 end of, um -- by the end of March. And
9 it reminded me and I'll say this -- it
10 reminded me back when I was Secretary of
11 the Agency of Natural Resources and --
12 and it was Governor Deane and I was sent
13 down to -- um, I think it might have
14 been the Senate institutions on
15 something relative to do with housing
16 and conservation and the Chair just
17 stopped the hearing when I walked in.
18 Now, there was tension, obvious tension
19 you know, in the Senate. And so there
20 was some push on me to make -- you know,
21 to make certain statements, you know, to
22 say things that I just didn't do. And
23 that was all right. You know, they'll
24 do whatever they'll do.

25 But it does say to me that -- I

1 mean, we're here today to start going or
2 to continue going through the draft
3 Options Paper and so that -- talking
4 about whatever else we want to talk
5 about. But it also, I think, it means
6 we really ought to look at what they're
7 looking at. I mean, it would be really,
8 I think, not smart to come up with
9 recommendations that we haven't even
10 considered what they're proposing.

11 CHRIS RECCHIA: I think we do
12 need to consider some things are not in
13 our options and I apologize for not
14 being here last time. Um, I was in
15 Washington D.C. during that meeting.

16 CHAIRPERSON EASTMAN: So our
17 last session was the site visits in the
18 Lowell and Sheffield and the public
19 hearing there. And, um, I also, um,
20 remember one of the last speakers
21 mentioned, what was it, Denmark and the
22 UK? And that they had done an onshore
23 wing moratorium. So, Tom I know you
24 sent something to me this morning, but I
25 did have a chance to check that out and,

1 um, and there is a moratorium. One of
2 the utility companies in Denmark has
3 decided not to pursue any more, you
4 know, industrial wind, but what we did
5 get out of it was a nice little handbook
6 about, you know, siting -- the siting
7 process. So I just found it interesting
8 that, you know, somebody put something
9 together and obviously they try and
10 encourage projects to be community
11 projects. They even have a process that
12 something is proposed that a community
13 can actually invest in, you know,
14 literally make an investment in and so
15 forth. So, I did do that.

16 The other thing I wanted to say
17 and just to tell you, I am going to go
18 back up to -- um, to Sheffield and
19 Lowell on a nice day and drive around
20 and stop my car and sit and listen.
21 Okay? Because the other thing that
22 we -- I started looking at what Anne
23 also sent was the issue -- some more
24 information on noise issues and things
25 like that. And, um, at least in my

1 perception is, I think that location
2 matters and geography matters in things
3 like that. So, um, you know, it's not
4 just the height of land, where it is. I
5 mean, when you look at Sheffield and
6 Lowell are about the same elevation but,
7 it's different geography. And I think
8 conveniently maybe different, you know,
9 impacts. But I'm just going to go and
10 listen.

11 And then remember that gentleman
12 that spoke last? I think, um, that has
13 the combination wind and solar? I think
14 he's in the -- Annette sent us an
15 e-mail. I think his -- his location was
16 there. And I'm curious to see what that
17 is.

18 LOUISE McCARREN: Let me know.
19 If I'm around, I'll go with you. It was
20 not an optimal day to look at either
21 Sheffield or Lowell.

22 GAYE SYMINGTON: I don't want to
23 make a meeting out of it, but just going
24 to go and listen.

25 Um because it felt to me,

1 like -- that's why I walked for part of
2 the -- just trying to get away from the
3 building, away from the snow cats and
4 try to listen. And, um, but I think,
5 you know, I live next to the range in
6 Jericho and, um, I know there are places
7 in -- like, in my house there, we can
8 hardly ever hear the range and yet there
9 are other places in Jericho that can.
10 So, it's, you know, where are the -- I
11 don't think on the mountain itself, I
12 mean, I couldn't hear.

13 CHAIRPERSON EASTMAN: Right. On
14 the mountain itself isn't the issue.
15 From what I'm reading, it's not just a
16 distance issue. I mean, it's really
17 geography and things like that, so --

18 CHRIS RECCHIA: It's a
19 combination of things, and I would say
20 that all of these issues that we're
21 facing related to wind, you know,
22 component of our work, um, the noise and
23 the one that's probably not as
24 advertised. In other words, it's most
25 different from what was inspected or

1 anticipated or suspected. So I think we
2 need to flush -- we need to do more work
3 on that.

4 CHAIRPERSON EASTMAN: And I
5 think that means for me, I mean, right
6 now, I mean noise -- there's nothing
7 specific in, you know, around any
8 generation site, nothing specific about
9 noise. And -- right? And ANR doesn't
10 have -- nobody has any permanence
11 regarding any standards around noise and
12 so I don't know if that means we -- you
13 want some or if it means we don't, but
14 we want to say it's got to be addressed.
15 I mean, that's the other thing. It's,
16 um, for instance, when I look at what
17 the Denmark -- I think in Denmark, they
18 have a setback, but the setback's
19 related to, you know, either three or
20 four times the height of the, you know,
21 of the turban at the highest point. But
22 again, I don't think it's just distance.
23 I think it's geography.

24 CHRIS RECCHIA: Well, distance
25 helps, but geography definitely. And

1 then it gets really complicated with the
2 topography.

3 PUBLIC MEMBER: I suggest you
4 don't let them know you're coming. They
5 can be angled to be quieter.

6 CHAIRPERSON EASTMAN: And I'm
7 going to trust that people aren't going
8 to do that, but, I don't know when I can
9 get there, but I want to just go up on a
10 different day. And I also -- I mean the
11 view shed issue is -- is I could drive
12 up and drive around.

13 GAYE SYMINGTON: Also, I'm
14 curious to know where there are other --
15 there are other things that are noisier.
16 A farm is noisy. So if you live next to
17 a farm, you're living next to a factory.
18 And, um, I mean, obviously the issue
19 isn't in South Burlington. There are
20 other places, highways, that are the --
21 that do -- um, noise is a factor. And
22 so part of what I'm curious about is how
23 do -- how does noise get addressed in
24 other developments? Um, like roads and,
25 um, farms and um --

1 CHRIS RECCHIA: Well, you know,
2 I mean, development review Board, you
3 know, things like quarrying operations
4 and, um, and traffic and things like
5 that, you look at hours of operation,
6 you look at peak times and, you know,
7 and there's a certain amount of
8 adjustment that people have gotten used
9 to things that, um, if you were starting
10 today, probably people wouldn't want to
11 get used to like, you know, railroads.

12 TOM BODETT: Tom Bodett. Can
13 you hear?

14 CHAIRPERSON EASTMAN: Yes. Very
15 well.

16 TOM BODETT: The very thought I
17 had because a lot of the people who
18 testified in whole said something about
19 the 45 decibels of noise threshold not
20 being appropriate for a quiet rural
21 setting and it sent me thinking, because
22 we ran into that with our gravel pit, as
23 well, where the actual 55 decibel limit,
24 the actually 50 put on our operation was
25 less than the background noise from I91

1 right next door, but it was still
2 enforced, um, as 55 decibel. We
3 couldn't contribute any more. And I
4 wonder speaking to -- I think it was
5 Louise just talking about form or
6 whatever --

7 LOUISE McCARREN: It was Gaye.
8 But that's okay.

9 TOM BODETT: The baseline
10 background noise is, if that can't be
11 considered in set backs, if there's, you
12 know, a baseline, um, background noise
13 of 30 decibels then a setback would be
14 different than if it was 10 decibels.

15 Um, I think that having a
16 flexible, um, noise standard would make
17 a lot of sense, um, in terms of
18 location.

19 CHAIRPERSON EASTMAN: Well, and
20 for me, as I say, I mean that by being
21 there but also by some of the reading
22 and some assessments made up of some
23 other sites in the U.S. where they've
24 been mapped, I mean, the different
25 locations and different geographies has

1 things going in different ways. And so
2 it's, like, if you're going to deal with
3 the issue, you're going to deal with it
4 on a case-by-case basis, ultimately.
5 And there's a lot of developments that's
6 now being talked about. What makes me
7 uncomfortable is to make a standard to a
8 particular activity that's different
9 than a standard that that's going to be
10 applied to the work that's going to
11 generate these tens of thousands of jobs
12 up in the northeast kingdom.

13 The only issue becomes if this
14 is a 24-hour activity versus an eight or
15 twelve. Okay? So I understand it's --
16 but this is one type of activity and
17 there are others. But there's
18 obviously -- the barn is not running
19 stuff 24 hours, usually.

20 GAYE SYMINGTON: Barns are 24
21 hours.

22 WILLIAM COSTER: Just another
23 distinction I think we've heard is that
24 between just normal audible sounds and
25 low frequency sounds that some feel

1 these facilities generate, so that may
2 have different impacts that you should
3 tease out.

4 STEVE JOHNSTONE: To me, I don't
5 know if we need a standard or
6 methodology, but we need something.

7 CHAIRPERSON EASTMAN: Yes. And
8 I'm not sure it's a standard or
9 methodology but --

10 SCOTT JOHNSTONE: I mean, even,
11 you know, some of the distinction of, so
12 45 outside the house and 30 inside. It
13 depends on how the house is built.
14 It -- that's really fuzzy logic to
15 assume that they're reading at the same
16 in every property. So there's a problem
17 there.

18 CHRIS RECCHIA: I mean, there's
19 no distinction between maybe it is,
20 maybe it isn't. It's not the
21 professions to course, but our standards
22 and your way of evaluating to course.
23 No distinction between, you know, a
24 barking dog and a crying baby and a --
25 um, you know, cardinal right outside

1 your window.

2 SCOTT JOHNSTONE: The other
3 thing, you know, and there's a lot of
4 what we do and we think about roads and
5 highways that I don't like. Um, but
6 they do -- they do apply methodologies
7 to the issue of noise. Um, and it
8 ranges from, you know, we're going to do
9 what we're going to do and take the land
10 and improve it and there's nothing, um,
11 except compensation for the land, there's
12 mitigation to try to mute the noise more
13 and there's -- all the way to, you know,
14 compensation for the increase noise or
15 even deciding that if you're going to do
16 your project, you've got to buy the
17 whole property. So, there's a lot of
18 other things. And we heard from one of
19 the speakers in Lowell, there's nothing
20 like this in the process.

21 And so there might be something
22 to learn from -- from that, um, that may
23 apply and may not. But there are some
24 other, you know, state processes that we
25 need to consider noise in different ways

1 than what we do here.

2 CHRIS CHAMPNEY: One of the
3 things that maybe you guys probably talk
4 about is the fact that the regularity of
5 the noise and the perpetual presence of
6 it -- and I don't know to what extent
7 there's been, um, research on the
8 impacts of more agricultural or other
9 kind of more discreet noise events as
10 opposed to that perpetual -- and I
11 noticed when a -- a sound -- was
12 apparently on some of the blades the,
13 um, weep holes, apparently the weep
14 holes and they were open. And so
15 there's -- in addition to the whoop,
16 there was a whistle and it sounded like
17 they were trying to get on top of that.
18 And, again, I don't know if that's an
19 issue or not, um, but, there may be
20 other noises in addition to the whoop.

21 CHAIRPERSON EASTMAN: Anne, did
22 you send that paper to everybody or just
23 to me?

24 ANNE MARGOLIS: Just to you.

25 CHAIRPERSON EASTMAN: Will you

1 send it to everybody and put it up there
2 so there's -- Anne found a pretty
3 comprehensive study of, um, of winds and
4 issues -- summary of the studies.

5 CHRIS RECCHIA: A lot of people
6 are taking -- there's a lot of
7 information out there. Um, there are
8 actual studies and then there are
9 newspaper articles about studies and
10 then there are compilations and
11 summaries about studies.

12 CHAIRPERSON EASTMAN: But at
13 least there's something that we've got
14 to start with, to look at what somebody
15 else has looked at relative to other --
16 you know, relative to the issues around
17 the country.

18 UNIDENTIFIED PERSON: And I
19 would add that there are studies that
20 are just beginning.

21 CHRIS RECCHIA: Yes.

22 UNIDENTIFIED PERSON: Because
23 this is a technology that has been
24 spread very widely in some countries.
25 And because of issues they -- they've

1 started some pretty comprehensive
2 studies.

3 CHAIRPERSON EASTMAN: Yes, thank
4 you.

5 CHRIS RECCHIA: In particular,
6 there's a Canadian study that's supposed
7 to be very good, but it's just getting
8 started and will be done in 2014.

9 SCOTT JOHNSTONE: Then how do
10 you know it's going to be very good
11 then? I'm sorry.

12 CHRIS RECCHIA: It's a
13 scientific study. It's not about the
14 results, it's about the methodology.
15 They are -- they're being very thorough.
16 And, um, it won't be available, though,
17 for a couple of years, the results.

18 CHAIRPERSON EASTMAN: Okay.
19 Anything else before we get to the
20 Options Paper? The plan for today was
21 to try and get through the Option Paper
22 and then anything else we may have. But
23 at 3:00 this afternoon, we're going to
24 have someone come in and talk a little
25 bit about the cumulative impact issue.

1 CHRIS RECCHIA: I have to leave
2 at 10:30 and go over to the State House
3 and then I'll be back, so I apologize.

4 SCOTT JOHNSTONE: What we know
5 about that is that you'll be really
6 happy to come back.

7 CHAIRPERSON EASTMAN: So I think
8 we left off at -- on page 6 of Option 3.

9 Does everyone think that's about
10 where we were? Meaning we didn't talk
11 about the issue of this option or
12 establishing a statewide plan or map for
13 locations of generation facilities?

14 LOUISE McCARREN: Can I just set
15 the stage as to the big picture?

16 CHAIRPERSON EASTMAN: Yep.

17 LOUISE McCARREN: I'm sure that
18 you all might not agree with this, but I
19 think it's kind of how I organize my
20 thinking, which is that, um, the State
21 has a public policy that says we will
22 reduce greenhouse gases and that as part
23 of reducing greenhouse gas, we have a --
24 a State public policy to go to 90
25 percent renewable by --

1 CHRIS RECCHIA: 2050.

2 LOUISE McCARREN: Okay. What
3 does that mean for what will be coming
4 forth in Vermont with respect to
5 renewable projects? And I think that's
6 really important because I think it
7 would certainly inform my thinking.

8 CHRIS RECCHIA: Yeah.

9 LOUISE McCARREN: So are we
10 going to see -- and I ask -- I asked,
11 um, Linda to find out, just how many
12 requests, 248 filings, have been made or
13 do you -- do you Chris, expect might be
14 made? And so I think that's really
15 valuable and can inform our thinking.
16 Do we really think that there's going to
17 be a significant number more of very
18 large scale or when or what we're going
19 to see --

20 CHRIS RECCHIA: Yeah. So let me
21 talk about the energy plan for a second.

22 LOUISE McCARREN: And we have to
23 assume whether we agree with the plan or
24 not. Right? I mean, because I have
25 grave misgivings about it, but that's

1 irrelevant. I just want to get -- we
2 have to resolve this.

3 CHAIRPERSON EASTMAN: Before you
4 start, so by 2050, 90 percent --

5 CHRIS RECCHIA: That's what I
6 was going to talk about. So there's
7 no -- although we did model a couple of
8 scenarios to see what it would look like
9 financially, as well as what it would
10 look like physically, um, there is no
11 commitment to any particular forum of
12 renewable in that plan, no, minimum
13 amount of wind, no maximum amount of
14 wind, no minimal amount of solar,
15 maximum amount of solar, no instate or
16 out of state renewable, with the concept
17 that, and while people always talk and
18 emphasize greenhouse gas emission, I
19 look at this as more energy security and
20 reliability issue, stability and
21 pricing, stability and control within a
22 reasonable distance of Vermont,
23 preferably in Vermont.

24 But other than that, there is no
25 specification about what has to do what.

1 LOUISE McCARREN: And indeed,
2 the statute as I read it, the statute
3 does not prohibit the buying of
4 out-of-state RPS to meet the
5 requirement. Right? So that is a
6 possibility.

7 SCOTT JOHNSTONE: If we actually
8 bought RPS to cover it and we've mostly
9 talked about selling RPS. She's asking
10 the opposite.

11 CHRIS RECCHIA: Right I see
12 that.

13 GAYE SYMINGTON: Well, how would
14 it serve you if you -- we don't have
15 RPS. There's no RPS --

16 SCOTT JOHNSTONE: But you may
17 create one and then push it that way.

18 LOUISE McCARREN: Or we have the
19 renewable goal. Can you meet that
20 renewable -- my reading of the statute
21 is that you can -- that statute does not
22 prohibit meeting that goal by the
23 purchase of RPS. That's what I read.
24 And that's relevant, right? Because
25 it's going to -- I think it will inform

1 how many projects and that will
2 inform --

3 SCOTT JOHNSTONE: So to be
4 meconium, to meet our -- instate, we
5 could build a whole plant and buy RPS to
6 cover it and -- and still meet the goal.
7 Is what you're saying?

8 LOUISE McCARREN: What I was
9 thinking is -- so the reason I'm asking
10 this question is because it somehow
11 helps inform how big, how many projects
12 we're going to see and I think that's
13 relevant.

14 CHAIRPERSON EASTMAN: But the
15 other thing is, there's a lot of small
16 projects.

17 LOUISE McCARREN: And that's
18 fine.

19 CHAIRPERSON EASTMAN: Except
20 from a caseload standpoint.

21 CHRIS RECCHIA: When you were
22 asking about the number of 248, I mean,
23 those have gone up, you know,
24 dramatically because the projects had to
25 be more distributed and smaller and kind

1 of something we have intended to say we
2 like, but they take as long -- they
3 don't take maybe as much time as Vermont
4 Yankee, but they take a lot of time.

5 SCOTT JOHNSTONE: And to make
6 your question even more complicated,
7 when I look at the -- both the
8 legislative goals and the CEP, I can't
9 find a pathway to 2050 that accomplishes
10 those goals with the resources available
11 to Vermont that doesn't include
12 Vermont's using a whole lot more
13 electricity.

14 Because if you're going to take
15 it -- to get there, what the goal is,
16 transportation and thermal, um, you've
17 got to replace gasoline in home heating
18 oil and propane, um, with -- with
19 electricity, because we have the
20 capability to create more green
21 electricity, whether buying out-of-state
22 or doing it instate because we happen to
23 have a nice green electricity portfolio
24 opportunity. So I actually think on the
25 electricity side, it's even way bigger

1 than anything we've talked about.

2 CHRIS RECCHIA: No, you're
3 right, although I probably wouldn't go
4 quite as far as you're suggesting on --
5 I think there are a bunch of thermal
6 options that are available to us. Not
7 as much electricity, but there's still a
8 decent amount even for, you know, the
9 geothermal and -- so it does presume
10 that the electric demand is up.

11 CHAIRPERSON EASTMAN: The other
12 thing though, too, for me and I just --
13 and then we can -- I'm glad we're having
14 this conversation because, for me, I
15 like to think big first and then get
16 into detail, but I do want to get
17 through this. For me, too, and I've
18 said this last Thursday, I was also
19 interviewed on the radio last Thursday
20 and that was fun. We hadn't talked in a
21 long time and that was fun but -- so,
22 and it was longer and he wanted our
23 opinions about this and I said we don't
24 have an opinion about anything yet.

25 But what I did say, what I, of

1 course, am being reminded of and I'm a
2 utility brat, you know, shutting off
3 lights when I leave a room, there is so
4 much more room for efficiency. I mean,
5 so much more we could be doing. For all
6 of us who have dogs who let them out at
7 2:00 a.m., why aren't we turning on our
8 washing machine then?

9 CHRIS RECCHIA: Why can't we get
10 the dog to do it?

11 CHAIRPERSON EASTMAN: But
12 there's so much more that we can be
13 doing and that -- and I guess for me,
14 seeing McNeil and that stuff going up in
15 the air, I just can't stand waste.

16 GAYE SYMINGTON: I don't know.
17 I don't think Lisa came and spoke with
18 us, but it might be informant for the
19 group to hear, you know, he has put
20 together a scenario. It isn't the
21 scenario but the network and they're now
22 working with the University of Vermont
23 to establish, um, a -- an ongoing -- not
24 a broad brush of this but, um, some kind
25 of dynamic modeling that could be basic

1 so that there could be different
2 scenarios plugged into it so that people
3 could understand what does 90 percent by
4 2050 mean? And, you know, a progression
5 of times so we don't wait until 2049 to
6 actually work on it.

7 And um, but, you know, he worked
8 with Green Mountain Power and with solar
9 folks and, you know, put out -- um,
10 these, at least a reasonably, um,
11 informed set of assumptions around
12 pricing, around requirements for
13 different technologies and put together
14 a scenario. Um, and it, you know, it's
15 one scenario but it is at least a
16 picture of what it could look like and
17 that's helpful context.

18 SCOTT JOHNSTONE: And on the
19 efficiency side, and you can get a lot
20 of different answers to this, but if I
21 was to aggregate from across the county,
22 the best efforts, what efficiency must
23 do, on just from the carbon side, 30 to
24 50 percent, 2050 what must happen and we
25 actually think that it's possible and

1 total energy basis that 60 might be
2 potential. Um, not today, you know, but
3 even when you start factoring
4 technological advances, if you take a 30
5 to 50 year, you know, how much better
6 could we do if we follow the tools in
7 this, if we were really going after
8 maximum achievable, you know, we
9 actually think, you know, would say 60
10 percent might be what is potential on
11 the science coming out, but we've got to
12 get to 30 to 50 to obtain the kind
13 carbon goals that Vermont and other
14 places have adopted. That's 40 experts
15 across the country.

16 LOUISE McCARREN: I won't give
17 you my standard speech about price and
18 price separation. But the issues, I
19 mean, efficiency is the, you know, best
20 thing to do, you know.

21 CHAIRPERSON EASTMAN: And as we
22 age, we sleep less. We have more time
23 offpeak to do things. No. But I was
24 having an argument with people about
25 their smart meters. I mean, people are

1 against that.

2 CHRIS RECCHIA: Yep.

3 CHAIRPERSON EASTMAN: So, Option
4 3, Establish statewide plan/map for
5 locations of generation facilities.

6 CHRIS RECCHIA: So I'm one of
7 those who feels like we really do need a
8 map, um, but it's to map resources --
9 natural resources map. It has things
10 like infrastructure, um, transmission
11 capacities. It adds, um, other
12 resources, um, energy resources in terms
13 of, um, wind, solar, you know, approach
14 aspect is what I'm looking for.

15 Um, but if you say -- if you
16 start saying that this is good or go and
17 that's a no go, from a private property
18 rights world, that really doesn't make
19 sense to me. And I'm willing to be
20 convinced differently, but I think that
21 that just is unnecessary. People can
22 look at a map and see where the
23 resources are. And, luckily, we don't
24 have to map anything like gold or
25 diamonds, so we're not, like, exposing

1 something. I just don't think that we
2 have the tradition of trying to tell
3 people where they can do things and
4 where they can't, gets into trouble with
5 property rights and values very quickly.

6 SCOTT JOHNSTONE: I see it
7 entirely differently. And I get all of
8 the tension you're talking about on
9 those kind of whole property rights and
10 all of that. I get that. Maybe this is
11 from the lack of sleep I'm on, and I
12 think that this option needs to be
13 integrated in some aerial approach with
14 the RPC line, that the work there
15 proceeds, do we adopt that one and carry
16 some weight? Um, and then the State
17 would need to have actual -- enough
18 generation, whatever that split becomes,
19 because somebody will have to pick one
20 some day that, um, being clear about
21 where are the greatest odds of success,
22 um, and where we get a more favorable
23 reception and not. It addresses some of
24 the transition to merchants and, um, you
25 know -- the way to get at -- the way to

1 get to the goals um, this affecting the
2 fastest streamlined way with the fewest
3 impacts. And everything you said about
4 the pain that we'll have to endure as a
5 State, to have that conversation is spot
6 on, but I think necessary.

7 CHRIS RECCHIA: Okay. So, 90
8 percent of what we're saying is the same
9 thing if we get the map, get resources
10 identified and then that additional --

11 SCOTT JOHNSTONE: I appreciate
12 that.

13 LOUISE McCARREN: Well, I also
14 wanted to -- I said this before. I
15 strongly believe that local
16 communalities have the right to choose
17 how to zone industrial uses and that,
18 um, that, um, solar and green -- and it
19 should be up to them to -- and so for --
20 and, again, this goes to our tiering
21 issue, um, which larger projects, um,
22 absolute remain in 248, but the
23 smaller projects, um, I think is now --
24 it's a zone. And I think we heard that
25 in New Hampshire. Right? If the town

1 cause is not zoned, then it flips to a
2 15 member siting Board in New Hampshire.
3 So I think that's a really strong
4 component of that because these are
5 industrial uses and, um, the town -- the
6 town doesn't want to zone, that's up to
7 the town, but if the town does zone,
8 then they should be able to control
9 where any industrial use goes, including
10 these. So, that's my two cents worth,
11 admitting that we're going to need to
12 tier it.

13 CHAIRPERSON EASTMAN: Any other
14 comments? Tom?

15 TOM BODETT: Well, I'm wondering
16 if -- if introducing this idea of the --
17 I can't remember the acronym, energy
18 return on energy invested, um, formula
19 isn't as -- would allow for a statewide
20 plan map of showing best areas without
21 determinating from one property owner to
22 another, seems like this is optimal,
23 this is not, for one technology or
24 another. Um, and then somewhere in
25 the -- call a wind process, would be a

1 wave of that energy return on energy
2 invested, um, so that one project -- and
3 this kind of goes on the next item of
4 item four opening of sort of an open
5 season where the, um, other service
6 boards actually comparing projects that
7 are up for review.

8 LOUISE McCARREN: Yeah. I don't
9 think, there's an inconsistency or
10 mutual exclusivity between a resource
11 map and local zoning. I don't think
12 they're there.

13 CHRIS RECCHIA: They're
14 complimentary.

15 LOUISE McCARREN: And it's just
16 that the resource map would tell a
17 developer where good potential sites
18 would be.

19 CHRIS RECCHIA: It would also
20 tell them where other stuff is, if
21 they're paying attention to, they'll
22 look at, transmission houses, you know,
23 um, wildlife areas, a variety of life
24 that they would see. And I guess --

25 CHAIRPERSON EASTMAN: The pluses

1 and the minuses.

2 LOUISE McCARREN: And I
3 understand that the department or maybe
4 the Board, you can determine, because
5 not all generations created equal,
6 depends on where it's located,
7 absolutely affects its value. As I
8 understand it, that is going to be built
9 in.

10 Did I understand that correctly?

11 CHRIS RECCHIA: What's going to
12 be built in?

13 LOUISE McCARREN: That where
14 generations located will have a value?

15 CHRIS RECCHIA: Yes. There's a
16 cap of the speed projects except where,
17 um, the generation will result in, um,
18 improving the grid reliability and
19 security yep.

20 SCOTT JOHNSTONE: The only point
21 I think we're all staying closest on is
22 the distinction on how far, just for me
23 personally, I've worked for towns
24 through my years so, um, come at it
25 hard, so I want to be where you are.

1 LOUISE McCARREN: Yeah.

2 SCOTT JOHNSTONE: But there's
3 really -- um, we have a statewide
4 system. We have a regional system. We
5 can't have every community zone out
6 keeping the lights on. And so there's a
7 blending how we -- we need to get
8 comfortable with that idea, requires
9 some real, um, thoughtful blending of
10 how far that authority would go, what --
11 how it has to nest with the regional
12 plan, how it has to help accomplish
13 state plans. There's a big hill to
14 climb there, at least for me.

15 LOUISE McCARREN: Well, my
16 thinking on that, okay, is that the
17 State issue is something that would --
18 would be reflected in larger projects.
19 It's the smaller projects that --

20 SCOTT JOHNSTONE: I understand
21 small are unique. I'm sorry. I missed
22 that.

23 LOUISE McCARREN: No, no.
24 That's okay. And, um --

25 SCOTT JOHNSTONE: I could be

1 more comfortable with that.

2 LOUISE McCARREN: Yes. And I
3 mean -- I had this exchange with
4 somebody, about the Telecom sites for
5 towers, I think federal legislation
6 that, um, says that a town cannot zone
7 out towers. The way I come at this is
8 that this is an industrial usage. The
9 town has the right to say where in the
10 town industrial uses should go. And so,
11 that's -- I cut it for small projects.

12 SCOTT JOHNSTONE: I get that.

13 LOUISE McCARREN: That's under
14 the theory that to meet our goals, we
15 are going to have to see a great amount
16 of small projects, so this is going to
17 be a big --

18 CHRIS RECCHIA: So can I just
19 say one point then to kind of loop us
20 back together with Tom's point about
21 someone at some point evaluating energy
22 in, energy out? The problem is that I
23 agree with you. I think we're going to
24 need a lot of small projects that are --
25 um, that communities feel good about

1 being part of their community. That
2 said, those are not the most efficient
3 energy in, energy out ones. So that
4 shouldn't be the only standard. It can
5 be a standard, but the problem, you
6 know, they see particularly with respect
7 to wind is that's what encourages and
8 while we're doing this anyway, we might
9 as well be on the top of the ridge, the
10 highest ridge we can get on and make
11 these as tall as we possibly can because
12 if you're going to spend all of this
13 money, time, effort, you might as well
14 maximize the potential. Right? Well, I
15 think the other side could argue that,
16 no, what you really need is to not try
17 and maximize any of these things because
18 every time you do, you get out of
19 proportion with what you're schedule is,
20 that you've got to sacrifice some
21 efficiency of generation in order to
22 accommodate some other issues. So you
23 need to make -- you need to be not on
24 the ridge and not where the wind is the
25 highest in order to do it.

1 So, I'm concerned about any
2 absolute. I'm not suggesting that, Tom,
3 you presented this in an absolute
4 standard, but I'm concerned about where
5 that might then --

6 TOM BODETT: Yeah, that makes a
7 lot of sense, what you just allowed that
8 was, that's an absolution of it. That
9 certainly would quickly flow out of
10 control if there wasn't some balance
11 against, you know, cultural impacts in
12 that formula, as well.

13 CHAIRPERSON EASTMAN: Which is
14 why, I mean, we're not discussing it
15 right now, which is -- you know, going
16 back to the regional planning process
17 and, you know, where -- where you've got
18 everything in one place. You know, but
19 if you don't --

20 GAYE SYMINGTON: But if you
21 haven't had a state plan first --

22 CHAIRPERSON EASTMAN: Well --

23 GAYE SYMINGTON: I mean, the
24 trump needs to be the State energy plan,
25 the reliability of the grid and, you

1 know, the goals we set for the State,
2 so, it seems like we need some kind of
3 context, um, at the state level before
4 you can then --

5 CHAIRPERSON EASTMAN: But as we
6 were talking about -- you divide it up.
7 I mean, you've got other statewide
8 issues, but there are other things that
9 are critical needs that we plan for, you
10 know. So it's not that they trump it,
11 it's that, again, it's where does it go
12 and how does it fit in with the other,
13 you know, goals that we have in Vermont.

14 SCOTT JOHNSTONE: So this is
15 kind of a boundary document that the RPC
16 has -- you really need to come up with
17 in your plan, but --

18 CHAIRPERSON EASTMAN: But how do
19 you come up with that? You just make a
20 whole goal and divide it and say --

21 CHRIS RECCHIA: How about this
22 idea? How about based on usage? I
23 mean, we have a population. In each
24 county they're using a certain amount of
25 energy for thermal, for electric, for

1 transportation, you know, make a
2 responsibility for a certain percentage
3 of that that would be pressure on people
4 who are in less populated areas a little
5 bit. Um, and granted there may be some
6 trade-offs in terms of resources, um,
7 from resources versus where the
8 population and demand is, but, I just
9 feel like, you know, in my ideal world,
10 these things become communities saying,
11 hey, we can contribute to the state's
12 energy security and advance our economy
13 and energy, um, independence. Let's do
14 these three projects.

15 And actually, where they want to
16 see that go forward, and that's
17 ultimately where I'd like --

18 CHAIRPERSON EASTMAN: And I'm
19 going to let the regional planner speak.
20 But that's the other thing, that as
21 we're looking at this and for me, I'm
22 hoping that we're going to end up with
23 something that isn't just saying, you
24 know, no, it's not saying no to
25 something or whatever, but incentivizing

1 the community who are ready to go along
2 and do things, you know, to go and do
3 them, but we've got a regional planner
4 back there wanting to talk about that.

5 CHRIS CHAMPNEY: This came up
6 briefly before, um, and I guess the
7 question I would ask, especially from
8 our region, and this is just more
9 raising the question, not -- I'm not
10 saying this is right or wrong but, so
11 the wind region, taking Yankee out of
12 the mix, just for argument's sake, not
13 that it should or shouldn't be
14 operating, but --

15 So we've got majority of the
16 state's hydropower in four trans-Canada
17 dams and then we've got, um, Cedarsburg
18 already, um, and running, we've got
19 Deerfield permitted and we've got
20 BlueRidge Hydro permitted. Are we done?
21 And I don't know, that's just any kind
22 of delivery. That's just something.
23 There are other, you know, dams on the
24 Connecticut. There are other wind
25 projects already developed. There are

1 other hydro projects already developed.
2 Just something to keep in mind.

3 SCOTT JOHNSTONE: What amounts
4 to me, Chris noted this earlier, um, and
5 so I mean as a criticism, the next thing
6 that would have to happen, we've got a
7 state energy plan, there aren't a lot of
8 milestones or guidance about what is the
9 next, um, the next -- so, to me, the
10 next -- to get to where we -- to answer
11 your question, we've got to come up with
12 a next increment milestone that gets us
13 on a path to meeting the energy planning
14 goals, um, and an allocation of where
15 are the resources, how much are already
16 done? Where is more power needed or not
17 to deal at what variety and come up with
18 a process to allocate those revisions so
19 that you know if they're done or not?

20 LOUISE McCARREN: I think I
21 would say that -- saying that any
22 particular region should be required to
23 provide electrical energy in proportion
24 to its population is really misguided.

25 CHRIS RECCHIA: It can't be --

1 well, not terribly, but it is misguided.
2 It's not completely, I don't think.

3 LOUISE McCARREN: And the reason
4 is, I call it the banana and maple syrup
5 problem and that is we all have to grow
6 our own bananas in Vermont and require
7 that somebody in LA wants maple syrup,
8 they need to -- because what you really
9 want to do is, you want facilities to be
10 built where they have the highest
11 economic benefit and the least
12 environmental impacts.

13 CHRIS RECCHIA: You're right.

14 LOUISE McCARREN: And so that
15 might be -- you know, that could very
16 well be farmland across the border in
17 Quebec. So...

18 CHAIRPERSON EASTMAN: I want to
19 interrupt this conversation because Ed
20 McNamara from Chris's office has offered
21 to come. And he's the guy who knows all
22 of the stuff about the tiering, you
23 know, and we've only got him until
24 10:45. Do we want to have him talk
25 about that with us?

1 CHRIS RECCHIA: Ed has been
2 responsible for -- um, see, I just told
3 him not to mention this so I'm going to
4 mention it. So he was responsible for,
5 um, much of the -- many of the Board
6 orders on tiering and potential other
7 options.

8 CHAIRPERSON EASTMAN: So let's
9 take a few minutes and then you can get
10 out of here, Ed, and we can move onto
11 get maybe beyond one page in an hour.
12 We're talking about a lot of good ideas,
13 which is what we need to do. So, Ed...

14 ED McNAMARA: So, I'm Ed
15 McNamara. For the record, I'm Ed
16 McNamara. I work for the Department of
17 Public Service for Commission Recchia.
18 Um, but prior to a couple of months ago,
19 I worked for ten years at the Public
20 Service Board doing a lot of work on
21 siting in 248 issues. So, Linda
22 McGinnis and Anne Margolis asked me to
23 be available to answer any questions
24 about tiers. And based on the other
25 conversation --

1 PUBLIC MEMBER: Excuse me. Some
2 of us have hearing disabilities and
3 would appreciate if you could speak up.
4 Thank you.

5 ED McNAMARA: Thanks for the
6 heads up.

7 LOUISE McCARREN: Can I ask you
8 a question? Or you wanted to do your
9 presentation first?

10 ED McNAMARA: We can start out
11 with questions. Whatever you want.

12 LOUISE McCARREN: I'm sorry. Do
13 your presentation and -- sorry.

14 ED McNAMARA: I actually have a
15 formal presentation but -- I just found
16 out about this this morning.

17 So, um, basically, um, 248
18 review is structured in a way that
19 differentiates between the size of the
20 project. Often times, that's a specific
21 megawatt capacity size. There's a
22 differentiation between 2.2 megawatts,
23 which I'm sure you'll hear about the
24 standard offer programs, the upper gap
25 of the standard offer program, and then

1 150 kw, which is the lower threshold.
2 I'm sorry. Um, just a threshold for
3 very small projects that go through a
4 very expedited process, very similar to
5 net metering. Essentially, you file an
6 application form with the Public Service
7 Board. Um, my understanding -- and I
8 don't do many -- I did not do many net
9 metering projects -- is that the joining
10 land owners would get notice, as well as
11 the application. They have 10 days to
12 30 days, depending on the type of
13 project to file comments. If nobody
14 filed that first comments, it is pretty
15 much, a CPG would be issued. I wouldn't
16 say automatically, but fairly routinely.

17 Between 150 kw and 2.2
18 megawatts, only for renewable projects.
19 There's fairly -- there's a more
20 streamline version than the full 248.
21 248 has several criteria. Um, this
22 process simply conditionally waives
23 several of the criteria. And those
24 relate to need, economic benefit, other
25 factors. And my understanding of that

1 Board order is, essentially, the Board
2 was saying that legislature decided for
3 small renewable projects that there's a
4 need and that they have an economic
5 benefit, as well. So, essentially takes
6 those criteria off the table and
7 developers did not have to address them
8 up front.

9 LOUISE McCARREN: And that's
10 what I wanted to ask you about, was the
11 needs issue. Um, so, what -- the public
12 policy issue is that we -- a number of
13 these small projects that don't have to
14 prove need, that that -- that we won't
15 just -- that their actual development
16 will be bounded [sic] by the regulatory
17 pricing, the statutory price. I mean,
18 other -- right? Because a lot of these
19 projects is -- similar projects are not
20 economic, absent the -- and public
21 policy and that's fine.

22 But if you say that need is not
23 necessary, are there any -- what would
24 be the bounds, um, on the development?

25 ED McNAMARA: The bounds, then,

1 would be the land use criteria, as well,
2 looking at the land use impacts. So
3 it's saying, need is very specific.

4 Um, to give a little bit of back
5 history, and my understanding of why
6 that need criteria was in there in the
7 first place is because it used to be
8 that any generation was built by
9 distribution, Green Mountain Power,
10 Burlington Electric, would actually
11 build it. We didn't have what they call
12 a generation plant. Basically
13 developers -- all the projects sell into
14 the distribution utility. So the
15 utilities had to demonstrate that they
16 actually needed that power, they needed
17 to develop that power. It was cost
18 effective.

19 Under the idea we have now,
20 where any generation unit can sell to --
21 in this, for standard offer, to
22 essentially need the facility to then be
23 distributed to the distribution
24 facility. You don't have that same
25 issue of need about the utility.

1 LOUISE McCARREN: And that's
2 because the developer is taking the
3 construction and operation finalist --

4 ED McNAMARA: Exactly.

5 CHRIS RECCHIA: The legislatures
6 -- the 127 megawatts is what is the box.

7 LOUISE McCARREN: But in
8 theory -- but in theory, anyone could
9 build one of these and not demonstrate
10 need.

11 ED McNAMARA: In practice, yes.
12 The way the statute is written, it's
13 not -- except for the 2.2, it's not tied
14 back to the standard offer program.
15 This simply says any renewable project
16 2.2 megawatts and below is subject to
17 these essentially somewhat streamline
18 criteria. So, you're right. In theory,
19 you can -- any project can come in.

20 Um, however, I think that's
21 where the economics come in. Unless you
22 have a standard offer contract, it's
23 unclear to me that many of these
24 projects would get built.

25 LOUISE McCARREN: That's what I

1 thought. I just want to be very clear,
2 because the merchant -- again, they take
3 all of the risk and, um, so we don't
4 have -- in theory, we have no bounds in
5 the State. But it is going to be
6 whether they can make any money?

7 ED McNAMARA: Yes.

8 LOUISE McCARREN: Okay.

9 GAYE SYMINGTON: Can you say it
10 one more time slowly because I'm not
11 sure I follow your trail.

12 LOUISE McCARREN: Could be
13 because it's not logical.

14 GAYE SYMINGTON: No, no. I
15 didn't say that. Three quarters of the
16 way through, I got left behind.

17 LOUISE McCARREN: The point I
18 was trying to make is, if you remove
19 need as a criteria and you -- and I
20 understand that that policy is made
21 because of these merchants, which means
22 they take all of the risk. In theory,
23 it's distribution company or a
24 regulating utility built. They -- in
25 theory, they don't take the risk. I was

1 just kind of trying to understand what
2 that means for the State.

3 And, um, it means that, um,
4 you --

5 GAYE SYMINGTON: So you're
6 saying that means that you could just
7 build and build and build and build and
8 build, whether or not it needs them, but
9 the market is going to actually
10 function?

11 LOUISE McCARREN: That's fair.

12 CHRIS RECCHIA: It's the same
13 theory that, you know, going back to the
14 hype of my development review Board had,
15 um, when an application comes in, and
16 somebody wants to build a gas station or
17 a convenient store, we don't ever ask,
18 gee, we've already got three of those.
19 Do we need another one?

20 GAYE SYMINGTON: That's what
21 happened in New Hampshire and why they
22 ended up with too many gas, fire and
23 electric plants. So then when we turned
24 that down, all of the sudden --

25 LOUISE McCARREN: So what he

1 said is there's a major shift, there was
2 a major shift in the policy in the late
3 '80s and '90s, would be restructuring?

4 ED McNAMARA: Yes. With
5 restructuring.

6 LOUISE McCARREN: And would
7 shift the risk all on the development,
8 reconstruction and development risk of
9 generation units away from regulated
10 distribution. Vermont is not --

11 ED McNAMARA: Exactly. And can
12 I just add one important caveat, though,
13 to this conversation. And the statutes
14 simply direct the Board to look at
15 potentially waiving criteria. So it's
16 not statutory mandated that these
17 criteria have to be waived. The Board
18 looks at it to determine and simply
19 issued an order. Somebody could ask the
20 Board to change that order. So it's not
21 a set in statue. Legislature doesn't
22 require -- it's not required if the
23 legislature changes.

24 The other important
25 consideration, too, is that those

1 criteria are conditionally waived. In
2 other words, somebody can come in and
3 say, we actually think this is an
4 important criteria that should be taken
5 into consideration. The Board can then,
6 at its discretion, decide that it is
7 going to take up new criteria.

8 SCOTT JOHNSTONE: So if the
9 process of all of this works, I'm
10 curious if there were a, um, either from
11 the Board or in the legislative intent,
12 um, is there rhyme or reason to 150k and
13 2.2 or is that just what the legislature
14 landed and so the Board just took that?
15 And I don't mean anything negative by
16 this, but just took it blindly as to
17 what they should do? Because what we
18 talked about, on one hand, we talked
19 about couldn't get swamped. On the
20 other hand, we've also talked about
21 those -- should those numbers go up,
22 frankly, um, in terms of recommendation
23 and I'm just kind of curious if we know
24 any of the background there?

25 ED McNAMARA: The 150 kw -- um,

1 I should say both of those are actually
2 set in the statutes, saying for
3 consideration. So my understanding
4 where the 150 kw came from is that,
5 originally, when net metering came out,
6 I think that was the cap on net
7 metering, individual project size, but I
8 know that was fairly arbitrary. Um --

9 SCOTT JOHNSTONE: That would be
10 my guess.

11 ED McNAMARA: Yeah. I can't
12 think of any reason unless there's an
13 interconnection issue, um, that projects
14 150 kw and below makes it easier to
15 interconnect those.

16 That, I think is also somewhat
17 arbitrary. Depends on the particular
18 system, 150 kw project, and one location
19 could be much more difficult than
20 another. With respect to the 2.2
21 megawatts, my understanding of where
22 that came from, um, they're looking
23 specifically at distributed generation.
24 So generation, this was legislature in
25 2009 set up a standard offer program.

1 And my understanding is they were
2 looking initially at an arbitrary number
3 of two megawatts, because that, for the
4 most part, could tie into the
5 distribution system and provide support
6 for the distribution system in most
7 locations, not all. I think it got
8 bumped to 2.2 because Northern Power
9 Systems had an individual turbine that
10 was 2.2 megawatts. And so, again,
11 fairly arbitrary.

12 SCOTT JOHNSTONE: I take it
13 just, the context was then there was 50
14 megawatt cap they were going to put
15 under this program and they didn't want
16 one project to come in and -- and
17 then -- so how many projects do they
18 want and come down to, there's not
19 necessary a rhyme or reason to the tiers
20 to net metering and standard
21 operating --

22 ED McNAMARA: Correct.

23 SCOTT JOHNSTONE: We could have
24 tiers where you still have the same
25 limits for standard operators and we

1 could have higher thought process?

2 ED McNAMARA: Yes.

3 LOUISE McCARREN: Because the
4 legislature, um, basically deferred to
5 the Board's expertise in terms of this
6 tiering, this waiving section 248,
7 couldn't the Board by rule, could
8 basically defer to towns?

9 CHAIRPERSON EASTMAN: Um, no.
10 No. Because you can't. In Vermont,
11 towns can only do what the legislature
12 lets them do. We're not a home ruled
13 state. So towns are only allowed to do
14 what the legislature authorizes them to
15 do. So the legislature would have to
16 say, I don't think the Board can do
17 that.

18 LOUISE McCARREN: Well, it would
19 be an interesting question.

20 CHAIRPERSON EASTMAN: I think
21 legally -- this is one thing that, you
22 know, we're one of two states.

23 SCOTT JOHNSTONE: Did you have
24 any different information about the
25 tiering? I saw him raise his hand.

1 CHRIS CHAMPNEY: We were there
2 when, um, we created the standard offer
3 with the State and we set it at, the
4 Stated holder group, um, came up with a
5 one megawatt capita per standard offer
6 and 15 megawatt overall capita. We have
7 ways of keeping costs down and went to
8 legislature and they did an order to
9 make sure Northern Power had an
10 opportunity to get their 2.2 megawatt
11 turbines included.

12 LOUISE McCARREN: What I was
13 noodling about is with this deference to
14 the Board about waiving 248 criteria,
15 what would be the extent of that? And
16 that's all. Because if there were --
17 basically, this is interesting
18 information because when we think about
19 the changes we would recommend, what I'm
20 hearing from you is that for small
21 projects, many of those could be
22 implemented by Board rule.

23 ED McNAMARA: Many of the
24 waivers? I'd have to go back and look
25 at -- I think it was section 8,007. And

1 I believe it's in the materials that
2 Linda e-mailed out. It's just been a
3 little while since I took a look at it.
4 My memory is that -- so, looking
5 specifically at 8,007B says, In
6 developing such rules or order, the
7 Board shall waive the requirements of
8 Section 248, goes on. A modifier and
9 tiering requirements shall simplify the
10 petition and review process.

11 So, I think the Board does have
12 a fair amount of discretion. However,
13 the Board can't add new criteria, they
14 can't subtract. It can waive, but I
15 think it does have a fair amount of
16 discretion. So I agree with that.

17 CHAIRPERSON EASTMAN: Okay.
18 Anything else, Ed?

19 ED McNAMARA: The only other
20 tier included in the memo that Linda
21 e-mailed out is about 248J. And that's
22 sort of a paralleled width to the whole
23 waiver of some of the criteria, simply
24 makes an easier process for developers.
25 In some ways, it's actually easier for,

1 um, components of the project, as well.
2 Under 248J, somebody has to file, saying
3 that the project is of limited size and
4 scope. There's no statutory guidance
5 for that. Unfortunately, this is
6 something where you know it when you see
7 it. And I think the context is specific
8 limited size and scope, could mean one
9 thing and a highly residential area, um,
10 and it could mean something entirely
11 different in a heavily industrial area.

12 CHAIRPERSON EASTMAN: But like
13 rule 51 in -- for act 250, minor
14 permit -- minor application. So this
15 stuff is filled in but it goes much
16 faster. And rule 51 is actually works,
17 I think, in Act 250.

18 CHRIS RECCHIA: I don't think
19 applicants over reach -- correct me if
20 I'm wrong, but if you get sent back to
21 the beginning, if you -- somebody
22 determines that it's not limited in size
23 and scope and may want to bump you into
24 248, then you've wasted all of that time
25 trying to get J.

1 CHRIS CHAMPNEY: I would just --
2 developers don't typically -- smaller
3 don't typically use 248J because there's
4 not a lot of good guidance on when it
5 will apply and time risk and applying
6 for that and getting bumped back can be
7 substantial.

8 LOUISE McCARREN: Wasn't it
9 origins basically inside the fence stuff
10 that --

11 ED McNAMARA: My memory is
12 that's how it started at the
13 legislature, that some utilities
14 specifically asked for a very
15 streamline -- more streamlined even than
16 the 248J process. For example,
17 substation construction, if they needed
18 to change out a transformer, then I
19 think that was modified during the
20 legislature session and became the 248J
21 now. And I think that the Board does --
22 my memory is that most expansions beyond
23 the no fence line, unless they're fairly
24 minor, do need to go through the full
25 248 process, not 248J. But there's a

1 lot of wiggle room in there, as well.

2 CHRIS CHAMPNEY: Under the
3 tiered process, is -- does the process
4 still look the same, as far as being a
5 contested case and, like, a need to
6 make -- um, I guess what I'm trying to
7 get a handle on is: For the
8 municipality or RPS trying to
9 participate pro se, that process isn't
10 as intuitive as maybe that -- I don't
11 know that I'm making my point. Does it
12 still function the same way?

13 ED McNAMARA: Technically, all
14 of these cases are contested cases. Um,
15 but what that really means on the
16 administrative procedures act is that
17 there's an opportunity for notice or
18 there's notice and opportunity for
19 comments, so people can always request a
20 hearing. And I'll just go really
21 quickly through some of the different
22 tiers.

23 248J, there's typically not a
24 hearing. There's not a public hearing.
25 It's everything that's through written

1 filings to simply informal letters,
2 often times, from opponents of a project
3 or anybody wishing to comment.

4 For a full 248, typically, um,
5 most folks would end up either hiring a
6 lawyer or appearing pro se. If you've
7 gone through the process, you know it's
8 producing testimony, answering, um,
9 discovery, fairly detailed.

10 248J is fairly streamlined.
11 With respect to the different tiers, the
12 2.2 to 150 kw, that depends on whether
13 it's filed under the full 248 or 248J.
14 It can be filed under either. Um, so,
15 then how streamlined it is depends on
16 which process. In 150 kw and below, is
17 very streamlined. More streamlined than
18 248J.

19 CHAIRPERSON EASTMAN: And I --
20 250 is also a contested case to process
21 it. It's just that Act 250, the
22 environmental Board adopts procedural
23 rules and a Public Services Board
24 applies the, um, the judicial -- so what
25 happens is -- that's what I think makes

1 it feel more formal. But as I say, even
2 the courts operate with those rules and
3 sometimes informally. Okay? And
4 they've had to do that because of great
5 caseloads and things like that. So
6 it's -- um, yeah. That's -- so, Act 250
7 still contests cases, but they adopted
8 their own rules of procedure. Great fun
9 for lawyers who've never done it,
10 arguing that I was -- when I was chief
11 executive officer doing it wrong and I
12 said, no.

13 SCOTT JOHNSTONE: Do you
14 actually have any unintended
15 consequences? We started thinking about
16 some of these tiers, um, being much more
17 administrative, um, lower tiers and not
18 contested, um, or even being deferred to
19 the towns or being deferred to response
20 or some other process, um, and that
21 would require a statute change. I get
22 all that.

23 But if you, in the experience
24 you had, um, are there any other
25 unintended consequences that, while that

1 may make a lot happen a lot quicker and,
2 um, you know, all the -- we get the
3 good, um, you know, what cliff might we
4 be driving ourselves off, from your
5 experience?

6 ED McNAMARA: That's a very
7 broad question.

8 SCOTT JOHNSTONE: Just opened
9 the door for you.

10 ED McNAMARA: So one concern
11 that I have, the Pulic Service Board
12 process, there's engineers involved in
13 that. I'm thinking specifically about
14 interconnection issues. There's
15 potential for serious safety violations.
16 You need good technical people with
17 experience overseeing the
18 interconnections part. So while I don't
19 have a position one way or the other
20 about --

21 SCOTT JOHNSTONE: We have to
22 solve that riddle?

23 ED McNAMARA: Absolutely. So
24 the project could be reviewed at the
25 town level, regional level, but I would

1 still have some concerns about the
2 interconnection aspect.

3 SCOTT JOHNSTONE: Agreed.

4 ED McNAMARA: With respect to
5 the side of the tiers --

6 LOUISE McCARREN: Right now --
7 I'm sorry to interrupt you but what I
8 want to say on that -- right now, um,
9 interconnection for 2.2 megawatt
10 project, um, the interconnection study
11 is done by the distribution company?

12 ED McNAMARA: That's correct.

13 LOUISE McCARREN: So they
14 actually write -- and that you continue
15 to have that obligation to do the
16 interconnection study and to be the
17 developer to pay for the interconnection
18 cost?

19 ED McNAMARA: Yes.

20 LOUISE McCARREN: Okay. Because
21 my concept was a land use concept, not
22 an --

23 ED McNAMARA: Yep.

24 With respect to changing the
25 2.2, maybe making that anything 2.2 and

1 below would be subject to simply, um, a
2 process similar to net metering. Um,
3 this is my own personal opinion. I
4 would actually have some concerns with
5 that because 2.2 megawatts means
6 different things for different projects.

7 A solar project, 2.2 megawatts
8 can be eight acres in size, which is
9 fairly significant. For a single
10 winter, 2.2 is much less acreage, but
11 more visibility. So, in some, I think a
12 little bit difficult just to do things
13 entirely on megawatts, but then once you
14 get into looking at individual
15 technologies, then you have concerns
16 about, are you creating --
17 discrimination is sort of not the right
18 term, but you're making a process
19 basically more difficult for example,
20 wind turbines than for solar, which
21 might or might not be what you want to
22 do. But you need to be mindful if
23 that's going to be the impact.

24 SCOTT JOHNSTONE: So, just to
25 focus on -- in a little bit more with

1 you, a couple of things, though, I guess
2 on the one hand, it's -- just means, um,
3 the four and five acre aspect of it is
4 something that towns are going to look
5 really hard at if you defer it?

6 ED McNAMARA: Yes.

7 SCOTT JOHNSTONE: Again, I get
8 your point. What about -- so it's not
9 up to 2.2 and I guess I'm interested
10 what other things other than megawatts
11 would be on the list? My direct
12 approach here is, it's a fascinating
13 idea, but can 150 reasonably go to X?
14 And how far is X? And can 2.2 go to Y?
15 So, could you go from 150 to 750 and 2.2
16 to 7? I'm just trying numbers out of
17 the air, um, with different processes,
18 um, and, you know, to streamline the
19 smaller stuff, is kind of where I'm
20 heading?

21 CHAIRPERSON EASTMAN: Well, and
22 I don't know how much you want to poke
23 at it unless we're going to go there.

24 WILLIAM COSTER: Um, I think one
25 observation is that effectively, with

1 the existing tiers, anything from 150 kw
2 and up could still have the full
3 complicated process, depending on the
4 impacts involved with the site. So
5 it's -- the size is not, at least,
6 currently a good determination.

7 SCOTT JOHNSTONE: What I'm
8 asking is, how far can we go to bump
9 that up so that we can get more of these
10 projects, um, and enable if there's
11 siting, we're supposed to help the plan
12 get built, how do we and where are the
13 bumps we're actually now, um, creating
14 new opportunities for harm that we need
15 to be concerned about?

16 CHRIS RECCHIA: Ten megawatts
17 might be a right size but, in doing
18 this, I would ask that the group here
19 think about how to marry the two -- the
20 two things that are in contention here
21 but could compliment each other if we
22 did it right would be the tiers where
23 the easier projects get a simpler
24 process, but they also get a more user
25 friendly process that consumers and

1 residents and area people can
2 participate in. And at some point, you
3 know, I am looking for that balance of
4 public participation and ease of process
5 with speed and instead of what
6 frankly -- okay. I'll just say this.
7 You know, the more -- the more
8 participation that projects seem to get,
9 the slower the process goes. That is
10 not -- I don't think that is necessary.
11 I think that there's got to be a way
12 that intelligent folks can find a
13 process that is still speedy by but
14 enables lively participation.

15 CHAIRPERSON EASTMAN: And can
16 I -- I want to interject because I'm
17 hearing, um, just to put on the table
18 where I'm coming from -- I actually, um,
19 don't think it's a good idea to give a
20 decision talking to the local community,
21 not in review. I don't think -- um,
22 that doesn't mean that I don't want them
23 to be able to determine, you know, where
24 industrial sites go. That's something
25 else. I mean, that's the planning

1 process. I'm not sure that making, um,
2 252, in effect, different processes to
3 go through actually makes this easier or
4 makes it better or really gives the
5 community any more say. Um, and for
6 most communities, it's going to be
7 very -- you know, very, very difficult.

8 So it's not that I'm not saying
9 that, you know, um, just like for other
10 things, you know, you plan for
11 industrial uses, you know, whatever.
12 But for me, I'd rather keep this all in
13 one basket, um, with different, you
14 know, levels potentially, something like
15 that. But one place, because it's --
16 okay? So I worry about --

17 LOUISE McCARREN: And I agree,
18 but I should have limited my comments to
19 say, that town zoning with respect to
20 industrial uses controls from a land use
21 point of view.

22 CHAIRPERSON EASTMAN: Yes. We
23 may decide to change the standards or
24 whatever --

25 SCOTT JOHNSTONE: That's

1 actually rather -- just to build on
2 that, my preference would actually, in
3 my head right now with all I've heard,
4 would be for some of these lower tiers,
5 make them more administrative, add a
6 couple of hearing officers at the Board
7 and authorize hearing office decisions
8 on certain size projects to be final,
9 appealable, but, you know, not have them
10 go through just piece process and not
11 making them wait on concept of that.
12 When you take a lot of time out and you
13 keep it more, you know --

14 CHAIRPERSON EASTMAN: I guess I
15 am anxious to be, you know, to find a
16 way to, if the board needs a way, we
17 need a way to help this process to work
18 with more applications, how do we make
19 the process work and what does it take
20 to do that?

21 LOUISE McCARREN: I don't think
22 it's compatible. I just wanted to put
23 that out there. Because I think that
24 that creates even more difficulty if you
25 get --

1 CHRIS RECCHIA: I think our
2 options maybe should describe this
3 concept a little before. I think he
4 needs to flush things out in
5 description, because it sounds like
6 we're moving away from, you know, um,
7 much more discussion of should some of
8 these go to 250? Should some of them go
9 to the local level. And I agree with
10 your rational, Jan. I think that we
11 really need to really get a thorough
12 explanation in the report
13 recommendations for why...

14 CHAIRPERSON EASTMAN: Okay.
15 Thanks, Ed. So we're back to Option 4,
16 Open Season Portfolio Review. I don't
17 know about this. Sounds like
18 integrative resource planning.

19 SCOTT JOHNSTONE: I don't mind
20 keeping it on the table. I think
21 it's -- it's not a stand-alone thing for
22 me. It's -- as far as a broader system
23 overhaul. The idea that it gets us back
24 to that, can we get the best and how do
25 we actually make sure that first project

1 that you see, which maybe isn't, turns
2 out not to be the best and you see the
3 second one pop up five months later and
4 we only need one at that point in time
5 there's something about the idea
6 upgrading windows, you can't be every
7 five years. It has to be fairly regular
8 or, you know, um, this is -- won't work.
9 But if we can solve that riddle, um, the
10 idea of seeing, you know, once, at least
11 on the landscape today as potentials at
12 the same time, we can think about how
13 that fits with the Velco planning and
14 distribution utility planning and
15 iso-planning, and understand the need of
16 not only on the tier, for the big
17 projects that really should have an
18 impact. Um, I think it could be viable
19 but not -- I wouldn't see that as a
20 stand-alone thing. I see that as an
21 integrative thing.

22 CHAIRPERSON EASTMAN: Maybe the
23 next phase after more planning.

24 SCOTT JOHNSTONE: I'm not sure.
25 I'm just -- but it's -- there's a

1 potential utility to this, I think.

2 LOUISE McCARREN: Resource
3 planning. Does this still exist?

4 CHRIS RECCHIA: Um, I'm not sure
5 what you mean.

6 SCOTT JOHNSTONE: I believe. I
7 was on the commission four or five years
8 ago and still had to do it, so I believe
9 they still have to do it.

10 CHAIRPERSON EASTMAN: Okay. Do
11 we want to talk about that?

12 LOUISE McCARREN: The
13 integrative resource plans, utilities
14 have to do them. Wouldn't they provide
15 the road map -- just thinking this out
16 loud. Wouldn't they provide the road
17 map of what's going to be built?
18 Because utility would say, there's an
19 integrative resource plan which requires
20 that I have a number of potential
21 resources and they're an economic
22 liability to me and I'm going to choose
23 these. Now, that's not consistent with
24 the merchant concept.

25 SCOTT JOHNSTONE: Because their

1 plans are identifying the current
2 available prospects as justification for
3 how they may, in theory, meet their IRP.
4 They don't know which ones actually are
5 getting through the regulatory process,
6 but they are evaluating all of the known
7 potentials out there, at least the ones
8 I've been involved in, looked at the
9 landscape. I know about these two
10 biomasses. I know about these two winds
11 and we have a conceptual agreement that
12 they could actually thread the needle,
13 we can buy this megawatt from this one
14 and, you know, so they do some of that
15 thinking.

16 LOUISE McCARREN: Would that be
17 a substitute for open season portfolio?
18 Isn't that kind of what it is?

19 SCOTT JOHNSTONE: Maybe. You
20 know, maybe.

21 LOUISE McCARREN: Okay.

22 CHRIS RECCHIA: Are the IRPs
23 coordinated in any way?

24 SCOTT JOHNSTONE: I don't know.
25 I'm sure it comes up with the system

1 planning committee as part of all those
2 sorts of things. I suspect it must come
3 up there but I don't really know that.
4 And outside the system planning tiers,
5 I'm not sure how they're integrated by
6 your office, honestly.

7 CHRIS RECCHIA: That makes two
8 of us. I'm still learning.

9 CHAIRPERSON EASTMAN: So, we
10 keep this as a concept of -- I don't
11 know where it fits yet.

12 GAYE SYMINGTON: I don't
13 understand the full conversation.

14 CHAIRPERSON EASTMAN: Yeah. I
15 don't either. I mean, I do understand
16 what they're proposing is, but for me
17 that means you're -- I don't how they
18 actually do it.

19 DEB MARKOWITZ: So that's
20 really, although it's a fine goal to
21 have a completely planned system where
22 we've got a map, we know what we want
23 and then we sort of open the bids, you
24 know, we do our RFP, but that's such a
25 complete take in the system and, you

1 know, we've got a marked driven season
2 that I don't know that that's
3 implementable as a practical matter.

4 CHAIRPERSON EASTMAN: What I
5 think might be more practical, again,
6 is incentivizing the planning process,
7 which is going out at a different way,
8 but having, you know, communities
9 planning and, you know what I mean? It
10 would be choosing from various options
11 as they go through and say, here's what
12 we want to do between municipal plans
13 and regional plans and the energy, you
14 know, committees that are all, you know,
15 all working.

16 DEB MARKOWITZ: Well, here's an
17 example. So we've got -- there's only
18 so much biomass capacity. Right?
19 There's just a -- only so much. And,
20 you know, merchants decided different
21 parts of the state that they wanted to
22 propose, um, a biomass plan. In both
23 cases, they're not particularly
24 efficient projects, meaning that they're
25 primary electric, just a waste of heat,

1 and if we were really designing a
2 system, we would design it -- um, a --
3 design a system proactively that allowed
4 you to use the majority of the waste
5 heat. In fact, you know, a majority for
6 certain times there and, um, but these
7 are the first things and it's a limited
8 resource. So, they'll be the first
9 thing and then the resource won't be
10 available for folks with ones that might
11 be more efficient planning.

12 So I see the virtue in grappling
13 with this, but there may not be a way to
14 get to where we -- and so maybe the way
15 to go is by being clear about what our
16 values are and saying, hey, we actually
17 can say no to stuff and maybe --

18 CHAIRPERSON EASTMAN: We
19 actually can say no to stuff that is
20 totally inefficient especially when we
21 have limited resources.

22 DEB MARKOWITZ: Right. That's
23 the question.

24 CHRIS RECCHIA: And I just
25 offer, that -- and so I can see, and

1 this is kind of my hope against hopes --
2 I can see a town or a bunch of towns at
3 some point one, when they have a better
4 understanding of where the state's goals
5 are, or saying, hey, let's get together
6 and do an RFP for this type of project
7 in our area, choosing from the many
8 options and deciding where it makes
9 sense or not. And I could see that.

10 But I was going to -- Deb was
11 right about the example of the biomass,
12 for example. If the State decided,
13 okay, in the portfolio of trying to get
14 90 percent by 2050, we want two of those
15 or we want one of those, let's say. Are
16 we that sophisticated in that that we
17 can actually, like, build that out and
18 let people compete for that, which one
19 um, get --

20 LOUISE McCARREN: You assume
21 that the -- um, would come only from
22 within Vermont? Did that --

23 DEB MARKOWITZ: No. Just
24 looking at the regional.

25 CHRIS RECCHIA: Which limits it

1 and --

2 CHAIRPERSON EASTMAN: Because we
3 don't know what else is being built in
4 those places, so it's all of those
5 steps.

6 DEB MARKOWITZ: But what we do
7 know is it's not efficient.

8 CHRIS RECCHIA: In talking about
9 the efficiency, though, recognize that,
10 um, none of our systems are very
11 efficient. Okay?

12 GAYE SYMINGTON: But you could
13 say that you use it for heat and then we
14 don't want one, we want 20.

15 CHRIS RECCHIA: Right. You know
16 me. I'm all for that. But I just
17 wanted to point out that, just recognize
18 that the electric generation, period, is
19 very inefficient in the traditional way
20 that we've been doing it.

21 Then, we are extending it
22 through wires. The longer distance we
23 go, the very inefficient it is. Goes
24 through appliances that are very
25 inefficient. So, you think an electric

1 car is efficient but the electricity was
2 produced from energy that was only 25
3 percent efficient, you're down in the
4 single digit efficiencies. So, just --
5 it is the world that we live in. I just
6 don't want to have any misconception.

7 CHAIRPERSON EASTMAN: But I'm --
8 I want to have a process somehow that
9 says, if we're going to -- you know,
10 with biomass. If we've only got X
11 capacity for biomass, then we better use
12 it well. And that there's -- that the
13 standards of review are required that it
14 be used well. Because that's -- again,
15 I'm going back to my -- just the basics,
16 um, don't waste anything.

17 CHRIS RECCHIA: I think that,
18 um, to the extent that somebody is
19 supposed to play that role right now, it
20 would be the department's testimony and
21 the combination of us --

22 CHAIRPERSON EASTMAN: But does
23 it win?

24 CHRIS RECCHIA: We're getting
25 together through the process.

1 DEB MARKOWITZ: And that's what
2 I wanted to ask. So in the report
3 portfolio review, if we wanted to deal
4 with it at the current level, who would
5 raise the question of is this actually a
6 good idea?

7 SCOTT JOHNSTONE: But do you
8 actually have this statute --

9 CHRIS RECCHIA: Yes.

10 SCOTT JOHNSTONE: But does the
11 statute enabled give enough, um, at
12 birth for you to say, um, actually, this
13 isn't in the best interest of Vermont
14 because it's not a maximum use of the,
15 um, resource, or is it really, it meets
16 the general intent and first instance,
17 so it can get the permits so, therefore,
18 first in wins?

19 DEB MARKOWITZ: Okay. So, in
20 some ways, first in wins. That's
21 essentially the way that works in terms
22 of limited -- the limited biomass
23 resource. What we do is, um, we really
24 do a thorough analysis of what it would
25 take to -- um, to manage the resource so

1 that it's sustainable over time and --
2 and what safeguards do we put in place.
3 That threshold question, though, about
4 efficiency is a public service. We
5 don't have a role in that.

6 CHRIS RECCHIA: We are paying
7 attention to it, but it is sort of --

8 CHAIRPERSON EASTMAN: What did
9 the legislature --

10 WILLIAM COSTER: Use of natural
11 resources and consider the use of
12 natural resources, which implies
13 consumption versus one time impact.

14 This really ties into the
15 cumulative impact conversation, in that
16 you need to have a threshold that you
17 can't exceed for the Board to make these
18 value decisions, because that doesn't
19 exist right now. And we can tell the
20 Public Service Board, there's X amount of
21 wood in the State. This is one facility
22 that's going to use this percentage.
23 There may be three or four more coming
24 down the line, but they don't -- they're
25 unable to prevent something now that may

1 preclude something in the future.

2 CHRIS RECCHIA: Well, this is a
3 case of, do we hold out for something
4 better because technology is changing
5 or -- this is not a unique conundrum to
6 this energy. This situation applies to
7 every single development every time you
8 buy a car or a piece of equipment. It
9 applies to our whole lives about, where
10 are we today and where do we want to be
11 and what are the options?

12 CHAIRPERSON EASTMAN: But
13 relative to the biomass issue, we know
14 there's technologies where we want to
15 just not -- you just don't do one thing
16 with it, though.

17 CHRIS RECCHIA: Right. But,
18 but, the inability to, um, you know,
19 it's -- as much loss as we get through
20 line losses, it's easier to move
21 electronics than it is to move, um, you
22 know hot water or piping or stuff like
23 that. So the scale that you can get
24 electricity out is bigger and different
25 than the scale you could get the thermal

1 out. And the technology is where it is.
2 And the money and efficiencies affect
3 your ability to make decisions.

4 WILLIAM COSTER: Some states
5 have a minimum threshold for efficiency
6 for electric generation biomass.
7 Massachusetts, to say, qualifies for
8 RPS. So there is a way that if you
9 created a standard, you could prevent
10 projects that didn't inhibit. We don't
11 have those standards in Vermont right
12 now.

13 CHRIS CHAMPNEY: We actually do
14 have a standard. There's a minimum
15 threshold for efficiencies for smaller
16 plants, but --

17 CHAIRPERSON EASTMAN: So that
18 might be something we might want to
19 consider --

20 CHRIS RECCHIA: Just recognize
21 that it can't be met, the 50 percent
22 standard even for the smaller plants,
23 which would have an easier time meeting
24 that.

25 CHAIRPERSON EASTMAN: I'm trying

1 to not have, you know, it's -- if we're
2 going to impact things, then let's make
3 it worthwhile.

4 CHRIS RECCHIA: Then give the
5 Board responsibility to consider and
6 evaluate those things but, um --

7 CHAIRPERSON EASTMAN: And didn't
8 the RPC propose -- and maybe it's in
9 here later on. Yeah. The RPC proposed
10 something regarding -- I think that on a
11 case by case basis we have the Board
12 considering those kind of things, so you
13 really have to weigh the benefits of
14 stuff.

15 CHRIS RECCHIA: Absolutely.

16 SCOTT JOHNSTONE: But the
17 Board's been, at least from what we
18 heard from the Board and, of course, the
19 Board will have to follow what the
20 legislature tells them to do, we've also
21 heard that, they've been pretty clear
22 that they would want -- at least what I
23 thought I heard them say, they don't
24 want to be making the standards, they
25 want someone to tell them and then

1 they'll follow them.

2 CHRIS CHAMPNEY: I guess that
3 was a question I had for you to ponder.
4 They seem to be very much -- but also
5 precedent. And seemed like, um, both
6 when, um, the current Chair met with us,
7 met with you and also it was a very
8 useful training that they just had. Um,
9 and that was where I really got the
10 importance of precedent. It almost
11 seemed like they were saying, if you
12 want us to do things differently, even
13 though we may have it within our power
14 to change and internally to change our
15 process and our decision making
16 criteria, you need to give us something
17 different. So, I guess -- and that's
18 just based on my very limited
19 understanding about how they operate.
20 You guys have probably seen more.

21 CHAIRPERSON EASTMAN: But I
22 reflected after that -- that most recent
23 meeting here, was reflecting upon the
24 Board and -- and its active under
25 certain leadership versus others, to be

1 honest with you. You know, Richard
2 Cowan went from the Act 250 process and
3 ended up being Chair of the Board and
4 his background was in planning. Okay?
5 And so environmental planning -- and so
6 I think that's when things -- some
7 things change and plans vary depending
8 on who made it. I noticed it's been
9 advertised in the paper that somebody,
10 Dave Cowan? And so, you know, they're
11 advertising a new member and I was
12 thinking, well, this is the time that
13 you also think about what are the
14 attributes that you want from, you know,
15 Public Service Board members, and it
16 might -- you know, so -- so, you can
17 know a planning --

18 CHRIS CHAMPNEY: And then the
19 only reason I brought it up was just, I
20 don't -- everything you're suggesting, I
21 don't -- you have a much better sense of
22 it than I would, but how much guidance
23 to give to the Public Service Board and
24 through what that means? I mean, I was
25 reading your proposal but it's just --

1 it's something that I'm realizing now as
2 a party in a docket, just under --
3 trying to get a handle on even how to
4 ask the questions and having knowledge
5 of the those precedents and then so,
6 that's -- as we talk about the different
7 approaches, um, you guys probably have a
8 much better position about how to
9 communicate -- but so you get the
10 desired results that you --

11 CHAIRPERSON EASTMAN: Well, no.
12 It's something we're going to have to
13 think about. I can remember -- when I
14 was doing my first case work and we
15 hadn't had any cable, you know, cable
16 first and I think you were Chair when we
17 were doing that and we created -- we had
18 to create what the process was.

19 LOUISE McCARREN: That's right.

20 CHAIRPERSON EASTMAN: Because we
21 hadn't done it before and so it really
22 was and we had to figure out new things
23 because it wasn't, you know, return on,
24 you know -- they didn't own anything.
25 So, anyway --

1 CHRIS RECCHIA: Well, I'm going
2 to do my part and go.

3 CHAIRPERSON EASTMAN: So do we
4 move onto Option 5?

5 SCOTT JOHNSTONE: Sure.

6 CHAIRPERSON EASTMAN: Integrate
7 climate change costs and benefits into
8 needs assessment or criteria for
9 approval.

10 SCOTT JOHNSTONE: Just an
11 exponality. I think we're going to get
12 at the CEP, you know. But the Board is
13 actually comfortable with the idea of
14 valuing exponality by the guidance they
15 have. You know, we deal with an open
16 docket for them to change. Um, I don't
17 know how they've applied it to
18 generation, but I know at least on the
19 efficiency side, they're very
20 comfortable with that.

21 DEB MARKOWITZ: I know they get
22 annoyed with us when we come in and talk
23 about the environmental cost of the
24 project and we don't talk about the
25 climate benefit of the process.

1 So, they actually, um, sent us
2 back for more. You know, they, um,
3 require us to come in with our aired
4 division talking about what the climate
5 impacts would be.

6 SCOTT JOHNSTONE: And there's a
7 really complex way to do that or we can
8 create our own or tag onto the thinking
9 around the nation around --

10 CHAIRPERSON EASTMAN: Around the
11 world.

12 SCOTT JOHNSTONE: Around the
13 world around what's the value, how many
14 thousands dollars should be factored in
15 and there's a lot of thinkers that have
16 already done this work.

17 DEB MARKOWITZ: I would say that
18 is part of the challenge here is that,
19 you know, we want to make sure that you
20 know, the -- well, not the challenge.
21 Part of the task, um, with respect to
22 determining the public good isn't just
23 about economics and the project, it's
24 also the environmental impacts as a
25 whole.

1 SCOTT JOHNSTONE: Exactly.

2 CHAIRPERSON EASTMAN: And Option
3 6 -- well, do you want to talk more
4 about that? I mean, I want to get
5 through this paper today.

6 CHRIS CHAMPNEY: I'm sorry. Can
7 I ask a question that came to mind?
8 When you were talking about that,
9 something came to mind during that last
10 deliberation, and I don't know the
11 answer to this question. On Ridge Top
12 development, this seems to be one of the
13 things that needs to be planned out.
14 And since it's changing the driving
15 along the ridge, do we also need to
16 think about, um, Ridge Line migration,
17 um, down the ridge and altitudinal
18 migration up and down? Is that a --
19 would that also be a factor to take into
20 account?

21 SCOTT JOHNSTONE: I'd say that's
22 the secretary's responsibility, just
23 talking about climate beyond climate. I
24 mean what I heard you saying is climate
25 is one, and there are some other

1 externals coming in --

2 DEB MARKOWITZ: So we're already
3 talking about the external -- it's just
4 we're talking about the climate
5 benefits. You know, the benefits. And
6 so the Board was annoyed about that,
7 that we were coming in and talking
8 about, you know, the, um, value of ridge
9 lines and the, you know, habitat
10 activities and so forth, but not talking
11 about the climate.

12 SCOTT JOHNSTONE: Understanding
13 that where you were going was --

14 CHRIS CHAMPNEY: Really just
15 that this climate change is not just
16 current --

17 SCOTT JOHNSTONE: That's why I
18 was wondering is where you were going is
19 and how on a -- as we evaluate projects,
20 you know, beyond the \$20 a ton to \$40 a
21 ton or whatever number is, how do we
22 actually value the negative economic
23 consequence of the migration of the
24 northern forest and not having maybe --
25 sort of generating, providing -- do you

1 value those elements of climate change?
2 I think that gets more complicated, but
3 it's an interesting question, if that's
4 what you were meaning. Because most
5 people have done it very simplistically
6 and just saying, hey, the dollar value
7 of carbon is X dollars and it's a, um,
8 not -- I don't mean to say it's not
9 complicated, but it doesn't go that far.

10 WILLIAM COSTER: At a minimum,
11 um, I think we'll talk about this when
12 you consider standards later but a real
13 clear methodology for accounting for
14 carbon that takes into account the
15 construction impacts, clearing, you
16 know, how far back in the life cycle do
17 you go to establish the cost that
18 outweighs -- that offsets the benefits
19 of these things once they're operating.

20 SCOTT JOHNSTONE: That's right.

21 CHAIRPERSON EASTMAN: Well, in
22 that little Denmark handbook, they talk
23 about -- you know, they trade-off, you
24 know, even what result of carbon --
25 costs to actually building, you know,

1 the -- everything.

2 SCOTT JOHNSTONE: We probably
3 don't have to build our own for that.
4 There's a range of models and how far
5 upstream you go.

6 Right?

7 WILLIAM COSTER: We just have to
8 settle on one.

9 CHAIRPERSON EASTMAN: Anne will
10 get you all the little Denmark...

11 GAYE SYMINGTON: It's in
12 English? I'm just saying, you're in a
13 room with so many lawyers.

14 CHAIRPERSON EASTMAN: What was
15 great about this is that it's -- really
16 is written in English because it's
17 written for a community of people to
18 encourage them to, you know, to do
19 things, you know, together in all of
20 that. So that what they did is, um,
21 they even established -- they've got
22 people who help people do it, you know,
23 like three or four arms with them, kind
24 of thing. And, as I say, went so far as
25 to -- not just about siting, but it's

1 about, um, you know buying into the
2 investment and owning it and all that.
3 But it was written in English and I
4 could understand it. So I -- I enjoyed
5 it myself.

6 PUBLIC MEMBER: Will that be put
7 on the site?

8 CHAIRPERSON EASTMAN: Yes.
9 We'll put at least the reference to it.

10 SCOTT JOHNSTONE: The other
11 thing I just want to know, I'm not sure
12 I agree on this one. I actually think
13 it might need more clarity around the
14 debate about RPS. So while I get what
15 the town has written to say, I think
16 creating more clarity about how you
17 value you things in the rector market is
18 actually prone to this one because it's
19 forcing us to do it and get more clear
20 about, you know --

21 CHAIRPERSON EASTMAN: So, I'm
22 just going to move us along, if we can.
23 The next one is Opinion 6, Designate
24 Energy Generation Parks, along the lines
25 of industrial parks. And, again, I

1 think a lot of this stuff that we're
2 talking about is if we go for planning,
3 there's a whole lot of things that come
4 in under, you know, more planning and
5 more possibilities or I was thinking, if
6 Rutland was going to become a solar
7 place, you know, like a community wants
8 to really do something and whatever is,
9 if there's some way to really incent
10 [sic] that and help it along if they've
11 come so far as to stay, here's where we
12 want to be.

13 LOUISE McCARREN: I agree with
14 you in part to recommend for, um, more
15 statewide or regional planning should be
16 part of it. Creating an energy park
17 might have unintended consequences, for
18 sure.

19 And one of the things we are not
20 really understanding right now very well
21 is the benefits of widely distributed
22 generation in terms of impacts and
23 liability. It's just not well
24 understood right now. Um, and whether
25 or not it's actually helping with

1 stability and liability. So, actually
2 concentrating this, we don't really
3 understand things.

4 CHAIRPERSON EASTMAN: And I'm
5 not proposing that -- I'm not saying we
6 need to push anything like that. To me,
7 it's more, you know, plan and decide
8 and -- kind of thing.

9 TOM BODETT: That concentrating
10 solar and wind in one place that
11 increases unreliability, because when
12 the sun is not shining on that
13 particular spot, it's not shining on a
14 whole lot more than just -- I know that
15 there's a large energy generation here
16 in Florida.

17 CHAIRPERSON EASTMAN: I mean,
18 I'm not sure this would be really
19 acceptable.

20 TOM BODETT: But I think on a
21 local level or regional level, it's a
22 good idea for, um, for that kind of
23 planning, as you said if Rutland decided
24 it really wanted to go in on this, it
25 would serve that region well to do it

1 this way. Although, again, it raises
2 that issue of reliability and just make
3 it harder to integrate into the grid if
4 it's all one spot.

5 SCOTT JOHNSTONE: Now, if you
6 wanted to tag it to things to
7 incentivize levels, as you were heading
8 towards, Jan, um, when I read this and
9 when I reread it, I see it's not
10 necessarily so. My mind jumped to
11 something broader than energy
12 generation. My mind went to kind of the
13 eco park concept, where we take initial
14 use of all of the other attributes um,
15 and some closed loop systems that add
16 positively to the environment and also
17 to the center of things as part of it.
18 That's really not what's written here.
19 So it is helpful to read it again,
20 because then I was much less interested
21 in it. It doesn't mean that but it
22 could mean that.

23 LINDA MCGINNIS: But would you
24 want it to change the eco park
25 conception or not?

1 SCOTT JOHNSTONE: Well, I think
2 it has more value to it if you do that,
3 frankly. But it's, you know, beyond
4 siting at this point, to be honest.

5 DEB MARKOWITZ: So maybe in --
6 at some point we're going to be talking
7 about a process we may have talked about
8 already when I wasn't here, that you --
9 talking about having fast tracks for
10 particular kinds of projects. And we
11 would have some kind of conversations
12 about, you know, community-based
13 projects having a fast track and it may
14 be that we want closed looped projects
15 to also have a fast track.

16 CHAIRPERSON EASTMAN: Again,
17 you're not going to waste anything.

18 SCOTT JOHNSTONE: So any one of
19 those attributes that -- what was his
20 name?

21 CHAIRPERSON EASTMAN: Ed.

22 SCOTT JOHNSTONE: Ed was talking
23 about -- but to fast track in different
24 ways for community based incentives and
25 that sort of thing. That could be

1 another one of those factors that we can
2 look at, closed loop. So we did talk
3 about it. We didn't talk about that, so
4 that's helpful.

5 CHAIRPERSON EASTMAN: But the
6 next option is what we were trying to
7 talk about. Right? Weren't we?
8 Incorporate criteria for energy return
9 on investment.

10 DEB MARKOWITZ: Right.

11 CHAIRPERSON EASTMAN: This is
12 something I think this came from the
13 regional planning commission. One way
14 for them to look at, you know, really
15 where are we getting the biggest bang
16 for our buck and away to assess whether
17 that's the right location.

18 LOUISE McCARREN: How does that
19 stack up against the fact that the
20 legislature has already created a
21 statewide policy and it's created a
22 statewide policy irrespective of this?
23 How would you retrofit that?

24 CHAIRPERSON EASTMAN: I think
25 this is going to push projects to one

1 place or another on the landscape. I'm
2 putting words in your mouth, but my
3 remembrance of Jim's testimony regarding
4 this was actually from experience and
5 looking at where I think were some solar
6 projects had been proposed, and he said,
7 yeah, that's fine, but if they'd just
8 gone over here --

9 CHRIS CHAMPNEY: Exactly.

10 CHAIRPERSON EASTMAN: That would
11 be much better location for that solar
12 project. And so this is where, you
13 know, he thought, to push the -- to push
14 it one way or another.

15 LOUISE McCARREN: Okay. But
16 that's why I asked Jim Holtz the issue
17 of the state program and that may be
18 something that we want to revisit, and
19 that is because the way it is done --
20 and this may be irrelevant because it
21 may be changing. Right? So that it's
22 not done this way, you have to come with
23 your, um, land deals all done and you
24 can't change it.

25 CHAIRPERSON EASTMAN: But this

1 would be something that people would
2 know was going to be part of the deal,
3 so they would, in fact, look at that
4 before they came, that this would be one
5 more piece regarding siting that you
6 look at. So you would go and see what's
7 the energy return on investment at this
8 site versus some other site.

9 SCOTT JOHNSTONE: The process
10 for the standard offer would have to
11 change.

12 CHAIRPERSON EASTMAN: And maybe
13 it should change.

14 LOUISE McCARREN: This may be
15 not consistent now. Have we completely
16 gone through all of that speed 50
17 megawatts so there's a new speed
18 program.

19 CHRIS CHAMPNEY: There's a list
20 for the prior 50 megawatts and there's
21 additional capacity that we allocated by
22 five megawatts a year, going forwards.
23 Um, can I offer just one comment?

24 CHAIRPERSON EASTMAN: Sure.

25 UNIDENTIFIED PERSON: I think

1 it's important that we use the right
2 term there. I think the term is energy
3 return on energy invested, separate from
4 being energy returned on investment. I
5 think it's important to distinguish
6 those. And just one other comment on, I
7 think that -- I think that's very
8 interesting analysis, particularly when
9 you're comparing different technologies
10 for their return. The concept of doing
11 different site analysis for the same
12 kind of facility gets, just from the
13 developer's perspective, gets complex
14 and difficult. It's sort of an
15 alternative analysis. If you've been
16 required to come in on every small solar
17 facility, here's what it is on this
18 site. There are ten other sites, you
19 know, that it could be this much more or
20 less. It's just a different scope of
21 analysis.

22 SCOTT JOHNSTONE: But there's a
23 way to do this and I don't know if
24 it's -- where it happened. It may not
25 have to be. But it could be on a

1 proposal basis. Right? And the Board's
2 already comfortable and they already
3 require that of all of the efficiencies.
4 We have to meet both direct benefits and
5 test benefits and we've got to make sure
6 every single year that, you know, those
7 benefits are marked or hit and -- which
8 is really, you know, is a different way
9 of saying the same thing. It's how you
10 value everything that we care about.
11 And the Board's comfortable with that
12 idea. They don't believe a project by
13 project basis as non-portfolio. So I'm
14 not quite sure how to --

15 CHAIRPERSON EASTMAN: In our
16 Pros, we tie it to, you know, back to
17 that portfolio or say -- again, this is
18 how we look at it when we're out there
19 planning or whatever.

20 CHRIS CHAMPNEY: And I think
21 part of the issue, too, and just trying
22 to establish criteria that would help
23 protect against -- a bid against, um,
24 distortion caused by incentives where
25 external subsidies, um, basically make

1 support less than optimal siting. You
2 know, once we develop these things, they
3 are permanent. And then once you have
4 more -- part of my concern looking down
5 the road a decade, as you have more
6 efficient economical projects developed,
7 then we wind up with a solar -- similar
8 to the 35 foot satellite dish in the
9 backyard.

10 CHAIRPERSON EASTMAN: That's
11 still there. I kind of understand on
12 the way you're coming out on this,
13 because the way it has been described
14 was that you have a range of projects in
15 front of you and you're going to choose
16 between when and where -- how would you
17 like it to be incorporated now, if
18 they're not going to move forward with
19 the portfolio, open season.

20 LOUISE McCARREN: Well, isn't
21 this the way the Board actually
22 approaches these projects, already?

23 LINDA McGINNIS: No, I don't
24 think so. Um, at least from what we've
25 heard so far. I don't know if anybody

1 else has been put to provide on this.
2 And I think that was part of what they
3 were trying to say, this was something
4 that would have benefit to the way the
5 projects are currently being assessed.
6 Um, but, the -- what we put in there
7 were under two alternatives. They would
8 be most effective under an open season
9 or an RP approach. And I don't know if
10 you've gone over the RP idea, where you
11 have multiple projects before you on the
12 table to incentify [sic].

13 CHAIRPERSON EASTMAN: But I
14 think this relates to -- and if we want
15 to incentify [sic] things at the
16 community level, which might then go RFP
17 and then, again, um, you know where you
18 plan for it and want to do it. So I
19 think we want the concept, but --

20 SCOTT JOHNSTONE: I think
21 there's another way, if we can't find a
22 way to use it as an incentive, and I'm
23 not quite sure where the authority would
24 lie, but there is a way to either
25 require the Board or to require the

1 Department's testimony of the Board to,
2 um, make sure that the Vermont
3 generation portfolio attains certain
4 direct and societal, um, returns on
5 investment, again, not using the term
6 here, but there's a way to do that. Um,
7 you know, so you can have a clear
8 approach and stiff approach to this.
9 So, I can't get further than this in my
10 mind right now.

11 CHAIRPERSON EASTMAN: So,
12 anybody else want to talk about this
13 anymore or we want to move on?

14 Option 8, Incorporate
15 transmission systems planning, going
16 back to the presentation, so I don't
17 know if it's that piece or if it's, you
18 know, regional planning or whatever. I
19 mean, this is the idea that they require
20 for, um --

21 LOUISE McCARREN: I think
22 that -- Chris is gone. I think the
23 Board is considering differentiating on
24 the price to be paid for generation
25 projects, depending on their effects on

1 their liability.

2 DEB MARKOWITZ: They do take
3 reliability into account, but I don't
4 know if we should have somebody from the
5 Department, the Board, let us know --

6 UNIDENTIFIED PERSON: Are you
7 talking about the new speed -- so what
8 happens is the new speed program is --
9 there's a cap of -- annual cap of five
10 megawatts year. If a facility is shown
11 to contribute, it's put in a location
12 that's shown to contribute to system
13 issues.

14 LOUISE McCARREN: Right.

15 UNIDENTIFIED PERSON: Then it's
16 outside of the cap. So it can be
17 proposed regardless of the five
18 megawatts.

19 CHAIRPERSON EASTMAN: And it's
20 helping transmission.

21 UNIDENTIFIED PERSON: So they
22 identify areas where other facilities
23 helped develop proposals in there
24 through the efforts of avoiding
25 transmission related...

1 DEB MARKOWITZ: And that makes
2 sense to speed, but what about for their
3 ordinary deliberation? Are you aware
4 that they take into account the
5 reliability as they're making their
6 decision under normal certificate of --

7 UNIDENTIFIED PERSON: So there's
8 one criteria impact on -- impact on
9 systemability and reliability. And then
10 there's B10, which is, um, the ability
11 of the existing transmission facilities
12 to serve the project. Um, so there are
13 two --

14 DEB MARKOWITZ: So it sounds
15 like it's redundant, that they're all --

16 LINDA MCGINNIS: In a connection
17 cost borne by the developers, the
18 developers already have sufficient
19 incentive and the interconnection cost
20 will be low. Any requirement that
21 utilities prospectively capture and the
22 ability of their transmission to
23 accommodate generation on a site by site
24 basis would be extremely costly and
25 burdensome as interconnection studies

1 are, by their nature, having sized
2 technology and location specific.
3 System planning is already considered
4 under section 248 criteria B10 and can
5 be served economically by existing and
6 plant facilities.

7 CHAIRPERSON EASTMAN: So we
8 don't need this. I don't think we do.
9 Okay. So we can take this out
10 altogether.

11 UNIDENTIFIED PERSON: But aren't
12 the developers who are going ahead and
13 proposing projects where they're saying
14 no generation is needed?

15 WILLIAM COSTER: Yes.

16 DEB MARKOWITZ: But then the
17 Board considers that.

18 SCOTT JOHNSTONE: We can reject
19 it for that reason.

20 CHAIRPERSON EASTMAN: Should be
21 rejected. Again, we'll get to this
22 issue of planning and all of that. And
23 again getting, you know --

24 UNIDENTIFIED PERSON: Any
25 project that's going to go through

1 that's not a utility project going
2 through the 248 process, there's that
3 window of opportunity for utilities to
4 look at and have our engineers assess it
5 and see if it is going to have an
6 impact, including small incentives. But
7 if there is, then we would, um, have
8 something to say about it, as well, from
9 the liability transmission perspective.

10 SCOTT JOHNSTONE: And just
11 because Robert wasn't in the room when I
12 was trying to represent what they have
13 to do and other utilities, you do still
14 have to do IRP. I just want to make
15 sure that things hadn't changed. And so
16 then that process you all do -- you're
17 aware of, at least as much as you know,
18 the potential merchant opportunities as
19 you're thinking about how to plan your
20 IRP. And in that process, you're
21 evaluating which you might want to
22 enter, you know, development agreements
23 and all sorts of things.

24 UNIDENTIFIED PERSON: Right.

25 SCOTT JOHNSTONE: The people

1 that aggregate all of the systems,
2 Chris's shop?

3 UNIDENTIFIED PERSON: Yeah. I
4 don't think aggregated, per se, but --

5 SCOTT JOHNSTONE: How it all
6 fits together.

7 Right?

8 UNIDENTIFIED PERSON: I assume
9 so. I don't know that. But the rest of
10 it was right.

11 SCOTT JOHNSTONE: Okay. I just
12 figured we did now have a resource so
13 that it would be --

14 LINDA MCGINNIS: I guess I just
15 want to make sure that we're addressing
16 the point that we've heard again, which
17 was raised, that the merchants', um,
18 facilities that may be proposed, um, in
19 areas where really there are
20 transmission issues and may be going
21 forward. I'm not sure how many of those
22 there are but that is a concern that's
23 been raised. And so, if indeed, this is
24 something that's considered under
25 section 248, is it being considered

1 sufficiently or is there anything else
2 we need to do strengthen the provision
3 that's already there to ensure that it
4 actually is considered at the right
5 stage. I don't know. I'm just throwing
6 it out there because it is a concern
7 we've heard referred by --

8 CHAIRPERSON EASTMAN: And I
9 think we can, you know, parking lot that
10 kind of thing. And it's not that I'm
11 going shortly on that issue of things
12 going where communities don't want them
13 to go or whatever, but I think we've got
14 other ways to deal with that, as well.

15 LINDA McGINNIS: I'm just
16 talking about the pure transmission
17 issues.

18 DEB MARKOWITZ: It seems to me
19 that it's already in the criteria and so
20 it would be great to just hear from the
21 Public Service Board and, um, the
22 Department as to whether or not, um,
23 need anything else and whether or not,
24 indeed, there have been decisions that,
25 um, whether they have disregarded it.

1 WILLIAM COSTER: The other thing
2 you guys as a commission may want to
3 think about is any of the existing
4 criteria should be framed as in
5 threshold issues. So instead of having
6 to go through 18 months of process to
7 make a determination on one finding
8 that's front loaded and you just get it
9 out of the way right away.

10 The Board has all of these
11 criteria that they consider when issuing
12 a certificate. Um, some of them you may
13 decide should just be threshold
14 criteria. So right at the beginning,
15 before an application is even really
16 considered, they decide if it meets that
17 threshold.

18 CHAIRPERSON EASTMAN: And if it
19 doesn't, you don't waste all this time
20 and process going through something.

21 DEB MARKOWITZ: That's right.
22 And so that might actually be really
23 what the concern is, if you want to
24 start with the siting process, and, um,
25 and so this threshold you might really

1 get to, like, we're not even going to
2 waste our time.

3 CHAIRPERSON EASTMAN: And waste
4 communities hassle.

5 DEB MARKOWITZ: So one of the
6 things we could do, Linda, is think
7 about it as what are the clusters of
8 threshold issues and you could design
9 the application where they have to reach
10 a certain, um, standard in the
11 application and demonstrating, you know,
12 that they've met a threshold before its
13 goes further. And that there's, you
14 know, an internal administrator review
15 before it's essentially docked.

16 LINDA MCGINNIS: That's what I'm
17 trying to figure out. At what stage?

18 DEB MARKOWITZ: And it may not
19 be just this. So part of what we want
20 to do is say, Are there other threshold
21 issues that we need to cluster?

22 SCOTT JOHNSTONE: It would be
23 good to know -- to your point earlier --
24 that if the Board could tell us if
25 they've issued a CPG that -- and the

1 final analysis that either Velco, from
2 the transmission perspective of the
3 local community perspective said, um,
4 wasn't viable.

5 LOUISE McCARREN: Well, it's
6 been more than one project sited in this
7 state where the interconnection effects
8 of the project were not understood. And
9 so if what you're trying to say here is
10 before you can file, um, you have to
11 have gone through either the
12 distribution level, the interconnection
13 process and -- because the developer has
14 to pay the cost of interconnection. But
15 that's not something that can be left
16 until after the project is indeed
17 constructed. Right?

18 CHAIRPERSON EASTMAN: Yep.

19 LOUISE McCARREN: And a larger
20 project is going to have to go through
21 the ISO. Right? Is that what you guys
22 are saying?

23 SCOTT JOHNSTONE: I'm thinking
24 about the large projects.

25 DEB MARKOWITZ: We should find

1 out from Velco if there's a practical,
2 you know, GMP, so if it's a threshold
3 issue, how -- what would be the way to
4 establish it and then how would you --
5 you know, is it just practical?

6 LOUISE McCARREN: Well, there is
7 and I don't know what it is. But there
8 is a threshold which the ISO has control
9 over the interconnection. I don't know
10 what that -- I guess whether it affects
11 the bulk transmission system above 100
12 KB. So what are you guys trying to say?
13 Like, okay, before you'll even entertain
14 a request for CPG, all of that has to be
15 resolved?

16 DEB MARKOWITZ: Well, that's the
17 question and maybe the answer is not all
18 of it but maybe there's a threshold that
19 has to be resolved. And so maybe with
20 Velco's input, we can know what that is.

21 SCOTT JOHNSTONE: It won't
22 always be resolved, but I suspect, I
23 think I actually know -- couldn't site
24 the cases, that there are times when
25 local distribution will probably come in

1 and say, we can't deal with this now,
2 um, and then through the process, um,
3 issues get resolved because, you know,
4 um, whatever the constraints are gets
5 addressed by the project. So there's a
6 piece that's going to be the opening, is
7 there a threshold but then there's room
8 to resolve the issue through the
9 process, as well?

10 CHAIRPERSON EASTMAN: This goes
11 back to my Act 250 days where we built
12 um, you know, ski areas but then we --
13 the transmission lines, you know, came
14 in and so there were impacts from that.
15 So my thought here is, yes. And, I
16 mean, if you've got a plan where you're
17 proposing a major project that has
18 transmission issues, I'm sorry, um, why
19 am I building that before I know what
20 the transmission resolution is? Because
21 that might impact even more communities,
22 you know, going down. And, so, wait a
23 minute, that sounds nuts to me.

24 LOUISE McCARREN: That's what
25 the ISO does and the ISO has not done a

1 particularly good job of it,
2 historically, by not, in advance,
3 dealing with this. So that more than
4 one project in this region has been
5 built and -- only to discover that
6 interconnection limitations.

7 CHAIRPERSON EASTMAN: But so
8 maybe we'd better be careful, we ought
9 to have something in the process that
10 says that we're not going to allow
11 sources to be used until you understand
12 that potential for the other side.

13 DEB MARKOWITZ: I think it might
14 be a tad more practical for me to see
15 how we could practically apply it and --

16 UNIDENTIFIED PERSON: Well, my
17 experience with, again, the one project
18 I was involved in, came at first, was
19 the feasibility studies in New England
20 which basically gives you what you're
21 proposing given the transmission
22 restraints or not. And if you get a
23 green light then you go through some
24 impact studies to see what the actual,
25 if there are, system impacts. And that

1 could be quite lengthy. Took us over,
2 you know, two years and, you know, in
3 our case, we had a green light until
4 towards the very end and then they said
5 wait a minute. We need you to fix --

6 CHAIRPERSON EASTMAN: But the
7 elephant on the table here is the fact
8 that if you're going to have the build
9 transmission --

10 SCOTT JOHNSTONE: You should
11 know that --

12 CHAIRPERSON EASTMAN: Right. I
13 don't know. That is going to be a
14 different --

15 LOUISE McCARREN: I think it's
16 just a matter of also working very hard
17 because of your experience on fixing
18 this problem of getting ahead of the
19 project.

20 LINDA McGINNIS: So you think
21 that it would be -- my big question on
22 this and the reason that it's in there
23 is because this is a difficult question
24 to deal with is, is it reasonable to
25 expect that ISO could potentially

1 identify those issues prior to an
2 application being docketed or does that
3 mean that it's always going to be two
4 years to getting --

5 SCOTT JOHNSTONE: It's up to the
6 developer. It's up to the developer to
7 get an acute. And it's up to the
8 developer to pay the costs of being an
9 acute. And they can do that and getting
10 the Q -- and that's really critical
11 because how you're going to be analyzed
12 is totally dependent on what goes in
13 front of you. Okay?

14 So, I think that the notion
15 that, as part of, um, generation siting,
16 that prerequisite is to understand the
17 interconnection cost the interconnection
18 effects wouldn't be a bad thing.

19 CHAIRPERSON EASTMAN: That's not
20 a bad thing.

21 LINDA MCGINNIS: Does it mean
22 that you're adding two years to every
23 docket?

24 CHAIRPERSON EASTMAN: No.
25 Because the whole thing is, they've got

1 to do it sometime. I suppose it's when
2 they do it. And the whole point is once
3 it's done, again, it would prevent us
4 from having all of this angst and all of
5 this, you know, process, and -- for
6 something that's not going to happen,
7 ultimately.

8 I really do worry about this
9 issue of, you know, the long
10 transmission to think about, whoa. I
11 don't want to have built something and
12 wasted our environment or something
13 that's going to take even more chop,
14 chop, chop without understanding the
15 implications of that.

16 DEB MARKOWITZ: Well, in the PSB
17 process, we do talk about that. So
18 there's never a surprise at the end. So
19 really the question is a different
20 question: Is this a threshold question?
21 Because no matter what, the Pulic
22 Service Board process looks at this. We
23 know that. So the question is, do we
24 want them to look at it in the beginning
25 of the threshold before we take time?

1 Which means that it doesn't have to be
2 the whole ball of wax, just how much do
3 we need, um, in that threshold to give
4 us comfort that that likely won't be a
5 problem.

6 LOUISE McCARREN: And it's
7 already in the criteria right now.

8 DEB MARKOWITZ: Right, it is.
9 So, for example, if one of the biomass
10 projects, um, they -- in their project,
11 they proposed an analyzed transmission
12 connection that, um, at the end of the
13 day had environmental problems we're
14 going to oppose, but so then they have
15 to go back to the well and think about
16 what the alternative is. So there will
17 always be a process and that's fine, so
18 you don't want that to be the threshold.

19 GAYE SYMINGTON: Just to the
20 extent -- my understanding is it's five
21 megawatts or more, it needs to
22 interconnect, they need to go the ISO.
23 If they're 45 megawatts or less, they go
24 to distribution company and deal with
25 the interaction agreement with the

1 particular distribution again and they
2 don't need anything with ISO.

3 And so the larger project, the
4 systems stability and reliability
5 criteria is actually by an ISO letter
6 that comes out of that whole process
7 through ISO where it says, it's not
8 going to affect -- impact the system's
9 reliability. It does get complicated
10 and, you know, one of the recent cases
11 which became, you know, news, um,
12 certainly was -- you know, that was
13 something that was not anticipated and
14 so I don't know what, in a situation
15 like that, I don't know what -- whether.

16 LINDA MCGINNIS: Trying to draw
17 lessons from that experience to say, how
18 can you draw lessons from that
19 experience to ensure that neither side
20 has to go through that again.

21 CHAIRPERSON EASTMAN: But
22 knowing that what we've heard from Velco
23 about certain reasons of the State where
24 when we build more capacity, say you've
25 got a transmission related issue, that

1 to me -- does mean to me, that ought to
2 be a threshold issue that gets resolved.
3 Because if you're not going to be able
4 to do it because you can't then get the
5 transmission line, then why are we
6 wasting resources?

7 UNIDENTIFIED PERSON: Is that
8 part of the mapping that Chris was
9 talking about?

10 LINDA McGINNIS: Yeah, it is
11 related to that.

12 SCOTT JOHNSTONE: But it's more
13 complicated than that because Velco is
14 quick to point out that's not the only
15 possible solution to that, that you
16 could also create and load in the area
17 and still be able to then accept it. It
18 doesn't necessarily create a
19 transmission reinstatement.

20 LOUISE McCARREN: That's right.

21 SCOTT JOHNSTONE: So it's more
22 than just Velco and -- your local
23 company and understand what's happening
24 in the region.

25 CHAIRPERSON EASTMAN: Well,

1 let's not talk about it more right now
2 because I think we need to know more.
3 Let's put this on the list.

4 LINDA MCGINNIS: I think we said
5 we initially were going to cross it off
6 but now I shouldn't --

7 CHAIRPERSON EASTMAN: Right,
8 well it's different now.

9 GAYE SYMINGTON: Our poor court
10 reporter is going to flip out.

11 CHAIRPERSON EASTMAN: Right.
12 I'm sorry. One at a time.

13 WILLIAM COSTER: Can I just add
14 one thing? My understanding is that all
15 of these things are happening in tandem,
16 and where this process can be very
17 helpful, it's clarifying when things
18 happen and when the information is
19 disclosed, integrative clear development
20 process, given that it's more rigor.

21 LOUISE MCCARREN: And sometimes
22 it's also true, though, that sometimes
23 the full effect of a generating facility
24 on the grid is not understood.

25 CHAIRPERSON EASTMAN: Totally

1 understood. But if we can -- if there's
2 some way to, you know --

3 SCOTT JOHNSTONE: We do have to
4 worry, there's another potential of
5 unintended consequence, which is if we
6 try to, in order to avoid the angst and
7 all of things you talked about, we try
8 to front load some of the threshold
9 questions, affecting -- to avoid the
10 angst, you could end up creating
11 something that's more covertly, which we
12 don't want.

13 CHAIRPERSON EASTMAN: Right.
14 We're just talking about this for the
15 first time. So let's just -- want to
16 move on to a whole new area?

17 SCOTT JOHNSTONE: Cool.

18 CHAIRPERSON EASTMAN: Board
19 membership. So we've got six options
20 here. So from leaving it at three to
21 having a new parallel siting Board which
22 has a lot more people on it, or, um,
23 adding representatives, making it a
24 larger Board only for siting decisions.

25 Do we have any leanings here?

1 SCOTT JOHNSTONE: This is an
2 area that I have, um, the least overall
3 interest in, frankly, because I don't
4 think it's actually as much a problem,
5 um, as -- personally but, if -- in terms
6 of leaning, if I was to lean in any
7 direction having said that, it would be
8 more -- if you were looking for areas to
9 potentially change, because of the
10 diversity of the work that the Board
11 does which is, you know, a lot of their
12 work is about rate making and they're
13 going to be dealing with type of day
14 rates and all that sort of scheme of it,
15 none is this necessary for --

16 DEB MARKOWITZ: Right.

17 SCOTT JOHNSTONE: -- so I would
18 probably go more towards five and have
19 the PSB, um, have a role in the siting
20 but, um, I think we're going to have
21 lots of dockets for siting, um, which
22 additional people can join the list for
23 siting if we think there's any change at
24 all necessary. Um, I'm not sure that
25 that's actually the problem. I'm not

1 sure three people whether you're experts
2 on all five people, aren't going to
3 be -- you can argue five are better than
4 three, but five costs more. I would
5 rather put the resources into other of
6 the problems we found in paying two more
7 permanent board members.

8 CHAIRPERSON EASTMAN: Well, the
9 very next section we talk about
10 staffing.

11 LOUISE McCARREN: I agree. I
12 don't think I would change three Board
13 members and I also would oppose six
14 because I don't think that is -- you
15 know, you're limiting the discretion of
16 the governor making the appointment.

17 CHAIRPERSON EASTMAN: Well, I
18 got to tell you, I think that -- I think
19 the governor ought to consider a whole
20 lot of options, but considering some
21 environmental land use or -- you know,
22 wouldn't be a bad thing.

23 LOUISE McCARREN: But I wouldn't
24 put it in -- I wouldn't put it in the
25 statute or rule, because I think that --

1 DEB MARKOWITZ: So we could put
2 it in as a recommendation to the
3 governor that we consider this as
4 opposed to a recommendation for rate or
5 statute.

6 CHAIRPERSON EASTMAN: I don't
7 disagree with that. I think -- I'm not
8 sure we need to change a three member
9 board to make the changes we want to
10 make. I'm not sure that will get at the
11 issues and for me, I guess I agree. If
12 we're talking about resources, I'm
13 wondering more about when we get down to
14 staffing, we've got something different.
15 I mean, the Board has staff right here.
16 You've got the Department, you've got an
17 engineer, you've got, you know,
18 technical expertise on certain areas.

19 DEB MARKOWITZ: So let me just
20 speak to this for just a second and
21 comparing -- so Option 5 and Option 6.
22 Tom Bodett, are you still on there?

23 TOM BODETT: Yes. Yes, I am.

24 DEB MARKOWITZ: Okay. Because I
25 know this is something that I sat next

1 to you on one of these meetings when we
2 were hearing the RPCs and so I believe
3 that you also had some interest in this.
4 And what -- so what I like about option
5 5 is it recognizes that there's a
6 significant amount of work of the Board
7 that doesn't deal with these siting
8 issues. And, for that, the three member
9 Board has worked well.

10 And, um, but there -- we did
11 hear feedback from folks that there was
12 virtue in having some sort of local or
13 regional voice or representation, and,
14 um, and I heard from my staff at ANR
15 that, um -- that having some sort of an
16 ANR seat -- and that's just a little bit
17 from seeing how they did it in other
18 states. And maybe it was Maine. I
19 don't remember which state.

20 LINDA MCGINNIS: Just to give
21 background information, every other
22 state that we've looked at in New
23 England does have, um, a representative
24 of the equivalent of ANR on their siting
25 Board. Every other state also has a

1 siting Board that is this separate from
2 the PUC. Vermont is the only one that
3 doesn't. That said, when talking to
4 them, they don't necessarily say that
5 that's a plus for them. For example,
6 New Hampshire has 16 members on its
7 board and it says it's a nightmare. Um,
8 there are other states that --

9 CHAIRPERSON EASTMAN: And
10 they're only looking at one or two
11 projects a year.

12 LINDA MCGINNIS: That's right.

13 CHAIRPERSON EASTMAN: And so for
14 me, I think about, whoa baby.

15 LINDA MCGINNIS: And that's the
16 other point. Just to compare to the
17 other states, we have the largest number
18 of dockets on a per year basis related
19 to every other state in New England.

20 CHAIRPERSON EASTMAN: We don't
21 have a threshold.

22 DEB MARKOWITZ: Let me just
23 finish this last thought. Um, I -- I
24 see keeping the PSB at three members,
25 you know, and encouraging the governor

1 to think flexibly about who's on there,
2 um, I think that could work if there's
3 another way to make sure that we've got
4 that local or regional, um,
5 representation in terms of testimony and
6 so forth. So, it -- it's -- I think
7 that it may be possible to get there.

8 And I wanted to give you a
9 chance to let us know if you think that
10 there's a particular virtue in having
11 these folks as decision makers. And
12 then, Billy, if you could think about
13 that, too.

14 CHAIRPERSON EASTMAN: Well, I
15 guess one option would be to leave the
16 jurisdiction with the Public Service
17 Board, not create a new siting Board,
18 but, for siting cases -- for siting
19 cases have -- um, you could add two
20 more. But creating a whole new
21 structure --

22 DEB MARKOWITZ: That's what five
23 is like. So in addition to the three
24 Public Service Board, you would add in an
25 ANR rep and a -- and I like the idea of

1 district commission, um, because they
2 aren't doing this work, but they
3 understand it in the context of the
4 other development that's happening in
5 the region.

6 CHAIRPERSON EASTMAN: But are
7 there problems with adding an ANR rep
8 based on conflicts and everything --

9 LINDA McGINNIS: It works in
10 other states, so I think that's all
11 manageable. Every other state --

12 TOM BODETT: Well, I like the
13 idea of some kind of regional
14 representation, but I don't care for the
15 idea of it being an RPC member -- and
16 they don't either, actually. The
17 directors we've heard from believe that
18 it's too right with conflicts of
19 interests.

20 I like the idea of the district
21 commission just because they have --
22 they have the local knowledge and a
23 similar, um, sort of point of view, if
24 you will, um, in the way they work their
25 cases. I'm wondering if it can be

1 organized not as a separate parallel
2 board, but from as a subcommittee of the
3 PSB, so that, like, the Chair and a
4 representative from ANR and say district
5 commissioner or whatever, it's
6 organized. Actually a committee that
7 works on siting, um, matters and then,
8 um, the Chair takes that committee work
9 back to the Pulic Service Board then for
10 the actual review.

11 GAYE SYMINGTON: I'm really
12 uncomfortable with having either ANR or
13 district representation as part of the
14 decision making body. Having a voice in
15 this process, I get. But having -- but
16 making up rules, I think I'm really very
17 uncomfortable. I feel like we're --
18 this is a solution looking for a
19 problem.

20 CHAIRPERSON EASTMAN: For me, we
21 get to the end, you know, we look at
22 everything as -- a you know, as a whole.
23 Um, I think doing more work on planning
24 for the regional and municipalities, so
25 they're getting their information then,

1 you know, there. Um, being sure that,
2 um, you know, RPCs, whoever needs to
3 actually play, are resources to play. I
4 mean, right now, we're not a statutory
5 party. Right?

6 STEVE JOHNSTONE: We have
7 statutory responsibility but we're not a
8 statutory party.

9 CHAIRPERSON EASTMAN: Which is
10 odd. I'm wondering about maybe that's
11 something we could be looking at
12 instead, that the regional planning
13 commissions actually become statutory
14 parties.

15 SCOTT JOHNSTONE: I think if we
16 figure out the boundary conditions
17 correctly, I actually think that the
18 regional plan should have that in the
19 proceeding. Um, and I think the ANR
20 permit should rebut the presumption.

21 DEB MARKOWITZ: How are you,
22 Tom, on this discussion?

23 TOM BODETT: I didn't quite hear
24 what the last comment was.

25 SCOTT JOHNSTONE: So what I'm

1 saying -- this is Scott, Tom -- what I'm
2 saying is that the ANR -- perhaps one of
3 the other proposals we have -- I don't
4 know if we've already covered it or not,
5 is the notion of what's the status of
6 ANR. You know, right now, they don't
7 carry any extra status and the Board
8 really decides everything, and if they
9 went in with rebuttable presumption
10 statutes -- I'm not a lawyer so I can't
11 tell you exactly what that means -- but
12 I know that, um, that that means that --
13 I think what that means is that enter
14 with the presumption that they did their
15 work accurately and somebody has to pass
16 a higher test to knock it down. They
17 have to basically bring in information
18 about why the agency was wrong or their
19 position on the environmental issues
20 stands.

21 Is that fair?

22 WILLIAM COSTER: Can I make one
23 clarification? I think that's correct,
24 but it's not only on our permits.
25 There's a number of natural resource

1 impacts that the Board decides over and
2 I think that's why we wanted to have a
3 little bit more influence over the
4 decision making. But if we're given
5 deference in the proceeding, I think it
6 works just fine.

7 LINDA MCGINNIS: And your
8 definition of deference would be the
9 rebuttable presumption notion?

10 WILLIAM COSTER: Yes. Correct.

11 CHAIRPERSON EASTMAN: So, Tom,
12 where are you, I mean...?

13 TOM BODETT: Well, I think, you
14 know, I think I have a larger
15 philosophical version to the idea of
16 number six, is keeping it three members,
17 only that their caseload is becoming
18 unmanageable for three members and the
19 goal on the staffing, so what we're
20 essentially doing is concentrating more
21 decision making power and fewer people,
22 giving them more resources to exercise
23 that power. And I don't know if that's
24 ever a good idea. I think that's sort
25 of my philosophical, um, resistance to,

1 you know, status quo and just giving
2 them the staff to deal with the
3 workload.

4 Um, but, once again, you know,
5 these things are only as good as the
6 people who are making them so. You
7 know, if they're good, qualified people
8 and they make sound decisions and work
9 like crazy and if it's not, it's going
10 to be a disaster. So, that's where I
11 don't see a real sense of balance and --
12 checks and balance in options with
13 additional staff.

14 CHAIRPERSON EASTMAN: Well, the
15 other thing too, though, again, for me,
16 I have to look at it not only the board
17 make up and staffing make up but, you
18 know, if we incentivize different
19 projects and if we do, you know, other
20 planning, then it becomes a different
21 package. You know, the tiers, having
22 different levels of review and, um --

23 DEB MARKOWITZ: So more pushed
24 at the staff level, which will lessen
25 the load.

1 SCOTT JOHNSTONE: If the Board
2 spent the vast majority of their time
3 really focused on the big projects where
4 the time needs to be spent, it, you
5 know, you could have better outcomes.

6 DEB MARKOWITZ: Yep.

7 LINDA MCGINNIS: This leads also
8 to the role of the hearing officer. If
9 you give them more responsibility as the
10 hearing officer and just have, you know,
11 the Board -- which is currently the
12 case, but do it even more.

13 I just have one question for Deb
14 which comes from one of the comments
15 we've received from people. Are
16 strengthening the ANR role, which I
17 think we're -- by having ANR on the
18 Board, one of the responses was that
19 it's duplicative because of your
20 existing authority under Title X.

21 Do you agree with that or do you
22 not agree with that?

23 DEB MARKOWITZ: Well, we don't
24 agree with it. This goes to Billy's
25 comment that some of our involvement

1 relates to our permit programs, but --
2 but other pieces have to do with, um,
3 more general findings like habitat
4 conductivity and so forth, which is not
5 a part of the permit program or bear
6 habitat.

7 LINDA MCGINNIS: So -- at least
8 the way it's currently worded and I
9 wanted to make sure that we were
10 incorporating this concern you're
11 talking about is that it says permits
12 themselves would be held to rebuttable
13 presumptions but you're saying the
14 actual issues go beyond that.

15 So how would you word that?

16 DEB MARKOWITZ: Our testimony
17 would have a rebuttable presumption.

18 LINDA MCGINNIS: So testimony
19 and permits. Okay.

20 DEB MARKOWITZ: Yes. Well,
21 because our permits -- our permits may
22 not be issued then. But the permits
23 actually aren't a rebuttable
24 presumption.

25 Um, it's really our testimony on

1 the issues that are the subject of the
2 permit.

3 WILLIAM COSTER: Yes.

4 LOUISE McCARREN: How could you
5 give testimony on presumptions is not
6 something you could certainly give an
7 ANR permit. Right? I mean, I would
8 even go as far as saying it's not
9 reviewable by the Board, um, but I know
10 that's not the way it works.

11 DEB MARKOWITZ: Well, you can
12 appeal to the Board.

13 SCOTT JOHNSTONE: That's why I
14 thought what we would do is change the
15 statute, Deb, to include the couple of
16 additional areas, um, as -- um, for
17 siting as new things we define where the
18 viewed issue, a position in the record,
19 not on what happened and because it is
20 your knowledge that it's your purview,
21 that could carry the same weight as the
22 Department.

23 DEB MARKOWITZ: So I think we
24 need the language, but we can do that.

25 CHAIRPERSON EASTMAN: We really

1 need to talk one at a time.

2 DEB MARKOWITZ: So I would say
3 to Linda that I think we can get there
4 and I'll try to think of other court
5 proceedings where there's a rebuttable
6 presumption, um, given to somebody
7 that's essentially their --

8 LOUISE McCARREN: My concern
9 would be that, the testimony would not
10 have been subject --

11 CHAIRPERSON EASTMAN: To cross
12 examination.

13 CHRIS RECCHIA: Well, there's
14 that. But, um, certainly with permits,
15 where you have gone through your process
16 and now are submitting to the Board your
17 results of your process, that could have
18 rebuttal of presumption, but I couldn't
19 get to where testimony would --

20 SCOTT JOHNSTONE: What was in my
21 head, we create a process where they had
22 to do something permanent like, um --

23 LOUISE McCARREN: At their own
24 decision making process at the ANR.

25 SCOTT JOHNSTONE: Right.

1 LOUISE McCARREN: Under their
2 own rules on how to do that.

3 DEB MARKOWITZ: Yeah.

4 GAYE SYMINGTON: But how does
5 someone have any input into that? Is
6 that just when we get to a place where
7 it's --

8 DEB MARKOWITZ: So at the
9 proceeding, they do get to cross
10 examine, but there's a -- they have a
11 higher burden to prove, too. So it's
12 not like it's an absolute presumption.
13 It's rebuttal.

14 CHAIRPERSON EASTMAN: But here's
15 the kickback on it, though. It is
16 because of the issue, a lot of people's
17 concerns, again, is the openness and
18 transparency of this process throughout.
19 And there's not always a lot of
20 transparency for -- it can be months and
21 years in the process. So -- so again,
22 what we've done, um, as opposed to
23 trying to get more things threshold and
24 done early, we've now left something
25 that's going to leave some significant

1 issues where it's not until you get
2 there that you can -- that you can talk
3 to.

4 WILLIAM COSTER: It's coupled
5 with the threshold and the
6 predevelopment. All of that still
7 happens, but I think that the idea is --
8 well, we're filing before the Board.
9 The agency's testimony is the starting
10 place. It's the default. And the
11 other parties have to disprove it to
12 change the board.

13 CHAIRPERSON EASTMAN: So here's
14 what I want to say to you, Billy. I
15 might go for this depending upon if
16 somebody's has a chance to influence
17 your decision making earlier. Okay?
18 So, it's that kind of thing, you know --
19 do you see what I mean?

20 DEB MARKOWITZ: So our permit
21 programs all have a public process
22 element to them. And, so when we're
23 talking about storm water and water
24 quality issues, you know, we -- we post
25 a draft permit, take public comments

1 before we issue a finding. Um, what's
2 tricky here is we're putting the cart
3 before the horse in this conversation
4 because we haven't quite figured out the
5 timing on the permits and whether or not
6 our permits are issued before the CPG.
7 So -- which is exactly why we're urging,
8 you know, some sort of timing
9 requirement.

10 SCOTT JOHNSTONE: Did we land
11 last time on Singcrest?

12 CHAIRPERSON EASTMAN: We haven't
13 even got there yet.

14 DEB MARKOWITZ: On habitat
15 issues, it's not a permit program, there
16 isn't already a process. So, it could
17 be that -- that, you know, part of what
18 we do is recommend there be a process.

19 CHAIRPERSON EASTMAN: I want to
20 see that, I mean, the agency of natural
21 resources is a party in these matters to
22 protect Vermont's resources and to have
23 the interest of Vermont in mind. Right?
24 But the point is, is that people -- um,
25 I mean, people that we know what

1 positions you're going to take early.
2 Communities need to know in case they do
3 want to seek to play because they don't
4 think that you've taken everything into
5 account. Which is fair, I think.

6 So we've got some notice issues
7 I think that we have to deal with here
8 so that people will know. And I want
9 somebody at the state level to be
10 considering the impacts from any
11 generation projects. And if we don't
12 have the right things in place, then I'm
13 all for saying we need to put something
14 in place.

15 SCOTT JOHNSTONE: So let me
16 offer a way through this that may be
17 radical. But for purposes of, um,
18 siting generation, what if we had ANR
19 develop a permit for one or two of the
20 issues that -- so to actually make that
21 a statutory recommendation that you be
22 granted the authority to create a permit
23 program for those onsite and that would
24 be --

25 DEB MARKOWITZ: I would say that

1 it's probably not necessary to make it a
2 permit program, but we could say that,
3 um, you know, we could require a public
4 process, you know, public notice process
5 as we're developing what our
6 recommendation is.

7 CHAIRPERSON EASTMAN: Well,
8 let's go. It's like what's already in
9 the 248, the regional planning
10 commission requires you shall do
11 something. I mean, we have the similar
12 kind of language. Whatever shall do
13 this, shall do this.

14 DEB MARKOWITZ: So our
15 recommendation as part of this issue and
16 criteria, whatever --

17 WILLIAM COSTER: 5B.

18 DEB MARKOWITZ: -- 5B shall be
19 developed with, you know, with the
20 public process or not -- not a public
21 process. We can define it as a public
22 notice, that there's a public notice
23 required and, um, and a requirement of
24 our response before we submit it to
25 both.

1 WILLIAM COSTER: Another take, I
2 think, what I was saying earlier, this
3 increased deference is built on the
4 assumption that we have existing
5 standards and guidelines that we use to
6 determine how impacts are dealt with and
7 mitigated. And those are, you know, we
8 can adopt rules is have a public
9 process, so that's another way to be
10 transparent and clear that this is how
11 we're going to deal with these issues in
12 every case. You know, the site specific
13 details would be different, but this is
14 how we deal with impacts to critical
15 bear habitat. So that helps get to that
16 transparency piece.

17 LOUISE McCARREN: I'm not with
18 you guys on this one at all. I think
19 that you are the expert agency, you come
20 in, you are qualified to give an expert
21 opinion and that expert opinion, because
22 you are the agency charged with these
23 issues, carries a lot of weight. But I
24 think going to rebuttal presumption
25 would be too much for me.

1 CHAIRPERSON EASTMAN: And I just
2 want to say, I still want to be sure
3 that all of the issues, um, that
4 somebody is reviewing and required to
5 review all of the issues that, you know,
6 that might have impacts. I mean, I know
7 we get it in noise and we get it in
8 health because of general things, but
9 I'm wondering if that's really the way
10 to do critical issues, you know? And
11 I -- I'm wondering, we don't deal with
12 it anywhere. I find it fascinating that
13 we don't deal with it. I mean, right?
14 Not this generation.

15 CHRIS CHAMPNEY: And just how it
16 is perceived by municipalities, and I
17 don't think -- from the planning
18 commission, but I know, simply when you
19 came and we did that section 248 form,
20 talked with towns on how to stay in the
21 process, ANR part of the process -- and
22 Billy talks about, sometimes we're two
23 years ahead of time. So the way the
24 town hears that is you are helping the
25 applicant two years ahead of time to get

1 their application in, which is not at
2 all what he was saying. And, you know,
3 Billy was definitely representing ANR as
4 being a public advocate for the
5 environment and this process, where the
6 town was hearing, my God, you've had two
7 years. We're not even had any -- we've
8 had 45 days to do our own environmental
9 impact analysis and contribute that to
10 the process.

11 And so I think as we go along
12 way towards -- just to figure out how to
13 integrate that public notice, public
14 participation. Specifically I was
15 saying the process. You know, um, how
16 to integrate the municipal planning
17 commission and the RPC earlier in that
18 process. Um, and that might go a long
19 way towards feeling like there really is
20 a firm advocacy role and trying to solve
21 that problem.

22 LINDA MCGINNIS: I think that's
23 all in the public participation section
24 and so there's a lot of detail in that,
25 so we might want to --

1 CHRIS CHAMPNEY: I'm sorry if
2 I --

3 LINDA MCGINNIS: No, no.

4 CHAIRPERSON EASTMAN: We want
5 the agencies to be -- have the
6 resources, the time, whatever to do the
7 work, but we want to have some
8 credibility there and if people disagree
9 because 100 percent of Vermonters are
10 not going to agree on any given case.
11 That if there's a real issue and it's a
12 significant thing then someone can make
13 a case during the process.

14 DEB MARKOWITZ: And to be
15 honest, our staff concern was a
16 different concern. Um, the staff
17 concern really was, um, whether or not
18 the Boards could then just completely
19 disregard it. So if we have a concern
20 about bear habitat, for example, um, you
21 know, is there a way to strengthen our
22 role so that the Board can say, oh,
23 we -- we don't care about bears. You
24 know, what we care about is, grid
25 stability, you know, and so, therefore,

1 ANR -- whatever. So our staff weren't
2 thinking at all about folks coming in
3 and saying, hey, this didn't go far
4 enough. They were thinking more about,
5 how do we make sure that the Board
6 considers our testimony and somehow
7 bound by it.

8 And same way with our purpose --
9 if we think it's going to have an issue
10 on the clean water, well, we can always
11 just not issue that permit, so we have
12 that back staff? It becomes politically
13 challenging for them to issue the CPG
14 and then after the fact we say, oh,
15 yeah, but we're not going to renew your
16 storm water permit. That's awkward but
17 it's still resource protected
18 ultimately.

19 CHRIS CHAMPNEY: Just one last
20 follow-up to that scenario. Often times
21 then, there are people like in the case
22 of -- can I talk about a past case?

23 CHAIRPERSON EASTMAN: Sure.

24 CHRIS CHAMPNEY: The case with
25 Deerfield and Wynn and we went regional,

1 kind of said, yeah, well, ANR is saying
2 about the bears, that's important to the
3 region, you know, so we would have each
4 other's back, but -- and I explained
5 that, you know, ANR's a party just like
6 we are in that process and they don't
7 know what the Board's going to take into
8 consideration or not, either. So you
9 may end up all of these hours of work,
10 all of this time, only to have no idea
11 really what's being delivered here. And
12 that's a larger systemic issue I made.

13 But it's this business of, do
14 you put the time and resources into the
15 process when you really have no idea
16 what standing you have or what issues
17 you're bringing before the Board, what
18 standings they have. So you put all of
19 these hours, all of this blood, sweat
20 and tears into it and you don't know if
21 it's been worth that time. And I'm up
22 here also participating in a PSB docket
23 right now. I have no idea if my hours
24 and my travel time and all of that, if
25 the end of the game is going to be worth

1 it. Should I just stayed home? And not
2 for this meeting, but I mean...

3 CHAIRPERSON EASTMAN: So we're
4 going to move on from that issue, okay,
5 for now, because I really want to get
6 through as much as we can today.

7 So the next issue, staffing.
8 And we've talked about five options here
9 and I know we've heard from the -- you
10 know, and some of them already I think
11 we heard from the PSB that, you know,
12 they didn't -- they didn't take kindly
13 to --

14 SCOTT JOHNSTONE: Um, well at
15 least not under their purview.

16 LINDA MCGINNIS: Right. They
17 said it's a great idea just not under
18 their house.

19 CHAIRPERSON EASTMAN: You mean
20 the case manager?

21 LINDA MCGINNIS: Yeah.

22 CHAIRPERSON EASTMAN: I guess
23 what I don't understand and I -- of
24 course, the people get to have their
25 opinion, but -- and I don't know how it

1 works if it's not with -- under their
2 purview. I don't know how it makes the
3 process better. I mean, if what we
4 want -- if what we are trying to get at,
5 I think when we talked about this in
6 part was, um, having someone who can
7 deal with the public, you know, because
8 this is a contested case process and
9 currently the way the Board handles this
10 is they're very strict on, um, you know,
11 ex-parte conversations and I think
12 they're more strict than they
13 necessarily have to be and, from my
14 limited experience in talking to Sheila
15 who works in other states, um, you know,
16 for the PSB, but if culturally we can't
17 get at that and if they're busy, then we
18 do need -- I mean, I used to say this
19 when I was executive officer of the
20 Environmental Board of Staff, if we as
21 staff could spend ten minutes with
22 somebody explaining something to them,
23 it could save the process an hour later.

24 Again, we were a contested case
25 process but just for coordinators, we

1 spent a lot of time talking to people
2 about here's all that this means. If --
3 I think that part of the problem here,
4 and I think Option 3 and option 5 goes
5 to it is communication.

6 And so I'm all for having, you
7 know, websites with information that
8 people can see what's happening in a
9 docket, but I'm also for, wait a minute.
10 We need to have somebody who can talk to
11 people and -- but I think it needs to be
12 somebody who can sort of shepherd the
13 whole thing through, and that would mean
14 that that's got to be under the
15 auspices, I think, of a decision maker.

16 LINDA MCGINNIS: Just to give
17 background, everybody who's commented on
18 this, including from the public
19 citizens' side, from the planning
20 commission side and the developer side,
21 all of them say, this is necessary,
22 which is really remarkable. It's the
23 only thing they all agreed on, with the
24 exception of the Board who said it's a
25 good idea, but not in our house.

1 TOM BODETT: Well, wouldn't this
2 be a GPS thing? Wouldn't that work?

3 CHAIRPERSON EASTMAN: You see,
4 I -- it might, but I actually don't
5 believe so, because I think what we're
6 looking at and I think when we've heard
7 from the public, they're looking for one
8 thing from it, where we heard from the
9 development and they're looking for
10 another thing from it. But I think you
11 can do it on one. But it is this issue
12 of actually managing, you know, the
13 process. Getting an application filed,
14 moving it along so we don't, you know,
15 waste time.

16 You know, encouraging the
17 decisions need to be made in a
18 particular time to get made, and all of
19 the while communicating out. And, so --
20 so all of the process stuff is being
21 handled and managed by the Board. I
22 mean -- because that's what the
23 Department of Public Service is.
24 They're a party in the case. I don't
25 see how they get to manage it.

1 LOUISE McCARREN: The problem
2 from the Board's point of view is that
3 they would be concerned that a case
4 manager would make commitments that then
5 the Board would have to --

6 SCOTT JOHNSTONE: I don't think
7 so. I think the issue from what I was
8 instituting and what I think I've
9 observed over time is, um, the level of
10 rigor that they want around the pure,
11 the quasi judicial process and how much
12 do we retain to that or move away from
13 that, with the proposal like this. And
14 I may be wrong, but that's what I read
15 in the conversation. Doesn't mean I
16 agree with it.

17 CHAIRPERSON EASTMAN: But I want
18 to circle back and I've gone home and
19 talked to you know who about this, um,
20 because for me, it is -- and I -- I
21 actually -- I'm Chair of the
22 Professional Responsibility Board for
23 the Supreme Court who deals with the
24 word discipline, so I actually pay
25 attention to what goes on in the

1 judicial process and the whole point is,
2 that this is even -- the Board is even
3 more judicial process than the judiciary
4 and that, you know, so it's not unusual
5 in a judicial processes. I mean, you
6 have a clerk. The clerk in every court
7 family or otherwise talks to whoever
8 about, here's where the process is.
9 They're not telling you what the
10 decision's going to be and they're not
11 ruling on any evidence and they're not
12 saying -- they're not guaranteeing that
13 the case is going to be heard on a
14 certain day, but there's somebody there
15 who's communicating to people. And
16 that's what I am looking for.

17 LINDA MCGINNIS: Can we have
18 Sheila explain how it was done in
19 Massachusetts because the issue that at
20 least June was saying officially in her
21 last presentation from the Board was
22 that there's this firewall issue and
23 that's all related to the quasi judicial
24 process. But you said it works in
25 Massachusetts.

1 MS. SHEILA: Right. In
2 Massachusetts, we defined ex parte rules
3 allowed for the hearing officer to
4 actually talk to intervenors or parties
5 or, um, the attorneys for any of those
6 folks regarding process, so we could
7 tell them exactly where the process
8 comes from, we may have talked to them
9 about substance, talked with them on the
10 phone.

11 But, you know, right now, and I
12 don't necessarily think this is sort of,
13 um, the Board process. I think -- I
14 think they're being so tight about
15 information, you know, they think of
16 everything as being an ex parte. So
17 this hearing officer can't even say -- a
18 hearing officer by his or herself can't
19 say, you know what? This is an issue
20 right now. I'm going to get everyone on
21 the phone and we're going to discuss it.
22 It has to go through a procedure where,
23 you know, Sue Hudson or Judy Whitney
24 actually organizes that and it slows
25 everything down.

1 CHAIRPERSON EASTMAN: My concern
2 here, and I do believe this a cultural
3 issue and cultural issues are incredibly
4 difficult to, um, address, I think. But
5 even if we -- because for me, either the
6 Board relaxes and moves to the 21st
7 century on what a contested case process
8 absolutely needs to be, and I saw on the
9 record -- I know, but -- or, we've got
10 to do something so somebody can talk.
11 That's all. And so the Board meets.
12 How do we make this work?

13 LOUISE McCARREN: I think the
14 Board right now, from an administrative
15 point of view, would have the authority
16 to create case manager. I don't see any
17 reason why they couldn't just do it if
18 they wanted to do it. Well, they don't
19 want to do it so creating it isn't going
20 to fix the problem.

21 So, what do we basically say to
22 the Board that, um, that the
23 communication with litigants and the
24 that community members is -- is wanting
25 and we urge you to do something --

1 SCOTT JOHNSTONE: Well, why
2 don't we put it in as a statutory
3 requirement that the service is
4 provided.

5 LOUISE McCARREN: Well --

6 SCOTT JOHNSTONE: Just saying if
7 we believe in it, we have options.

8 CHAIRPERSON EASTMAN: Here's the
9 thing. Here's where I'm coming from. I
10 mean, I would like -- I've already said
11 right now my druthers are that we keep
12 all of references at the Public Service
13 Board and make it work there. But to
14 make it work there, that may mean there
15 will have to be some oversight. I don't
16 want something to go over to Act 250 or
17 whatever, but there are some functions
18 that a different coordinator services
19 both as -- they're not the decision
20 maker, though. Okay? That's true.
21 They're not the decision maker.

22 But there's some functions there
23 that -- and see, that's why I look at
24 the case manager, you know, not the
25 hearing officer. I'm trying to parallel

1 here. That there's some functions that
2 are serviced in Act 250 that make it
3 more -- still a consistent case process,
4 but make it more, you know, transparent
5 or easy for the community. Is there
6 some parallel we put in here?

7 MS. SHEILA: My thought when you
8 were talking, Jan, is there's a sliding
9 scale of what you all could choose to
10 do. You know, some sort of time line
11 of, well, this is what you have to do
12 within, you know, 60 days, you have to
13 be sure there's a complete application
14 decision about whether something's
15 complete when, you know, 90 days, you
16 have to --

17 So, time lines will force some
18 of the issues that I think have been
19 raised by people that is a concern and
20 why they want it. You know, are we
21 going to file something and it's going
22 to take six months for us to get... So,
23 I think it is a difficult thing, you
24 know, um, to try to fix. You know,
25 when -- is it possible for them to find

1 what an ex parte communication is?

2 CHAIRPERSON EASTMAN: You're
3 right. We can't trust people to know
4 what they can say and what they can't
5 say. But that's what this is about.
6 You've got to trust your staff to know
7 what they can say and what they can't
8 say. And, I don't know. Maybe if I
9 think through this, maybe I can see
10 some -- some functions that we can
11 encourage the Public Service to do and
12 maybe go with a scheduling order.

13 LINDA MCGINNIS: I think there's
14 a huge range of process issues that
15 people feel completely in the dark and
16 it's across the Board from developers to
17 regional planning commission to --

18 CHRIS CHAMPNEY: Right down to
19 formatting the letters. I mean, what
20 does an exhibit look like? It's one
21 thing when you're on the outside of the
22 box, it's very -- when you get inside,
23 you actually find that the Board is
24 quite accommodating to ex parte and
25 other participants, but it's just even

1 to figure out how to get in. Unless you
2 get into the process, if you could just
3 get some questions answered about even
4 just how to participate.

5 SCOTT JOHNSTONE: Can I just --
6 because you're fired up about this one.

7 CHAIRPERSON EASTMAN: I just
8 don't know how to resolve it.

9 SCOTT JOHNSTONE: I don't think
10 we need to worry about that. I think --
11 and I get the deference you're trying to
12 show through this we -- our charge
13 wasn't to give anyone deference in our
14 review of this, it was to figure out
15 what we think is right. So I'm not
16 hearing anyone argue that we think
17 option 3 is a good option.

18 CHAIRPERSON EASTMAN: Okay. And
19 we will -- but I'm just going to just
20 put this out here, too. One more thing
21 I think because it goes to where all of
22 this ultimately comes down. I mean, I
23 want the recommendations that we come up
24 with to actually be implemented. I
25 mean, you listen to issues and if there

1 are legitimate issues and concerns and
2 things that we could address and really
3 help, then, geez. I'd like to have
4 something actually get implemented.

5 TOM BODETT: Can it be some sort
6 of a two-fold process where this is --
7 what we recommend is some sort of case
8 manager with the PSB, but short of that,
9 we could also recommend something else
10 they may still not be happy with, but it
11 might be the lesser of the two evils.

12 SCOTT JOHNSTONE: Right. I
13 mean, part of what I've been hearing
14 around the table is, we either need to
15 do this, have a case manager function
16 and keep all of the activities within
17 the PSB or we need to evaluate how to
18 distribute the load so that there can be
19 more involvement where it's -- where we
20 can make it appropriate.

21 TOM BODETT: Yes. Yes.

22 SCOTT JOHNSTONE: And I think,
23 still is -- mostly to keep it with PSB,
24 if we can solve the communications
25 issues --

1 CHAIRPERSON EASTMAN: Or, you
2 know, right.

3 SCOTT JOHNSTONE: I think
4 there's, you know, if they're really
5 seriously saying just no, then -- that's
6 why I said we could recommend the
7 legislature to change under their
8 charge, you know.

9 CHAIRPERSON EASTMAN: Do we want
10 to break right now or do we want to
11 finish discussions of this section?

12 ANNE MARGOLIS: Let's do this
13 section.

14 CHAIRPERSON EASTMAN: So, the
15 first two options are about funding
16 positions and, um, under, you know --

17 SCOTT JOHNSTONE: Well, I don't
18 know what's needed but, um, what's
19 needed, then I think one and two goes
20 with four. And, um, whatever's needed
21 to make the system work. If it's short
22 staffed and I don't feel like I have
23 enough information to know exactly what
24 it is so one, two and four go together,
25 because it shouldn't be at the burden

1 of, um, general fund of tax payers or
2 broad rate payers. There ought to be
3 some increased use bill back or filing
4 it or both. Um, we ought to figure out
5 how to create this structure --

6 CHAIRPERSON EASTMAN: Well, the
7 thing that I -- I found interesting
8 from -- and I learned from the site
9 visit, because I've been on this, you
10 know, tag for filing for bigger cases or
11 whatever, um, not, you know for merchant
12 plants, because of them not taking, you
13 know, because of this non -- non-gross
14 receipts tax. But I understand that
15 Sheffield, the Board required that all
16 of the power is being bought by Vermont
17 utilities. So that must mean that the
18 Vermont -- you know, so that process is
19 actually getting paid for in a sense by
20 the --

21 LOUISE McCARREN: Can the Board
22 go back in merchant cases?

23 WILLIAM COSTER: Yes.

24 CHAIRPERSON EASTMAN: And I
25 guess so for me, I still think that if

1 we're going to have an application from
2 someone and we don't know that they're
3 going to be required to provide all of
4 the power to Vermont, then that tells me
5 that the process of review is being --
6 you know, the cost of the review is not
7 being covered. Every other development
8 has to pay a fee to, you know, for
9 reviews. So, if there needs -- I guess
10 we need to look at that more closely to
11 figure out what that would be, but I
12 think that's fair.

13 WILLIAM COSTER: And I would
14 just add that for merchant plants, if --
15 with most permit applications you pay it
16 even if you don't ultimately get the
17 permit. So, a merchant plant could
18 purport that they're going to sell all
19 of their electricity of Vermont but
20 never -- the project may never happen.
21 We still incur all of the costs. So
22 they should still pay the fee upfront.

23 CHAIRPERSON EASTMAN: I agree
24 with that.

25 LINDA MCGINNIS: In most other

1 states, there's something similar to
2 this. So it's not huge and it is for
3 the bigger projects, but there is
4 something similar.

5 CHAIRPERSON EASTMAN: And the
6 other thing is I know there's -- I mean,
7 I know that they have the ability to
8 build back and I know I do -- you know,
9 I don't want to take that power away at
10 all from the Board.

11 SCOTT JOHNSTONE: But I also
12 think this is a case where we could also
13 create some of our incentives because,
14 frankly, a filing feature could be done
15 in my view, um, because the cost to redo
16 all of those processes and the processes
17 is high. I'm talking mostly about tier
18 three.

19 Um, but you could make sure that
20 you could even set up a structure within
21 the tiers around, you know, pure
22 speculative merchants, um, the -- a way
23 to incent anyone would be -- to have to
24 figure out. I think there's a way to go
25 variable within this to -- as part of

1 the incentive structure to get what we
2 want as an outcome, whatever that
3 becomes.

4 DEB MARKOWITZ: I knew this was
5 a priority of the Department. Um, you
6 know, and it's something that the agency
7 also indicates as good incentive.

8 CHAIRPERSON EASTMAN: When
9 they're applying for permits from you,
10 they pay fees?

11 DEB MARKOWITZ: They do. But so
12 that pays for the permit program, but
13 it's also -- actually, we had two
14 attorneys pretty much full time for
15 months, just doing that and they're not
16 part of the permit program. They're
17 part of the litigation unit.

18 CHAIRPERSON EASTMAN: But I'm
19 wondering, too, if you're doing other
20 things that aren't part of the permit,
21 whether talking about what we're going
22 to have them doing, have something else,
23 then something that then pays to support
24 that. If it's required to be done, um,
25 and --

1 DEB MARKOWITZ: So, in
2 conversations with the Department, the
3 ideas that you would think about in
4 setting the fees and then have some
5 conversations taking a look at the cost
6 of our programs to provide the services
7 that relate to -- um, to the permits and
8 then come up with a figure where part of
9 that money is going to go to help
10 support other issues and part of that
11 money is going to support staffing
12 and --

13 LINDA MCGINNIS: My question in
14 this was: How do you differentiate
15 between what would be under a forestry
16 status and what be under the bill back
17 authority --

18 DEB MARKOWITZ: So the bill back
19 authority is, if we need a scientist to,
20 you know, if we need additional --

21 WILLIAM COSTER: It's always
22 been framed as kind of an exceptional
23 situation where you either need to bring
24 in additional capacity or expertise or
25 the burden of the project is such that

1 you need to pay for your staff dedicated
2 to it so you can get people to do their
3 other work that they're so consumed by.
4 So it's really not something that should
5 be counted on to pay for the review of
6 these projects.

7 LINDA MCGINNIS: I guess the
8 filing fee, the only thing is the
9 unpredictable nature of it.

10 How often are you going to get
11 tier three projects coming in,
12 particularly given if we're giving
13 higher standards for tier three
14 projects, we may only get one a year.

15 DEB MARKOWITZ: Then you don't
16 meet the burden.

17 WILLIAM COSTER: Yeah. And, you
18 know, our forestry and fish and wildlife
19 programs don't generally issue permits
20 for these projects, but can be
21 incredibly involved in the review of the
22 certificate of public good, for
23 instance, communicating Wynn, the
24 fragmentation issue was a huge one that
25 we received no permit fees --

1 LINDA McGINNIS: Now, the
2 comments that we received from a couple
3 of the utilities is an obvious one but
4 want to be sure that we all recognize,
5 which is that the increased costs will
6 be passed onto the rate payer, so we
7 just need to be clear.

8 SCOTT JOHNSTONE: And I presume
9 the notion that that would be deemed a
10 prudent expense is on the table then, as
11 long as it doesn't -- is too big that it
12 makes projects unviable, I presume
13 that's what they want in that comment.

14 CHAIRPERSON EASTMAN: Well,
15 right. I mean, we got to consider. So
16 the point is that we're not talking
17 right now. We're not talking about
18 filing for absolutely everything. We're
19 trying to talk -- the whole point is, if
20 power is going into Vermont, then we're
21 all paying for the review in our rates.
22 And so, I mean, I want to look at it in
23 part that way. Um, you know, the rate
24 payers are paying for it as opposed to
25 the taxpayers. And fortunately in this

1 case, we are pretty much one in the
2 same.

3 SCOTT JOHNSTONE: I still argue,
4 um, that whoever is the developer, the
5 filing is still appropriate.

6 CHAIRPERSON EASTMAN: Even if
7 it's somebody who's paying their tax
8 that supports the Department -- the tax
9 supports the Department and Public
10 Service Board. Right?

11 UNIDENTIFIED PERSON: Right.
12 And the process requires additional
13 costs.

14 CHAIRPERSON EASTMAN: Well,
15 they're paying the ANR permits. What
16 I'm saying is that already -- already,
17 um, the distribution company -- already,
18 the entities paying gross receipt tax
19 are paying for their reviews. They're
20 paying for their reviews right now and
21 they're paying for everybody else's
22 review right now. That's what's going
23 on. They're paying for -- the merchants
24 are paying, too.

25 SCOTT JOHNSTONE: But that

1 doesn't give any resource opportunities
2 for the Board and Department to actually
3 advocate this because if you don't
4 actually charge them anything, then it's
5 just a -- they don't have any revenue
6 opportunities.

7 LINDA MCGINNIS: So, you know,
8 um, if hunters were supporting fish and
9 wildlife with, um, tax on, um,
10 ammunitions, weapons and guns and, you
11 know, like that, and um, and yet they
12 still paid a license fee to get that --
13 so I don't know that it's not without
14 precedent that but -- also then paying
15 the fee that's related to a particular
16 application. You know, it's a policy
17 decision.

18 SCOTT JOHNSTONE: Sure.

19 CHAIRPERSON EASTMAN: What I'm
20 trying to get at, um, if we charge
21 people who are paying this gross
22 receipts tax -- the gross receipts tax
23 and the fee, we've charged them twice,
24 versus those people who are only -- so I
25 just want to get that in our -- if a

1 merchant -- if somebody builds a plant
2 in New York State and the power is sold
3 in Vermont, then that power doesn't --
4 is not taxed.

5 LINDA MCGINNIS: So then we want
6 it to be something special for those
7 folks.

8 CHAIRPERSON EASTMAN: I'm just
9 saying -- certainly I want, and I do --
10 I don't want the general taxpayer or
11 the, you know -- or gross receipts
12 taxpayer --

13 SCOTT JOHNSTONE: So a different
14 way would be for the merchant to be
15 required to have a fee. Merchants would
16 be required to have a franchise fee.

17 DEB MARKOWITZ: And that could
18 go for beyond renewable. What are we
19 doing for Vermont Yankee?

20 SCOTT JOHNSTONE: I have no
21 idea. You don't want to do it that way.

22 CHAIRPERSON EASTMAN: Causing
23 panic in the back. Because the whole
24 issue we've got too, is thinking about
25 if we want, you know, a better -- a more

1 rigorous planning process, if we want --
2 you know, if we think those things are
3 necessary to do this right, how do we
4 pay for all of that?

5 SCOTT JOHNSTONE: The bottom
6 line, if we're short staffed for the
7 burden that's being dropped in Vermont,
8 um, one way or another, you got to come
9 up with some revenue sources to deal
10 with that.

11 CHAIRPERSON EASTMAN: And we've
12 gone past our ten minutes so what I'd
13 like to say is -- and maybe enough on
14 this right now, but it does think about
15 -- we do need to know actually what the
16 Department ANR and the Board actually
17 think their staffing requirements. I
18 mean, we brought this up out of the air
19 and if they all think they're fully
20 staffed and good to go, great. But if
21 they're not, you know, what is it and
22 what do they need?

23 Because I know there's been --
24 there was some conversation, it's not in
25 here as I said, you know, the Board has

1 different experts on different issues
2 and they need a provision expert, that's
3 -- I don't know. So, a break for an
4 hour or 45?

5 SCOTT JOHNSTONE: Forty-five.

6
7 (Whereupon, a lunch break was taken.)

8
9 CHAIRPERSON EASTMAN: So do we
10 need to talk more about the website?
11 Option 5 under staffing, we talk about a
12 website, um, to get more information on
13 guidelines and specific changes
14 available to the public currently under
15 way.

16 DEB MARKOWITZ: Like a tracking
17 like when you track a UPS package,
18 just -- it will tell you where it is in
19 the case.

20 CHAIRPERSON EASTMAN: It could.
21 And one of the things that that case
22 manager position, if we recommend
23 something like that might do, might test
24 this as a function as opposed to, you
25 know, hearing officers who may not be

1 techy.

2 LOUISE McCARREN: So, yeah,
3 looking at the Yankee case and, um, it
4 seems to be well organized.

5 DEB MARKOWITZ: So on the
6 website there's few guidelines or
7 specific cases that are available on the
8 website, and only few can access all of
9 that information. And that's -- it's
10 difficult for people.

11 CHAIRPERSON EASTMAN: So it's
12 not available to the public.

13 LINDA MCGINNIS: Well, a lot of
14 the information, at least according to
15 what we're hearing, is not available to
16 the public if they don't have access to
17 West Law account. Um, and that, in
18 particular, it's the guidelines. It's
19 the information that we're looking at
20 the case managers trying to provide
21 people with. Like what he was saying
22 earlier, you know, how do you write the
23 letter? How do you format the letter?
24 There's certain elements all the way up
25 to much more substantive issues, but

1 that there's very little information.
2 If you look at other states, um,
3 Connecticut, for example, and New York,
4 there's a tremendous amount of very
5 helpful, um, non-legal information that
6 helps normal non-legal people understand
7 what they --

8 CHAIRPERSON EASTMAN: What the
9 process is.

10 LOUISE McCARREN: You know what?
11 That's an administrative problem that --
12 the Chair needs to deal with. And this
13 is not going to require any -- this
14 doesn't require any rule change. It
15 doesn't require a legislative change.
16 It requires --

17 GAYE SYMINGTON: Doesn't have to
18 change.

19 LINDA McGINNIS: Another thing
20 that came up, though, is the hearing
21 officers rights now are supposed to be
22 putting their information on the
23 website, but they are so overwhelmed
24 with the amount of work that they have,
25 that's an additional piece of the

1 process that, just, they don't get to
2 it. So it's, again, another reason to
3 have another type of person who can
4 assist them or dedicated resources to
5 hearing officers, somewhere something's
6 missing at least from what we've been
7 hearing.

8 CHAIRPERSON EASTMAN: I mean,
9 it's all electronic for -- I mean,
10 that's what the judicial system's
11 working towards, all electronics, and it
12 isn't just accessible to -- by West Law.
13 I mean --

14 LOUISE McCARREN: I'm not sure
15 you can even access some of the stuff
16 through West Law because they would have
17 to obtain the decision and the
18 information in some other ways and it's
19 not available on the website. Right?
20 I'm not saying it's not there, but to
21 get into the West Law data base, they
22 would have to obtain that decision from
23 some place and if you can't get it from
24 the Board -- I don't know. But I think,
25 Linda, you, um, identified the issue

1 which is what are we supposed to do
2 here? Are we supposed to basically
3 identify what people have told us with
4 respect to access to information
5 understanding the transparency and make
6 a recommendation? I mean, I think
7 that's -- right?

8 CHAIRPERSON EASTMAN: So, again,
9 we want Option 5.

10 LINDA MCGINNIS: Option 5 is
11 specifically related to dedicated
12 resource to help the hearing officers
13 because of the under staffing. So the
14 website comes under public
15 participation, but this is saying do we
16 need to dedicate --

17 CHAIRPERSON EASTMAN: This is --
18 when Linda asked earlier, maybe before
19 we leave today, we'll be able to give
20 her some guidance on what we might like
21 this report to look like. But I'm of
22 the mind when we come up with a package
23 of recommendations, we put them out as
24 package. We don't do it issue by issue
25 because we'll repeat the same things,

1 just as a thought as we go through this
2 because -- anyway.

3 LOUISE McCARREN: Can we -- on
4 the issue of accessibility and
5 transparency, can we reference other
6 states that have good websites?

7 LINDA McGINNIS: Yep. Yep. And
8 to be fair they are in the process and
9 correct me if I'm wrong, they are in the
10 process of improving it and already,
11 there are a number of improvements on
12 the way. The other issue was the -- the
13 specifics on the case by case basis and
14 then there was actual guidelines. And
15 the guidelines, um, there's been a lot
16 of --

17 LOUISE McCARREN: There's a
18 guide to the 248 process.

19 LINDA McGINNIS: There is, but
20 when you look at -- I'm just trying to
21 tell you what people are saying.

22 CHAIRPERSON EASTMAN: But here's
23 the thing, on the Public Service Board
24 website, Scott's just pulled up
25 guidelines and procedures --

1 SCOTT JOHNSTONE: I don't know
2 how current they are, but there's all
3 kinds of links.

4 LINDA MCGINNIS: There are. And
5 when you go into some of them, people
6 feel like they are incredibly -- it's
7 a -- when you have a project that you
8 need to bring through that it's
9 difficult to decipher what are the
10 necessary phase you need to follow.

11 WILLIAM COSTER: I think the
12 issue is, like an intervener, you don't
13 have the benefit of any of the Board's
14 past decisions. You can't just see how
15 they've acted and dealt with issues in
16 the past, so it really puts you at a
17 disadvantage.

18 LOUISE MCCARREN: That means,
19 because you can't do a word search, a
20 phrase search?

21 PUBLIC MEMBER: Last night I
22 tried to do a search on a, um, Public
23 Service Board Docket from two years ago
24 and it's not available. Where we hear
25 again and again in the orders, they're

1 sited precedence and yet all of that
2 historic data is not available to the
3 public.

4 CHAIRPERSON EASTMAN: And their
5 website says that the search function
6 isn't working.

7 ANNE MARGOLIS: Can I just say
8 this, the one is the case management,
9 which the Board and Department are
10 working on a case management system so
11 everything will be orderly and there
12 will be electronic filing and
13 dispersions of information and that's
14 supposed to role out within the next
15 year.

16 But then there's the other issue
17 of, we've looked at states like
18 Connecticut and they have a very robust
19 frequently asked questions section
20 where, you know, it really walks you
21 through the process. And the Board does
22 have a citizen's guide but that's really
23 all there is. There's no, um, more sort
24 of handholding, so I think there's been
25 a need for that expressed.

1 PUBLIC MEMBER: Can I suggest --
2 um, and I'm a recent comer to the Pulic
3 Service Board, so I've been through the
4 process. The guide, um, I know by heart
5 and as you probably know on the second
6 page of the guide, I think it is, they
7 even recommend you seriously consider
8 hiring an attorney. Um, probably the
9 best, um, material I've seen is the flow
10 diagram presentation of the Department
11 of Public Service has made available and
12 of course they come to towns and made
13 presentations. But, um, it -- you know,
14 when you're faced with the
15 technicalities of the case, those guides
16 are, um, they don't do it for the
17 public.

18 LOUISE McCARREN: Okay. What
19 suggestions do you have?

20 CHAIRPERSON EASTMAN: But I
21 think that's the kind of thing that
22 maybe we've got to work with the
23 Department to come up with some
24 suggestion materials. You know, we're
25 the ones that are getting the questions

1 a lot, too and so...

2 PUBLIC MEMBER: Case management,
3 having somebody that you can go to that,
4 um, knows your situation and how you're
5 playing into a docket and having
6 somebody that can explain or give you
7 some guidance.

8 LINDA MCGINNIS: That's the case
9 manager.

10 PUBLIC MEMBER: That would be
11 a -- that's a great recommendation,
12 whoever made that recommendation. And
13 it would also factor in the transparency
14 and other issues.

15 CHAIRPERSON EASTMAN: So let's
16 move on because we only have Scott until
17 3:00. We only have until 3:00 because
18 then we're going to talk about
19 cumulative impacts. So let's see how
20 much farther we can get today.

21 So we're onto public
22 participation. Um, so we've got a few
23 options here. Um, I mean, we talked
24 about -- option one talks about
25 appropriate resourcing and regional

1 planning commission to plan for and
2 participate in energy siting planning
3 and processes. I mean, we've talked
4 about that before. I mean, even earlier
5 today we mentioned, you know, should we
6 consider having the planning commissions
7 become statutory parties. Just means
8 they get to play.

9 GAYE SYMINGTON: I don't know if
10 that's the same as statutory party
11 means, but just in terms of the -- my
12 general comments through -- through this
13 here that, for me, in order for our -- I
14 think it has to be some process that
15 whereby we're opening the door and
16 providing for the regional planning
17 commissions to get engaged but in the
18 context of the state plan.

19 We have -- sometimes, we have a
20 state plan and I don't know how, you
21 know, whether there's an initial red,
22 yellow, green, siting process, um,
23 overlaying different criteria at the
24 state level and then based on that, you
25 know, you divide up the state and, say,

1 you know, okay, region, go do your work.
2 Here's what, you know, is here. But
3 that to me is a precursor of my feeling
4 comfortable with the regional planning
5 commission having more of a role.

6 I don't -- I'm not comfortable
7 with the notion that these are by
8 population or by, you know, general
9 whatever they want to do. Um, that they
10 participate and have additional weight.

11 CHAIRPERSON EASTMAN: I am
12 curious to see what our process was when
13 -- when affordable housing was the hot
14 issue and the Department of Housing
15 community affairs came up with the plan
16 for affordable housing. And then it
17 went off to the region. So I would be
18 curious to look back and see what
19 happened, how did that process work,
20 because that's, in fact, what we did
21 with that.

22 And so here you got the
23 Department that's doing a plan, the
24 Department of Public Service does a
25 plan. So, the difference is -- one of

1 the concerns if that that is more
2 population based as opposed to knowing
3 where are the different -- I mean, all
4 of these different layers of information
5 that we want take into account in terms
6 of environmental criteria.

7 And we talked about -- Chris
8 mentioned earlier the Board is wanting
9 some more, you know, mapping of, you
10 know, resources. He was talking about
11 that, too. So I'm wondering if -- I
12 mean, I think there ought to be
13 something else between what we currently
14 have and an allocation process. We
15 ought to be incentivizing something to
16 happen, to have conversations earlier.
17 So I don't know exactly what it looks
18 like, um, but --

19 TOM BODETT: Jan, do you know if
20 there was -- were there funds available
21 to the RPC for that affordable housing
22 planning at all or was that just sort of
23 a --

24 CHAIRPERSON EASTMAN: I don't
25 know what we did then. That might be

1 soon enough that we still had Act 200
2 planning funds, which we don't anymore.
3 Because, as I say, whenever -- and I
4 know the regional planning commission
5 did the transportation plan, um,
6 regionally, when we had federal
7 transportation planning dollars. So I
8 think, for me, my -- if we could
9 properly source this process, I'd have
10 some comfort that it could make a
11 difference, because I think it has made
12 a difference in the past when it's been
13 resourced. So I guess that's something
14 also to think about. My concern is if
15 we don't do something, um, well, what is
16 it --

17 LOUISE McCARREN: What is it
18 that you would have them plan for? Is
19 this for land use? So it would be land
20 use planning for generating facilities.

21 CHAIRPERSON EASTMAN: Yeah.

22 LOUISE McCARREN: Because where
23 I would lose you guys would be any
24 notion that the region would somehow
25 have to be responsible for its share of

1 electrical generation, because that just
2 would get in the way with what I think
3 is the fundamental principle, which is
4 generation should be sited in the most
5 economic and environmentally neutral
6 place it can be sited.

7 CHAIRPERSON EASTMAN: Right.
8 But what I think is we need a
9 planning -- we need some process for
10 that. And, yes, you can do it
11 municipality by municipality, but you
12 could also do it somewhat, at least
13 usually -- usually, regions are guiding
14 municipalities and they're working at
15 least together because, you know, we
16 don't have any other current -- other
17 than the Department plan, we don't have
18 any other current planning process. And
19 I think there needs to be something
20 more, some other conversations somewhere
21 between what we currently have and
22 siting, you know, major projects. I
23 think there's something missing.

24 And for me, I mean, and we've
25 heard a lot of proposals about what we

1 might -- what it might be. But for me,
2 I don't want to -- I would first
3 consider, can we use an existing
4 process?

5 GAYE SYMINGTON: I mean, I agree
6 completely with Louise. I think the
7 generation and the -- my problem is, I
8 am looking for the voice of the land use
9 division within the county for projects
10 that are appropriate for that county,
11 but -- or region. Um, but I think it's
12 a statewide, you know, conversation
13 about what do we actually need and where
14 does it most appropriately belong for
15 the least environmental impact and the
16 greatest return on energy out versus
17 energy in.

18 LOUISE McCARREN: So you would
19 see that as some kind of statewide
20 planning project. It might be a
21 consortium of the Department who has the
22 energy -- the energy plan and the
23 planning commission regions. I'm just
24 trying to understand this.

25 CHAIRPERSON EASTMAN: But why

1 isn't it that the -- the Department has
2 their plan and the Department has to
3 come up with a plan and has public
4 input, but then the department to
5 implement that then goes out and works
6 for the regional planning commission to
7 do it.

8 GAYE SYMINGTON: I have no
9 problem with that. But we're missing a
10 big thing. We don't have the plan.

11 CHAIRPERSON EASTMAN: Yes. Go
12 ahead.

13 CHRIS CHAMPNEY: I was going to
14 say and that's, we're used to working
15 with agencies in that context, so if
16 we -- if the RPC were likely to work the
17 UPS on what are the larger parameters
18 and then how do we go back and -- and
19 implement that -- because we do that
20 still with transportation. There's a
21 back and forth there. It's a process.

22 LOUISE McCARREN: Is there any
23 barrier to that happening right now?
24 No.

25 CHRIS CHAMPNEY: The main issue

1 is resources. And I'm not playing poor.
2 It's just under the affects on the new
3 structure with the Department of Housing
4 and Community Development --

5 TOM BODETT: Hello?

6 CHAIRPERSON EASTMAN: Hi.

7 TOM BODETT: Can I interject
8 here, Jan?

9 CHAIRPERSON EASTMAN: Sure.

10 CHRIS CHAMPNEY: Sure.

11 TOM BODETT: I'm not sure who's
12 all speaking. Was that Chris Champney
13 speaking?

14 CHRIS CHAMPNEY: It was.

15 CHAIRPERSON EASTMAN: How could
16 you tell?

17 TOM BODETT: I just wanted to
18 speak to that, um, that interaction that
19 we just had, um, down in Windham County
20 about the I91 bridge, which they
21 involved the regional planning
22 commission and the affects of the
23 community for this redesign over the
24 West River. And while we were all
25 involved, the amount of impact we could

1 actually have on the project was -- I
2 was -- this is my personal opinion, was
3 negligible, because there were so many
4 predetermined criteria that V-TRANS, um,
5 had to report or were inflexible on,
6 let's say, um, and there was really very
7 little we could do.

8 So while a process like that I
9 think would work with energy siting,
10 there would have to be some real -- real
11 ability to influence it or, essentially,
12 you're going to be wasting a lot of
13 people's time, I think.

14 SCOTT JOHNSTONE: And it would
15 take resources. Because I think part of
16 what -- if the balance or -- of the
17 engagements are correct between the
18 State and RPC, so they actually are part
19 of the region and the State and
20 something comes back out of the system,
21 um, then part of what happens is a big
22 piece of the public's input phase, is
23 through the regional planning commission
24 and planning effort. Um, so that, you
25 know, what's appropriate for that region

1 within the boundaries.

2 And that will take a lot of work
3 because there's going to be a lot of
4 community by community by way of
5 conversation then about, you know, how
6 does the land use piece fit in? Where
7 are the resources? There would be great
8 value to that and sure, there would
9 still be folks in favor and against
10 every single project that came out the
11 other end, but there'd be a reasonable
12 process for us.

13 CHAIRPERSON EASTMAN: And at the
14 same time, as you said earlier, if we
15 could somehow find a way to incentivize
16 these communities, you know, taking
17 things on, um, you know, providing
18 resources or having a different process
19 or whatever.

20 CHRIS CHAMPNEY: Tom's example
21 was a really good one, because one of
22 the reasons why the impact was limited
23 was, in this case with the bridge, um,
24 V-TRANS was responding to a federal
25 process, going through their process.

1 From their perspective, they were just
2 replacing an interstate bridge, so we
3 had to go, stop. We want local
4 involvement.

5 Here, we're talking about
6 involvement, I mean, designing this from
7 the getgo to have that kind of
8 involvement. So, um, now's the right
9 time to be thinking on how to remedy
10 this.

11 PUBLIC MEMBER: I'm also a
12 planner on the municipal level, but a
13 member of our -- our local regional plan
14 group. And if you haven't, in recent
15 years, been involved in regional
16 planning, and even small planning
17 groups, um, it's a level of
18 sophistication, um, that surprises a lot
19 of people. And, um, and it's also broad
20 based and great communication. I mean,
21 um, look at some of your regional
22 planning commission's websites, the
23 Public Service Board can learn something.

24 And, um, it's a real powerful
25 tool, the regional and town plans when

1 what you're trying to do is build
2 consensus and get people involved. And
3 something, like, um, you know, carbon
4 footprints and energy -- renewable
5 energy is -- it's, um, we're missing a
6 big opportunity. And I think, Jan,
7 you've hit the nail on the head. We can
8 dial it in. It's going to, um, make a
9 big difference statewide.

10 CHAIRPERSON EASTMAN: So
11 regarding Option 1, if we were to
12 clarify the issue of the state role in
13 this case, in the context, it's
14 something to consider to keep on the
15 table.

16 GAYE SYMINGTON: I just think
17 it's fundamentally different from
18 affordable housing and emergency
19 management, in that's all involved
20 planning for the needs of that region by
21 the region.

22 And I think what we're talking
23 about here is, we have a state -- you
24 know, Louise said it better than I can,
25 but a state -- well, a decision about

1 locating is this generating, um, across
2 the state, you know, in a way that
3 creates the best -- not the easiest but
4 the best return on energy um, and
5 enviromental impacts. Um, and somehow
6 to break that part, you know, into all
7 of these different regions, I think
8 is -- that's the wrong -- that, to me,
9 that can't happen at the regional level.

10 And then once you're there, then
11 you have the regions meet to have
12 meaningful input into what that looks
13 like at the region. And whatever
14 belongs in that meeting -- so, for me,
15 Deb talking this morning about biomass,
16 for instance. If we're limited to the
17 number of biomass projects that we're
18 going to have in Vermont because of the
19 resource, then that's something from a
20 statewide level out. You know, where is
21 the best place for the biomass, you
22 know? So it may be that, you know,
23 we're not going to have a biomass
24 facility in every region because that's
25 just not the way it's going to work.

1 CHAIRPERSON EASTMAN: Or you
2 have five biomass regions in every
3 region because you want to use them for
4 thermal --

5 GAYE SYMINGTON: Right.

6 CHAIRPERSON EASTMAN: Right.
7 Hearing that today tells me I want more,
8 you know, upfront about things so it
9 isn't just -- that's what -- I mean, if
10 we can use our resources, I want them
11 used as well as we can get them.

12 CHRIS CHAMPNEY: And just to two
13 things. One, building on that example I
14 raised, it wasn't a grant but to bring
15 in a national renewable energy lab
16 through EPA process that came into the
17 town of Putney. They were one of the
18 only biomass projects. So the idea was
19 could that possibly, if you look at the
20 feasibility of locating on the
21 Brownfield site to provide waste energy
22 to Putney across the road and try to
23 look at the synergies. And that's a
24 really logical role for RPCs to play
25 that type of thing.

1 One thing I didn't notice in
2 your options is something, and I don't
3 know if this makes sense, but one of the
4 things, Gaye, that your discussion leads
5 me to is, if we revisit the
6 comprehensive energy plan, would it make
7 sense to provide more guidance to the
8 Public Service Board as to what the
9 public good is when it comes to these
10 types of projects relative to what the
11 public good was when that statute was
12 first written. And I don't know the
13 answer to that but -- and I didn't know
14 to what extent you guys had talked about
15 that, but that's kind of -- at least if
16 we can define what that statewide, not
17 generally knowledge of the public good
18 is, that would help us with regional
19 planning efforts to know what targets,
20 you know, what from -- and that gives us
21 an objective like your mission statement
22 and your plan. You could always go back
23 and see, are we on the right track?

24 CHAIRPERSON EASTMAN: Good
25 point. Um, okay, let's move on because

1 I really would like to try and get
2 through so we can at least talk about
3 these things.

4 The next issue was, um, a
5 pre-application community involvement
6 process.

7 SCOTT JOHNSTONE: So I have a
8 hard time thinking about 2, 3 5
9 individually, because I think they are
10 all the same thing. I think they're
11 just different avenues into the notion
12 of, should there been an expectation for
13 formal CPG application and what are the
14 benchmarks therein, to let somebody know
15 that something is being considered.
16 And -- and how far into that process --
17 because there's also a point where, you
18 know, frankly, I would think a developer
19 of any energy project that actually
20 wants to abide by the Vermont way to get
21 to the permit, um, would want to engage
22 to figure out if they're going to be
23 well received or not well received. So
24 there's -- should be somewhere, I think
25 we could find examples of both in

1 Vermont where you could kind of -- hid
2 behind the scene until they filed their
3 application and people who really went
4 out and did this without any guidance.

5 So the question for me is: How
6 much is -- how do you require this? Um,
7 what are the guidelines, um, and
8 expectations for it? Where is the point
9 in the process where it's rational to
10 say, it's -- if you want to be talking
11 to your community by now if you want to
12 hope for a reason to have an outcome,
13 um, where it doesn't suspect that the
14 fix was in, because that's the
15 unintended consequence. Right? Whether
16 people are making deals behind the scene
17 and everybody else is having these
18 conversations before the process opens.
19 Right?

20 So if you want to avoid that,
21 how do you get in front of that? And,
22 basically, expect those people --

23 LOUISE McCARREN: Well, you
24 could make by rule -- the Board could
25 say, this is -- part of the filing

1 package includes a discussion of your
2 consultation with the local community.

3 LINDA MCGINNIS: Well, even -- I
4 mean, the examples provided and, um, I
5 think also added some comments on this
6 you actually set up guidelines in
7 advance for developers so that they know
8 what the expectation is for public --

9 CHAIRPERSON EASTMAN: But can I
10 say this? I think now we're talking
11 about our threshold and our tiers, we're
12 not -- and I asked when we were at the
13 site visit, you know, and Robert talked
14 about the -- I mean, when they notified
15 the community there, I also asked, you
16 know, when we were at the solar site, I
17 talked about, so what do you do when you
18 dropped it off at the community? So
19 it's like in both of those cases, more
20 than what was currently required was
21 done. And so, if on projects, you know,
22 people are already -- some people are
23 already doing more to get to a
24 successful point, then I don't see why
25 we don't -- you know, again provide

1 guidance for every major developer and
2 back it up some. Because the 45 days
3 does not work for a major project for a
4 small town.

5 GAYE SYMINGTON: This references
6 a New York level of 25 megawatts. Are
7 we talking -- so far, I've only heard
8 the 150 kilowatt and the 2.2 megawatt.
9 So what are we talking about?

10 CHAIRPERSON EASTMAN: Well, I
11 don't know. I mean, I think this has
12 got to be -- I don't know if we -- I
13 don't know 2.2 --

14 LOUISE McCARREN: I think it is
15 because I think, um, I mean, just using
16 what was various distributed to land use
17 and there should have been community
18 consultation involved. I mean,
19 as -- so, it was going to have a direct
20 affect on the community.

21 CHAIRPERSON EASTMAN: Because to
22 me, what we're talking about, too, is
23 better planning, so the communities are
24 engaged way in advance about certain
25 things, so some of these issues should

1 have been resolved before this anyway,
2 if we had the best of all possible
3 worlds. Now we're talking about, as
4 part of the specific application, what
5 do you want? And at what level do you
6 need it? So I'm not disagreeing and I
7 believe there has to be something at
8 some level more than we currently have.
9 And I keep looking back over here only
10 because I know they said they at least
11 -- you know, you were talking to the
12 community at least two years before, um,
13 you know, something happened. And so I
14 don't see why we shouldn't be asking for
15 something more like that and giving
16 people an opportunity to be heard.

17 SCOTT JOHNSTONE: I tend to
18 think 25 megawatts is way too high and
19 2.2 is too low, personally, the tier
20 three process. And I don't know what I
21 want to end up at four or five. I think
22 it gets really complicated. But, so 25
23 feels onerous to me but, um, you know,
24 all of this is also cost, um, at the
25 end, as well, and you know, so the big

1 projects frankly have -- you know,
2 everyone doesn't have money to invest.

3 CHAIRPERSON EASTMAN: Using
4 South Burlington as an example, I guess
5 I would say that I -- that that was a
6 very well sited project and spent a lot
7 of time talking to the community about
8 it.

9 LINDA McGINNIS: What if you
10 had -- because right now, what if you
11 had two different levels of specified
12 public involvement? Because right now
13 you have basically four tiers. You have
14 the net metering, you have the expedited
15 process for 2.2, then you have 248J,
16 which is presumably, um, a slightly
17 easier process, which isn't always, and
18 then you have 248. Right now, you have
19 four. That's what exists.

20 So what if, to address the
21 concern that Louise is raising, but for
22 the ones between 2.2 and say 20, I don't
23 know what the upper limit would be, you
24 have, um, a reduced, but still explicit
25 public involvement process required to

1 come with the application, where as
2 those that are over 20 megawatts, you
3 have a deeper process. And New York has
4 two. Option 2 is the pre-application
5 community involvement process. The
6 option three is a scoping period which
7 goes through the identification of
8 feasibility studies, a much deeper
9 process that I don't think you're going
10 to need for 2.2. I mean, your issue is
11 more of a --

12 LOUISE McCARREN: You give the
13 land use control to the town, right, as
14 I laid out with respect to town, towns
15 to zone, um, for industrial uses which
16 would include renewables. Then, we talk
17 about that, then --

18 CHAIRPERSON EASTMAN: Then you
19 don't need it.

20 LOUISE McCARREN: Conceivably,
21 that community discussion has taken
22 place in showing what was adopted.
23 There's an upper limit on -- I just
24 don't know exactly where it is.

25 Okay?

1 SCOTT JOHNSTONE: Just so you
2 know, I've got a long way to go to get
3 there.

4 UNIDENTIFIED PERSON: Super
5 quick comment.

6 CHAIRPERSON EASTMAN: Yes.

7 UNIDENTIFIED PERSON: 2.2 in
8 wind or solar is big. And I'd point out
9 that the turbines in Derby that caused,
10 um, a substantial amount of, um, concern
11 in the local community and in Canada,
12 um, were 2.2. So I think there -- a
13 good watch word for community
14 involvement or notification, um, is
15 there can never be enough. And,
16 obviously, from the developer's
17 standpoint, you know, you can kill a
18 project if you ask for too much, but I
19 think that, um, when it comes to things
20 over a couple of megawatts, you're
21 talking about 10, 15 acres of solar,
22 you're talking about a couple hundred
23 foot turbines. Those are very sizeable
24 projects that change the character of a
25 community. And the more engagement you

1 can require upfront, the better off we
2 are through that process?

3 CHAIRPERSON EASTMAN: Thank you.
4 I think what we'll need to do is when we
5 look at -- I mean, when we look at what
6 we decide, if we decide, you know, to
7 recommend more planning in an earlier
8 phase, there's a place for things to
9 happen, you know, and then if we do
10 something else additional for -- um, for
11 some projects and we have to decide upon
12 the size.

13 LOUISE McCARREN: I'm not quite
14 understanding yet but I will go home and
15 think about it. I'm not quite
16 understanding how these planning pieces
17 are going to fit together. I get the --
18 I understand what you're saying because
19 you've got this huge, wonderful database
20 of the ANR, which they kind of
21 demonstrate, but then -- and that should
22 be employed. And below that, have the
23 different pieces work. I don't have it
24 in my brain yet.

25 SCOTT JOHNSTONE: The one piece

1 I would say, we get what the RPC's are
2 capable of doing and I get that we have
3 a CP. What we really haven't talked
4 about, Chris alluded to it without being
5 very specific, there's no definition
6 about the pathway to get there.

7 You know, what's the first
8 increment? What are the first
9 milestones? How does it mean? What
10 does it mean for reliability? How much
11 is out-of-state and instate? And,
12 frankly, you know, I think what we -- to
13 your point, that's the missing piece of
14 the state planning that has to be done
15 by the state through whatever
16 appropriate process to say, what does it
17 mean to have a CEP? What are we going
18 to do about that before they can do any
19 job at the RCP? It's another missing
20 piece.

21 LOUISE McCARREN: The energy
22 plan says what should be but it doesn't
23 take the next steps of how you're going
24 to get that.

25 SCOTT JOHNSTONE: They don't map

1 out the whole period from now to 2050.
2 It seems we should always have, I don't
3 know if it's a three, six, ten year
4 review rolling forward, updating before
5 you get there.

6 CHAIRPERSON EASTMAN: But this
7 is why the cycle, when I looked at what
8 the Public Service Board requires for
9 transmission, you know, the
10 requirement's a 20 -- you know, look out
11 20 years and plan every three years kind
12 of thing. And so if we somehow get the
13 department, you know, that's what I'm
14 thinking. You know, you mirror that
15 kind of process. And one relates to the
16 other.

17 GAYE SYMINGTON: The other
18 reality is, I don't want to sound too
19 much like the legislature here but, you
20 know, there's never enough money. I
21 mean, who is going to pay for all of
22 this? I think there's a little bit of
23 reality in terms of the resources we're
24 looking for. There's a reason we don't
25 have planning. It's not because people

1 don't like planning, it's because we
2 don't have any money.

3 CHAIRPERSON EASTMAN: Here's the
4 problem I have in my head, if we want
5 to, um, implement these goals, um, are
6 we going to be able to do it project by
7 project without this kind of work? I
8 don't think so. Because I think where
9 the money is going to get spent is over
10 and over and over on an individual basis
11 just fighting too much. And I think
12 that we not only waste money but we
13 waste people's good karma or good energy
14 kind of thing. So, I think that the
15 conversations have to be had. They're
16 going to be had, and it's when we have
17 them. And so, I don't know. I guess
18 I'm still looking --

19 GAYE SYMINGTON: You don't have
20 to convince me. I agree, but --

21 SCOTT JOHNSTONE: The other
22 thing I could offer in this, so having
23 the CEP and legislative and
24 administrative goals is part of the
25 drive, but it's not all of it. We've

1 also talked about the whole model has
2 shifted. So, stuff can now happen to us
3 as a state because the merchants, so --
4 of any type of generation. That's why
5 we're looking at all sources. Right?

6 And so, frankly, with the model
7 that we now are having to live in,
8 there's an appropriate and, yes, it's
9 still constrained, but there's an
10 appropriate cost for rate payers and
11 everybody in the room is one, to make
12 sure that there's a way to have a system
13 that works and hold us together. And in
14 this aggregated model where we're not
15 just relying on local utilities, what we
16 were told to figure it out, um, it's --
17 there's a higher cost, there's a higher
18 burden on us all as rate payers to be
19 able to keep track of that system.

20 CHAIRPERSON EASTMAN: And maybe
21 I'm nuts, but I think I really heard
22 Velco say they're planning on saving the
23 money.

24 GAYE SYMINGTON: We have to
25 build that case.

1 SCOTT JOHNSTONE: I agree.

2 CHRIS CHAMPNEY: Another major
3 infrastructure, you wouldn't build
4 without some kind of plan. And, I mean,
5 so that's -- I think that's just part of
6 -- here, we're talking about
7 infrastructure for generations. And if
8 you don't plan that -- and these things
9 aren't easily replaced, so they really
10 limit themselves well to planning. And
11 if you don't do that, we're going to
12 probably invest a lot of money in things
13 that may not work.

14 LINDA MCGINNIS: I think it will
15 be good when Chris is back because I
16 know the Department is starting to look
17 at both projections and --

18 What would it take to get from
19 here to here?

20 GAYE SYMINGTON: As I understand
21 the study at UCM in looking at creating
22 a dynamic, you know, model, um, into --
23 and they may need the one that's done,
24 but others could also.

25 LOUISE MCCARREN: That's great.

1 I have huge reservations. I mean, I
2 understand the planning thing and the
3 concept is a good idea in terms of
4 trying to figure out, all right, we have
5 this State policy about renewables and
6 how are we going to implement it.

7 However, I have great reservations
8 because we who control the planning
9 controls and I am not comfortable with
10 that being done in a prescriptive way at
11 either the region or at the state level.

12 So, I'm just saying that. Right
13 now, the way things are coming down is
14 pretty disorderly.

15 CHAIRPERSON EASTMAN: Right.
16 So, are we moving -- Option 4 does
17 relate to time line, which is something
18 we just talked about.

19 SCOTT JOHNSTONE: So I don't
20 know what we mean by that earlier we
21 talked about -- do we need to create
22 different time lines or just docket
23 things --

24 CHAIRPERSON EASTMAN: I think --
25 I mean, I think this talks about an

1 earlier time line for notice to
2 communities.

3 SCOTT JOHNSTONE: Good. Thank
4 you. I didn't understand.

5 CHAIRPERSON EASTMAN: I think
6 that's all this is. Talked to earlier
7 than 45 days, talked about a
8 different -- so it does relate to what
9 we've already talked about. And, again,
10 I'm not sure that it depends upon, you
11 know, the size of the project where, you
12 know, that's necessary.

13 SCOTT JOHNSTONE: So this is
14 really pretty attached in some ways to
15 number 2?

16 CHAIRPERSON EASTMAN: Yes. All
17 this would relate to what we've come up
18 as a comprehensive recommendation.

19 SCOTT JOHNSTONE: Got it. I
20 didn't understand, so thank you.

21 CHAIRPERSON EASTMAN: And I
22 think, aren't all of these things the
23 same thing, 4, 5 and 6?

24 WILLIAM COSTER: Can I make an
25 offer?

1 CHAIRPERSON EASTMAN: Yes.

2 WILLIAM COSTER: Would the
3 commission be interested in the staff
4 trying to come up with a straw man that
5 incorporates all of these phasing,
6 tiering, threshold sort of concepts
7 timewise that are in the recommendation
8 and put them all in one place, one kind
9 of visual, so you can get your hands
10 around what different paths forward
11 might be?

12 CHAIRPERSON EASTMAN: Yeah.

13 WILLIAM COSTER: And then you
14 can see if it seems logical.

15 CHAIRPERSON EASTMAN: I think
16 that that's what we're saying. We want,
17 if we can, right? If it's practicable
18 and have some earlier notification and
19 do this. So we just have to see if it
20 all fits?

21 SCOTT JOHNSTONE: Yep.

22 GAYE SYMINGTON: I'm -- I think
23 also, I think if we allow -- if we're
24 going to have these earlier time lines,
25 then we also need to accommodate the

1 fact that if something -- if this
2 developer then shifts the plan, through
3 that process, they don't -- and then
4 recalibrate everything to start all over
5 again.

6 CHAIRPERSON EASTMAN: Yeah. And
7 then Option 7, consider an RFP for towns
8 interested in coming up with their own
9 proposal. I mean, I think that as part
10 of a planning -- you know, we've talked
11 about that, incentivizing communities
12 who want to go forward and do something,
13 I don't know --

14 SCOTT JOHNSTONE: What's not
15 said in here, which I think is what
16 matters, doing an RFP any time anybody
17 wants, what's in it for them? Is there
18 a different type of standard offer for
19 that type of project.

20 CHRIS RECCHIA: Right. Right.
21 As a recommendation, if we encourage
22 incentives that would support, you know
23 towns doing this.

24 SCOTT JOHNSTONE: That would be
25 great.

1 CHRIS RECCHIA: Nice to be back.

2 TOM BODETT: I was very excited
3 about this option is still with our goal
4 hearing -- when I realized the town, the
5 developer actually did everything right
6 and had big volume in the local
7 community and only 25 percent of these
8 people voted against it, but that's
9 still a very unhappy 25 percent. And I
10 wonder from the Public Service Board's
11 point of view, if it's going to
12 eliminate any of the contested cases
13 just because, you know, just because the
14 community buys on doesn't mean that
15 individuals within that community won't
16 still contest it.

17 CHAIRPERSON EASTMAN: And so
18 this is why, though, everything going
19 together. It's, you know, conversations
20 earlier about, you know, what you can
21 do. There will always be opportunity
22 for someone who is directly affected by
23 a project to intervene and argue.

24 SCOTT JOHNSTONE: And that's
25 fine. And most -- most opponents in the

1 initiatives that I know of in my years
2 managing matters, most of them is that
3 they're receptive in, they feel like
4 their voice is heard, there's a fair and
5 rational reason for the decision. And
6 at the end if they lose, they won't be
7 happy about losing, but most of
8 components in my view, if they get those
9 things, um, over time can accept.
10 Having worked in transportation and
11 other sectors, that's what I've learned
12 over time.

13 LINDA MCGINNIS: I just want to
14 address this. Asa has a very short
15 amount of time with us. One of the
16 things that they were talking about was
17 the need for statewide planning, much
18 along the lines that we do with
19 transportation to take the CEP from
20 these goals to actual implementation and
21 how we move from state to RPCs, et
22 cetera. Asa is the man trying to
23 grapple with this question.

24 So if you could just give us a
25 sense of where we are today and what the

1 plans are right now and how much we
2 might be able to achieve that goal or is
3 it worth the commission recommending
4 something to help that process move
5 forward?

6 ASA HOPKINS: So, 90 percent by
7 2050 also 75 percent electrical
8 renewable by 2032 as a -- sort of spread
9 for the stopping point on the -- on the
10 way to 2050. Um, the one thing that's
11 different, just thinking about
12 transportation planning and other things
13 versus energy planning, is that we can't
14 import our transportation services from
15 somewhere else. We import the vehicles
16 but that, you know, some things really
17 depends explicitly on where you are and
18 what you have. And electricity isn't
19 one of those, liquid fuels are not some
20 of those, um and so that -- that is a
21 real fundamental difference in terms of
22 thinking about what's essential to be
23 instate versus not.

24 Um, at the same time, you know,
25 electricians are generating facilities

1 somewhere and transmission liable
2 themselves occasionally creating siting
3 issues. We can have transmission siting
4 connection issues, you know, in a
5 greater area, probably. So, um, in
6 terms of where we are now, um, the --
7 we're on pace to be pretty close to the
8 55 percent renewable electricity by 2017
9 that's in the statute. Utilities have a
10 little bit of work to do -- to get that,
11 but they'll be above 50.

12 So you're trying to get from
13 there to say, 75 by 2032, which is the
14 goal that's in the statute. You need
15 another quarter from some source. The
16 question of that is whether if you're
17 going to try to do that in the state,
18 what does it take? Um, I gave you a
19 bunch of numbers last time. Roughly
20 speaking, two of those wedges would be
21 between now and 2032, would be a little
22 more you need.

23 SCOTT JOHNSTONE: Can I frame
24 the question slightly different?

25 ASA HOPKINS: Yes.

1 SCOTT JOHNSTONE: So part of
2 what we were talking about is, um, so
3 we've got a CEP and it has some longer
4 term milestones, but not sufficient for
5 you to really give the RPC a playing
6 role. Right? And so I guess to reframe
7 the question a bit is, is it, from your
8 perspective, a rational step or
9 something you need to help from the
10 commission, um, for the department as an
11 example to say, so, we've got
12 legislation, we've also got the CEP, you
13 always have to have a ten-year plan in
14 front of you about what do we need to
15 get to the interim, generally to make
16 assumptions about how much is going to
17 come out of Vermont, how much is going
18 to be sited in Vermont? What's the
19 pathway so that then you could give you
20 that to regions and some resources to
21 say, now you guys go make the regional
22 things consistent?

23 CHAIRPERSON EASTMAN: We're
24 trying to figure out how to the plan,
25 you know, how to plan for these things

1 as opposed to, you know, how to
2 encourage them going where you think
3 they need to be. How do we encourage
4 that and then how do we get somebody --
5 there's a place where it's going to be,
6 have an appropriate role early on
7 saying, yeah, we go here or not go here
8 or we don't want it at all.

9 ASA HOPKINS: So, I think the
10 first thing you need is some sort of
11 general -- like, the very first decision
12 that has to get made is what the import
13 versus local, what that split's going to
14 look like. And once you have that, then
15 you have a -- it's much, much easier to
16 bite off that chunk of, um, all right.
17 We've sited this much is going to be
18 from Vermont. Let's figure out how to
19 do that. Um, the -- and that decision
20 can be made, you can -- there may be
21 some way to try to figure out how to
22 make that -- that comes across sectors
23 or it could be done sector by sector
24 generation home heating, um,
25 transportation, et cetera.

1 LOUISE McCARREN: Asa, would
2 that be the right way to do it? Because
3 I know in Massachusetts, they have a --
4 generated, but that's a job issue for
5 them. Um, and even with that, they're
6 now buying a lot of RPS.

7 So why would you, as a policy
8 matter, want to make a decision about
9 instate and out-of-state when the
10 overall issue is, what is the most
11 economic and least environmentally
12 detrimental place to put generation?
13 What would the rationale be for
14 requiring any of it to be in state?

15 ASA HOPKINS: One thing your
16 comment raises for me is the overall
17 question, aside from goals, whether it's
18 constitutional to require any to be
19 instate or not --

20 CHAIRPERSON EASTMAN: I don't
21 think we can. I think we could advocate
22 it but --

23 ASA HOPKINS: At the goal
24 level -- if the requirement is you must
25 get so much power from within the state,

1 you're probably going to run into all
2 sorts of problems.

3 LOUISE McCARREN: That's a good
4 point. All right.

5 ASA HOPKINS: The -- can you
6 re-ask your question, again?

7 LOUISE McCARREN: And I know
8 this is just really difficult for you
9 because you're trying to shift gears
10 from one to the other, but we're trying
11 to figure out how -- how do you actually
12 get to EP? How do we make that work and
13 how do we --

14 ASA HOPKINS: Um, the -- the
15 trick is that -- if we're to have really
16 strong aspiration for where the best
17 place for something is. Right?
18 Different people are going to have
19 different values that go with evaluating
20 what the best is. If somebody's going
21 to make money doing it here, can we make
22 money here doing it and not there
23 because the resource is there and not
24 here. Or, you know, someone can tell
25 what the price of the market will pay.

1 Um, but then, as soon as you put the
2 best location for the environment and
3 whatever else in there, you -- you risk,
4 you know, risk the struggle with, that
5 the best place from a lot of people's
6 perspective is going to be not next to
7 me. All right? So it has to be some --
8 just, just relying on we're going to do
9 this the least cost with some definition
10 of cost and whatever that is, that's
11 where it's going to go.

12 It -- some of that is subjective
13 and hurts some people a whole lot more
14 than others. I don't know that it quite
15 solves the problem. And so then that's
16 where I can see the argument for coming
17 at it proactively, rather than just from
18 an economical --

19 GAYE SYMINGTON: So, sometimes I
20 really agree with Louise and sometimes I
21 can't stand what she's saying. But I
22 think I really agree with her on this.
23 I think I'm close to agreeing with her
24 on this. And it seems like it's not as
25 black and as white. It seems like

1 incorporating into the planning process
2 is this consideration of where can --
3 where do we have the -- you know, the
4 least cost and highest economic and
5 energy return for input and least
6 environmental impact.

7 ASA HOPKINS: Right.

8 GAYE SYMINGTON: And the further
9 we get away from our own borders -- and
10 one, we aren't allowed to just shut the
11 door and not look at the environmental
12 impacts outside of our state and say
13 that they don't exist just because they
14 happen to be beyond our borders. Um,
15 you know, the transmission costs are
16 going to start to go up the further --
17 the further away, and we start not
18 having the benefit of jobs and economic
19 activity that comes along. So it feels
20 to me as if the planning process itself
21 could incorporate, um, that
22 consideration into it and that, you
23 know, where -- where I think Louise is
24 legitimately balking is the notion that
25 we come up with an arbitrary divide, um,

1 instate, of state, without having gone
2 through that kind of duration. And it
3 just -- it just feels like we can have
4 that incorporated into the decision of
5 what the percentages are.

6 ASA HOPKINS: Yeah. I'm trying
7 to figure out how would you get the
8 information you needed in order to be
9 able to make a really informed decision
10 about what the right breakdown is by
11 region or by state.

12 CHRIS RECCHIA: I mean, is it
13 cost or is it, you know, what level of
14 comfort do we have being self-sufficient
15 versus reliability on others.

16 GAYE SYMINGTON: Right. And are
17 the others in Canada?

18 ASA HOPKINS: When you're trying
19 to figure out, how you get the
20 information, would lead to a place. And
21 one of the ways, unfortunately, that you
22 get that information is by trying
23 different generators in a fact to see
24 what works and what doesn't in terms of
25 what -- what projects tend to get

1 approved, you know? And so it's
2 sometimes, you're almost -- in order to
3 get -- you need a few to understand what
4 the issues are actually going to be,
5 what the cost is going to be, what the
6 benefits are going to be. On the scale,
7 we are in Vermont. You know, those
8 numbers that I gave last time -- but by
9 the time you've actually built three or
10 four and you know what the different
11 issues are, you're most of the way
12 there.

13 And then so, all right, how do
14 you plan for the rest? Well, you can --
15 you know a lot more and you can
16 generally plan that much better for the
17 rest. Um, but if we're -- we might be
18 sort of at an awkward point now. We
19 have some of the information and -- but
20 not all information. So we might be
21 able to make a first stab at some of
22 that. So, a general sense of, you know,
23 an overall aspirational type of
24 statement that says, you're roughly --
25 seems like, you know, Vermont's

1 resources ought to be able to support
2 some amount of, you know, some ballpark.

3 SCOTT JOHNSTONE: I understand
4 your plan. Every three years, you'll
5 learn as you go and that may need to
6 change over time.

7 CHAIRPERSON EASTMAN: As we
8 learn more, as we need more, and that's
9 what it's about.

10 SCOTT JOHNSTONE: But if there's
11 never any meat on the bones of the
12 comprehensive energy plan and
13 legislative requirements, then we will
14 not accomplish either.

15 ASA HOPKINS: Right. The
16 legislative requirements, the
17 legislative energy plan have not induced
18 anything whatsoever about where
19 particular siting, where particular
20 generators are, where physically the
21 utilities are.

22 CHRIS RECCHIA: There are a
23 couple of different statutes. Scott
24 mentioned some of them. One thing I
25 know that did identify early on and I

1 agree with is the need to revisit this
2 every two or three years instead of five
3 to ten. And -- but really with the
4 outward projection of, okay, where are
5 we on the continuum.

6 And yes, we can do a lot of
7 stuff. Um, I think the issue of waiting
8 for things to happen just because we say
9 that we think this is a good thing, is,
10 um, it's a precarious situation. I
11 mean, it might work, because I mean
12 there are people coming in who are just
13 like, oh, Vermont seems like they're
14 interested in this. And for some
15 people, that's enough. For others, um,
16 the, you know, on the merchants basis,
17 we need to figure out, I think we have
18 more responsibility to figure out where
19 we want things, why we want them and
20 have people, you know, be part of that
21 process of supporting this. And I think
22 we're a ways away from that type of
23 thing.

24 This can be for the public
25 record because it is anyway, um, I am

1 not at all -- I am not at all convinced
2 that the merchant facilities are paying
3 any attention to these things at all. I
4 don't know what basis they are making
5 these judgments on, but it's not on
6 transmission capacity. It's not on
7 system reliability.

8 LINDA MCGINNIS: I guess my
9 question is -- coming back to the RPC
10 thing, because that's where you sound
11 like you're going in terms of
12 recommendation is, the notion that I've
13 understood today is that you would need
14 to have some direction at a state level.
15 In order of the RPCs to be able to do
16 anything, and if you're relooking at it
17 every two to three years, how does
18 that -- where do the RPCs come in and
19 does -- is that a reasonable assumption
20 that you could expect that to happen?
21 So I'm just drawing it out.

22 SCOTT JOHNSTONE: How frequently
23 do you update it?

24 CHRIS CHAMPNEY: Word processing
25 takes hours and hours, but my goal is

1 just to continue to keep updating
2 different sections at different levels
3 of intensity, so it will be sort of
4 progressive.

5 LOUISE McCARREN: I'm going to
6 just say something controversial
7 because, why not?

8 SCOTT JOHNSTONE: Why not? We
9 don't have to all agree.

10 LOUISE McCARREN: No, we don't.
11 I'll just throw out there, this
12 is the way down from the regional
13 planning commission and down from the
14 state may have this backwards if it's a
15 land use issue. And I know you're going
16 to get sick of hearing this.

17 SCOTT JOHNSTONE: It's Vermont's
18 tradition. Your opinion is Vermont's
19 tradition so I'm fine with it.

20 LOUISE McCARREN: So if this is
21 a land use issue, which I really think
22 it is at the end of the day, then I
23 would like to see, I would be more
24 comfortable if it was designed that it
25 come from the bottom up, if you want

1 to -- if the town does not want to be
2 involved in that, then, by all means, the
3 region should do it. But I think
4 because that -- if it's a land issue.
5 Right? These projects -- the solar
6 projects aren't consumers of land as far
7 as the ones we've seen so far.

8 And can I ask him a question?

9 CHAIRPERSON EASTMAN: Sure.

10 LOUISE McCARREN: Out of the 50
11 megawatts of the first installment, I
12 can't get -- well, how much is left?

13 ASA HOPKINS: Very roughly half
14 have their CPGs. So, two thirds, um,
15 yeah. But the pace -- yeah. Standard
16 offer pace has this great big lump and
17 the -- that will decay away, you know,
18 the debt comes through that and we're
19 going to go through more of a steady
20 pace over that few per year.

21 CHAIRPERSON EASTMAN: Something
22 else for Asa or...?

23 ASA HOPKINS: Something else I
24 want to throw out -- well, two things.
25 One, you know, our department has energy

1 planners not land use planners, and so
2 to the extent that the -- to the extent
3 that the CEP becomes, in effect, also
4 land use plans, that will change a lot
5 about how CEP and what resources are
6 necessary in order to be able to do
7 that.

8 The, um -- the having, you
9 know -- because energy is so -- I tend
10 to look from the, you know, regions of
11 the state level and not have -- not
12 thought so much to get to the region
13 level. And if there's an aspiration
14 that we're going to get so many megawatt
15 hours from instate by -- however it's
16 structured, at that point, rather than
17 necessarily take that, you -- you are
18 going to have to, at some point, do we
19 want the gas? You know, different
20 resources really are in different
21 places. There are good streams in good
22 places and good wind in other places
23 and --

24 CHAIRPERSON EASTMAN: Good sun
25 some place else.

1 ASA HOPKINS: But so, you know,
2 I don't know how to do this yet. It can
3 probably be figured out a way to do
4 that.

5 CHAIRPERSON EASTMAN: It's a
6 partnership with the regions. And who
7 knows, you know? It's like the chicken
8 and the egg thing. I don't know which
9 came first. But we've got some issues
10 and we've got some expertise. We've got
11 people who know the resource base, you
12 know, out there with that information
13 that ANR has an information that you
14 want to put on the mapping thing and the
15 whole thing, here's the place to have
16 the conversation, and I say you do it
17 with the regional parts that are then
18 going down the communities, but not all
19 communities.

20 So, it's not that -- I'm not
21 saying, Louise, we don't get to that
22 point that you want to or going to talk
23 about what you want relative to
24 municipalities, but at least to get this
25 next phase done, you know, you've --

1 you know.

2 CHRIS RECCHIA: I think it's got
3 to be both and I think that the ball is
4 in our court to do this next step.
5 Because then I think the town's have
6 something they can work on in the
7 context of understanding where --

8 GAYE SYMINGTON: I don't see the
9 process saying here, Town, thou shalt
10 put X amount of acreage under solar
11 there. I mean, I think that's where
12 there would be, you know, the land use
13 goes to determination and to the extent
14 that a town has gone on to an energy
15 planning process and has zoning, then I
16 completely agree.

17 LOUISE McCARREN: Information
18 about electricity needs, right, and the
19 information from ANR about land
20 characteristics cans are really
21 important and they need to be made
22 available to towns.

23 CHAIRPERSON EASTMAN: That's my
24 point that, yeah. There's the technical
25 stuff and then there's some, here's

1 where you actually go, you know,
2 facilitate the conversation and -- and
3 start to make some choices.

4 CHRIS RECCHIA: Think of it this
5 way, the CEP is already a land use plan.
6 Where I see the challenge is -- where
7 Louise is trying to get to and where we
8 are right now, we all understood what
9 residential commercial industrial things
10 were in the world before energy and even
11 to what some of the energy, you know, if
12 you have a plant, this is an industrial
13 thing. Um, you know, a new area.

14 And I think we are trying to
15 evolve as the -- as the plants, these
16 energy plants, whatever they may be
17 evolve, and some are just simply
18 accessories as to residential and some
19 of them are truly industrial. And I
20 think towns, that's where I think --
21 your point, towns need to be able --

22 LOUISE McCARREN: My comments do
23 not include the house, I mean,
24 residential, you know. I think also I
25 think in fairness, I think you said, I

1 think that some of the problems that we
2 have now have been created by this fee
3 program and Boards saying to be eligible
4 for that, you have to have your lands in
5 hand and you can't change. So part of
6 what we're seeing is caused by that
7 which caused really a kind of a frontier
8 land run plan. And so, okay. Your
9 point is we learned about that. Right?
10 And next series of megawatts, you're
11 going to handle differently.

12 CHRIS RECCHIA: I don't think
13 we've talked about it. Maybe you guys
14 have talked about it.

15 ASA HOPKINS: We have. I didn't
16 say what that program looks like but the
17 program that -- you know, I think
18 that -- I believe that sense of where
19 they are, they would not -- I don't know
20 what's in there. There was discussion
21 about needing to be able to have site
22 control pretty solid? Sold.

23 SCOTT JOHNSTONE: Right.

24 UNIDENTIFIED PERSON: That site
25 control is, um, I think the last

1 rendition was site control was even a
2 requirement to bid into an RFP.

3 LOUISE McCARREN: Site control
4 determining meaning your own -- the land
5 our contract --

6 CHRIS RECCHIA: And see, I would
7 go further for an opportunity between
8 now and ten days when they do this is --
9 I would make it an option. I would
10 accept an option to lease on any of
11 those larger projects.

12 ASA HOPKINS: It's only 2.2
13 megawatts, so it's not that large.

14 CHRIS RECCHIA: Okay. I'll calm
15 down then.

16 GAYE SYMINGTON: But what if in
17 the process the town comes and says, you
18 know, we really don't like this and we
19 really -- and we suggest this instead.
20 And it's feasible and everybody's
21 agrees. So, do they have to -- right
22 now, they're required to, I know I can't
23 do that because I get sent to the back
24 of the line.

25 CHRIS RECCHIA: Back of the line

1 is a different question.

2 ASA HOPKINS: I think that the
3 prior program, particularly this kind of
4 issue, has been raised and explored
5 more, you know, than that. That the
6 general sense of, this project is still
7 basically the same project. We're
8 offering it at the same price. We would
9 have placed just as well in the RFP with
10 a project that was, you know, 20 yards
11 to the left. Right? With that kind of
12 flexibility, ought to be in the process
13 down the stream. Um, and not be sort of
14 sent to the back of the line.

15 This process will create -- the
16 new process will hopefully not create a
17 long line of 100 people behind you in
18 line, which is kind of what the previous
19 process created. And so it, the
20 dynamic, ought to be somewhat different.

21 WILLIAM COSTER: Can I just make
22 one observation before we move on from
23 this? I think it's great to look at
24 using the state's energy plan to drive
25 planning, but I think the reality is a

1 lot of generation is coming in the State
2 without any concern for state energy
3 plan, they're coming here under their
4 own accord, for their own reason, and
5 that has to be part of our
6 consideration, also.

7 SCOTT JOHNSTONE: That's exactly
8 why we need to have some level of plan
9 that it can have some standing and if --
10 the Board can factor that.

11 GAYE SYMINGTON: There are
12 guidelines that say, you know, and you
13 want to propose whatever you want to
14 propose. It's going to take a long time
15 and a lot of money and we might have
16 some people scream.

17 CHAIRPERSON EASTMAN: So let's
18 move on. The next option's Create a
19 website where all notices, files and
20 interim decisions, it sounds like, Anne,
21 that's what they're working on doing?

22 ANNE MARGOLIS: The case
23 manager, and my understanding is there
24 will be a much more orderly and
25 electronic, um, interface for those

1 parts of each docket will be accessible.

2 CHAIRPERSON EASTMAN: Okay.

3 CHRIS RECCHIA: Are those -- um,
4 and those are accessible to anybody.

5 Right? Not just --

6 ANNE MARGOLIS: I haven't been
7 involved in the recent --

8 CHAIRPERSON EASTMAN: We need to
9 be sure it's user friendly and everybody
10 can get it.

11 CHRIS RECCHIA: So, you know,
12 the State doesn't have a great track
13 record for filing in the electronic
14 filing systems, you know, and I found
15 out about this like the day after I
16 decided to take the job and I was like,
17 just tell me I didn't spend any money on
18 this yet. But, um, it's not clear to me
19 where, um, it feels like, from what
20 little I know about it, it feels more
21 like a court document management system,
22 which seems slightly different than -- I
23 mean, we might require an expansion of
24 that. That's great as a start but it
25 sounds like we might need something else

1 to make this more user friendly.

2 CHAIRPERSON EASTMAN: Anne
3 talked about that this morning. And
4 there's this issue and then there's this
5 other issue. The thing is, my comment
6 to Anne and you were not in the room,
7 that may require some work from your
8 department, Chris.

9 CHRIS RECCHIA: Yeah. And we
10 are prepared to do that. In fact, I
11 would be excited to do that.

12 CHAIRPERSON EASTMAN: Okay. So
13 move onto the next issue.
14 Funding/Technical resources for
15 participants/interveners. And we've got
16 about six options in this right now that
17 we've talked about.

18 Um, one is establish a formula
19 for funding towns/RPCs to facilitate
20 participation in the pre-application
21 process, because this relates to
22 whatever we decide back to, you know, if
23 we talk about what might that process
24 be, um, then what would it take? And so
25 maybe the staff is saying, they might

1 come up with a flowchart of what the
2 process might be, so maybe we need to
3 see that before we decide, before we can
4 talk about this.

5 LINDA MCGINNIS: I think we do
6 need to get some feedback from you on
7 whether you feel like engineering
8 funding is something that should be part
9 of the question.

10 SCOTT JOHNSTONE: That's a
11 different question.

12 LINDA MCGINNIS: Because option
13 1 is establish a formula for funding
14 towns and RPCs to facilitate
15 participation in the pre-application
16 process. So you want us to be putting
17 that in the flowchart or not? So we do
18 have to have some discussion on that.

19 CHAIRPERSON EASTMAN: Well, the
20 issue here is, I think that this is an
21 issue of what do we think can help? If
22 we're going to go for planning, how are
23 we going to resource it? Okay. So, so
24 if we want to have discussion on
25 planning, then we're going to have the

1 resources, but that's an issue of how
2 are we going to do that? And that might
3 be, not an intervener funding, that just
4 may be, are we funding, you know, more
5 staff or more time or whatever with the
6 RPCs.

7 LINDA McGINNIS: Just to be
8 sure, this is for towns and RPCs who
9 want to be part of a docket who want to
10 be intervened.

11 LOUISE McCARREN: It's a
12 pre-application process.

13 LINDA McGINNIS: But it's to
14 prepare it in advance. For example, a
15 lot of towns and, um, regional planning
16 commissions have said, okay, with the 45
17 day notice, we have to scramble to
18 understand anything. This is the
19 pre-application process.

20 CHAIRPERSON EASTMAN: I guess I
21 want to give them more time and do some
22 of these other things before I say we're
23 funding pre-application personally.
24 Other than what I'm saying, I really
25 think we have to look about what's going

1 to be appropriate to get planning.

2 CHRIS RECCHIA: I'm feeling like
3 the process is important to understand
4 here before we figure out where the
5 funds need to go in order to accomplish
6 it and so I guess I'm agreeing with you.
7 In other words, if we say the best
8 process in the world would be the
9 community staple process where the
10 applicant comes in and did something
11 first then, you know, had more notice to
12 the down, formal response, a bunch of
13 different steps, then we can look at
14 that whole process and say, you need --
15 you need funding assistance here, here,
16 here and here.

17 I don't feel like in the absence
18 of saying just intervening funding is
19 too bad or --

20 CHAIRPERSON EASTMAN: Right.
21 And because depending upon, you know,
22 how it goes, I mean, we've got Option 5
23 in here and bill back, too, um --

24 LINDA MCGINNIS: There's also
25 the difference between making available

1 pool of experts as opposed to having
2 intervening funding. So that's
3 something that we need to look at.

4 CHAIRPERSON EASTMAN: How are
5 you guys thinking about that after
6 listening to people last time about, do
7 we have funds versus pool of experts?

8 LOUISE McCARREN: I think my
9 experience with them and let me just say
10 the pool of experts just creates an
11 unintended consequences of people
12 basically, you know, you got the pros
13 and the cons and, you know, you just
14 know these people are going to say. And
15 I don't think it really advances much.
16 And that would be my opinion.

17 CHRIS RECCHIA: So to make you
18 feel better, I agree with you.

19 CHAIRPERSON EASTMAN: I'm
20 thinking it's more complicated. For me
21 it's where I think, you know, if there's
22 some expertise that needs to be there --
23 I mean, here's where I look at bill
24 back. To me, this is a bill back issue.
25 Is there something that isn't being

1 addressed that needs to be addressed,
2 then, you know, the Board ought to order
3 that get addressed.

4 LOUISE McCARREN: I'm with you
5 on that.

6 WILLIAM COSTER: But the other
7 parties don't.

8 CHRIS RECCHIA: Well, you do
9 now.

10 WILLIAM COSTER: I mean the
11 interveners.

12 CHAIRPERSON EASTMAN: But I'm
13 saying, we may go for that. We may say,
14 we should extend, potentially send bill
15 back.

16 WILLIAM COSTER: I see.

17 CHAIRPERSON EASTMAN: If they've
18 achieved intervener status and they want
19 to bring it, you know, there's an expert
20 that the Board or the hearing officer
21 says, oh, yeah, that would be great. We
22 need to hear that, then I'm thinking
23 that I haven't ruled that out yet.

24 CHRIS RECCHIA: This is an
25 example of, let's talk about what the

1 ideal structure would look like and then
2 figure out where the funding are and
3 what needs to happen.

4 LOUISE McCARREN: I agree with
5 that.

6 CHRIS CHAMPNEY: Would that be
7 helpful if I shared with you guys our
8 request in that docket and the denial
9 and -- see a real world PSB.

10 CHAIRPERSON EASTMAN: Sure.

11 CHRIS CHAMPNEY: And then just
12 another quick thing, this other concern
13 I would have with the pool of experts is
14 you can't assume what that pool of
15 expert's expertise is. Like, for us,
16 deconditioning of the new plant, I don't
17 know that you're going to find those
18 experts.

19 SCOTT JOHNSTONE: So I'm in a
20 slightly different place than I think
21 the two of you. Um, I agree with
22 everything you said about we have to
23 find the process first. But
24 instinctually, I think we do need to
25 come up with an intervener to the

1 process and it's going to be necessary
2 and I'm drawn more towards show value
3 and the process of getting --

4 CHAIRPERSON EASTMAN: Making
5 this --

6 SCOTT JOHNSTONE: Yeah. And I
7 think the dollars will be lower than any
8 place we've looked, because I think, you
9 know, your reality of what can you
10 reasonably accommodate. Um, so, I don't
11 think we're talking about multi hundreds
12 thousands dollars, so, I think there's
13 going to be some cost sharing in that.

14 CHAIRPERSON EASTMAN: The cost
15 sharing would be an important component.

16 LOUISE McCARREN: I probably can
17 be convinced around the edges --

18 SCOTT JOHNSTONE: The one other
19 thing I would say, I won't -- wouldn't
20 go beyond, um, official jurisdiction.

21 LOUISE McCARREN: Okay. And I'm
22 not. Just a piece of information, in
23 California, and I said this because we
24 had a professor that was there, um,
25 transmission sites siting done through

1 CPU, generation sites begun with energy
2 differently. They do not have
3 intervening funding. Neither here nor
4 there. It's just that's a different
5 thing.

6 Um, I'm not convinced that it
7 ends up with a better product or more
8 participation. But, again, I'm -- I'm
9 trying -- that's my only position.

10 GAYE SYMINGTON: So you're not
11 objecting to his restrictions?

12 LOUISE McCARREN: No. I'm not a
13 fan at all of intervening funding. I
14 was interested in the one -- the first
15 one, the pre-application process. I
16 think that is one --

17 CHRIS RECCHIA: I feel like --
18 so, one of the ideas that was raised
19 here, where there is this two track,
20 like a choice for applicants, as to
21 whether they want to do some sort of
22 community state holder process that does
23 a lot of up-front work in exchange for
24 some sort of streamline version back in
25 the back end or whether they just want

1 to go with the -- you know, 45 day
2 notice or whatever it is.

3 SCOTT JOHNSTONE: You talked
4 about needing to incent that above,
5 you're talking about?

6 CHRIS RECCHIA: Right.

7 SCOTT JOHNSTONE: But at the
8 end, there will still likely, even if
9 you have 90 percent support of the town,
10 you're still going to be one or two.
11 You're not going to get to a sort of
12 docket sort of thing. So we ended up
13 talking more about how do you incent,
14 you know, community-type planning and
15 projects.

16 CHRIS RECCHIA: Yep. I can see
17 that.

18 SCOTT JOHNSTONE: Is that a fair
19 summary?

20 LOUISE McCARREN: That's fair.

21 GAYE SYMINGTON: If somebody
22 goes -- but if the developer goes
23 through that, um, process that we're
24 asking them to, then why would we then
25 enable the 10 percent, to have an

1 amplified voice at the back end?

2 SCOTT JOHNSTONE: I wouldn't.
3 That's why I said I would restrict it to
4 RPC in towns to deal with if we're going
5 to tell the RPCs they've got to play,
6 then we've got to figure out how then to
7 enable them to play. And, frankly, I'm
8 less sure about the town piece, um, but,
9 you know, I'm compelled by the story
10 about towns that have no capacity at
11 all. There's a lot of them in Vermont.
12 And so even if they're wanting to
13 intervene to be supportive and helpful
14 and talk about their process, um,
15 getting what we heard costs a lot of
16 money to get ready.

17 LOUISE McCARREN: And I've heard
18 that loud and clear. And my solution to
19 that is to give them control. And
20 that's -- that's what I'm --

21 GAYE SYMINGTON: Give them veto
22 power.

23 LOUISE McCARREN: No, not veto
24 power, zoning power.

25 CHRIS RECCHIA: Well, true in

1 the typical zoning that we do, that's
2 true. Like, we can't say, I'm not going
3 to have any landfills in my town
4 because, you know, all your residences
5 produce garbage just like everybody
6 else.

7 So, um -- but here's a
8 fundamental problem. Here's the gorilla
9 in the closet, is that unlike
10 residential which we want to be on the
11 hillside and in the farms but not on the
12 farmland and not in the flood plain and
13 commercial, which we want to kind of be
14 near the railroad tracks and
15 infrastructure and the roads and
16 industrial parks over by the landfill
17 that we sited, you got those pieces and
18 then you've got this wind power that, in
19 theory, at least to this point, the
20 technology has been required that it be
21 on top of the mountains, which we have
22 said are not zoned for any of those
23 things because of constructability
24 issues, water issues, septic issues,
25 nobody -- nobody goes up there. And now

1 all of the sudden we're going up there.

2 And I don't think any of
3 these -- any of the zoning tools that
4 we've got in our tool box or planning
5 tools deal with that.

6 LOUISE McCARREN: That's why I'm
7 still kind of working this through. I
8 want to preface what I said that there's
9 an upper limit to this. And if you're
10 dealing with a large project, um, then,
11 you know, I -- it can be. But what I'm
12 trying to do is -- um, because at the
13 end of the day, there are land use
14 issues. They said these are not
15 electrical supply issues, okay, or
16 distribution issues. And so how do you
17 resolve these land use problems? And,
18 um, it's my straw to determine that.
19 And I know you guys --

20 CHAIRPERSON EASTMAN: No. This
21 is this the thing about the transparent
22 process. I will talk about things and
23 raise, so I can learn it. And one
24 should not assume from what I said that
25 this is my position, because that may

1 not be it and I need to understand.

2 And, for me, it's a jigsaw puzzle and it
3 will ultimately all fit together.

4 But for me, if we provide X
5 opportunity here for planning, for
6 participation, then I'm less concerned
7 down here about something else. But it
8 will all depend. So for me, the more I
9 can get real, credible community
10 participation along the way, the less
11 concerned I am down here, unless
12 somebody's raising an issue that's a
13 legitimate issue that nobody else is
14 presenting and then, I say, give a bill
15 back possibility for RPCs and towns.
16 But that's what I'm thinking.

17 TOM BODETT: I agree with that.

18 CHAIRPERSON EASTMAN: So have we
19 got enough conversation about this to do
20 something else?

21 CHRIS RECCHIA: So here's
22 another piece I'd add, which may be
23 helpful or not, and that is to the
24 extent that this is a land use issue, it
25 fits better being resolved, I think in

1 the community outreach processes than in
2 the contested case legal processes.

3 So, I -- I would offer my two
4 cents and say front load as best we can
5 those hard land use choices in that type
6 of forum, so that we're not in a
7 contested case structure for something
8 that could have been resolved in a
9 planning community.

10 CHAIRPERSON EASTMAN: Directly,
11 we did not land anywhere. It's hard for
12 me to land anywhere the first day I've
13 talked about something. So I need to
14 talk about it, think about it, go drive
15 around, go move around and then I'll
16 call you all at 3:00 a.m. one morning,
17 oh, I got it.

18 LINDA McGINNIS: What I
19 understand and got is that, yes, over a
20 certain threshold, there definitely
21 needs to be more public involvement as
22 an engagement process that should be
23 explicit and stated upfront. These are
24 expectations we have for the applicant
25 and, as a result, you would have a more

1 streamlined process afterwards. We
2 haven't yet defined that. The big
3 question is, where that threshold is
4 going to be? And we had one side of the
5 table saying 2.2 and the other side of
6 the table saying something significantly
7 above that. So we haven't come to a
8 conclusion on that.

9 LOUISE McCARREN: What is
10 different here is unlike the old days,
11 there are, in fact, multiple locations.
12 So it's a new world and that's really
13 what I'm sitting here thinking about
14 things.

15 CHAIRPERSON EASTMAN: But this
16 is it. So the issue is, you know...
17 And who's going to decide? And so
18 trying to have us decide with our
19 community or whatever decide as much as
20 possible.

21 So in this area, and I think
22 we've talked about everything but Option
23 6. But do we -- I -- I don't want to
24 make things more complicated. So if we
25 have small projects and they're going

1 through easily and readily and it's
2 working, do we want to change it?

3 LINDA MCGINNIS: I think the
4 question was whether you wanted to raise
5 that threshold slightly because there
6 seems to be a lot of people saying that
7 the process for smaller projects is, um,
8 unnecessarily long. Um, and that if we
9 are trying to encourage more
10 distributed, um, energy and
11 community-based energy, then having a
12 way to encourage more of the smaller
13 distributed projects, we might be able
14 to raise the level of that. That was,
15 at least as I understood the issue.

16 LOUISE McCARREN: Is there any
17 value role for a mediator in any of this
18 because --

19 CHRIS RECCHIA: You mean in our
20 process right here?

21 LOUISE McCARREN: No.

22 SCOTT JOHNSTONE: But how it
23 applies to this question, I didn't catch
24 your --

25 LOUISE McCARREN: Just that

1 these disputes can look very similar.

2 SCOTT JOHNSTONE: Yeah.

3 Understood.

4 CHAIRPERSON EASTMAN:

5 Philosophically, you know, if things are
6 not causing problems and we want to
7 encourage them, then I want it to be
8 expedited as much as possible. It's
9 already happening now, then we don't
10 need to do any more. Maybe that --
11 those are the right numbers. I don't
12 know.

13 CHRIS RECCHIA: How can we help
14 you -- I mean, I don't know the answer
15 to that either. I have, unlike you,
16 though, I have people I can go to, to
17 ask.

18 Do you want me to do that and
19 then come back to you guys with, you
20 know, whatever suggestions --

21 LINDA MCGINNIS: I think when we
22 put together this staff proposal and
23 we're looking at the tiers, because
24 that's still going with that idea, this
25 is determining what that Sing tier would

1 be, the tier one. And so I think coming
2 back with a suggestion of, does it make
3 sense to move from 150 to, say, 500 or
4 is that something that everybody would
5 throw up their hands and say, no? But
6 to give some kind of indication what
7 makes sense from the technical
8 standpoint.

9 CHRIS RECCHIA: Have you had any
10 conversation about what that staff with
11 that conflict of thresholds?

12 LINDA MCGINNIS: That's what
13 we're talking about now with you.

14 CHRIS RECCHIA: Okay. So let's
15 raise this tomorrow. I'll talk with
16 Steve.

17 CHAIRPERSON EASTMAN: I want to
18 say that we've been commenting in this
19 hearing that it may be too complicated.

20 CHRIS RECCHIA: Well, yeah. I
21 mean, it's kind of complicated right now
22 and so I think --

23 CHAIRPERSON EASTMAN: I don't
24 want to make things more complicated
25 unless there's a reason to do it.

1 That's all.

2 GAYE SYMINGTON: We also talked
3 earlier today about not having all of
4 the different jurisdiction of your --

5 CHRIS RECCHIA: Okay.

6 CHAIRPERSON EASTMAN: Okay. So
7 move on.

8 So appeals. Option 1, this is
9 on appeals. Now, I -- we've got two
10 things here. We have a limit appeals to
11 one, meaning you can combine all of the
12 agency performance with a CPG, I think
13 is what we meant. Right? And
14 everything would go together to the
15 Supreme Court. And Option 2 is talking
16 about right now the appeals of the
17 agency permits relative to the CPG go to
18 the Pulic Service Board, not the
19 environmental Board. And this says, you
20 know, should be considered generally
21 dealing with the environmental Board.

22 I heard the secretary say today
23 that he was fine with them being at the
24 Pulic Service Board. I don't know.

25 CHRIS RECCHIA: I think, um, the

1 goal is to have a final administrative
2 decision somehow that's consistent that
3 goes to the Supreme Court. To me, that
4 is the only logical step. And so, going
5 from, you know, agency issues but in the
6 context of the administrative agency
7 that's on the Board, to have the Board
8 consider the appeal. Better than going
9 to the Environmental Board and having
10 the Board go to the Supreme Court and
11 the environment court to the Supreme
12 Court, eventually hoping that all of
13 those things line up.

14 CHAIRPERSON EASTMAN: She said
15 to leave it at the Board.

16 CHRIS RECCHIA: Leave it at the
17 Board. I would suggest that, as well.

18 SCOTT JOHNSTONE: Are you saying
19 that Option 1 --

20 CHAIRPERSON EASTMAN: No.
21 There's a difference. I mean, option to
22 consolidate appeals of agency -- Option
23 1 is a suggestion that we consolidate
24 agency permits with the CPG in some
25 fashion and then there's only one appeal

1 to the Supreme Court. And then,
2 ultimately, if you've got the appeals
3 going to the PSB, that may in effect be
4 what you've got.

5 CHRIS RECCHIA: Yeah. Because
6 they are not going to decide that if
7 we're successful at getting to draw the
8 application should be filed
9 contemporaneous --

10 CHAIRPERSON EASTMAN: We haven't
11 done that yet.

12 CHRIS RECCHIA: Assuming --
13 let's hypothetically say you agreed with
14 that concept, then the appealable
15 comments will likely be being appealed
16 to the Board while they are still
17 contemplating the overall project and
18 they can role that into their decision
19 making, I think, in an ideal world.

20 WILLIAM COSTER: And I think
21 this was driven largely from the
22 development community concern that the
23 appeal process could drag on through
24 different jurisdictions and different
25 venues and that many of the same issues

1 were at play with the agency permits and
2 the CPG to the extent that those
3 processes could be combined and reduced
4 was the desire.

5 Um, and I think, you know, Chris
6 is right. As long as the timing works
7 out, that can happen and ultimately they
8 all go up.

9 CHAIRPERSON EASTMAN: But I
10 guess to talk about Option 1 further, we
11 really need to figure out where we'll be
12 on timing coordination.

13 SCOTT JOHNSTONE: So defer 1 and
14 I think we said, no, to 2? Is that what
15 we just did? I know they're all still
16 on the table, but trying to help poor
17 Linda.

18 CHAIRPERSON EASTMAN: Unless
19 somebody's jumping up and down around
20 the room. Okay.

21 CHRIS RECCHIA: In theory, you
22 know, the environmental court is not --
23 my impression is the environmental court
24 is not a friendly place to do pro se
25 proceedings than the Board is. They

1 both are trying to bend over backwards
2 to help pro se people but are both
3 leading structures, so you need to be
4 able do follow the legal rules and
5 practices.

6 CHAIRPERSON EASTMAN: This will
7 really flow out better once we figure
8 out if we want to do something more
9 about coordination, timing.

10 All right. So move onto
11 Alternative dispute Mechanism.

12 TOM BODETT: We went through
13 this for coordination.

14 WILLIAM COSTER: I think Jinny
15 from Audubon might have joined the call.
16 Can I just check see if she's on?

17 JINNY KREITLER: I have gotten
18 on the line.

19 WILLIAM COSTER: We'll be with
20 you shortly.

21 CHAIRPERSON EASTMAN: So what
22 about these proposals? We have a
23 settlement judge assigned to this case?

24 LOUISE McCARREN: Well, that's
25 the way the FERC does it, for sure.

1 SCOTT JOHNSTONE: So can
2 somebody explain to me the difference
3 between what the hearing officer's role
4 generally is, which is largely pulled
5 parties?

6 LOUISE McCARREN: A good hearing
7 examiner is going to do that. They're
8 going to try and listen to everybody
9 like a good judge. Right? They're
10 going to try and sort through what the
11 issues are and do a little of that. But
12 their job is not to seek a settlement, a
13 hearing officer. But the sense of a
14 judge, their job is to get everybody to
15 try and figure out whether a settlement
16 is possible. Right? And that's sort
17 of -- but that's the goal.

18 LINDA MCGINNIS: And now what
19 goes before the Board are one or two
20 essential questions, trying to resolve
21 everything else before it has to go --

22 CHRIS RECCHIA: The settlement
23 judge and the case manager will be the
24 same person?

25 LINDA MCGINNIS: I think so.

1 CHAIRPERSON EASTMAN:

2 LOUISE McCARREN: If the case
3 manager working is its process, and so
4 they're helping people with navigating
5 the process, but they're not going to
6 get involved in the substance.

7 CHAIRPERSON EASTMAN: And so I
8 don't know, Louise, because I haven't
9 practice before FERC, but I'm looking at
10 this and thinking about when I was
11 managing prehearing conferences. And so
12 the PSB has a prehearing conference, you
13 know, and I'm wondering what's the --
14 um, do we need this or do we just need
15 to, you know, have a rigorous attempts
16 to get all parties on the table so that
17 we're only talking about, you know, the
18 real, you know, the issues that really
19 are contested?

20 LOUISE McCARREN: The settlement
21 job is to try and get the parties --
22 make the parties settle the case.
23 Right? And, you know, I mean in the
24 FERC world it would be very much like
25 this conversation, you know, you can go

1 ahead and you can do it but, you know --
2 so, it's kind of like, you know, has a
3 big stick and just trying to get
4 people -- they're trying to get
5 people --

6 LINDA McGINNIS: It's like a
7 professional mediator. It's like a
8 mediation type of job.

9 LOUISE McCARREN: The nuance is
10 the settlement judge is going to be a
11 little bit harsher in terms of, you
12 know, you don't really think that
13 argument's going to go anywhere. I'm
14 telling you that mediation, personally,
15 is a little softer trying to get
16 everything together, you know?

17 CHAIRPERSON EASTMAN: But I
18 can't imagine you'd need one of those on
19 every docket.

20 LOUISE McCARREN: No. But with
21 the PSB, has the ability to send a case
22 either to a mediator, which is not
23 binding, or a settlement judge. A
24 settlement judge, you settle in front of
25 a settlement judge. It's binding.

1 CHAIRPERSON EASTMAN: Well,
2 thank you. That's helpful. Because I'm
3 wondering about -- I mean, I can't
4 imagine that this is going to be
5 necessary on every one.

6 LOUISE McCARREN: And you're
7 dealing with only above 25 megawatts.

8 CHAIRPERSON EASTMAN: I mean,
9 I'm wondering about this. Is this the
10 kind of thing that we don't require, but
11 we provide the mechanism for the Board
12 to require, you know, one or the other,
13 when they say, this is a situation where
14 this would be much better? And I don't
15 know, I mean, you could even allow for
16 both. You could allow for the
17 settlement judge, which would be binding
18 or the -- you know, say there's a
19 different process and so we need to not
20 do everything, be able to have
21 conversation around the table. So it's
22 more like, is this something that we
23 want to consider providing as a
24 possibility for use in certain
25 situations as opposed to saying, in

1 every case, one is.

2 CHRIS RECCHIA: I would object
3 from a PSB standpoint of, um, having to
4 go every case through a settlement Board
5 or mediation. And there's some things
6 that, you know, particularly on rate
7 cases as opposed to siting things where
8 we need to litigate.

9 LOUISE McCARREN: I think you
10 should never limit a party's ability to
11 litigation. I think they should always
12 be there.

13 CHAIRPERSON EASTMAN: I don't
14 know.

15 WILLIAM COSTER: Well, there's a
16 partial settlement reached and so this
17 could get you three quarters of the way
18 there and then you really --

19 CHAIRPERSON EASTMAN: That's
20 what I was going to say in New York,
21 that it actually happens quite a bit in
22 New York, that they have found that the
23 processes go much faster once they're
24 before their Board because they're
25 already resolved three quarters of the

1 sort of subissues that don't really need
2 to be contested.

3 SCOTT JOHNSTONE: A lot of those
4 get resolved currently. What I'm trying
5 to figure out is, is there a second
6 subset? So somehow in this process,
7 whether the hearing officer process or I
8 don't know where, but workshops or -- a
9 lot of this stuff actually happens in
10 Vermont today. Not everything goes
11 before the Board. So they already get
12 it down to the subset. So I guess I'm
13 trying to understand, do we already get
14 pretty close to the issues --

15 LOUISE McCARREN: A lot of it's
16 going to depend on how many parties
17 there are.

18 CHAIRPERSON EASTMAN: So I'm
19 wondering if in those cases where there
20 are in some multitude of parties that it
21 might be useful to have. I don't know.

22 SCOTT JOHNSTONE: So for me,
23 that's fine.

24 LOUISE McCARREN: I wouldn't
25 take it off the table right now.

1 SCOTT JOHNSTONE: I agree.

2 CHAIRPERSON EASTMAN: So I think
3 that's all we're going to get through
4 today. But some of the issues that are
5 still in here, we talked about and we're
6 going to be talking about the impact
7 analysis so it may help us.

8 LOUISE McCARREN: When are we
9 next scheduled to meet?

10 CHAIRPERSON EASTMAN: March 12th
11 for another drafting report session, you
12 know. Does the 12th work for everybody
13 else?

14 SCOTT JOHNSTONE: I have it on
15 for 9:00.

16 LINDA MCGINNIS: It was the last
17 one I sent around to everybody.

18 TOM BODETT: That works for me.

19 CHAIRPERSON EASTMAN: I think we
20 really need it.

21 CHRIS RECCHIA: I am holding the
22 whole day for that.

23 CHAIRPERSON EASTMAN: So right
24 now we're thinking that we'll have
25 another deliberating session on March

1 20th, if we need it. And then, um,
2 perhaps public hearings on March 28th
3 and April 3rd. Um, but we haven't
4 formally scheduled them, but this is
5 what we're looking at. And then another
6 deliberate session on April 9 to, you
7 know, once we've heard from the public
8 and, you know, to go back and make
9 things final. And then present to the
10 last week. Okay?

11 So, Billy, what's the plan now?

12 WILLIAM COSTER: So, one of your
13 charges is to look at how well the State
14 is doing in, um, judging the impacts on
15 these projects to a range of values, um,
16 habitat, cultural resources, um,
17 esthetics, the whole range of issues.
18 And it's something that the Chairman
19 said the folks of the Board haven't been
20 doing. We don't have a lot of
21 experience in Vermont doing cumulative
22 impact analysis, so what we thought we'd
23 do is have a couple of people who do
24 have some experience doing that work,
25 just sharing with you some background on

1 what it entails, their experiences,
2 different models and how to do it and
3 basically just give you the opportunity
4 to ask them questions about cumulative
5 impact analysis.

6 CHAIRPERSON EASTMAN: How much
7 time are we giving this matter?

8 WILLIAM COSTER: I think we're
9 going to give, um, each of the two about
10 five or so minutes to frame the
11 conversation and then give you as much
12 time as you need for questions. I know
13 you want to leave a little bit of time
14 at the end -- I thought that we'd do
15 about a half an hour.

16 CHAIRPERSON EASTMAN: I'd like
17 to leave five minutes at the end if the
18 public wants to make any other comments.

19 WILLIAM COSTER: Okay. We'll
20 get going, then. In the room with us is
21 Annie Anderson and on the phone is Jinny
22 Kreitler from Audubon USA. And I think
23 um, Anne, if you don't mind, just
24 introducing yourself and going first and
25 then we'll jump in with Jinny.

1 ANNE ANDERSON: So, I'm from
2 Craftsbury. I'm familiar with Lowell.
3 Um, and I actually did sort of a
4 presentation and I've printed it out, so
5 there's a lot of, um, sort of repeat of
6 some of the planning stuff that you guys
7 were going over, so I'm glad I came
8 early. So we're going to skip right
9 over all of that. And you can take
10 these home and look at them.

11 So my task was to explain a
12 little bit about cumulative impact
13 analysis and the slant I'm taking on it,
14 um, and that's very difficult to do at
15 the project level. And so I was really
16 happy to hear about landscape level
17 planning at some more detail than what's
18 been accomplished given the energy plan,
19 because I think you can't address
20 cumulative impacts project by project.

21 The federal government has tried
22 to do that and cumulative impact
23 assessment is most developed in
24 relationship to meet that federal level.
25 The council has put out handbooks about

1 it. They give people lots of advice,
2 they give lots of Alternative tools.
3 But, um, cumulative impact analysis by
4 nature is forward motion. You're trying
5 to get what's going to happen across the
6 landscape, not just with the project
7 you're looking at but other projects,
8 other kinds of development -- it's very
9 difficult to do that when you're just
10 looking at a single project. So my
11 recommendation is going to be what you
12 guys have already talked about as doing
13 that kind of analysis as a part of the
14 bigger planning process.

15 So the general process of
16 cumulative impact analysis, the way the
17 federal government has weighed it out,
18 first look at the permit, um, define the
19 attributed of the environment that you
20 think will be, um, affected by the
21 proposed project. Then look at a
22 baseline, what you think will happen to
23 the environment, um, without that
24 project, given all of the things that
25 are stressing the environmental that are

1 nibbling away at environmental values
2 historically, currently, and then what
3 they call reasonably foreseeable future
4 activities, what else is happening in
5 this land that might affect the
6 environment where this project is
7 located? And then you have to do some
8 kind of projection. Say, well, here's
9 what's going to happen over time without
10 the project here. What would happen
11 with the project? What's the difference
12 and is it a significant enough
13 difference that we really need to
14 recommend changes to this project or
15 even canceling the project?

16 So it's a very difficult process
17 to go through. Um, my sense is that --
18 to really determine the public good from
19 a project, you need to do the landscape
20 scale. The other kind of side issue is
21 mitigation practice. I've done some
22 sort of documenting of mitigation
23 practice and wind projects across
24 northern New England. And when that's
25 done project by project, it's very

1 subjective to who's yelling the loudest
2 as interveners and who's willing to
3 negotiate outside the process and
4 whether the permitting authority will
5 make that a condition of the permit or
6 not. So it's very uneven. Mitigation
7 does have the potential to reduce
8 cumulative impacts because if you
9 require mitigation as part of the
10 proposal, um, you can permanently
11 protect the part of the landscape limits
12 cumulating impacts over time but it's
13 hard to do that project by project.

14 So, you go to that sort of
15 planning approach of cumulative impacts.
16 You're deciding ahead of time how much
17 energy do we need, things we've been
18 talking about the last couple of hours.
19 What technologies, where should they go?
20 Um, we can sort of select the system
21 that we think will have the lowest
22 cumulative impacts on the environment.
23 And then the permitting process is just
24 a process of deciding whether that
25 particular project is consistent with

1 what you've said you want to see.

2 And mitigation, in that case,
3 can be more systematic. You could
4 decide ahead of time, what are the sort
5 of no go zones where we'd like to see
6 permanent protection or to compensate
7 people where energy ends up being
8 located.

9 So the particular tool I want to
10 talk a little bit about is called
11 scenario analysis and I think it would
12 be really helpful for the Public Service
13 Department and ANR to look at that.
14 What scenario analysis does is to set,
15 um, realistic future, um, pictures of
16 what are -- in this case, our energy
17 system could look like based on real
18 resource limitations, trade-offs among
19 resources, the whole variety of needs
20 from cost to greenhouse gas reduction to
21 transmission limitations, um, and try to
22 develop scenarios that contrast with
23 each other so they're bringing out some
24 of the conflicts that exist among energy
25 uses and landscape uses. And then that

1 goes to the public. And the advantage
2 of having the scenarios is that you
3 can't just oppose one particular energy
4 solution because you don't like it. You
5 have to all accept that we have this 90
6 percent renewable energy by 2050 goal.
7 It makes do this trade-off. We may have
8 to offset some things we don't like but
9 they're less bad than an alternative.
10 So scenario analysis just gives people
11 actual sort of pictures of the future
12 that they can look at and wrestle with.

13 CHRIS RECCHIA: Can I ask a
14 question?

15 ANNE ANDERSON: Yes.

16 CHRIS RECCHIA: So for the
17 scenario analysis, they have to be able
18 to conflict and discuss with each other.
19 So that to me always comes down to,
20 like, um, should we do all wind or
21 should we do nuclear? Should we -- you
22 know, it's dramatically at one extreme
23 or the other. So my fear is if we do
24 and if we will do the real scenario
25 analysis, that actually might have a

1 chance of heating being in the mix, and
2 they're not going to seem that different
3 to each other with the exception of
4 where they are.

5 Do you have any reaction to
6 that?

7 ANNE ANDERSON: Well, do you
8 think that's just one possible scenario,
9 then or --

10 CHRIS RECCHIA: No. I think
11 it's so centralized and so mixed that
12 you won't be able to distinguish.

13 ANNE ANDERSON: There are
14 different things like scales, which is
15 one of the maps -- there are limits to
16 each of those, but you can certainly
17 give them a larger role in some
18 scenarios than in others, imports and
19 exports we were talking about earlier.

20 GAYE SYMINGTON: It also feels
21 like you need some agreements on the
22 assumptions and I was thinking about
23 this because of my pack at Pine Meadows.
24 We've been asked to help fund a scenario
25 planning process and I asked for some

1 input from Asa on that and Asa was
2 uncomfortable with one of the key
3 assumptions that the proposer had made.

4 And so I said, gee, you know,
5 why are you going to go through all of
6 this work when it seems like a pretty
7 insignificant person is going to dismiss
8 it as soon as it comes out.

9 The other reason I think it
10 would be very helpful is that I think we
11 hear all of the time, you just don't
12 need wind or you just don't -- you know,
13 you can just have solar or whatever.
14 Well, you could, but that means a lot
15 more cost and a lot more acres. So you
16 need some realistic -- what it lets you
17 do is ground the discussion. And I
18 think you do end up in a place where
19 you -- you end up with real -- with
20 visible -- like, are we talking about
21 four more Lowells or ten more Lowells?

22 CHRIS RECCHIA: I just want to
23 agree with all of that, but also say
24 that if the scenario, um, planning is
25 designed to let people see the extremes

1 of what, you know, these things will
2 need, I don't think it's particularly
3 useful.

4 ANNE ANDERSON: I would say
5 within the realistic limit of resource,
6 how much can we push it. 100 percent
7 wind is not feasible. We all know that.

8 LINDA MCGINNIS: I think you're
9 point on in what Asa was touching on
10 earlier, as well, how much we import and
11 how much we have locally. I think
12 that's all within the realm of reality.

13 ANNE ANDERSON: And I think the
14 other thing about scenarios that Gaye
15 was mentioning is, one of these are good
16 at is bringing out the different
17 assumptions. So it may be that one of
18 the -- two of the alterative scenarios
19 says assume this, here's what it looks
20 like. Assume that, here's what it looks
21 like, you assume.

22 LOUISE MCCARREN: I wonder if
23 another layer on this that might help,
24 different scenario building, if you
25 actually look at it through kind of the

1 landscape with a patch core or matrix,
2 what does it -- beyond the esthetics,
3 what does it actually mean in terms of
4 overall landscaping functions. And that
5 would get back to what I was talking
6 about earlier. What do these different
7 types of developments mean for
8 long-term, ecological evolution and
9 concentrate on that change?

10 LINDA McGINNIS: So, in addition
11 to flushing out scenarios, you want to
12 figure out what attributes are important
13 to you about those scenarios and you
14 might do acres, you might do financial
15 costs, transmission implications,
16 reliability on the grid implications,
17 and, you know, ecological implications.
18 But they all might be attributes which
19 you compare. But which values do I care
20 about? Which ones really address what I
21 think is important. It's not going to
22 get you to 100 percent agreement, but...

23 The two I would point out, the
24 wind and hydro both point out, if you
25 have lots of small projects, you're

1 actually scattering them over more of
2 the landscape. So that's the issue that
3 sometimes people don't always think
4 about. A very big wind project might
5 produce a lot of energy and you don't
6 have to do another one. But it is a
7 trade-off that we really need to wrestle
8 with. Same thing for hydro. There's a
9 lot of hydro potential in Vermont. And,
10 again, that map that I turned out, it
11 would take about a thousand projects
12 around the State, very, very small
13 projects to --

14 CHAIRPERSON EASTMAN: I think it
15 would be tough to get.

16 ANNE ANDERSON: To get it up to
17 25 percent of what is projected in 2050,
18 only take one percent of the disturbed
19 landscape. But to reach 25 percent of
20 our 2050 needs for electricity,
21 including some electric vehicles and
22 heat, um, would require one percent of
23 your disturbed landscape. Disturbed in
24 this case is agriculture.

25 CHAIRPERSON EASTMAN: My old

1 pasture?

2 ANNE ANDERSON: Right. So that
3 aside from how widely distributed it is
4 on the landscape, the type of land where
5 it can be located is another thing and
6 you want to highlight different
7 scenarios.

8 And then the out-of-state
9 impacts, Gaye mentioned this earlier, I
10 think it is good for people to visualize
11 what those are because we do tend to
12 say, okay, if it's out of the state,
13 it's not important. We don't need to
14 worry about it. But so they're looking
15 at forward thinking impacts and we're
16 talking about doubling our use of
17 imported hydro power. It probably does
18 affect and I think we need to look at
19 those impacts.

20 Offshore winds, I'm not an
21 expert on offshore wind impacts but,
22 Maine is working on wind surf and it's
23 very, very large like 205 megawatts of
24 the turbines of Maine. It only takes
25 four of those to generate a quarter of

1 the electricity for Maine, Vermont and
2 New Hampshire in 2050. So it doesn't
3 take that many. I think I figured
4 Vermont, 152 by megawatt turbines would
5 generate 25 percent of our wind --

6 CHRIS RECCHIA: Is that the grid
7 you're showing in the lower right-hand
8 corner of the --

9 ANNE ANDERSON: The dots? It's
10 just a pattern of what the turbines
11 would like. That's a blown up. The
12 little ones are the actual area.

13 CHRIS RECCHIA: Sorry.

14 ANNE ANDERSON: We're running
15 out of time so I just want to point out
16 the one -- page 12, um, I just picked
17 two ecological attributes. One is large
18 flocks of habitat, so those are the, um,
19 impact habitat blocks for ANR and others
20 have mapped the 9 and 10 rank, the top
21 two ranks. And the one on the right is
22 a nature's conserving modeling of habitat
23 activity and basically their model looks
24 at movement across the landscape and in
25 addition to movement created by

1 landscape. So the dark blue places on
2 the right-hand map are concentrated um,
3 connection quarters, where, you know...

4 So you can see from both of
5 those that the Lowell project, there's a
6 reason why people are upset about that
7 project. It's the one in northern
8 Vermont that really affected both the
9 large habitat block and a conductivity
10 quarter. So, there are ways to adjust
11 the siting of these things so they have
12 less of an impact. And that would be
13 part of the scenario planning as, not
14 that there's many but where are they
15 going to go in the landscape and
16 possibly minimize those kinds of
17 impacts.

18 CHAIRPERSON EASTMAN: Very
19 helpful. And if we can already do this,
20 you know --

21 WILLIAM COSTER: We should
22 listen to Jinny because she has a
23 different alternative, but I think the
24 two together will be really helpful for
25 you guys going forward.

1 CHAIRPERSON EASTMAN: Jinny?

2 JINNY KEITLER: So let me just
3 give a little background to who I am,
4 because I have not met any of you and so
5 I'll tell you a little bit about some of
6 the various projects I am working on.
7 And what's interesting to me about them
8 in listening to the preceding
9 presentation which presents a very, um,
10 comprehensive, systematic view of the
11 world. I'm sitting here thinking about
12 the things that I've been involved with,
13 and a lot of different efforts kind of
14 coming at these big issues in very
15 different ways. So there's been a lot
16 of recognition that there is a bigger
17 picture to look at here. Um, and not
18 all of them are coming at it with the
19 cumulative impact construct. But,
20 nonetheless, um, all bringing their
21 different types of insight and so, um,
22 what I'm going to, you know, speak to
23 reflect more of a potpourri of different
24 approaches. But let me just give you a
25 quick background on who I am and what I

1 do for Audubon.

2 Um, my title is senior adviser
3 on energy and environment. I report to
4 our policy office which is based in
5 D.C., but I actually physically work out
6 of Southeastern Pennsylvania, um, so, a
7 lot of my lens of looking at the world
8 is based on perspective on issues. I
9 have been mostly working on, um, energy
10 ceptor planning issues, as well, um,
11 habitat conservation, but a lot of my
12 work's really been on interceptors.

13 I have spent a good deal of the
14 last three years working on, looking at,
15 um, transmission in the electric sector.
16 One of the representatives of the
17 environmental caucus in the eastern
18 process and actually led our caucuses
19 work on, um, helping make sure that
20 geo-spacial planning and looking that
21 their sensitive elements in landscaping
22 get early consideration and we build the
23 right kind of tools to look at that.
24 So, have been working in an advisory
25 capacity, um, to Argon National Labs as

1 they create a tool for that purpose
2 which, um, is I guess to be launched
3 next month.

4 Um, I also, um, am participating
5 in dialogue with U.S. Fish and Wild Life
6 Services right now on how to deal with
7 threats from wind development. Um,
8 eagles is the hot issue right now, how
9 to service obligations on management on
10 bald and golden eagles. Um, and provide
11 a process for a permitting of wind
12 generation facilities that's consistent
13 with their statutory obligation there.
14 I've been on the Board of the American
15 Wildlife Institute, which looks at those
16 issues but also a broader array of
17 issues with Wildlife conflicts with
18 wind.

19 And one of the projects I think
20 is the most important coming out of that
21 working right now is an attempt to
22 capture and analyze and provide learning
23 from some of the onsite monitoring work
24 that's been going on in a multitude of
25 states across the country.

1 I am also working on Shell gas
2 issues. I reside and work out of
3 Pennsylvania. Shell gas right now is
4 the largest energy sector throughout
5 the -- probably the largest threat of
6 any kind to our forest and our
7 ecosystems here. So we're trying to
8 find a way to have, um, an affective
9 influence on that.

10 I've participated to a lesser
11 degree with environmental etiquette on
12 the wind energy area planning that's
13 going on as a component of Shell. And
14 most recently I'm now working with, um,
15 some land trusts in Pennsylvania and
16 trying to figure out how to work with
17 the federal process that -- the
18 permitting of pipe lines and housing and
19 interconnect state and local concerns
20 about the landscape into the decision
21 making process that's federal.

22 So, let me just add two quick
23 caveats before I tell you a little bit
24 about my thoughts on issues that might
25 be relevant for you all. Um, number

1 one, I am not familiar with any of the
2 dealings in Vermont, both your
3 regulatory processes or your, um,
4 natural resources there, so please don't
5 ask me a question that assumes the
6 knowledge of the current way that you
7 regulate. Also, I'm going to be
8 speaking mostly from the perspective of
9 bird conservation organization. And I'm
10 not going to try to, you know, provide
11 any expertise that wouldn't relate that.

12 But with all of that said, some
13 thoughts that I wanted to offer to you
14 all and how to look at cumulative
15 impacts -- and I'm not going to
16 necessarily speak to cumulative impacts
17 in a way that the need for process
18 defines them, but use that term in, um,
19 a little fuzzier sense. We all know
20 that the impacts from energy development
21 go beyond any one prospect. I mean, we
22 need to figure out a meaningful way to
23 try to assess the implication of that
24 and manage those impacts.

25 And, you know, what I see -- and

1 I understand what some of the discussion
2 about planning approach and I didn't
3 hear any of them. But, um, there are
4 attempts being made to try to deal with
5 those larger impacts, both through
6 siting the permitting processes and
7 through, um, planning processes and I
8 see a bit of a trade-off there, um,
9 between the two. Um, there definitely
10 is a short coming in trying to deal with
11 a project by project permitting process.
12 Um, you kind of almost are never going
13 to get to some of the issues that you
14 need to deal with in looking at
15 cumulative impacts. There are real
16 limitations to what's achievable with
17 that piece. I think that it's important
18 to look at how to use the different
19 points of leverage in those different
20 processes, because I think it's a whole
21 suite of activities that need to be
22 pieced together to achieve, um, the most
23 benefit for the landscaping.

24 Of the things I wanted to
25 emphasize, I sent some of these folks

1 that are in the room, but maybe it's not
2 a big point, but the folks who made the
3 energy infrastructure decisions need to
4 be consulting with the state agency
5 personnel with jurisdiction over the
6 wildlife and natural resources and the
7 state. There really aren't any cookie
8 cutter solutions out there that work in
9 all situations and to get a good
10 solution for Vermont. You really need
11 to use the expertise of the folks who
12 are, you know, knowledgeable about your
13 resources and responsible for those on a
14 day-to-day basis.

15 Some of the processes that I am
16 familiar with really have had to look at
17 how to prioritize which things they're
18 going to track, what they're going to
19 monitor, and when you are making those
20 priority decisions. Um, you know, I
21 would recommend you want to look at your
22 most vulnerable species and habitats,
23 but those decisions need to go back to
24 the folks in the agencies who are really
25 familiar with those resources.

1 Um, in terms of looking at
2 cumulative impacts or aggregate impacts
3 there's kind of two lenses for looking
4 at those issues that I see, um, in the
5 works there. One is looking at it from
6 more of a landscape perspective, the
7 habitat and ecosystem and where that
8 place looks like and what the impacts
9 look like in a specific location. But
10 it's also, um, a body of work and, um, a
11 population of practice who are coming
12 in, working on cumulative impacts and
13 really from, um, species lens and
14 looking at management of species and
15 trying to make sure that you have viable
16 populations of species.

17 And so when you try to cross
18 disciplines from looking at, you know,
19 what's most effective, regulatory and
20 planning tools, um, you're going to bump
21 into, um, the fact that some of the
22 tools are really geared towards managing
23 species and that comes into play, for
24 example, with, um, the planning and the
25 permitting around wind generation, the

1 role of the official wildlife service.
2 A lot of that activity is really focused
3 on threatened or endangered species or
4 eagles and those concepts really look at
5 managing the population and from making
6 decisions about how to safeguard your
7 lands.

8 Now, in some circumstances, you
9 can create a pretty clear connection
10 between landscape conversation and
11 species population conservation and
12 Audubon's had great success in working
13 with state and federal agencies in that
14 way out in the west with the state's
15 growth, but we don't always have that
16 sort of clarity in those connections.
17 So I just want to flag that there are
18 different tools that have been brought
19 to bear in different contexts and they
20 achieved good ends and they might be
21 different, um, from one another.

22 I also want to emphasize that
23 you need to expect that your base of
24 knowledge will improve over time and you
25 need to continue with the frameworks

1 that you construct and is applied as you
2 set forward active management that this
3 is how we're going to go forward. You
4 build a framework assisting in what's
5 the best available information and
6 modeling for the framework around that.

7 Um, one of the things I wanted
8 to say to you all, because I think it's
9 real exciting what you're doing, um,
10 that the limitations that someone -- and
11 I'm going on now with the, um, wind
12 industry in particular, is that the
13 volunteer systems that are in place
14 don't ever really get into protection of
15 specific sites and I speak to that.
16 Identification and enforcement of no go
17 locations is something that I think is
18 really important. I would encourage you
19 to really, um, look at that very
20 seriously as part of your charge and
21 also that the voluntary compliance with
22 pre and post construction monitoring on
23 wind sites doesn't necessarily get you
24 there. It only gets you there if
25 everybody plays by the rules and, you

1 know, does the right thing and if 80
2 percent of your properties do the right
3 thing, and not everybody does, you don't
4 get that site protection. I wanted to
5 flag that. The no go planning, um, is a
6 very important rule for you all to be
7 talking on.

8 Um, let's see, on the other
9 hand, I did want to say that some of the
10 no go zones that might be defined, based
11 on information we had a few years ago,
12 have proven not to be an entire risk as
13 we had thought they were. So there is
14 still a need to develop new information.
15 We are still learning and there can be
16 some value in going into areas that we
17 think are a higher risk but, um, mostly
18 what I'm trying to articulate here is
19 that there's still an emerging body of
20 science that, um, needs to be apprized
21 as it comes out, because we're always
22 learning more all of the time.

23 However, that information I was
24 just eluding to on degree of risk to
25 wildlife, I wouldn't extrapolate, you

1 know, too broadly that we need to learn
2 more. And some area of, um, some
3 disciplines, we actually know a lot.
4 And when it comes to fragmentation of
5 forest habitat, there's a quite
6 substantial body of information out
7 there. We probably don't need to spend
8 a lot more time studying those impacts.
9 So, I don't want you to, um, get
10 paralyzed by feeling like we all could
11 have better information than we have.
12 In some situations, we actually have a
13 very good body of knowledge.

14 And, um, the last point I want
15 to leave you with, and again, this is
16 from the perspective of organization
17 impacts of birds is, while a lot of
18 attention may be given to, um, direct
19 mortality particularly with collision,
20 our sites, they're actually more
21 concerned with habitat loss and habitat
22 degradation. So I would encourage you
23 all to think about the habitat and, you
24 know, one of the key things that you're
25 focusing in on.

1 And with that, I'll let you guys
2 ask follow-up questions.

3 WILLIAM COSTER: Thank you.

4 CHRIS RECCHIA: Quick question,
5 Jinny, on the no go, it strikes me that
6 if you learn some things since then that
7 indicated that you were overly
8 protective, is it fair to say that
9 somewhere along the line, um, part of
10 the assumption of those cumulative
11 impacts were of cautionary principle,
12 essentially in saying, you know, unless
13 we know that there won't be an impact,
14 we're going to err on the side of no?

15 JINNY KEITLER: I think that's
16 probably part of the answer and part of
17 the answer was, you know, there just
18 wasn't a good fund of information. So,
19 the circumstance I was referring to
20 there was, um, from my home state,
21 Pennsylvania. The game commission has
22 had a voluntary, what they call
23 cooperator's agreement with land use
24 farm developers for five or six years
25 now, um, that they would, um, compile

1 and share with the game commission
2 monitoring data both preconstruction and
3 post construction, even though the game
4 commission doesn't have siting
5 authority. And the patterns in that
6 data are holding pretty consistent over
7 time, but what has happened is, um, the
8 sites where we built them in our state
9 are up on the ridge tops and our ridges
10 are migratory corridors and lots of
11 raptor migration and birds of prey. And
12 so it was expected that there would be
13 high risk to the birds of prey and
14 developed ridge categories based on
15 assumption and that has not proven to be
16 the case. Um, we have not seen a lot of
17 mortality from that class of birds. We
18 are seeing very consistent mortality
19 with song birds in the fall when they
20 migrate.

21 So we're beginning to see
22 patterns in the data that are in some
23 cases consistent with what we expected
24 but in other cases, different from what
25 was expected. And so, now, the planning

1 process here in our state is being
2 retooled and they're redoing how they're
3 going to do their risk classification
4 for birds. And we've had very serious
5 impacts, um, with bats and so there's
6 going to be a reassessment of how to do
7 the, um -- um, permitting work, um, with
8 respect to dealing with bats. We do
9 have an endangered species in the bat
10 population.

11 CHRIS RECCHIA: Thank you.

12 CHAIRPERSON EASTMAN: Other
13 questions?

14 WILLIAM COSTER: Can I just add
15 a couple more final comments?

16 CHAIRPERSON EASTMAN: Sure.

17 WILLIAM COSTER: So, you know,
18 Anne and Jinny have spoken primarily
19 around, um, impacts to habitat and Anne,
20 on the modeling side, you look at a
21 number of different values. I think of
22 Vermont beyond habitat and natural
23 resources to esthetic, obviously and
24 there's recreational resources which are
25 often very linear and site specific that

1 some of these projects have an impact on
2 and there may be some cultural and
3 social that we may want to look at, both
4 planning now and modeling, but also
5 trying to do a better job of monitoring
6 impacts and adding them together and
7 making sure the Board has that
8 information when making them.

9 I know the Green Mountain Club
10 is concerned that from a certain point
11 north, almost every point will have a
12 big vista from the Long Trail, you can
13 see an operating wind farm. And they're
14 not saying that's a bad thing but I
15 would think if that were the case for
16 the whole Long Trail, they might have
17 some issues with that going forward.

18 CHAIRPERSON EASTMAN: Okay.
19 Thank you. I think we want to say thank
20 you and let Jinny off the phone. Thank
21 you.

22 JINNY KEITLER: You're welcome.

23 LINDA MCGINNIS: Based on this,
24 what would be the recommended going
25 forward and I know we can't have a

1 specific, but sort of what general
2 direction would we be going in if that
3 cumulative impact is good and something
4 the Service Board should consider it or
5 should we be going into more specifics
6 on it, just to give a sense of where our
7 work will be headed in terms of staff.

8 CHAIRPERSON EASTMAN: Well, I --
9 I mean I think some of this -- the whole
10 planning process, something like this,
11 you know, taking all of the information
12 we have, which certainly seems to me to
13 be another good step.

14 CHRIS RECCHIA: It almost seems
15 to me, and this is very much a planning
16 exercise, it's something that should be
17 done up front.

18 If it's done in the context of
19 an individual case with the absence of
20 that planning, is it basically not
21 helpful?

22 ANNE ANDERSON: No. Scenario
23 analysis is used for cumulative impact
24 assessment at the project level, as
25 well. It's more focused on the area

1 around the particular project and what
2 other projects are in the works that
3 might, you know, add to cumulative
4 impacts in that area.

5 CHRIS RECCHIA: So for me, I
6 feel like all of this issue should just
7 hand to my friend behind me and ask him
8 to come back with the answer. You know,
9 feels like an RPC thing.

10 CHAIRPERSON EASTMAN: But,
11 again, this is what we think's important
12 for this issue, how do we fund it and
13 going back to what we talked about
14 earlier today -- I mean, I would like
15 one planning process, you know, to
16 consider all of these things.

17 LINDA MCGINNIS: To me, again,
18 it's that piece that we were talking
19 about earlier with Asa that you're
20 grappling with right now is how do you
21 get from the comprehensive energy plan
22 to what the state decides is a broad
23 parameter then is then passed onto the
24 regional planning commission.

25 CHRIS CHAMPNEY: Our regional

1 plan actually looks at -- we don't just
2 have an energy chapter, we have energy
3 in each of our chapters so it relates to
4 everything.

5 WILLIAM COSTER: But beyond
6 planning, I think when the Board or
7 whoever is analyzing a given proposal
8 that's before them, you can give them
9 direction a little broader than just to
10 say to look at the existing facilities
11 around it that are potentially in the
12 pipeline to demand that -- you know, I
13 think there's a middle ground that could
14 also help on the site specific analysis.

15 LOUISE McCARREN: I was going to
16 say, you would not exclude a look at
17 cumulative effect, um, in any particular
18 case.

19 ANNE ANDERSON: The challenge
20 for an individual case is that forward
21 looking piece. If you don't have a
22 plan, you don't know what the future is
23 going to bring, um, but you still have
24 to take a guess at it if you're going to
25 do cumulative impacts.

1 CHAIRPERSON EASTMAN: So Linda
2 wants guidance from us about what the
3 draft report might look like. I
4 actually like the -- I thought that what
5 Denmark did was readable. That's how I
6 thought it was interesting.

7 LOUISE McCARREN: I think it
8 would be important to put the report in
9 the current context of the state's
10 public policy with respect to
11 renewables, because that policy could
12 change. I'm not suggesting that it
13 should change, but it could change. And
14 so what we're doing is really premised
15 on this, you know, let's just reduce
16 greenhouse gases and to do that, we're
17 going to -- one of them is going to be
18 renewables and we're going to pursue
19 that policy and it's not going to be
20 changed. That is really going to inform
21 how we look at this. I just think some
22 table setting, Linda, why are we doing
23 this? You know, we've got all of this
24 stuff in a very short period of time,
25 um, and you know, what have we learned

1 from it?

2 CHAIRPERSON EASTMAN: And I
3 don't know if we should put other stuff
4 in or not, but I still have this great
5 issue that, you know, we can do so much
6 more with efficiency. And I just want
7 to remind us that there's -- we should
8 take some personal responsibility here
9 for our behaviors. And I don't mean
10 this -- I mean, to me, it's not about
11 just saying it because it's a feel good
12 thing. It's actually real.

13 And I also, I don't know about
14 this, you know, incentivizing some
15 things or trying to move us -- for me,
16 trying to move us to the things that are
17 more accessible and could have a great
18 benefit and how do we make those things,
19 push them, you know?

20 LINDA MCGINNIS: Just in terms
21 of next steps, um, we're going to have
22 two other meetings after this, right?

23 Um, is the most useful thing for
24 the next -- to send out to you guys,
25 because it's going to have be sent and

1 read by e-mail, um, to have a proposed
2 scenario that's trying to address all of
3 the major issues that we discussed? And
4 we will try and figure out what has been
5 the general consensus, although I can't
6 make any promises there -- and send it
7 to you for comment so that by the time
8 we come to our next meeting, that's what
9 we will be discussing?

10 CHAIRPERSON EASTMAN: Yeah. I
11 think we're on the next round. A
12 redraft of that and looking at, you
13 know, helping things flow.

14 GAYE SYMINGTON: I don't think
15 you have to feel compelled to resolve
16 everything in the next draft.

17 WILLIAM COSTER: I think we can
18 consolidate a lot into a few tasks.

19 CHAIRPERSON EASTMAN: And I
20 think we still, we should be looking at
21 S21, you know, the things that the
22 legislature looked at this year and in
23 immediate past to see how everything
24 fits in there because I know we're going
25 to get asked.

1 LOUISE McCARREN: So they are
2 online but they are also being changed.
3 And there are others that are in your
4 purview that you should look at that
5 haven't been talked about and that's 105
6 and 252.

7 CHAIRPERSON EASTMAN: So can we
8 make time for that?

9 LOUISE McCARREN: Right.

10 CHAIRPERSON EASTMAN: Or where
11 we've decided, here's what else has been
12 considered and ours doesn't address it
13 or it does.

14 CHRIS RECCHIA: I'm happy to get
15 that together.

16 LINDA MCGINNIS: Some of the
17 public asked about when the deadlines is
18 for public comments. We have our
19 preliminary schedule that we put up at
20 the beginning of the process saying --

21 CHAIRPERSON EASTMAN: Um, people
22 should look at our schedule and know
23 we're going to have a draft by -- we're
24 going to get public comment on the
25 draft.

1 LINDA MCGINNIS: So what? April
2 9th, so it should be possibly --

3 CHAIRPERSON EASTMAN: Right now
4 our last scheduled day is April 9th so
5 if anybody wants to tell us anything,
6 they've got to tell us before April 5th
7 or, you know, pick a date a few days
8 before because it will be finalized on
9 the 9th.

10 CHRIS RECCHIA: We're not going
11 to have public comment on the draft of
12 the final day. We are keeping moving so
13 don't comment on the draft on April 3rd.

14 CHAIRPERSON EASTMAN: So is
15 there anything that people desperately
16 feel they have to say? I know we've
17 heard from some of you throughout the
18 day and we'll be back, but we're happy
19 to --

20 PUBLIC MEMBER: Just a couple of
21 words, I think this was a great session
22 today. I learned a lot and I thought,
23 the um, interaction was terrific. From
24 our standpoint, anything that can
25 emphasize community and involvement is

1 positive. And, um, the other issue is,
2 when you look at, um, project costs, um,
3 and there has been some testimony and
4 information that's been presented, when
5 the public has tried to participate up
6 to now, we're not talking about small
7 dollars, we're talking about just in the
8 Kingdom, well over a million dollars,
9 and an awful lot of just horrible
10 energy, um, just trying to tread water.
11 So, um, planning, planning, planning, I
12 think will certainly help you.

13 CHAIRPERSON EASTMAN: Thank you.

14
15 (Whereupon, the siting
16 meeting concluded at 4:03 p.m.)
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C E R T I F I C A T E

I, Amanda J. Wenrich,
Registered Professional Reporter and
Notary Public, do hereby certify that
the foregoing pages Numbered 1 through
321, inclusive, are a true and accurate
transcription of the Siting Meeting
taken on February 20, 2013.

Amanda J. Wenrich
Registered Professional Reporter
And Notary Public

My Commission expires:
February 10th, 2015