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ENERGY GENERATION SITING POLICY COMMISSION

Deliberative Session

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Giga Conference Room
112 State Street
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Louise McCarren, Vice Chair
Tom Bodett
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1 MS. EASTMAN: We're on page 7 I think,
2 and we're on the simplified tier system and
3 when I look at this we've got one comment
4 right now.

5 MR. JOHNSTONE: On what? Sorry. I'm
6 catching up. Keep going.

7 MS. EASTMAN: Where, Linda, does not
8 always function the way it was intended, and
9 Tom saying does not always function in the
10 best interests of the public or the
11 developers.

12 MR. BODETT: Where are we?

13 MS. EASTMAN: Page 7, the very first
14 sentence of simplified tier system.

15 MS. MCGINNIS: It's your comment, Tom,
16 and I actually think it's great. I would be
17 happy to incorporate it.

18 MR. JOHNSTONE: I'm good.

19 MS. EASTMAN: What do you think, Louise?

20 MS. MCCARREN: I'm fine with that
21 change. My only comment on the tier stuff was
22 that I mean it's fine, but it's -- I worry
23 about the introduction of increased complexity
24 for not a lot of benefit, but I have no
25 problem with giving it a whirl.

1 MS. EASTMAN: Yeah, and when we get over
2 to the appendices we'll try to get that far so
3 we can talk about the details if we need to.
4 Okay. So that's all.

5 MR. JOHNSTONE: Under number 7 is a new
6 one. Never mind.

7 MS. EASTMAN: I'm on page 8,
8 recommendation 7, and this is us saying we
9 thought mixing -- bumping down and up would be
10 too confusing, but we were willing to
11 encourage that the Department and others come
12 up with ways to encourage projects within
13 tiers, and so again this to me is can we just
14 -- this is concept language here. We're not
15 doing the detail.

16 MR. JOHNSTONE: Yup. I'm fine.

17 MS. MCCARREN: I had made my comments
18 and it's a substantive comment. It has to do
19 with if all the relevant parties agree, that
20 sounds nice, but the reality is if the wheels
21 come off there's somebody -- who is the
22 relevant party. So I think you got to leave
23 the door open if somebody petitions the Board.

24 MS. MCGINNIS: I think several people
25 had -- this was the example that Deb gave last

1 week. I was trying to -- Deb gave the first
2 one and Scott gave the second one. I think
3 that was Scott's. Deb gave the first one and
4 the second one was just an easier one to put
5 in, but several people had issue, just like
6 Louise just said, that all parties -- we can
7 read all the comments.

8 So Bill's comment, for example, I don't
9 see how all parties could come to agreement
10 prior to the application being submitted,
11 especially since parties may emerge after the
12 application is filed. There would need to be
13 an opportunity to review the actual petition
14 and then agree to a stipulation. It could be
15 a brief period, but I don't know how it
16 happens prior to submitting an application.

17 MS. EASTMAN: I suggest that we make
18 this much simpler, you know, and take out the
19 examples because the examples then cause
20 everybody to talk about the examples, and just
21 in order to encourage projects which are
22 community led and reflect the top priorities
23 of a given town or region the Commission
24 recommends developing an incentive structure
25 within the tier system to enable these

1 projects to be expedited period.

2 MR. JOHNSTONE: I'm fine.

3 MS. McCARREN: I'm okay with that.

4 MR. BODETT: Yes.

5 PUBLIC: Who would do it?

6 MS. EASTMAN: Waterbury. There are a
7 lot of towns that want to do stuff.

8 MR. COSTER: Develop the incentive
9 structure.

10 MS. EASTMAN: It would be the Public
11 Service Board. It's -- it's the Public
12 Service Board that's going to have to adopt
13 the tier system. So it's going to be a Public
14 Service Board docket say.

15 MR. JOHNSTONE: So should we say then
16 that -- should we say the Commission
17 recommends developing -- should we say the
18 Commission recommends the Public Service Board
19 develop.

20 MS. EASTMAN: I don't even care if I do
21 that because the PSB can open a docket.

22 MS. MCGINNIS: So just keep the sentence
23 exactly the way it is without the examples.

24 MS. EASTMAN: Except I would just stop
25 it as expedited.

1 MS. MCGINNIS: Okay.

2 MS. EASTMAN: And not use the word
3 litigation.

4 MR. JOHNSTONE: I can live with it.

5 MS. EASTMAN: Opportunity -- and are you
6 okay with that, Louise?

7 MS. McCARREN: Yes.

8 MS. EASTMAN: Increased opportunity for
9 public participation. Actually interestingly
10 enough we've only got one comment on that.

11 MS. MCGINNIS: I just want to make sure
12 everybody is okay with number eight which is a
13 completely new recommendation based on what we
14 discussed last week.

15 MR. JOHNSTONE: It's not in red.

16 MS. MCGINNIS: That's because nobody
17 commented about it so I accepted it. I told
18 you. If you say nothing, it's there.

19 MS. McCARREN: I'm fine with this whole
20 section.

21 MS. EASTMAN: Can I say I think that's
22 all right because what we are -- we're saying
23 establish a trigger point and we're giving a
24 suggestion for what that might be, and I know
25 that ANR, the Department were going to have to

1 work these things out, but I think that's
2 fine.

3 MR. JOHNSTONE: I'm fine with that.

4 MR. BODETT: That was your suggestion,
5 wasn't it, Billy?

6 MR. COSTER: Yeah.

7 MS. EASTMAN: So I think that's fine. I
8 think 9 is fine. That just tells we're
9 expanding notice. Is this where we talk about
10 the issue that currently it's, you know, towns
11 within the 10-mile issue.

12 MS. MCGINNIS: This is where I have your
13 comment there. That's your comment at the
14 bottom.

15 MR. JOHNSTONE: Is that a separate
16 issue?

17 MS. MCGINNIS: I'm not sure, but I
18 wanted to put it somewhere.

19 MR. JOHNSTONE: It feels like it stands
20 separately similar to the setback question to
21 me.

22 MS. EASTMAN: So -- but right now --

23 MR. JOHNSTONE: I don't mind addressing
24 it here. Whatever you want to do.

25 MS. EASTMAN: Right now we're talking

1 about it in 10 and we're talking about it with
2 respect to tier 4, but --

3 MS. MCGINNIS: And public notice. So
4 the issue, just to make sure everybody
5 understands what at least I think Jan has said
6 is do we need language that addresses the
7 issue. That currently it's towns within a
8 10-mile radius get notice, get public notice.
9 Do we need to say that needs to be reviewed?
10 Do we need to say that needs to be expanded?
11 Do we need to address this issue somehow?

12 MR. JOHNSTONE: I think we should
13 address it, and I think based on the fact we
14 have really not had, that I recall, any
15 specific testimony other than it's inadequate.
16 We don't have --

17 MS. EASTMAN: So it might be inadequate
18 in certain situations.

19 MR. JOHNSTONE: I'm suggesting something
20 similar to what we were talking about earlier
21 on the incentive structure, that it needs to
22 be reviewed and addressed to be useful.

23 MS. MCGINNIS: Okay. So how about a
24 sentence after applicants would provide a
25 public engagement plan to the PSB 150 days

1 prior to the 90-day public notice.

2 MS. EASTMAN: Here's what's not adequate
3 about that. This may affect tier two or tier
4 three too. Clearly might affect tier three.

5 MR. BODETT: How about if the regional
6 planning commissions be notified
7 simultaneously with the towns?

8 MS. MCGINNIS: They are. That's in
9 there.

10 MR. JOHNSTONE: You can have a border
11 issue that crosses RPC territory.

12 MR. BODETT: Yes.

13 MR. JOHNSTONE: That's the problem. So
14 does it really go --

15 MS. EASTMAN: Where is the party in 248?

16 MR. JOHNSTONE: Could we do the same
17 thing in 9 instead and cover three and four?
18 That's where I think it really matters.

19 MS. MCGINNIS: Or it could be in the
20 second paragraph of 10.

21 MR. JOHNSTONE: Fair enough.

22 MS. MCGINNIS: That's where it belongs
23 actually.

24 MR. JOHNSTONE: Okay. I think if you
25 covered the 10-mile question by review and hit

1 3 and 4, you really hit the question in
2 concern.

3 MS. EASTMAN: I'm trying to find in 248
4 where the notice -- where it determines --

5 MR. COSTER: I think it's a rule. I've
6 got the statute here.

7 MS. MCGINNIS: 5.403 that's where it
8 talks about the 10-mile radius for wind
9 facilities notice must be provided to all
10 municipal planning commissions, municipal
11 governments, and regional planning commissions
12 for all towns wholly or partially within a
13 radius of a minimum of 10 miles from each
14 turbine.

15 MS. EASTMAN: Then can we just suggest
16 in here put an asterisk or somewhere -- I
17 think for me that rule needs to be looked at,
18 okay, and it's not up to us to be looked at,
19 but it needs to be looked at to ensure any
20 affected towns, you know, all affected towns
21 get notice even if they are beyond the 10-mile
22 radius, and I don't know how then we, you
23 know, because it may be -- it's going to be --
24 it's almost like it's site by site, you know.
25 Like we say there could be a viewshed that's

1 much -- you know, that a town is more than 10
2 miles a way, but it ought to have notice and
3 the opportunity to play.

4 See for me when you get up to tier four
5 it's easy because there will be a
6 participation plan, and at that 150-day notice
7 you can figure that out. It's more the things
8 in tier 2 and 3 potentially. So I think that
9 rule needs to be looked at and that's all the
10 recommendation that we have to put in. Maybe
11 we make it a separate recommendation.

12 MS. MCGINNIS: I can put it, if you want
13 because it sort of fits within this number 10,
14 I can put in bold as sort of a separate thing
15 underneath 10 and say review 5.403.

16 MS. EASTMAN: To be sure that rule is
17 providing notice to all affected towns.

18 MR. JOHNSTONE: I personally would put
19 it in 9 because I think it's really relevant
20 to tier 3 and 4, and 9 is about notification.

21 MS. EASTMAN: Yeah, 9 is about
22 notification.

23 MS. MCGINNIS: Okay.

24 MR. JOHNSTONE: And what you suggested
25 as language is perfectly fine to me.

1 MS. MCGINNIS: Okay.

2 MS. EASTMAN: Review the appropriate
3 rule. Okay. Thank you. I just didn't want
4 that to get lost.

5 MR. JOHNSTONE: I'm okay with that. Are
6 you okay?

7 MS. EASTMAN: Are you okay with that,
8 Louise?

9 MS. MCCARREN: Yes.

10 MS. EASTMAN: Okay. So that takes care
11 of everything that -- the comments we have
12 from 8, 9, and 10.

13 MR. JOHNSTONE: And now that Chris is
14 here.

15 COMMISSIONER RECCHIA: I was hoping you
16 guys were done.

17 MR. JOHNSTONE: We made substantial
18 progress, gave substantial consideration to
19 something.

20 COMMISSIONER RECCHIA: That helps.

21 MS. EASTMAN: So I think we're on page 9
22 recommendation 11.

23 MR. CAMPANY: To Billy's comment RPCs
24 don't have bill back authority for anything.

25 MR. COSTER: You can petition for it.

1 MR. CAMPANY: In the thousands of hours
2 we put in the only request we were granted was
3 when VY got into issues associated with
4 underground pipes.

5 MS. MCGINNIS: That's the only time any
6 RPC has received --

7 MR. CAMPANY: I polled the other RPCs.
8 None other have.

9 MS. MCGINNIS: We'll put that in.

10 MR. CAMPANY: Many others. To some
11 extent they don't know how, and I sent to the
12 Commission the Board's response to us and also
13 our prior requests, and their response to us
14 was we also did not provide examples of
15 precedent where RPCs have been funded, and
16 that would mean we would have to subscribe to
17 Westlaw to be able to search and do that. It
18 shouldn't be that hard.

19 MS. EASTMAN: And can I tell you it also
20 -- some of this stuff if you're dealing with a
21 new issue, there's no precedent. So for some
22 of this stuff that's the problem with that. I
23 understand, you know, following precedent when
24 you -- right, Louise? I mean you changed
25 everything. You came up with a whole new

1 process for cable companies.

2 MS. McCARREN: We did. We had to.

3 MS. EASTMAN: Because we had to which
4 made it a lot easier for me.

5 MS. MCGINNIS: If you guys are okay
6 because we talked about earlier having a
7 separate recommendation on exploring potential
8 funding sources, one of that -- and we'll get
9 to that at the end, but one of that is looking
10 at sort of more rigorously applying bill back
11 authority, and I might give an example, this
12 kind of example in to show how it currently
13 isn't being applied as rigorously as it could
14 be for RPCs because I think it's a good
15 example of where bill back authority exists,
16 but it's not actually used.

17 MR. COSTER: Chris, you don't know what
18 title that's under, do you?

19 MS. MCGINNIS: The Regional Planning
20 Commission.

21 MR. CAMPANY: You're talking about -- if
22 I had our filings, our cross examination under
23 Docket 7862 I could tell you, but no. We're
24 not included.

25 MR. COSTER: Okay.

1 MS. SYMINGTON: Are you looking for the
2 bill back?

3 MR. COSTER: Just the RPC citation.
4 It's not important. I just thought if you
5 knew off the top of your head.

6 MR. CAMPANY: If I'm not mistaken,
7 somewhere in the statute we have that ability.

8 MS. MCGINNIS: I actually read the
9 statute yesterday and it's actually quite
10 clear.

11 MS. EASTMAN: No, it's only clear for
12 certain -- I think I misread that once. I
13 think it's only clear for gas or for something
14 like that. It's only clear for a specific
15 kind.

16 MR. CAMPANY: For gas pipe.

17 MS. EASTMAN: That's what I think it is.
18 So when you read it you've got to be specific.
19 So we're saying we want this recommendation.

20 MR. JOHNSTONE: Yes. There's one
21 structural thing I think that doesn't work and
22 I think it's just probably moving a sentence,
23 but the sentence that starts with a community
24 raises an issue, that's actually about now a
25 town not the region.

1 MS. MCGINNIS: I'm sorry. Show me where
2 you're at.

3 MR. JOHNSTONE: The second sentence
4 after the bold, if a community raises an issue
5 then the statutory parties, blah blah blah.
6 It seems to me you need to move that sentence
7 below the bullets because the bullets apply to
8 the RPC issue and this sentence applies to the
9 PSB doing something different, which is if a
10 town raises an issue and it can't get
11 resolved, then the Board can --

12 MS. EASTMAN: So it's a third bullet.

13 MR. JOHNSTONE: No. It's a new
14 paragraph after the bullets. It's not about
15 the RPCs any more.

16 MS. EASTMAN: Is it a new
17 recommendation?

18 MR. JOHNSTONE: It could be a new 12 or
19 it's at least a separate paragraph, and I
20 don't care how you deal with it, but it
21 doesn't fit where it is.

22 MS. MCCARREN: And we need to change
23 community to municipality, whatever.

24 MS. EASTMAN: Town, yeah, whatever,
25 municipality.

1 MR. JOHNSTONE: With that I'm okay.

2 MS. McCARREN: Also I think I suggested
3 somewhere else, and I don't want this to be in
4 conflict with it and I don't think it is, one
5 of the things I said is if issues are raised
6 at public hearings, the Board should ensure
7 that they are addressed.

8 MS. EASTMAN: That's in the tiers.

9 MS. McCARREN: All right.

10 MS. EASTMAN: It's in there because it's
11 also --

12 MR. JOHNSTONE: They have to structure
13 their inquiry in part around that they have to
14 at least do it among that -- among other
15 issues.

16 MS. MCGINNIS: It's actually in the
17 public participation part that we're going to
18 get to. The wording of -- Karen's not here,
19 but basically it's the wording of Karen
20 Horne's letter.

21 MS. EASTMAN: Yeah, and when you get
22 there it will relate both to the municipal
23 legislative body, the municipal planning
24 commission, and the public hearing.

25 MS. McCARREN: Thank you, and my

1 question is that's not inconsistent with this,
2 I don't think.

3 MS. EASTMAN: No. No. I don't think
4 it's inconsistent with this. I think this
5 even means that what this does is if they are
6 raising something that somebody else isn't
7 even dealing with, right, then they have got
8 to make an effort to get the testimony on it.

9 MS. McCARREN: Okay.

10 MS. EASTMAN: So I don't think it's
11 inconsistent. I actually think it takes it a
12 step further.

13 MS. MCGINNIS: I want to make sure we're
14 staying consistent with language from what we
15 had talked about earlier in the first bullet.
16 Right now we're saying in order for RPC to be
17 eligible to receive any funding the PSD must
18 first determine that the energy section of the
19 regional planning is consistent with the state
20 energy plan. Is that what we want to say or
21 we want to shift that, right?

22 MS. EASTMAN: It's back to what we said
23 earlier today. All of the parallel -- the
24 language that we agreed to earlier.

25 MS. MCGINNIS: Okay. Okay. Energy

1 implications that's what we used. Energy
2 implications. Chris, you're okay with that?

3 COMMISSIONER RECCHIA: Yes, but I think
4 it was just -- yes. I think the Chair was
5 wise to say parallel the language rather than
6 try to have us recreate it.

7 MS. MCGINNIS: Well I am paralleling the
8 language. Want to make sure we're all okay.

9 MS. EASTMAN: I want to raise an issue,
10 though, in the second bullet. What we're
11 saying is we're giving them funding regarding
12 the arguments of whether or not the project is
13 in conformance with the regional plan and --

14 COMMISSIONER RECCHIA: Aren't we giving
15 funding to participate as a party?

16 MR. JOHNSTONE: No. That's not what
17 this says.

18 MS. EASTMAN: That's not what this says,
19 but that's what I'm wondering. I heard --
20 Chris I think had a good point this morning.
21 What if not under this Commissioner, but
22 there's a Commissioner who you don't agree
23 with the State's statement relative to the
24 Comprehensive Energy Plan. You want to play
25 on other things. How far are we willing to go

1 to fund that?

2 MR. JOHNSTONE: I get nervous about that
3 because there's all kinds of other parties.
4 We're then to funding towns once you crack
5 that door. We raised -- I'm trying to track
6 to what we raised in the level of dispositive
7 which is what this language really does, and
8 as soon as you crack through that it's a wider
9 question than the RPCs, and maybe people want
10 to talk about that. I think it becomes
11 unworkable.

12 MS. MCGINNIS: And is it that the
13 project is -- okay. So basically we're saying
14 we're limiting the RPC to receive funding to
15 questions only related to whether or not the
16 project is in conformance with the regional
17 plan. That's the only thing we're willing to
18 fund? I just want to make sure I understand
19 that.

20 MS. MCCARREN: I agree with that. I
21 agree with Scott.

22 MS. EASTMAN: And so, Chris, how much
23 burden does that now put on you? This Chris
24 behind me.

25 MR. CAMPANY: I'm trying to --

1 MR. JOHNSTONE: As compared to what you
2 currently have to do as a statutory party.

3 MS. MCGINNIS: This is only in
4 relationship to being a statutory party.

5 MS. EASTMAN: It means that we're really
6 limiting his role as a statutory party. We're
7 only going to fund him participating on one
8 issue.

9 COMMISSIONER RECCHIA: But we're not
10 limiting his role. We are only funding, but
11 we are funding. I mean the funding is new so
12 I think it's a broadening of his abilities.

13 MS. EASTMAN: It is a broadening of what
14 he currently has.

15 MR. CAMPANY: I'm just trying to think
16 of -- I guess it would be actually open to PSB
17 interpretation. Everything we do, in all the
18 dockets that we're basically there in defense
19 or promoting the components of our regional
20 plan, the whole thing. So I think that's
21 okay.

22 MR. JOHNSTONE: And if we have to
23 choose, I want to fund it more to do the
24 planning right than to fight.

25 MS. EASTMAN: I get it. Let's go with

1 this for now. Are you okay with that, Louise?

2 MS. McCARREN: Yes.

3 MS. EASTMAN: You said you were. Great.
4 So now we're on -- do we need to decide if
5 we're doing --

6 MS. MCGINNIS: I had one other thing
7 that came late last night from the Department,
8 and I actually think it's a really important
9 thing to consider and Louise brought it up as
10 well.

11 In number 12, I'm skipping ahead now, I
12 thought we were pretty much in agreement on
13 everything.

14 MS. EASTMAN: So are we having a new 12
15 or are we just leaving that sentence as a
16 separate paragraph under 11?

17 MS. McCARREN: I think a separate
18 paragraph under 11.

19 MS. EASTMAN: Okay. That's fine. Okay.
20 Go ahead. Go to 12, Linda.

21 MS. MCGINNIS: Okay, and well maybe
22 along that line I'm looking at what Billy put
23 in for number 11 just to be sure. The part on
24 bill back authority is it worth having a line
25 here saying that under current statute

1 regional planning commissions can only receive
2 funds under bill back for x, y, and z. We're
3 recommending that it be broadened to or not.
4 Is it worth saying anything along those lines?

5 MS. EASTMAN: No. In fact, the bill
6 back authority is either the Department's or
7 the Public Service Board. So the Public
8 Service Board is going to determine. Right
9 now we said we want this kind of thing at
10 least funded.

11 MS. MCGINNIS: Right. I just want to
12 make sure that we're referring to the way in
13 which they could be funded. It -- currently
14 it's under bill back and I don't have to refer
15 to it or I can. Billy just raised this issue
16 so I want to make sure that we're addressing
17 it one way or another.

18 MS. MCGINNIS: Billy has the actual
19 statute if you want to hear it. I don't know
20 if you want to or not.

21 MS. EASTMAN: I don't know if it helps.

22 MS. MCGINNIS: I'm happy to put language
23 in a couple of lines and see if you want it
24 there or not. You can tell me if you like it
25 or not.

1 MS. EASTMAN: Do that.

2 MS. MCGINNIS: Because I do think it
3 helps move the process forward, but it might
4 not. So we can just move on to number 12.
5 The issue I wanted to raise, which Louise came
6 at it from one direction and the Department
7 came at it from another, but I think it moves
8 to the same objective which is that we're
9 talking about a case manager and we may need
10 to separately discuss the issue of
11 establishing an online docketing system.

12 Now I know we get that in number 17,
13 which is -- or number 18 which is the improved
14 web site, but the Department was thinking that
15 maybe we need to pull it out as a separate
16 issue because it is such a big issue. It's
17 not just an improved web site. It's actually
18 an investment in a system that allows for
19 online docketing which I think everybody would
20 appreciate having, and in which case it may be
21 the Department that's managing it or it may be
22 somebody else that's managing it, not the case
23 manager.

24 MS. EASTMAN: I vote we make it a
25 separate thing. It's hard for you again

1 unless we really recommend --

2 COMMISSIONER RECCHIA: I wanted to let
3 you know right now the Board and the
4 Department are cooperating on an electronic
5 dockets management system that the Senate
6 Appropriations Committee is looking to cut.
7 So this would be helpful.

8 MS. EASTMAN: So having a recommendation
9 that says we need the system and PSB and PSD
10 work cooperatively to set it up, and then --
11 and again what we said is prior to there
12 actually being a filing at the Public Service
13 Board, right, it's probably the PSD that's
14 managing the early warning kinds of things,
15 and then we have a second recommendation that
16 has the actual hiring of somebody.

17 MS. MCGINNIS: Do you want that to be
18 the first recommendation in this section, the
19 online docketing, or do you want it to be
20 after the case manager or down by the web
21 site?

22 MS. EASTMAN: I want it first. I need
23 the system before I hire the person or I want
24 the person anyway.

25 MS. MCCARREN: Yeah. They are not

1 dependent on each other.

2 MS. EASTMAN: I want -- so put it -- put
3 it down separately from 18 or I want the
4 person anyway.

5 MS. MCCARREN: They are two different
6 functions. We shouldn't confuse them.

7 MS. MCGINNIS: So I will take it in
8 number 12. I'm just going to say the PSB
9 shall hire a case manager, not online
10 docketing manager, to provide guidance on all
11 aspects of siting and I'll take out other
12 references to online docketing, but then --

13 MR. JOHNSTONE: I think that belongs in
14 this section. It's about transparency and
15 efficiency. So I think a new item becomes a
16 new 13, if you will, the docketing system.

17 MS. MCGINNIS: I totally agree. I'm
18 just asking where if it comes in 13 or down in
19 the web site?

20 COMMISSIONER RECCHIA: I would put it
21 next and leave the web site where it is.

22 MS. MCGINNIS: Got it.

23 MS. EASTMAN: Okay.

24 MS. MCCARREN: I did not point this out
25 before, but the second clause in paragraph 12

1 we may want to rewrite it. This could give
2 great angina to the clerk among other people.
3 Paragraph 12.

4 Okay. I'm sorry. Third sentence the
5 PSB shall also direct the Hearing Officers to
6 broaden the current interpretation of ex parte
7 communication. I mean that's assuming that
8 they have an interpretation already. I
9 understand the point and I support the point,
10 which is the hearing examiner should be able
11 to have discussions about process. I support
12 that.

13 MS. EASTMAN: And I understand, Chris,
14 we put this in here after you talked to Jim
15 Volz.

16 COMMISSIONER RECCHIA: Right.

17 MS. EASTMAN: So maybe there's a nicer
18 way to say it. Maybe we can say we understand
19 that the PSB --

20 COMMISSIONER RECCHIA: Recognizes the
21 need to broaden.

22 MS. EASTMAN: Something like that
23 because we put this in here after we knew Jim
24 had agreed to that. How's that?

25 COMMISSIONER RECCHIA: That would be

1 great, although I will say I had a procedural
2 question for him the other day and he wrote
3 back and said I can't talk about it because we
4 have an ongoing docket.

5 MS. MCGINNIS: This is what I worry
6 about. Sometimes you have to call a spade a
7 spade.

8 MS. EASTMAN: I think we write it the
9 way we just proposed, the nicer way, and we
10 have to deal with it.

11 MS. MCCARREN: And I would please take
12 out the term without going through the clerk.
13 That is like why don't we just take a large
14 steering device and do something bad with it.

15 MS. EASTMAN: And actually it's
16 inappropriate to ever make a specific
17 reference to anybody.

18 MS. MCCARREN: I'm sorry. I should have
19 caught that before.

20 COMMISSIONER RECCHIA: That was a great
21 catch. Thank you.

22 MS. EASTMAN: So that's good then. 12.
23 13, we don't have any comments about 13 and
24 14.

25 MS. MCCARREN: I'm fine.

1 MS. EASTMAN: 15.

2 MR. BODETT: My comment was just that
3 the term intervenors I think is the first time
4 it appears in this language and I didn't know
5 what it defined.

6 MS. MCCARREN: Parties. Parties may be
7 better.

8 MR. JOHNSTONE: That would be great.

9 MS. EASTMAN: Say for all involved
10 parties; applicants, ANR, PSB, RPCs.

11 MS. MCGINNIS: There are other
12 intervenors too. That's the thing. I guess
13 my question is do you want to have timelines
14 by which other parties beyond the applicants
15 need to have a timeline to respond to things?

16 MS. EASTMAN: And they get it at the
17 first prehearing conference. I mean then
18 that's -- actually what happens is there's a
19 deadline for all parties.

20 MR. COSTER: There's a schedule for the
21 whole docket.

22 MS. MCGINNIS: So do I cut this out or
23 keep it in?

24 PUBLIC: They are called intervenors.

25 MS. EASTMAN: ANR isn't called an

1 intervenor and it would be PSD.

2 MS. MCGINNIS: No because it was
3 statutory timelines also for the PSB. I mean
4 it's not timelines for all statutory parties.
5 It's for all parties. So basically, for
6 example, the PSB shall hold a prehearing
7 conference within 14 days of an application
8 being deemed technically complete.

9 MS. EASTMAN: Can I say we're now mixing
10 apples and oranges? What we're trying to do
11 here, right, I just want to be careful about
12 we're trying to get statutory timelines for
13 everybody to do things, but once --

14 MR. BODETT: Can we just lose the
15 applicants, intervenors, and ANR? Don't
16 describe any of them. Just all parties.

17 MS. MCCARREN: Do we really need
18 statutory?

19 MS. MCGINNIS: We don't need statutory
20 -- statutory timelines?

21 MS. MCCARREN: Yes.

22 MS. MCGINNIS: I don't know. Well some
23 of them, and this is where Jan is getting to,
24 under the tiers we're actually looking at
25 statutory timelines that will be designated

1 for certain things and those will be
2 statutory. For other things like ANR's
3 performance standards those don't have to be
4 statutory, but basically it's setting out
5 performance standards that you expect people
6 to meet.

7 MS. EASTMAN: So this should just say
8 establish timelines for all -- establish
9 timelines for all involved parties. Here's
10 the thing. There are going to be established
11 timelines for an applicant to make filings or
12 for somebody who is doing a permit process
13 with them to respond. For an intervenor who
14 isn't giving any permits, like for an RPC,
15 there's no timeline. Their's is all going to
16 be set by, once the scheduling order is there,
17 their participation, the parties'
18 participation in the actual docket, docket
19 will be established by the scheduling order.

20 MR. COSTER: I think the intent of
21 number 15 was to establish clear benchmarks
22 for the early stages of a docket; the
23 prehearing conference, the public hearing. So
24 I think that's -- they are not really
25 timelines. So if we want to just say that,

1 you know, clear benchmarks, early stages of a
2 docket, and then go on to enumerate the things
3 that you have in there, that's probably
4 sufficient.

5 MS. EASTMAN: So those timelines do
6 relate, though, to PSB or PSD and ANR mainly.
7 They don't relate to the RPCs deadline. They
8 have deadlines with notice, but once you get
9 into the docket the scheduling order is going
10 to establish them.

11 MR. COSTER: I think what this is saying
12 is right because these are all before when the
13 schedule gets set.

14 MS. EASTMAN: Yes. Okay.

15 COMMISSIONER RECCHIA: So is it
16 statutory or is it not?

17 MS. EASTMAN: I think it's timelines
18 because I think some may be statutory, some
19 may be rules. So I think it's timelines and
20 don't say they will have to be statutory.

21 COMMISSIONER RECCHIA: All right.

22 MS. MCGINNIS: So establish clear
23 timelines for all involved parties, take out
24 everything in the parentheses, and do you want
25 to keep the consequences if not met because

1 that's been something we haven't really
2 discussed.

3 COMMISSIONER RECCHIA: Well I don't know
4 what kind of consequences you have.

5 COMMISSIONER MARKOWITZ: I think that
6 takes us down a much more complicated road.
7 We're not going to want to deem approval --

8 COMMISSIONER RECCHIA: And if it's
9 firing the Commissioner of Public Service, it
10 might be actually a benefit that be a
11 consequence.

12 MS. EASTMAN: There can be good
13 consequences.

14 COMMISSIONER RECCHIA: Of course.

15 MS. EASTMAN: Okay. So 16 this is what
16 we talked about the performance standards,
17 appendix 3, that some of us don't agree with,
18 right?

19 MS. McCARREN: Are you looking at me?
20 Why do you think there's anything in this that
21 I have ever disagreed with?

22 MS. EASTMAN: 16 which is --

23 MS. McCARREN: I'm fine with 16. The
24 timelines are fine. They may be a little
25 unrealistic, but if they had pushed things in

1 the right direction, I think that's fine.

2 COMMISSIONER RECCHIA: I think they are
3 nicely ahead a little bit of the total times
4 that we have found as examples. So I feel
5 like it's in the right direction and doesn't
6 seem completely outlandish.

7 MS. McCARREN: Look we're sending the
8 important message, right, which is we've heard
9 from both developers and others that it's
10 taking too long. So we're sending the
11 message. Whether it's this exactly precise
12 numbers or others I think --

13 MS. EASTMAN: Billy's raising some
14 concerns here and I want to see if we address
15 any of them.

16 MR. COSTER: Well the first comment
17 should be stricken. That was a mistake. And
18 I guess my only one -- and I did this late on
19 a Sunday so I apologize if the tone is a
20 little off, but you know I think holding a
21 reason -- citing other states' timelines as a
22 rationale for having them here just seemed a
23 little inappropriate since they are different
24 processes, differently constituted boards,
25 different thresholds for engagement.

1 It's just they are not -- they are so
2 dissimilar to the process that we have here
3 they are not a good reason to have timelines.
4 If we want to have these timelines, we should
5 just have them.

6 MR. JOHNSTONE: I hear you and I don't
7 mind adding some comfort language there, but
8 we were specifically charged to look at these
9 things so I think it's important. I actually
10 think it's important to have this in, and if
11 we want to say, you know, and it's always true
12 that the Vermont way may not be the same as
13 the New England or other way, you know, figure
14 out what comfort language we want, but we were
15 actually told to look at this. So by
16 referencing it is probably important.

17 MS. EASTMAN: Maybe in the however the
18 Commission acknowledges Vermont's practice is
19 not the same as other states and these
20 performance standards may need to be adjusted
21 once they have been put into practice.

22 MR. COSTER: That sounds excellent.

23 COMMISSIONER MARKOWITZ: That's fine.

24 MR. COSTER: And then my last comment on
25 the page is kind of -- is not relevant because

1 it sounds like you're now having that
2 determination done by the Department not the
3 Board. So it shouldn't be adding more time to
4 the process.

5 MR. JOHNSTONE: Perfect.

6 MS. MCCARREN: I just had an editing
7 comment, Linda. The sentence at the middle
8 that starts in addition the PSB --

9 MS. EASTMAN: Third paragraph.

10 MS. MCCARREN: I would just delete it.
11 I don't know what it means.

12 MS. MCGINNIS: The Department came up
13 with some language that I think works better.
14 The point is, and it's been brought up by
15 others around the table, that these new types
16 of projects raise new issues, and at each
17 stage the Board and all statutory parties
18 learn from having sited a new type of
19 technology and that feeds into the whole
20 precedent thing.

21 MS. MCCARREN: I agree. It's an editing
22 issue.

23 MS. MCGINNIS: I will reword it so it's
24 good.

25 MS. EASTMAN: Okay. So that's 16.

1 MR. JOHNSTONE: There you go.

2 MS. EASTMAN: 17. Rebuttable
3 presumptions, and I actually don't think we
4 need the second sentence that relates to the
5 appeal process because that's not the Section
6 248 process. Section 248 is an application
7 process, right, not an appeal process.

8 COMMISSIONER RECCHIA: The ANR permits
9 are appealed to the Public Service Board,
10 right?

11 MR. COSTER: For renewable --

12 COMMISSIONER RECCHIA: For renewable
13 projects.

14 MS. SYMINGTON: But not under 248.

15 MS. EASTMAN: I think we take out the
16 last sentence.

17 MS. MCGINNIS: We seemed to have about a
18 half hour of discussion last time so --

19 MR. JOHNSTONE: Just because we talked
20 about it doesn't mean it's important.

21 MR. BODETT: We've learned at least
22 that.

23 MS. MCGINNIS: Are you okay we're taking
24 out that last sentence? This is something you
25 were talking about a lot last time and you

1 have asked me -- the last sentence of 17
2 you've asked me to put this in a couple of
3 times and I did and now we're taking it out.

4 MS. EASTMAN: Because we're making
5 reference to 248 and the appeal isn't 248.

6 MS. McCARREN: That's fine.

7 MS. EASTMAN: Okay. 18.

8 COMMISSIONER RECCHIA: That's fine.

9 MS. EASTMAN: We didn't have any more
10 comments.

11 MS. McCARREN: No.

12 MS. EASTMAN: Okay.

13 MS. MCGINNIS: On 18, just to highlight
14 it, I am taking out the online docketing thing
15 from that. I will say it's included, but it's
16 a whole separate recommendation.

17 COMMISSIONER RECCHIA: And you might
18 want to broaden the web site issues to deal
19 with Public Service Department in addition to
20 the Public Service Board.

21 MS. MCGINNIS: Well the point is that --
22 the point for keeping it there is I think part
23 of the problem for all of the parties is that
24 they have to go to ANR for ANR things, they
25 have to go to the Department for other things,

1 to make sure it's all in one place.

2 MS. EASTMAN: Understood that, but we
3 think that it's going to be the Public Service
4 Department that's going to be managing that
5 issue prior to an actual docket being opened
6 before the PSB. This goes back to an issue of
7 something, some triggering point for other
8 applications to be available centrally so they
9 don't have to go to ANR. So I don't know how
10 this -- and I don't think it needs to be
11 fleshed out here, but we know what we're
12 trying to get at.

13 MS. MCGINNIS: I don't.

14 COMMISSIONER RECCHIA: All I would say
15 ensure that the improved -- that there's an
16 improved PSB and PSD web site design that gets
17 you closer to this one stop shop. So what Jan
18 is saying is that for like the 150-day advance
19 of filing things the PSB is not going to even
20 have a docket on that yet.

21 MS. MCGINNIS: I guess what I'm trying
22 to get at, I'm trying to think of it from
23 people who have to come to the government and
24 figure out what you guys are telling them to
25 do which is not easy. I've heard this for six

1 months, right. So I would hope that what they
2 would have is maybe a siting web site or
3 something that's just one central thing that
4 they come to. That's what I'm trying to get
5 at. So maybe --

6 MS. EASTMAN: It may be that, but then
7 there may be a direct link over to the PSD
8 kind of thing.

9 MS. MCGINNIS: Right. So they know
10 there's one place to go.

11 MS. EASTMAN: They go one place, but we
12 better put the PSD in here because the PSB is
13 not going to manage anything prior to them
14 getting a docket, and so I think we have to
15 put the PSD in here. Then they can work it
16 out with them, but the PSB is not going to do
17 anything until they have a docket.

18 COMMISSIONER RECCHIA: You can add a
19 sentence at the end of this that says the PSD
20 web site should be updated to facilitate and
21 clarify or communicate with the PSD. I don't
22 know.

23 MS. EASTMAN: The point for me is this
24 web site -- I mean this web site isn't as
25 helpful as we want it to be unless it gets

1 information out there as soon as it's
2 available as opposed to the time that a docket
3 is created at the PSB. This goes back to that
4 triggering thing and we spent a lot of time on
5 that.

6 MS. MCGINNIS: I got it.

7 MS. EASTMAN: You have to link it
8 somehow.

9 MS. MCGINNIS: I'll figure out
10 something.

11 COMMISSIONER RECCHIA: Sorry.

12 MS. EASTMAN: All right. Ensure
13 adequate environmental health and other
14 protection.

15 MR. COSTER: Strike my comment from 19.
16 Linda made a change in the body that makes it
17 irrelevant.

18 MS. EASTMAN: Okay. So that's comment
19 60.

20 MS. MCGINNIS: There are no other
21 comments on 19. The rest of the comments go
22 to 20.

23 MS. MCCARREN: Wait.

24 MR. COSTER: Just to explain what I was
25 talking about in 20, you're talking about

1 Section 248 and how they should consider cost
2 and benefits. It didn't seem necessary to
3 make reference to guidelines that existed
4 outside of 248 in this section. You can just
5 strike that in addition to existing guidelines
6 relating to natural resources.

7 MS. EASTMAN: And isn't it going to be
8 in this section somewhere that earlier we
9 talked about under the review for Act 250
10 criteria to substantial.

11 MS. MCGINNIS: This might be exactly
12 where --

13 MS. EASTMAN: And so somewhere I think
14 that ought to go in if we all agreed to that.

15 COMMISSIONER RECCHIA: I do.

16 MR. JOHNSTONE: I do.

17 MS. EASTMAN: Thank you. That helps me.

18 MS. MCCARREN: Are we on --

19 MS. EASTMAN: 20.

20 MS. MCCARREN: It's editing. I'm just
21 confused on this.

22 MR. JOHNSTONE: That's fine.

23 MS. MCCARREN: Should include
24 consideration of the benefits of conserved
25 land resulting from the project.

1 MS. MCGINNIS: This is to get -- this is
2 my response to your comments that I sent back
3 to you. Gaye wanted to make sure that the
4 positive aspects beyond just the project were
5 also incorporated and that as part of new
6 projects, for example, wind there are
7 sometimes hundreds, if not a couple -- a lot
8 of acreage that's conserved, and when you're
9 looking at the overall benefit of the project
10 the additional conserved land should be
11 included in the understanding of what the
12 benefit of a project is.

13 MS. MCCARREN: I'm fine with the
14 concept.

15 MS. EASTMAN: It's the definition of
16 project and so for me --

17 MS. MCCARREN: For me I didn't
18 understand. I understand what Linda just said
19 and I don't object. It's just that when I
20 read that that's not what I read.

21 MS. EASTMAN: And for me I look at a
22 project and to me it includes all the
23 conserved land. You know there's a project
24 site where something is built, but --

25 MS. MCGINNIS: From a generation

1 facility it could say. So I don't know how --
2 I would appreciate any language that you would
3 like to add there, but I'm trying to respond
4 to Gaye's repeated notion --

5 MS. MCCARREN: How about you just put
6 new conserved land -- new conserved land
7 resulting.

8 MS. MCGINNIS: From a new generation
9 facility -- from an approved generation
10 facility.

11 MS. MCCARREN: New conserved land as
12 part of the project. I understand what you're
13 trying to say and I don't disagree with
14 putting it in there, but it's new conserved
15 land.

16 MS. MCGINNIS: Yes. I'm happy to add
17 new.

18 MS. EASTMAN: Okay.

19 COMMISSIONER RECCHIA: I think that
20 solves it.

21 MS. EASTMAN: Can I -- I now have a
22 general issue that I want to just raise here
23 after reading VNRC's piece, and this goes to
24 mainly I think Deb and Billy where they talk
25 about actually looking at the 250 criteria and

1 relooking at them after 30 years.

2 COMMISSIONER MARKOWITZ: So that's a
3 whole different ball of wax. There's groups
4 studying that. The Legislature is looking at
5 that. You know right now it's been our
6 experience that the review we get in 248 is a
7 more rigorous environmental review. Like it
8 covers more things.

9 MS. EASTMAN: Right.

10 COMMISSIONER MARKOWITZ: And so we like
11 that. I think it goes beyond our charge to
12 suggest that they do the same thing for all
13 Act 250.

14 MS. EASTMAN: For me when I read that I
15 said great. If they want to -- if the state
16 -- if you believe that Act 250 isn't doing
17 what it needs to do, then for me it would --
18 they would get changed, and then in 248 it
19 would have substantial consideration of the
20 Act 250 criteria, whatever they were.

21 COMMISSIONER RECCHIA: I would agree.
22 In other words, you don't need to go there to
23 the specific criteria. You just need to say
24 what we do want them to have. The truth of
25 the matter is the criteria do need updating,

1 but that's a huge task.

2 MS. EASTMAN: And I'm not saying I'm
3 against the State updating those criteria and
4 getting whatever, but then I think the way
5 this process would work it would be in there.

6 COMMISSIONER MARKOWITZ: So the answer
7 to them really there's an independent track on
8 this so it's being addressed in tandem.

9 MS. EASTMAN: In fact, if you end up
10 doing something it will be incorporated.

11 COMMISSIONER RECCHIA: Unless they
12 rename it.

13 MS. MCGINNIS: So I'm just wondering if
14 we need to at least reflect that that's been
15 something suggested elsewhere?

16 COMMISSIONER MARKOWITZ: No. I think
17 it's okay. I think to the extent we're
18 clarifying how we want the Act 250 criteria to
19 be considered by --

20 MR. JOHNSTONE: Duly considered.

21 MS. MCGINNIS: No. We're actually
22 saying we're moving from due consideration to
23 substantial consideration.

24 MR. JOHNSTONE: I'm sorry. Different
25 things.

1 COMMISSIONER MARKOWITZ: He was being --
2 sarcasm.

3 MS. EASTMAN: I think it's enough. I
4 don't think we need to say any more. I think
5 somebody else asks a question about did we
6 consider that, did we take into account we can
7 say we've talked about it. I know how to
8 explain it. I've actually talked to somebody
9 from VNRC yesterday about that very issue and
10 said hey, you know, if you think 250 criteria
11 need to be changed --

12 MS. MCGINNIS: We're adding it. Okay.
13 So I don't add anything with respect to VNRC's
14 comments?

15 MS. EASTMAN: Well I went -- anyway. It
16 led me to do some things.

17 MR. JOHNSTONE: We get it. We don't
18 need to change it here.

19 MS. EASTMAN: So 21.

20 MR. JOHNSTONE: I'm at 22. I must have
21 liked 21.

22 MS. EASTMAN: And I know we've talked
23 about this, that using the acronym and I know
24 that this is the Agency of Agriculture -- I
25 know this is the Agency of Agriculture, but

1 would you in this one spell it out?

2 MS. MCGINNIS: I did earlier.

3 MS. EASTMAN: I know. Would you spell
4 it out here because it just stands out that
5 we're giving them something and so --

6 MR. BODETT: That gave me pause.

7 MS. EASTMAN: So spell it out and spell
8 out -- I just think -- and DOH in the next
9 one, I know that we've already done it
10 correctly, but if people pull this apart and
11 take just that consideration, they won't know
12 who we're talking about.

13 MS. MCGINNIS: Okay.

14 COMMISSIONER RECCHIA: Which they will
15 get what they deserve for pulling it out.

16 MS. EASTMAN: Okay. So we're fine with
17 that though? 21. 22. This is what they
18 wanted to do, right? And 23.

19 MS. MCCARREN: Hang on. I'm with you.
20 On 23 --

21 MS. EASTMAN: 23 is the guidelines that
22 we've got, right?

23 MS. MCGINNIS: Louise wanted to
24 eliminate the last sentence.

25 MS. MCCARREN: I'm not sure what it

1 means in this context. I would take it out.

2 MR. JOHNSTONE: It's kind of redundant
3 because the PSB is going to consider it
4 whether we say to or not. If the agency --
5 you're going to be bringing it in as part of
6 your testimony at that point.

7 MS. McCARREN: I would just take it out.
8 That's what I'm --

9 MR. JOHNSTONE: That's what I'm
10 wondering. Is there something different?

11 MR. COSTER: I think what we heard
12 Chairman Volz say they don't consider it
13 because it's not a criteria. They look at the
14 projects in and of themselves. We have to
15 argue if they are relevant to other existing
16 or proposed projects.

17 MS. McCARREN: All right. Then I'm
18 okay.

19 MR. COSTER: He seems to invite adding
20 this.

21 MS. McCARREN: Tell you what. I would
22 go with when considering a project. It's the
23 rest that's giving me a little heartburn.

24 MR. JOHNSTONE: When considering a
25 project the PSB shall then consider.

1 MS. McCARREN: Yeah.

2 MS. EASTMAN: My point is no. What we
3 want them to consider, we want them to
4 consider cumulative impacts.

5 MR. JOHNSTONE: Really maybe the title
6 --

7 MS. EASTMAN: We need a statutory
8 change.

9 MR. JOHNSTONE: Let me suggest maybe the
10 title is wrong. What we're really
11 recommending here is that the PSB --

12 MS. EASTMAN: Consider cumulative
13 impacts.

14 MR. JOHNSTONE: Consider cumulative
15 impacts and then what is currently in bold is
16 unbolded and it all flows from there.

17 MS. EASTMAN: And then they develop the
18 guidelines, ANR and DPS.

19 MS. MCGINNIS: I thought it was already
20 in -- cumulative impact is mentioned in
21 Section 248 already.

22 MR. JOHNSTONE: They don't take it up in
23 hearings.

24 COMMISSIONER MARKOWITZ: That's why what
25 Scott says makes sense. If you unbold what

1 you have got there but then have a little bold
2 heading that says the PSB shall take into
3 account the cumulative impact, and although
4 they are supposed to be doing it, it
5 emphasizes it. They are supposed to.

6 MS. EASTMAN: Chris can take this back
7 to his staff to see if we did it right.

8 COMMISSIONER RECCHIA: Right.

9 MR. JOHNSTONE: Scream at us on the
10 25th.

11 MS. MCGINNIS: So PSB shall consider
12 cumulative impact in determining blah blah
13 blah or just shall consider.

14 MS. EASTMAN: Shall consider cumulative
15 impacts of projects in project review.

16 MR. JOHNSTONE: Generation siting
17 project review. Whatever.

18 MS. EASTMAN: And if we've screwed it
19 up, Sheila will tell us.

20 MR. JOHNSTONE: Of course she will.

21 MS. MCCARREN: She's not here.

22 COMMISSIONER RECCHIA: She's probably
23 dealing with something else I screwed up.

24 MS. EASTMAN: So 24.

25 MS. MCCARREN: I had a little question.

1 Under bill back for preconstruction --

2 MS. EASTMAN: Well there can be -- there
3 can be monitoring experts. I mean ANR maybe
4 have --

5 MS. MCCARREN: It's an editing issue.
6 Under the bill back for preconstruction how
7 are you going -- are we talking about
8 monitoring for preconstruction?

9 MS. EASTMAN: Yes.

10 MS. MCCARREN: Okay. I don't understand
11 what that is, but it's not doing any harm.

12 MS. EASTMAN: It's studies that may have
13 to be done.

14 MS. MCCARREN: All right. Fine. Okay.

15 MS. MCGINNIS: I think this language
16 came --

17 COMMISSIONER RECCHIA: This is
18 preconstruction, construction, and post
19 construction. I think it's preapplication,
20 during application, and post approval
21 monitoring.

22 MS. EASTMAN: So it's preapplication.

23 COMMISSIONER RECCHIA: I think so.

24 MS. EASTMAN: And is it though
25 construction because we had some construction

1 issues.

2 COMMISSIONER RECCHIA: They could be
3 construction.

4 MS. EASTMAN: And then post approval.

5 COMMISSIONER RECCHIA: Yes.

6 MS. MCGINNIS: Well it may be mixing
7 apples and oranges there too.

8 COMMISSIONER RECCHIA: I think we might
9 be, but when I read this I thought I was
10 having some of the same problem Louise is
11 having with the word preconstruction, but I
12 understood the concept, and the way I
13 understand the concept is we want to use bill
14 back to deal with things that are necessary to
15 do before an application is acted on by the
16 Board, sometimes even before it's filed, and
17 we want to be able to follow that project
18 after construction and approval to do post
19 project -- post approval monitoring and
20 management.

21 An example of where something might need
22 to be done beforehand is somebody comes in to
23 you guys, ANR, and says we're thinking about
24 this project in this location and they haven't
25 done any wildlife monitoring or assessments

1 and they got to do that and we got to do it,
2 you know, you got to do it with them and you
3 want to be able to bill that back.

4 MS. MCGINNIS: So how should it be
5 worded?

6 MS. EASTMAN: I think preapplication --
7 I'm sorry. Preapplication, construction, and
8 post approval.

9 COMMISSIONER RECCHIA: Perfect.

10 MR. JOHNSTONE: That's fine.

11 MS. EASTMAN: Construction -- remember
12 there may be some issues about having somebody
13 on site for certain things.

14 MR. JOHNSTONE: Right.

15 MR. COSTER: Can I interject for a
16 second? I think the origins of this
17 recommendation really focused on monitoring
18 during the construction phase and operational
19 phases of projects. I agree, Chris is
20 completely right, there is a lot of work that
21 needs to be done beforehand. I don't know if
22 your intent was to say all parties get to
23 participate in choosing what -- who those
24 experts are. That was a suggestion given.

25 MS. EASTMAN: I have to tell you I think

1 you're right. I think we were talking about
2 all parties agreeing, if they could, to
3 construction and post approval because then
4 they are already in place. Preapplication
5 parties haven't been identified.

6 So I think there's two issues here.
7 There's approval and there's payment.

8 MR. COSTER: And this is just for
9 monitoring. It's not for doing assessments
10 that occur in the planning stages.

11 MS. MCGINNIS: There's the other
12 complication on preapplication where we say,
13 and this came up from the last deliberations,
14 if not agreement is reached, the PSB will
15 order an expert. In a preapplication period
16 the PSB isn't involved yet.

17 MS. EASTMAN: I think we should keep
18 this for construction and post, and the issue
19 for pre is -- I mean maybe we need something
20 else, if we need it about what bill back can
21 be used for, that bill back can be used for
22 you guys for preapplication stuff.

23 COMMISSIONER MARKOWITZ: Billy, right
24 now what we can use bill back for -- can we
25 already? So I think we can --

1 MS. MCGINNIS: I would include as one of
2 the appendices the actual statute for bill
3 back because there's a lot of confusion around
4 that and there's a lot of detail in it that's
5 -- so I mean I spent a lot of hours looking at
6 it and it's not easily understood.

7 MR. JOHNSTONE: Easy reference.

8 MR. COSTER: I just don't see why bill
9 back is even relevant to this one
10 recommendation because it's saying that --

11 MS. EASTMAN: And it doesn't matter. I
12 think what this was about was having agreement
13 on monitoring and compliance issues if we
14 could.

15 MR. JOHNSTONE: And that it's overseen
16 by the appropriate agency. There's an
17 exception from the person paying who is the
18 project application versus who is actually
19 responsible to do the overseeing.

20 MR. COSTER: Correct.

21 MS. MCCARREN: I'm with Scott. We have
22 agreement on the notion. Maybe Linda can --

23 MS. MCGINNIS: I'm trying to understand
24 whether I'm supposed to take out bill back or
25 keep it in.

1 MS. EASTMAN: I think you should take it
2 out, bill back preconstruction. I think you
3 should say what we're trying to get here is to
4 have third-party monitoring expert, you know,
5 hired and paid for by the Petitioner and
6 overseen by the appropriate agency, and
7 hopefully with the agreement of all parties,
8 and if all parties don't agree, the PSB orders
9 it done.

10 MS. MCGINNIS: Basically I'm taking out
11 six words and I'm keeping everything else.

12 MR. JOHNSTONE: Not to be contrarian,
13 but I think there's pro and con to that,
14 particularly around how the person gets hired
15 and paid. Concern of the public has been, and
16 I think will continue if we go with this
17 language, that the developer's hiring and
18 paying the bill no matter who is overseeing
19 them. There's too close a relationship, and
20 if you do it under bill back and they are
21 paying the Public Service Board the same price
22 as the monitoring and it's clear that the PSD
23 or ANR is actually hiring the experts, and I
24 know it's really hard to do a RFP, I've sat
25 there so I realize why we don't want to do

1 that, but in terms of public confidence this
2 doesn't solve public confidence. I'm hoping
3 it solves it because to have ANR or DPS to
4 have to go through the contracting process we
5 will not get anybody hired.

6 COMMISSIONER MARKOWITZ: That creates so
7 much more responsibility.

8 MR. JOHNSTONE: So the way people work
9 around this in government frequently is not on
10 a project-by-project basis, but they have an
11 undefined quantity request for qualifications
12 so they have somebody that's already been
13 preauthorized to be hired.

14 MS. EASTMAN: Can I tell you -- I'm
15 sorry. I think this is -- I want --

16 MR. JOHNSTONE: I can live with it this
17 way. I just want you to know I don't think
18 this will solve the public confidence issue.

19 MS. EASTMAN: I understand, and whatever
20 we may have to explain to the public how
21 complicated it is to hire a contractor for
22 state government and how many people it
23 requires and how many layers of review, and
24 the fact is Linda is not even getting paid
25 what she deserves because nobody wanted to go

1 through the contracting process.

2 MR. COSTER: Can I make a quick
3 suggestion? Just subtract the word hired. It
4 says all parties shall agree on the hire. It
5 basically means everybody agrees on who is
6 being hired. It's being funded by the
7 Petitioner. Take the word hire out.

8 MS. EASTMAN: To the extent all parties
9 agree we'll be fine.

10 MR. JOHNSTONE: It will help, but the
11 parties aren't always the public. Some public
12 don't think they are involved.

13 MS. MCCARREN: Doesn't this just mean
14 that the Department does not have an adequate
15 enforcement arm and maybe that's really what's
16 wrong.

17 MS. MCGINNIS: I think there's two
18 issues and that last line I've always felt a
19 little uncomfortable that -- not the last
20 line. The second to last line, overall
21 project compliance with monitoring shall be
22 assigned to the PSD including public complaint
23 responsibility. There are different agencies
24 that are going to oversee compliance I think,
25 and they are -- it's two different issues.

1 It's (A) how do you hire the person where you
2 can get as much agreement as possible, and,
3 (B), how do you then monitor and make sure
4 that the compliance takes place, and what
5 we've heard from a lot of people is that okay
6 -- both from the developers and from the
7 public is that okay there's this information
8 out there, now what do we do about it.
9 Developers have worked hard to put information
10 out there, they send it in, and in their mind
11 nothing is done with it. The public thinks oh
12 gosh I don't get access to that information
13 once it's sent in. So it's the whole notion
14 of followup.

15 MR. JOHNSTONE: So my memory of how we
16 ended up here, Linda, and I may be wrong, the
17 word overall is the central word there, and I
18 think Chris said to us he thinks overall, not
19 to usurp any other agency's authority because
20 he wouldn't do that, that he thought PSD
21 should have the overall -- somebody has to
22 have it in macro who is responsible, and it
23 doesn't mean that Chris thinks he's going to
24 be the enforcer for ANR, but if the complaints
25 need to go somewhere from a macro perspective

1 and somebody is responsible to keep track of a
2 whole thing, I'm pretty sure this is what you
3 said.

4 COMMISSIONER RECCHIA: Yeah.

5 MR. JOHNSTONE: So I think it's how -- I
6 think the word overall is the central word
7 there.

8 MS. MCGINNIS: Okay. I guess my
9 question is do we need to say anything more
10 about the sub monitoring that different
11 agencies are responsible for if there's a
12 health issue.

13 MS. EASTMAN: Maybe you can say already
14 that --

15 MR. JOHNSTONE: In collaboration with
16 other agencies.

17 MS. EASTMAN: Well agencies and
18 departments are already responsible for
19 ensuring compliance with any permits that they
20 issue. I mean that's true. Okay. So to the
21 extent ANR has issued a permit they are
22 responsible for then enforcing it, and to the
23 extent anybody else issues a permit in Vermont
24 they are responsible for seeing that it's --

25 MS. MCGINNIS: The issue comes up when

1 there's no permit when there's blasting.

2 MR. COSTER: That's under the CPG.

3 COMMISSIONER RECCHIA: I think the
4 difference is between the PSD/PSB process is
5 much more like a court and attorney thing.
6 So, you know, when a court decision is made
7 you don't have -- you don't have somebody
8 specifically assigned to enforcing that, but
9 at some point if somebody is unhappy with the
10 decision isn't being made, there will be a
11 suit filed. There will be -- police will be
12 involved and you'll start getting the right
13 entities.

14 The point I think here on this one,
15 which certainly is clear to me coming from --
16 having come from ANR and knowing that they had
17 enforcement capability there to the Department
18 was there was no independent monitoring or
19 enforcement going on. We would wait for
20 complaints. We would not do anything unless
21 we heard from somebody and then we would use
22 our powers of persuasion because our actual
23 authorities are unclear.

24 MS. MCGINNIS: So I guess my question is
25 does this wording -- I just want to make sure

1 that the wording enables you to have more
2 authority in that regard because that's what I
3 was hearing both from the Department and from
4 the public.

5 MS. EASTMAN: I think what we need is we
6 need 24 as revised and we may need a 25 that
7 actually gives the Department more authority,
8 Chris? Some language?

9 COMMISSIONER RECCHIA: I kind of thought
10 that sentence, even though I agreed with Scott
11 that the overall -- overall project compliance
12 will be, but I thought that was enough. Again
13 maybe I'm misunderstanding the level of detail
14 you want to get into with those sentences.

15 MS. EASTMAN: I'm only asking do you
16 want to say more?

17 COMMISSIONER RECCHIA: I think that's
18 good.

19 MS. EASTMAN: Okay. That's what I'm
20 asking.

21 MR. JOHNSTONE: I'm happy.

22 MS. EASTMAN: Okay. I'm happy. Okay.
23 So the next red stuff is things that we
24 haven't really talked about. In 25 this is
25 the -- should we add a recommendation on the

1 pay attention to? Remember at the last
2 conversation we talked about sort of -- I
3 think where this was coming from in the
4 interim, you know, what could we do. So I'm
5 not sure it's a recommendation. I think it
6 may go into a whole different place.

7 MS. MCGINNIS: Well if you could look at
8 it in conjunction with Appendix 2, because
9 this is how I had at least understood from our
10 discussions last week that we were doing one
11 column which was pay attention to and begin
12 implementation now.

13 Some of the stuff that Louise put in
14 this we had never discussed and so I didn't
15 know quite how to incorporate that. What I
16 did in Appendix 2 was to take every
17 recommendation and try and assess together
18 with Sheila what could go in to begin
19 implementation now, which ones had funding
20 implications, which ones may require rule
21 making, and which ones may require legislative
22 change, understanding that when this actually
23 gets implemented all these may differ, but it
24 was to give an indication of what a potential
25 timeline of the recommendations would be.

1 Now in addition to that Louise has
2 brought up a number of other issues which we
3 sort of randomly discussed but never really
4 came to any full agreement on that could
5 potentially go into an additional column
6 called pay attention. I'm not quite sure how
7 to deal with it.

8 MS. McCARREN: What I tried to do was go
9 back through all my notes and pick out the
10 items that people in the public hearings had
11 raised. Okay. So that's what I was trying to
12 do here, and these were under the heading of
13 -- hopefully under the heading if you have the
14 jurisdiction now, please pay more attention to
15 these issues because this is what we heard at
16 the public hearings.

17 MS. EASTMAN: And so -- but for me I
18 don't know if that's -- maybe it is a
19 recommendation like that, but when we get to
20 page 13 and on the looking forward when we
21 talk about there are some things we can do
22 now, for me this was where we added another
23 sentence or two of saying and in the meantime,
24 you know, before we finish rulemaking, before
25 we finish the statutory things, you know, do

1 these kinds of things, and so I thought some
2 of them fit in there more as general
3 statements.

4 MS. McCARREN: I just put this list
5 together because one of the things that --
6 well the Rutland hearing a number of people
7 talked to us about setbacks. All right. We
8 hadn't really talked about that at length, but
9 the setbacks, as our little poster child
10 example here, something that the PSB right now
11 can in its current dockets pay attention to
12 setbacks and we're not telling them how much
13 or how little, but we're just saying look we
14 heard this. We think you ought to do that.
15 You ought to pay attention to that.

16 Same with the health effects. I mean we
17 have heard over and over about the health
18 effects, potential health effects, and all
19 we're saying is you've got the current
20 jurisdiction to look at health effects. We
21 heard the public. We really encourage you now
22 to pay close attention to health effects.

23 COMMISSIONER RECCHIA: So I think the
24 difference between this list, which, Louise, I
25 think is very helpful, and Appendix 2, is

1 Appendix 2 is really in my mind process
2 oriented. These are the things that you can
3 change now without statutory authority.

4 What 25 does, and I always hesitate when
5 I know there's a transcript being made of
6 this, but I will say it anyway loudly and
7 clearly what we're really telling the Board is
8 we don't think you did a good job on these
9 things when you did them the last time. We
10 think you need more attention paid to these
11 things in some way. And again, as Louise
12 says, we're not telling them how to do it.
13 We're just saying the way you have done it so
14 far has caused a tremendous amount of anxiety
15 and concern out there.

16 MS. EASTMAN: What do we do? For
17 instance, I think that 8 isn't necessary. It
18 talks about 2500 feet.

19 MR. JOHNSTONE: We just gave it
20 substantial.

21 MS. EASTMAN: The point is in Act 250 --

22 MS. MCCARREN: That's fine.

23 MS. MCGINNIS: Can we just go through
24 which one --

25 MR. JOHNSTONE: At least half of these

1 we have already included.

2 COMMISSIONER MARKOWITZ: Number 7.

3 MR. JOHNSTONE: Let's go from the top.

4 COMMISSIONER MARKOWITZ: You're not as
5 circular as I am.

6 MS. EASTMAN: All right.

7 MR. JOHNSTONE: Go ahead, Jan, take
8 control.

9 MS. EASTMAN: Number 1, the Commission
10 recommends that the PSB pay particular
11 attention to the following site generation
12 with a maximum economic efficiency and the
13 least environmental damage.

14 MS. McCARREN: Okay. Now the reason --
15 I know it's in the rest of the document. The
16 only reason to highlight it here is to have it
17 in this category that says --

18 MS. EASTMAN: Do it now.

19 MS. McCARREN: Please pay attention.

20 MS. EASTMAN: We get it. Do we all
21 agree?

22 MR. JOHNSTONE: Well depends on your
23 definition of environmental damage.

24 MS. MCGINNIS: And economic efficiency.

25 MR. JOHNSTONE: Are we valuing all

1 externalities from a wide range in this or is
2 it narrow? So here's one where the details
3 matter.

4 COMMISSIONER MARKOWITZ: So it could be
5 taking into account climate change.

6 MR. BODETT: And speaking to Chris this
7 is saying the PSB we know you're supposed to
8 be doing this now but you're not. Is that
9 what we're telling them?

10 COMMISSIONER RECCHIA: I think that's
11 what we're telling them with this list.

12 MS. MCGINNIS: The potential wording
13 that I said, and I don't know if this is how
14 you want to state it, the Commission
15 recommends that the PSB pay particular
16 attention to the following issues in the
17 siting process. (French spoken) The subtext
18 is that you are saying you're not doing a
19 great job now.

20 MS. EASTMAN: Let's just go through this
21 list and if we can't all agree, then we take
22 it out. So one yes or no.

23 COMMISSIONER MARKOWITZ: If we add
24 taking into account climate change as well as
25 direct environmental impacts.

1 MR. JOHNSTONE: I'm okay.

2 MR. BODETT: I think we've stated it
3 myself. I think it's inherent in the
4 document.

5 MS. MCGINNIS: So it's redundant here.

6 COMMISSIONER MARKOWITZ: I would push
7 back on that because I think people are going
8 to be looking specifically and will be easily
9 confused. They will be looking for
10 opportunities to be confused about this.

11 MS. EASTMAN: Take it out.

12 COMMISSIONER MARKOWITZ: No. I would
13 say keep it in, but include keeping in climate
14 change. People were suggesting we take this
15 whole thing out.

16 MR. JOHNSTONE: Number 1.

17 COMMISSIONER MARKOWITZ: Number 1. That
18 we just take it out altogether.

19 MS. EASTMAN: Yes.

20 COMMISSIONER MARKOWITZ: Okay.

21 COMMISSIONER RECCHIA: I'm going to have
22 similar problems with the maximum economic
23 efficiency.

24 MS. MCGINNIS: I was going to say the
25 definitional terms --

1 MS. MCCARREN: Fine. Here's where I do
2 want to make a suggestion. If you don't like
3 that, I have no problem with you guys taking
4 it out. That's fine, but even -- here's my
5 thought. Even if like -- let's take health.
6 Even though it has appeared elsewhere in the
7 document this is a nice place --

8 MS. EASTMAN: I'm happy to have health
9 in there.

10 MS. MCCARREN: Okay, because the
11 decision for keeping it in or out is not did
12 we cover it some place else.

13 COMMISSIONER RECCHIA: No, it's not.

14 MS. EASTMAN: For me the difference
15 between 22 and 25 is 22 is going to take time.
16 So in the interim --

17 MR. JOHNSTONE: Most of the studies
18 being thrown around from health are not peer
19 reviewed.

20 MS. EASTMAN: In the meantime I want
21 health issues addressed.

22 MR. JOHNSTONE: I do too.

23 MS. EASTMAN: And --

24 MR. JOHNSTONE: If they meet the
25 standard.

1 MS. EASTMAN: But that's a standard that
2 the Public Service Board will address anyway.

3 MR. JOHNSTONE: Great.

4 MS. EASTMAN: So for me in the interim,
5 this is what we're trying to get at, what
6 could we encourage in the interim, and so for
7 me health issues need to be studied and the
8 results considered in siting. I would say yes
9 keep in here.

10 COMMISSIONER RECCHIA: Okay. Just
11 before you make this in the interim thing let
12 me push back and say the way I was
13 interpreting 25 and the way I would reword it,
14 the first part of this paragraph, I would say
15 based on the fact that the Commission heard
16 throughout its process multiple issues that
17 the Board is able to handle, but based on
18 comments received consistently through the
19 process need additional attention.

20 MS. EASTMAN: That's good, need
21 additional attention.

22 COMMISSIONER RECCHIA: Okay, and then so
23 I'm not -- I didn't look at these as I'm
24 trying to sort through whether these should be
25 included or not. I'm not thinking of it as is

1 this an interim as opposed to is this a
2 substantive issue that we think the Board
3 needs to reevaluate how they dealt with it the
4 last time.

5 MS. MCCARREN: Yes, and this is a place
6 where a summary of what we've heard from the
7 public exists, and you may not like what I
8 have here, that's fine, but I do think this is
9 important to have something.

10 MS. MCGINNIS: In which case I would go
11 back to what Deb has said. We have heard over
12 and over again in the written comments climate
13 change concerns.

14 MR. JOHNSTONE: Why doesn't it go in
15 that section? Why are we creating two public
16 sections? Why doesn't this all add to that
17 section you added in there?

18 MS. EASTMAN: We could. This is it. We
19 could put it back.

20 MR. JOHNSTONE: Actually because it's
21 not part of the recommendations at that point.
22 It's what we heard.

23 MS. MCGINNIS: Well not what we heard.
24 What I tried to do was get common themes to
25 say where were things we heard common themes

1 across the specter of comments. These ones
2 are not common themes. You will have people
3 that think about health and you will have
4 people that think about climate change. Those
5 are not common by any stroke of the
6 imagination. They represent different ends of
7 the spectrum, and so what I was trying to do
8 in the beginning, and I'm happy to include
9 sort of a catchall phrase in the beginning
10 that says okay in addition these were the
11 other issues we heard about and that kind of
12 thing, or we can include it here.

13 MR. JOHNSTONE: The reason I ask, you
14 know, is in the vagary summary, which is where
15 we put the other one, we're not actually
16 recommending a lot. We're just saying here's
17 some backdrop, and you're saying those are the
18 common themes, and here we're taking out
19 different pieces and we're saying we
20 recommend. So this actually is a higher
21 standard than the former.

22 MS. EASTMAN: Does it go here or does it
23 go later? Okay. How we got to get resolution
24 on this?

25 MS. McCARREN: Let me just restate. I

1 was trying to put together a list of things
2 that we've heard from the public and other
3 commentators that the Board can actually,
4 under its current jurisdiction, attend to, all
5 right, and I think the criteria for in or out
6 here isn't did we cover it some place else, is
7 it expressed properly, and do you agree this
8 is what --

9 MS. EASTMAN: So for me I don't think 8
10 needs to be in here at all.

11 MS. McCARREN: We're going from the top.

12 MS. EASTMAN: I want to get the easy
13 ones.

14 COMMISSIONER RECCHIA: We did agree.

15 MS. EASTMAN: That's an easy one. Nine
16 doesn't need to be in there at all because we
17 totally have a recommendation about a case
18 manager and they can do that tomorrow if they
19 have a position.

20 MS. McCARREN: It's completely covered.

21 COMMISSIONER MARKOWITZ: Then what's the
22 purpose of this?

23 PUBLIC: May I say something? I've been
24 to several meetings and it's not all
25 completely covered, and I think that the

1 public as a whole will -- really needs to be
2 heard on some of these issues that aren't
3 appearing in the other pages.

4 MS. McCARREN: But I think the question
5 was even if they appear in the other pages,
6 does this make a handy summary, and as long as
7 we're not being inconsistent --

8 COMMISSIONER RECCHIA: I think we're
9 just not being clear. I think the problem
10 we're all having nobody seems -- except for
11 me, seems willing to say what I think we're
12 doing here which is saying Public Service
13 Board these are things within your power to do
14 in a way that is more responsive to the public
15 than you have done in the past.

16 MS. EASTMAN: But for me -- I'm fine
17 with that, but for me --

18 COMMISSIONER RECCHIA: Then we have to
19 take some out.

20 MS. EASTMAN: These things don't go --
21 some of these things don't fit for me.

22 COMMISSIONER MARKOWITZ: Let's go
23 through and pull out the ones that don't fit
24 that. Let's put the first one in including
25 the climate change because that's what we

1 heard from folks they can do that right now,
2 and health issues maybe we need to tweak the
3 wording on that, but I think that also makes
4 some sense.

5 MS. MCCARREN: Take out need to be
6 studied. We can just put health issues
7 considered in siting, and they will have to
8 decide on the quality of the health.

9 COMMISSIONER MARKOWITZ: That's fine.
10 Cumulative, aesthetic, grid, economic, and
11 health effects study. Now that's bundling a
12 lot of things.

13 MS. MCCARREN: It is. You can take out
14 -- you could -- the grid I put in there
15 because that's just a -- what that means and
16 now I'm --

17 MS. EASTMAN: And the key just say
18 cumulative effects and case-by-case you're
19 going to determine which issues may have
20 cumulative effects.

21 MS. MCCARREN: Sure.

22 COMMISSIONER MARKOWITZ: Cumulative
23 effects and you can say which may include
24 where appropriate aesthetics, grid, economic
25 health, etc.

1 MS. McCARREN: I'm good with that.

2 COMMISSIONER MARKOWITZ: The effect on
3 neighboring property values -- the potential
4 effect on property values. Take out studied
5 and accommodated, and then I wouldn't say
6 sufficient, but I would say --

7 MS. McCARREN: Maybe consider the
8 viewshed in accommodating participation by
9 community? By municipality?

10 COMMISSIONER MARKOWITZ: That works for
11 me. Does that work for you all?

12 COMMISSIONER RECCHIA: Close enough.

13 COMMISSIONER MARKOWITZ: And then --

14 COMMISSIONER RECCHIA: Assign a case
15 manager.

16 MS. EASTMAN: No. Setback.

17 COMMISSIONER RECCHIA: Sorry. I jumped
18 ahead.

19 COMMISSIONER MARKOWITZ: So they are
20 already doing setbacks.

21 MS. McCARREN: Yeah, but again what I'm
22 trying to do here is we heard loud and clear
23 that was an issue.

24 MS. EASTMAN: Just say establish
25 setbacks.

1 MS. MCGINNIS: Not establish.

2 COMMISSIONER MARKOWITZ: Apply.

3 MS. EASTMAN: Determine setbacks.

4 MR. JOHNSTONE: No because this is what
5 they could do now. I mean one of the
6 challenges with this is --

7 MS. MCGINNIS: We're starting out with
8 saying additional attention needs to be paid
9 to setbacks. You don't say to determining
10 setbacks. You don't use a verb. You just say
11 pay attention to health issues, pay attention
12 to setbacks. So that's how we need to keep
13 it, at a noun.

14 COMMISSIONER MARKOWITZ: To minimize and
15 just say setbacks.

16 MS. MCCARREN: I'm fine with that.

17 COMMISSIONER MARKOWITZ: And then --

18 MS. MCGINNIS: So take out to minimize,
19 et cetera.

20 COMMISSIONER MARKOWITZ: Just have it be
21 setbacks, and if you can emphasize it the way
22 you just spoke about it --

23 MS. MCCARREN: Can you have that
24 pounding on the table? Is there a symbol for
25 that?

1 COMMISSIONER MARKOWITZ: Let's take 7
2 out. Statutory.

3 MS. EASTMAN: We're going to get it
4 changed.

5 COMMISSIONER MARKOWITZ: And then case
6 managers I like.

7 MS. EASTMAN: Put in here. We keep it
8 here.

9 COMMISSIONER RECCHIA: I think you need
10 a verb like assign a case manager or
11 something.

12 MS. MCGINNIS: Then we're not being
13 consistent with what we're saying. We're
14 saying pay attention to. We're not paying
15 attention.

16 COMMISSIONER MARKOWITZ: Pay attention
17 to the need for a case manager.

18 COMMISSIONER RECCHIA: The value of a
19 case manager.

20 COMMISSIONER MARKOWITZ: How about pay
21 attention to the public's need for a
22 procedural voice?

23 MS. EASTMAN: And docket management.

24 COMMISSIONER RECCHIA: That's good.

25 MR. BODETT: Better.

1 COMMISSIONER RECCHIA: AKA case manager.

2 MS. EASTMAN: And what about 10?

3 MS. McCARREN: What I was trying to do
4 there we need in both the PSB web site, but
5 ultimately wouldn't the world be fabulous if
6 we had a multi-agency siting web site.

7 COMMISSIONER MARKOWITZ: That won't go
8 here though because that's beyond. So we're
9 saying the Public Service Board needs to --

10 MS. EASTMAN: We're talking about trying
11 to get a multi-agency.

12 MS. McCARREN: We can just put a PSB web
13 site.

14 MS. MCGINNIS: Improved.

15 COMMISSIONER MARKOWITZ: Improved PSB
16 web site. Period.

17 MS. EASTMAN: Okay. Pay attention to
18 issues consistently raised at public hearings.

19 MS. McCARREN: What I'm trying to say
20 there is if you go to a public hearing and the
21 public consistently is consistently raising
22 issues about something, what we want -- the
23 Board has the current power to make sure that
24 whatever that issue is has been addressed. It
25 doesn't mean they may feel that the ANR has

1 addressed -- if they feel no one has addressed
2 it, they could use their power to hire
3 somebody. All right. That's all I'm trying
4 --

5 COMMISSIONER RECCHIA: I might be -- I
6 might suggest taking out the word
7 consistently.

8 COMMISSIONER MARKOWITZ: I would too.

9 MS. EASTMAN: Well because if we go back
10 to the language which we said where we wanted
11 to use it was principal concerns.

12 MS. MCGINNIS: Principal concerns. I
13 think if we say issues, just issues generally,
14 that's like a whole lot of stuff to take into
15 account.

16 MS. EASTMAN: But if we go and look at
17 the language that we have over in the tier --

18 MS. MCGINNIS: Principal issues.

19 COMMISSIONER MARKOWITZ: How about just
20 concerns raised at public hearings?

21 MS. EASTMAN: Principal concerns.

22 COMMISSIONER MARKOWITZ: That's good.
23 Principal concerns raised. And so can they
24 just do this, Chris? Do you know right now
25 the adopt notice procedural process or does

1 that really require statutory change?

2 MS. McCARREN: They can -- the Board can
3 absolutely convene its first hearing and the
4 very first thing they can do -- the hearing
5 examiner is going to do a scheduling order and
6 here's the scheduling order.

7 MS. MCGINNIS: So for number 12 we can
8 just take everything out before the word more.
9 So more efficient process for smaller
10 communities.

11 COMMISSIONER RECCHIA: Fine. I mean the
12 issue is not that they don't do that
13 scheduling. It's that then it's just known
14 among the parties and there's no way for the
15 general public to find out what's going on.
16 That's fine.

17 MS. McCARREN: I used to always get
18 terminally depressed when we would be doing a
19 scheduling order for the case this time of
20 year and realizing the case wouldn't start
21 again until November when the weather would be
22 equally as bad.

23 MS. MCGINNIS: So I'll mention one
24 caveat in this just to clarify how it works
25 with the rest of the recommendations, and

1 that's that we're asking that it be paid --
2 these issues be paid additional attention, but
3 that most of them have been addressed in
4 individual recommendations.

5 MS. MCCARREN: Even though many of these
6 have been covered in the body of this
7 document, we recommend that in the short term
8 the Board pay special attention to these
9 issues which are within their jurisdiction to
10 address.

11 MS. EASTMAN: Which are within their
12 jurisdiction.

13 MS. MCCARREN: Current jurisdiction.

14 MR. JOHNSTONE: To me that sounds great,
15 and it could even be a good recommendation,
16 and for many of these we've said we need to
17 learn a lot more, and so in the meantime we're
18 telling them to start taking all these new
19 actions and think these new thoughts without
20 the benefit of the wisdom that we told them
21 needs to be gathered over time.

22 MS. EASTMAN: But a lot of things happen
23 now on a case-by-case basis. That's how they
24 are happening. So between now and the time
25 there's actually, you know, stuff. We're just

1 saying these are some of the things that you
2 want to at least say maybe there's an issue
3 here and there may not be.

4 MS. MCCARREN: And health is a good
5 example. We heard a lot about health. We're
6 not health experts, all right, and Scott,
7 absolutely to your point all we're saying to
8 the Board is make sure you have addressed
9 health, and if they find out in their dockets
10 that the state of the science is not that
11 good, then they can cite that. We're just
12 saying make sure you have looked at the health
13 issues.

14 MS. EASTMAN: Can we get this redrafted
15 and can we -- we have to think about this one.
16 It's brand new and take it up next week.

17 MR. JOHNSTONE: I'll keep an open mind.
18 Thank you.

19 MS. EASTMAN: And we'll talk about it
20 then when we see what it looks like and it all
21 flows together.

22 PUBLIC: Could I ask two questions?
23 Would that be allowed?

24 MS. EASTMAN: You got to be fast. Go
25 ahead.

1 PUBLIC: My quick one did number 8 move
2 or is gone?

3 COMMISSIONER MARKOWITZ: Gone.

4 MR. JOHNSTONE: It's already taken up in
5 another section.

6 MS. EASTMAN: Because here's the thing
7 about this. The Public Service Board doesn't
8 need to pay attention to that issue because
9 the Public Service Board there's no 2500 limit
10 for them. Any project is going to get
11 reviewed. All that Act 250 says is that on
12 projects above 2500 feet they need to have a
13 permit. That there's no size, project acreage
14 size or numbers of housing size, okay, so --

15 COMMISSIONER MARKOWITZ: That's
16 redundant.

17 MS. EASTMAN: In 248 it doesn't matter
18 if the project is at 400 feet or 3000 feet, it
19 will need a permit. Okay. That's why it's
20 not necessary. People are confused by this
21 issue and think that Act 250 actually
22 prohibits things above 2500. It doesn't. It
23 just requires an application for anything that
24 goes on above 2500 feet.

25 MS. McCARREN: What I really want to say

1 is no projects above 2500 feet, but I figured
2 you guys would never buy that.

3 MS. EASTMAN: Actually if the
4 Legislature wants to say that, I'll buy it,
5 but that to me is a legislative thing to say.

6 MS. McCARREN: I'm just trying. Hey the
7 rest of you have all had your shot at putting
8 in your stuff. Okay.

9 MS. EASTMAN: I actually might be with
10 you, but that's not -- so that's 25.

11 MS. McCARREN: You have one.

12 PUBLIC: On Appendix 2 there's no box
13 checked under number 5 municipal plans,
14 substantial consideration.

15 COMMISSIONER MARKOWITZ: We're not there
16 yet.

17 PUBLIC: Okay, and I brought in the --
18 I'm sorry. I thought you were trying to close
19 the meeting.

20 MS. EASTMAN: No. We still have other
21 things to go and we're not at Appendix 2 yet.

22 PUBLIC: I understood that I thought you
23 were trying to move it along.

24 MS. EASTMAN: Okay. So now 26 so other
25 states have code of conducts regarding, you

1 know, potential deceptive practices. I asked
2 Linda to put this in here after what we heard
3 in Rutland. I just didn't know whether we
4 wanted to recommend that in the State of
5 Vermont. I don't know the PSD with the AG or
6 ANR consider a code of conduct for this state.
7 Maybe we don't --

8 COMMISSIONER RECCHIA: So --

9 MS. MCCARREN: Actually we could
10 collapse that.

11 COMMISSIONER RECCHIA: The New York code
12 of conduct that occurred is not likely
13 appropriate. Truthfully that was a settlement
14 negotiation and sounds like it. It reads like
15 that.

16 So I'm all good for people behaving
17 themselves. I don't understand why energy
18 developers are subject to any different code
19 of conduct than any other developer, and if
20 this is needed, boy it's too bad if it's
21 needed, but it may be needed. So it's like
22 the bill that was going on with S30 requiring
23 Selectboard people to declare whether they
24 have received any funds from a project
25 developer before they act on a project in

1 front of their town. It's like duh.

2 COMMISSIONER MARKOWITZ: That's like you
3 go to jail.

4 MR. JOHNSTONE: All it says the AG will
5 consider if there's any language necessary.

6 COMMISSIONER MARKOWITZ: I actually hear
7 --

8 MS. EASTMAN: What I heard was -- what I
9 heard was the story relative to what was said
10 to someone encouraging them to sign a lease
11 and then the whole project changed, and that
12 sort of made me think duh, duh, duh. How, you
13 know -- so it's like here is the thing. The
14 way you protect that is that you explain to
15 people be careful what you sign up to, but
16 that's, you know, that's a concern, and I know
17 he gave -- excuse me, and I know he gave you
18 -- that gentleman gave you his card.

19 COMMISSIONER RECCHIA: And I got the
20 packets, but it doesn't help with this sort of
21 thing. I mean what you've got is you've got
22 two pieces. You've got the fact that people
23 have to read what they sign, and when they see
24 the paragraph that says we as developers have
25 the right to change this project in any manner

1 that we see fit and you're still agreeing to
2 the terms that you've signed up for, you
3 better not sign that.

4 PUBLIC: I think it's much deeper.

5 COMMISSIONER RECCHIA: There probably
6 were multiple issues, but my point is it's
7 either fraud --

8 COMMISSIONER MARKOWITZ: There's already
9 laws. My point is there's already laws and we
10 have not, with the exception of this one
11 story, heard of any, you know, problems that
12 rise to the level of needing something
13 separate like this it seems to me, and it's a
14 distraction from our charge. That's my
15 feeling.

16 MR. BODETT: I think it's a little
17 condescending to honest developers and
18 everything else.

19 PUBLIC: Is that an oxymoron?

20 MR. BODETT: No, it's not. I understand
21 in terms of selectboards and other public
22 officers where a code of conduct it's a matter
23 of law, but you're not running for office when
24 you're trying to make a land deal, and like
25 you say there are laws that cover fraud and

1 things like that.

2 MR. JOHNSTONE: I guess my only reason
3 for saying I support it, and I don't need to
4 fall on my sword on this one, but there's lots
5 -- from your past lives there's lots of
6 professions in this state that have code of
7 conduct. I happen to be a professional
8 engineer and I can get penalized and lose my
9 license if I don't live up to that code in
10 this state and most other states, and so
11 that's why as a standard of professionalism
12 the idea that if you're a professional in a
13 certain area that you should live up to a
14 standard doesn't frighten me at all.

15 COMMISSIONER MARKOWITZ: But those
16 standards are developed by your profession.
17 So professional standards are self regulating
18 and -- which is different than saying hey AG's
19 Office these folks are more likely to be bad
20 guys so we can't rely on ordinary criminal
21 laws.

22 COMMISSIONER RECCHIA: This does say --

23 MS. MCGINNIS: Billy brought up in New
24 York they were developed by the wind industry
25 the code of conduct.

1 COMMISSIONER RECCHIA: Okay. I mean
2 they were developed by the wind industry in
3 exchange for not being brought to court by the
4 Attorney General's Office and prosecuted, and
5 the rest of the wind industry has suggested
6 they not sign on to those two specific things
7 because it's a settlement agreement which it
8 really is.

9 MS. EASTMAN: Could I suggest we maybe
10 we have an item 30 here that talks about
11 recommendations to educating the role of the
12 public and those kind of things? I'm
13 wondering if on part of this web site, you
14 know, information to be provided to the
15 public, you know, on transparency, if there --
16 couldn't we have some sort of tutorial about
17 giving some advice to individuals about, you
18 know, lease terms, it's a contract, and you
19 got to read it and everything. I don't know.

20 COMMISSIONER RECCHIA: I'll give out a
21 free copy of everything I ever needed to know
22 I learned in kindergarten to each developer.

23 MR. JOHNSTONE: It sounds like I'm the
24 only one in favor and I'm okay with letting it
25 go.

1 MS. EASTMAN: Okay. We're letting it go
2 now.

3 So we're moving on to 27. This is a
4 recommendation regarding potential funding
5 sources. I'm fine with the recommendation
6 regarding potential, but I don't want to -- I
7 want the Department and ANR to figure out what
8 they think is the appropriate funding source.

9 MS. McCARREN: Shouldn't this be back in
10 the section on funding?

11 MS. MCGINNIS: Well there isn't a
12 section on funding, and yes it can go anywhere
13 we want. This is -- the problem that I had
14 before was that funding was sort of buried
15 underneath the RPC thing, whereas, it's
16 a pretty big deal and you have to figure out
17 what's going to make the most sense and
18 whether there's a cap that's needed and all
19 that kind of thing.

20 So I wanted it to be a separate -- or I
21 would prefer it be a separate representation
22 so it's not buried. I would love it if you
23 told me where you want it to be put.

24 MS. McCARREN: I raise that because as
25 you're reading the RPC funding you might want

1 to read this too, but I don't have strong
2 views on it.

3 MR. JOHNSTONE: I think it might be a
4 separate topic.

5 MS. EASTMAN: I think it may be. I'm
6 sorry we said we were only looking at five
7 areas. We might have to have a little more
8 blue statement that says sort of
9 recommendations that cross, you know, that
10 cross these subject matter areas because
11 funding relates to case manager to planning to
12 ANR needs more resources, and so we may need
13 to have --

14 MS. MCGINNIS: Well this is where it
15 came in towards the end because it could be
16 sort of a separate category that's other, but
17 really it's the only one that covers --

18 MS. EASTMAN: I think 25 might end up
19 going in there if we actually do 25.

20 COMMISSIONER RECCHIA: This is right now
21 PSD shall consider. Is this for the purposes
22 of making recommendations to the Legislature?

23 MR. JOHNSTONE: That's where it would
24 have to go.

25 COMMISSIONER RECCHIA: Then I would like

1 to say that if that's the case, I mean some of
2 them we might be able to fund internally, but
3 if there's really funding programs, new stuff,
4 then I think I need to -- I don't mind
5 considering the details of it and then
6 reporting -- in cooperation of course with my
7 sister agencies, and then reporting to the
8 Legislature making the Legislature aware of
9 those mechanisms.

10 MS. MCGINNIS: I think it's pretty
11 essential for whatever the Legislature decides
12 to do statutorily in the fall, if that's when
13 it's going to do -- they have to understand
14 how they are going to be funding some of these
15 things and so it should go in parallel.

16 MS. EASTMAN: And again remember a case
17 manager, I mean if there's a position
18 available to the Public Service Board and they
19 have resources available, that's all they
20 need. They need the position.

21 MS. MCCARREN: They needed position.
22 They can get the money.

23 MS. EASTMAN: Then they need the money.
24 So that may not have to wait if they believe
25 in it. That's all.

1 MS. MCCARREN: Absolutely true.

2 MS. EASTMAN: And you can get a position
3 in the budget bill.

4 MR. PATT: Just a comment, and this goes
5 back to your discussion about the regional
6 planning this morning and funding for that, I
7 think there's a real distinction between costs
8 that are associated with the actual permitting
9 process in which case some form of assessment
10 on the developers is appropriate, it's done
11 now, and that's what you have listed here, but
12 when you're talking about funding the planning
13 process or the regional commissions,
14 especially since you were pointing out
15 considerably what you're talking about energy
16 planning process, not an electric planning
17 process for them, then to have that be paid
18 for in anyway solely out of the regulated
19 utility industry is not appropriate. You need
20 something broader than that.

21 MS. EASTMAN: Understood which is why I
22 think we can only make general recommendations
23 here and have it all worked out in terms of
24 either maybe rulemaking. It may be statutory
25 because you're right. Who needs to pay.

1 MS. MCGINNIS: But I think Avram is
2 right. It underscores our decision to take
3 out the funding discussion from the RPC
4 recommendation because you're right, and there
5 are a number of other issues incorporated in
6 the next recommendation, or sorry, number 29,
7 which may also apply to the Department and to
8 the Board that there's going to be additional
9 cost to each of the agencies involved so --
10 related to our recommendation. So how are
11 those -- and that are directly related to the
12 siting process. So how are those paid for?

13 MS. EASTMAN: Do you have enough to
14 rewrite this?

15 MS. MCGINNIS: I do. I'm just wondering
16 where I should put it.

17 MS. EASTMAN: I really do think the pay
18 attention to and this ought to go here at the,
19 you know, at the end where we are, but they
20 are sort of recommendations that -- cross
21 cutting recommendations or however you want to
22 put it, but I don't think you want to bury it
23 in any specific place. I don't mean bury it.

24 COMMISSIONER RECCHIA: Are you on 27?

25 MS. MCCARREN: Linda, I'm happy from an

1 editing point wherever you want to put it.
2 I'm fine with it. You might just want to
3 refer back to the other section.

4 MS. EASTMAN: Okay. For 27 --

5 MS. MCGINNIS: Well I am suggesting
6 wording here, the PSD shall consider
7 operations for funding mechanisms to cover the
8 costs of an improved siting process for the
9 purposes of making recommendations to the
10 legislation. This would help address the
11 issues of increased demand for services from
12 relevant agencies related to an increasing
13 number of electricity generation dockets as
14 well as cost related to improved blah blah
15 blah.

16 The recommendations included in this
17 report attempted to keep the additional costs
18 to a minimum, however, there are certain
19 critical components the Commission feels must
20 be funded if the entire package of
21 recommendations is to succeed. And then I
22 refer to the Appendix 4 which lays out the
23 things that need funding and don't need
24 funding.

25 Potential funding mechanisms to consider

1 are used in a number of other New England
2 states, including, one, filing fees assessed
3 to applicants on a per megawatt basis; two,
4 annual fees assessed to all, and this is a
5 question here, merchant generators and we have
6 a whole set of issues that go around that,
7 Sheila, legal issues on that, and number
8 three, bill back authority which is currently
9 under statute, blah blah, but is not used as
10 fully as it could be.

11 Once the mechanisms are established it
12 would be important to consider an overall cap
13 as is done in all other New England states to
14 ensure predictable for applicants.

15 MS. EASTMAN: The only thing I say about
16 this some of these things may be done without
17 legislative authority. That's all, and I
18 don't know if it's just the PSD or it's the
19 PSD or PSB. I don't know. Because the PSB is
20 going to figure out how it's funding a case
21 manager or something there. So it may not
22 just be the PSD.

23 MS. MCGINNIS: So I can put PSD/PSB.

24 MS. EASTMAN: And then we get -- yeah.
25 Anyway, what are you thinking, Chris?

1 COMMISSIONER RECCHIA: I'm thinking that
2 I want to go back to the Department of Public
3 Service so I don't have to keep on trying to
4 listen so closely for whether it's B as in boy
5 and D as in dog.

6 MS. EASTMAN: Here's the thing. I think
7 we're close on this. Let's think about it and
8 whatever --

9 COMMISSIONER RECCHIA: This is fine. I
10 should have answered your question first, but
11 that is truly what I was thinking about.

12 COMMISSIONER MARKOWITZ: But it does
13 lighten up the day.

14 MS. EASTMAN: So question 28 we already
15 dealt with that. Should we include the types
16 of updates to Act 250 that VNRC is
17 recommending and we said we weren't going to
18 do that in this document, but we're not saying
19 if they don't get it we would take them.

20 Now this is another thing and Deb -- 29.

21 MS. MCCARREN: Where are you? 29.

22 MS. EASTMAN: 29.

23 COMMISSIONER MARKOWITZ: Well we've been
24 grappling with funding. We really like the
25 idea that there is some sort of filing fee

1 that helps support both ANR and the
2 Department. So wherever we're talking about
3 funding with respect to supporting Department
4 costs we should just talk about both of them.

5 MS. EASTMAN: Just make it broader.

6 COMMISSIONER MARKOWITZ: Yes.

7 MS. MCGINNIS: Chris has something.

8 MR. CAMPANY: My take, briefly stated
9 philosophical position, is that because you
10 are dealing now with merchant plants not
11 public utilities that these costs should be
12 internalized into the process and not foisted
13 upon parties.

14 COMMISSIONER MARKOWITZ: And the
15 taxpayers. Yes.

16 COMMISSIONER RECCHIA: Or ratepayers.

17 MS. EASTMAN: Yes. We are there, Chris.

18 MR. CAMPANY: I don't know if you should
19 state --

20 COMMISSIONER RECCHIA: No, I don't think
21 we've stated that as a principle and that I
22 think is what Chris is suggesting.

23 MS. EASTMAN: Maybe we should put that
24 as part of 27 because this is what started it
25 out for us that we know the Vermont utilities

1 are paying a gross receipts tax that's right
2 now paying part of this, but it's only fair
3 that merchant plants bear the burden as
4 opposed to our tax dollars.

5 MR. COSTER: That money is not coming to
6 ANR either, the gross receipts.

7 COMMISSIONER MARKOWITZ: Nothing comes
8 to ANR sadly.

9 MS. EASTMAN: We can expand 27 though to
10 say that, you know, we've said, you know, the
11 costs should be covered and so that can be a
12 conversation that you have.

13 COMMISSIONER RECCHIA: Right. So where
14 in the earlier recommendation or in the body
15 you talk about the difference between merchant
16 plants and the ones that pay into the gross
17 receipts --

18 MS. MCGINNIS: We did. It was under the
19 RPC section and we took it out. So that's why
20 it's included here only in a very brief
21 parenthesis because Sheila had told me there
22 were problems with that particular
23 recommendation. So it's now gone to a
24 parenthesis.

25 MS. GRACE: From my perspective and the

1 philosophy that the State has lost money
2 because we have merchant generation, we aren't
3 able to recover the cost within our regulated
4 utilities is a fine philosophy to add, but I
5 just didn't want to do at this point say we
6 were going to do something akin to a gross
7 receipts tax to the merchants because it's
8 possible that that would be found
9 unconstitutional. So we need to do more
10 research into that, and just raising the
11 philosophy what I will -- we need to make sure
12 that we are making that money seems fine from
13 my perspective.

14 MS. EASTMAN: That the costs of --
15 application costs need to be recouped and in
16 some cases it's currently done by gross
17 receipts tax and in some cases it's not done
18 at all.

19 MS. McCARREN: The big difference is
20 gross receipts tax raises the retail rate. If
21 you require a developer to do a filing fee
22 which I support, it won't -- that developer is
23 working under the standard offer that is not
24 going to flow through to ratepayers because
25 they are already paying the standard offer.

1 MR. JOHNSTONE: Many of these are bigger
2 than the standard offer. That's the problem.

3 MS. McCARREN: Fair enough.

4 MS. EASTMAN: All we need here is the
5 philosophy that Chris talked about.

6 MS. MCGINNIS: In 27 or 29.

7 MS. EASTMAN: No, in 27. I think we're
8 going to have one fee thing in 27. We're not
9 going to have a separate 29. We're going to
10 talk about funding the costs and we'll be
11 generic enough so we'll be able to explain
12 what you meant was -- is that the cost of ANR
13 doing these permits, DOH doing whatever, the
14 cost of people doing these reviews, you know,
15 needs to be borne somehow in the system, but
16 we're not going to say which one -- I'm with
17 you, Avram. There are things that relate to
18 an -- relate to project specific things and
19 then there are things that relate to overall
20 system, and I totally understand your issue
21 between electric versus energy and how we deal
22 with that, and ultimately maybe some things
23 will have to be covered by taxpayers if we
24 think it's important and it's broad enough for
25 energy issues.

1 MS. MCGINNIS: All right. I'm a little
2 unclear and I'll work with Sheila on the
3 philosophy part of it because I was trying to
4 be pretty specific on the types of fees that
5 we've discussed that we would like to be
6 considered among potential fees. One, filing
7 fees assessed to applicants.

8 MS. EASTMAN: We have that.

9 MS. MCGINNIS: Number two is the tricky
10 one. Annual fees assessed to all in
11 parentheses merchant question mark generators.

12 MS. EASTMAN: Why don't you just say
13 annual fees assessed to all generators.

14 COMMISSIONER RECCHIA: I would say fees
15 applies to all. I think if you want to get
16 the merchant in there, what happens to a
17 merchant facility is if it is successful and
18 decides to enter into a contract, a PPA with a
19 utility, then those costs, future costs, will
20 be included in the operation of that utility.

21 MS. EASTMAN: In the gross receipts.

22 COMMISSIONER RECCHIA: In the gross
23 receipts. So you don't need to repeat that.

24 MS. EASTMAN: What if there's a
25 situation somebody comes in, builds, and we

1 never see it here.

2 COMMISSIONER RECCHIA: Like a
3 hypothetical nuclear power plant that
4 continues to operate.

5 MS. EASTMAN: Yeah. That continues to
6 operate.

7 MR. JOHNSTONE: The concept of equitable
8 might be here that the fact that our homegrown
9 utilities are paying this now, merchants
10 aren't, there's a lack of equity there, and it
11 could be there's something in that context
12 that will help you, Linda.

13 MS. McCARREN: The other one too is, to
14 repeat myself, I would like to see some type
15 of fee on generators to support the ANR and
16 the PSD that does not come out of ratepayers'
17 pockets.

18 COMMISSIONER RECCHIA: Annual or
19 application?

20 MS. McCARREN: Both.

21 MS. MCGINNIS: To underscore the reason
22 I thought we were including annual in here,
23 the important word annual, is that you cannot
24 predict how many new dockets are going to come
25 before the Board. So in terms of filing fees

1 it is a completely unpredictable source of
2 funding, whereas, if you have an annual fee on
3 a small basis that's a predictable source of
4 funding, and all these things you're talking
5 about are annual.

6 MS. MCCARREN: We're fine.

7 MS. MCGINNIS: I'm just saying I was
8 told to take out annual. So I want to make
9 sure. I'm trying to figure out --

10 COMMISSIONER RECCHIA: No. Now I
11 understand better what you were trying to get
12 to. Sorry. I thought we were talking about
13 application process.

14 MS. EASTMAN: Okay. So we put annual.
15 So have we got enough on this?

16 MS. MCGINNIS: Yes. I'll work with --
17 yeah.

18 MS. EASTMAN: So then I see we're not
19 doing 28. We're not doing 29. 29 is going to
20 be subsumed in 27. And now we get to Tom's
21 suggestion 30 about a recommendation to
22 educate and enroll the public in the necessity
23 and benefits of the CEP. Is this just part of
24 planning process?

25 MR. BODETT: Well this is my thought and

1 this is something I'm kind of doing, you know,
2 through other channels too. I just think it's
3 a big missing part of this is that the CEP
4 hasn't really been -- it's been adopted, but
5 it hasn't really been sold and there isn't --
6 it doesn't feel like it's embraced.

7 We keep running into it in our work here
8 and I think a lot -- and I've seen it happen
9 at the town level too in the planning process.
10 There's always the proactive people come out
11 in the beginning of a planning process and
12 they are involved with the planning and they
13 write all this stuff and then they introduce
14 it and then there's the reaction part of it,
15 and then through the course of that
16 negotiation the town plan or whatever it is
17 you're negotiating gains traction and public
18 support and gets voted on and adopted and
19 everybody lives happily ever after.

20 That hasn't happened yet. We're still
21 halfway there. That process is still being
22 negotiated even though the CEP is the law of
23 the land and these goals are set and we're
24 making recommendations to make that happen in
25 a better way. It still seems the way I put it

1 there, you know, the war is kind of over and
2 we're negotiating the peace, but it's still
3 that's not the feeling that you get at the
4 public hearings. It's like the war is still
5 being fought, and I think that there's a
6 crucial piece missing here is the State in
7 some capacity of the State could do this.

8 I saw was it Vermont Connect or Connect
9 Vermont, I can't remember the name of the
10 program --

11 COMMISSIONER MARKOWITZ: With the
12 electric cars?

13 MR. BODETT: No. It was with the
14 broadband.

15 COMMISSIONER RECCHIA: Connect Vermont.

16 MR. BODETT: And I can't remember who
17 the woman was who went around, I get lost in
18 all agencies, last year or the year before
19 going from like town garage to town garage and
20 holding these public hearings, maps on the
21 wall, okay here's where we're putting towers
22 in down here, here's where these towers are
23 going to reach. If you don't see your house
24 within one of these colored areas, please fill
25 up the card upfront because this is what's

1 happening and this is what we're trying to do
2 and it was stuff nobody heard of before.

3 It was wonderful stuff for the most
4 part, except of course people thought we were
5 going to see the towers and all of a sudden
6 everybody knew what was going on and they
7 moved on to the next town and did the same
8 thing, and I think something like that with
9 the CEP --

10 COMMISSIONER MARKOWITZ: So we did --
11 last year Liz and I went and did a road show
12 around the state talking about where we were
13 with implementation, and that was basically
14 the idea is here's how far we've gotten, we
15 want your input, this is what we're thinking,
16 and we had a good turnout in most places, not
17 -- with the exception of Chittenden County was
18 pretty sparse, but it was a good showing about
19 everywhere else, but it may be we need to
20 continue to do it.

21 That doesn't necessarily address -- you
22 know, I appreciated your comment that you feel
23 that a good part of the reason we don't hear
24 more from the 70 percent of Vermonters who say
25 they support wind, biomass, solar, is they

1 don't feel safe in the atmosphere of the
2 public forums that are being out there, and so
3 then the question is, you know, can we do
4 something that just -- not just another one of
5 those public forums, and what were you
6 thinking when you wrote that?

7 MR. BODETT: You know I don't know. It
8 feels to me --

9 MS. MCCARREN: We had two public
10 hearings, Burlington and VIT. Burlington it
11 was all, I would have said, 95 percent all
12 incredibly supportive.

13 MR. BODETT: That's true.

14 MS. MCCARREN: I'm not even sure I heard
15 -- you were there.

16 MR. BODETT: I'm not taking a position
17 here. Again I think everything we're doing
18 here is in support of the CEP, and when you
19 look at Lowell I would say that most of what
20 we heard in Lowell, which voted 75 percent for
21 that project there, was very anti what had
22 happened there and very few people stood up in
23 support of it, and the -- and again I just
24 relayed it back to what I saw.

25 We just had a very contentious town plan

1 process in our town. Took us almost two years
2 to get through, and the people who were
3 involved in that planning disappeared because
4 it got so nasty at these meetings that
5 suddenly there was nobody standing up any more
6 in support of it because it's hard to stand up
7 and say well we want to conserve these -- my
8 neighbor's land. Everybody has an idea what
9 to do with their neighbor's land, and I think
10 it's the same thing with like wind being the
11 big bad boy of this group is it's hard to
12 stand up and say I want -- I don't mind seeing
13 the windmills up on the ridge.

14 MS. MCCARREN: Burlington in person they
15 liked it.

16 MS. MCGINNIS: Except for even there,
17 there was --

18 MS. MCCARREN: Here's my concern. One
19 is the public hearing concern. We had VIT was
20 30/70. VIT was -- the way I read this with
21 all due respect, is if I only explained it to
22 you one more time you would love ridgeline
23 wind, and with all due respect that is really
24 patronizing to Vermonters.

25 MR. BODETT: I think you're

1 misunderstanding what I'm saying because we
2 picked out wind because that's what this has
3 become. What I want to see is you can pick
4 off any wind project one by one. You can pick
5 off any solar project or biomass project one
6 by one. What hasn't taken hold is the big
7 picture of what the CEP is and it's all of the
8 above. It has to be efficiency. It has to be
9 some of all of it.

10 MS. EASTMAN: Can I say I think though
11 this issue of the next generation of the CEP
12 planning process should go deeper, you know,
13 because if -- we talk about the scenario
14 planning and we talk about it being all
15 energy.

16 So for me the fact that -- and I don't
17 mean this in anyway -- but the fact that you
18 got to plan again and then you got to plan
19 again and it will be an education -- that's an
20 educational process to me, and yes maybe then
21 you guys need to decide whether you have to go
22 out to do the kinds of things you and Liz did
23 in between. But anyway, Chris.

24 COMMISSIONER RECCHIA: I want to thank
25 Tom for the concept, but I think the issue, as

1 I understood what he's describing here and I
2 heard it in a lot of these meetings, that
3 people acted as though the CEP fell out of the
4 sky and was being imposed by the big bad
5 government on them and they were not embracing
6 it at all, and that's how I'm interpreting his
7 point is that we really need something we're
8 not allowed to have which is marketing
9 capability for why it is we did this, but that
10 -- you know there were legislators and there
11 are public who said in our public forums, you
12 know, where did this renewable mandate come
13 from anyway? Why are we doing these
14 renewables? It's stupid. Why don't we let
15 the market do this? Why are we doing this?
16 You know, in spite of everything we've been
17 through it's like five percent of what we went
18 through in 2011 to develop that plan.

19 MS. EASTMAN: Right.

20 COMMISSIONER RECCHIA: So the fact
21 that's all forgotten at a particular moment is
22 the problem.

23 MS. EASTMAN: But in the big document we
24 talk about the comprehensive planning process.

25 COMMISSIONER RECCHIA: Yes. I recognize

1 that. I think what Tom is saying is missing
2 here is the constant reinforcement of why it
3 is we did that and I agree with him.

4 MR. JOHNSTONE: Let me try something as
5 a recommendation, because I think there's a
6 role for what Tom is talking about, I think it
7 goes into the first section on planning that's
8 around the state's role, and I think this
9 notion of a focus around the planning process
10 that continues to educate about the value of
11 the then current plan frankly appropriately
12 drops right in there this notion of continuing
13 education. I don't think it needs to be
14 marketed. You don't need to send out glossy
15 postcards, but you have lots of forums like an
16 occasional road trip or other ways by
17 partnering with RPCs to have forums and
18 events. You'll be putting them to work to do
19 some of this frankly in this model we've
20 developed.

21 So I think highlighting there's a
22 continued need to be educating Vermonters
23 about the current energy system and the one
24 that we're projecting towards is always a good
25 role for government.

1 MS. MCCARREN: And I support the
2 Department and ANR in their wisdom of doing
3 that if that's what they need to do, but I
4 also think that when the CEP was adopted, I
5 have already said this once, there was no
6 visualization of what it really could mean for
7 the state. I think -- and it might at that
8 point have been unknowable.

9 Now we may have the tools to visualize
10 this. I think that's really important for
11 folks, right, and that's part of good
12 planning.

13 MS. EASTMAN: And can I say we're always
14 going to have this issue. I administered Act
15 250 for a number of years and you have to
16 explain generally -- you know, you have to
17 explain Act 250 over and over again because
18 people again don't pay attention until there's
19 the project specific issue. It's only if you
20 got here kind of thing.

21 So we'll keep having to do it, but I do
22 think it's a great suggestion to put another
23 little bit back up there in the planning
24 because there will be more and more of this,
25 and I agree, Louise, that pictures, you know,

1 are important for certain people for their
2 learning styles, and so we'll see what happens
3 as we go through this process in the next
4 decade. You know do we bring people on? Do
5 we lose people? And what happens -- and this
6 just goes to being -- this is a totally
7 interim process and actually education should
8 always be the goal from everything we're
9 doing.

10 MS. MCCARREN: And change is hard. I
11 mean I needed police protection when we went
12 to winter/summer differential rates in 1981.

13 MR. BODETT: Sure.

14 PUBLIC: Also as you do more projects if
15 there's impacts, policies change.

16 MR. BODETT: And I think part of paving
17 the way toward this kind of change and to use
18 Chris Company's, you know, we are building the
19 next generation of energy system and there's
20 going to be change, and change is hard, and I
21 think we need to be honest with ourselves and
22 the public that it's going to have an effect.
23 It's going to change the landscape in some
24 ways, whether that's solar, so -- whether
25 that's biomass or whether that's wind on the

1 ridges, already going to be changes to
2 accomplish that. So let's not fool ourselves.
3 This is going to be happening.

4 MS. McCARREN: I understand what you
5 guys are saying. This has always been the
6 elephant in the room. There are people in
7 Vermont, Campaign for Vermont, who don't
8 fundamentally share that view.

9 Now that said, we don't know how big
10 that is. We don't have enough experience,
11 visual experience, right. So the next
12 iteration could be very different. I support
13 the Department and ANR going out and with the
14 --

15 MR. JOHNSTONE: Continue to have the
16 dialogue.

17 MS. McCARREN: But the notion everybody
18 in the state supports that is not true.

19 MS. EASTMAN: I'm not saying everybody
20 supports it and I'm saying --

21 MS. McCARREN: They are just smarter.

22 MS. EASTMAN: No. That's not it at all.
23 Depending upon what you feel the hard choices
24 are to make you can have less support. I've
25 actually said that to people, but the only way

1 we'll figure this out is I believe that it is
2 through this -- at least some sort of planning
3 issue to give us all a chance to have a role
4 in talking about it and making that
5 determination.

6 Ultimately you're right. If the State
7 of Vermont a decade from now or 20 years from
8 now decides they want something different,
9 they will vote in different legislators.

10 MR. JOHNSTONE: And we'll have a new
11 CEP.

12 MS. EASTMAN: And we'll have a new CEP.

13 COMMISSIONER RECCHIA: And a new CEO.

14 MS. MCCARREN: I support all the
15 planning that's in this document. I support
16 all of that and I support Chris going out and
17 --

18 COMMISSIONER RECCHIA: Thank you.

19 MS. MCCARREN: Happy to be your driver.
20 I support that. It's just that I -- anyway.

21 MS. MCGINNIS: What I propose to do, I
22 won't use this exact language, but what I
23 propose to do is draft a paragraph in the
24 recommendation number one which incorporates
25 an element of education on each -- every time

1 you have a scenario that part of that includes
2 going out and explaining it to the population
3 and getting input on it because that's all
4 part of the process, and I do think that
5 simultaneously it will also help reduce fears
6 that are out there that what this 90 percent
7 means is that every ridgeline is going to be
8 covered because it really doesn't mean that.
9 It really, really doesn't mean that, and I
10 think that's part of the educational process,
11 and I think that's part of what scenarios will
12 show. If you go more this way, that's what it
13 looks like. If you go more that way, that's
14 what it looks like. So I'm going to try and
15 draft a paragraph.

16 MS. EASTMAN: And goes in one?

17 MS. MCGINNIS: Goes in number one.

18 MS. MCCARREN: The scenario analysis is
19 great. It should include visualization.

20 MS. MCGINNIS: That's what it looks
21 like. That's what I said.

22 MS. MCCARREN: I know that's what you
23 said, Linda, and I know you agree with that.
24 Some of the concept about scenario analysis
25 didn't necessarily include visualization.

1 Okay.

2 MS. EASTMAN: Okay. So we're now
3 looking forward. Language, those first three
4 paragraphs that are on page 13 nobody had
5 comments about. I have the highlighted bit on
6 page 14. I want to just be sure this is what
7 we want to say.

8 MS. McCARREN: You're on 14, Jan?

9 MS. EASTMAN: Page 14. The first full
10 paragraph because this is something that
11 really relates to what S30 currently says and
12 I don't know if this is -- if we want to
13 really say this because we're saying we're
14 proposing establishing an implementation
15 committee comprised of key legislative leaders
16 and relevant agency and officials to further
17 refine the recommendations and oversee
18 implementation. I'm not sure we want to do
19 that.

20 MS. McCARREN: The last sentence is a
21 non-starter.

22 COMMISSIONER RECCHIA: Yes, and that was
23 the only one I thought was okay.

24 MS. McCARREN: Right.

25 COMMISSIONER RECCHIA: I have a couple

1 of issues with this.

2 MS. EASTMAN: Yes.

3 COMMISSIONER RECCHIA: One is I think
4 this should be broader than the attention
5 given to this issue in recent months. I mean
6 what's been going on in the recent months has
7 been one aspect of the need for this, but I
8 think we are cheapening this document by
9 having it refer to that controversy, and it
10 says it in a couple of places here. That I
11 just think the document would live longer
12 without that reference.

13 MS. MCCARREN: And I agree with Chris.

14 COMMISSIONER RECCHIA: Then, secondly,
15 an implementation committee, key legislators,
16 and officials and others to oversee
17 implementation is a problem. I think it's
18 like the Legislature wanted to do an oversight
19 committee in one of the other things.

20 MS. EASTMAN: Well it's in S30 and I'm
21 going to go on Thursday.

22 COMMISSIONER RECCHIA: No. That's just
23 a guidance -- a joint committee.

24 MS. EASTMAN: And that's okay.

25 COMMISSIONER RECCHIA: That's different

1 than an oversight committee. I worked with
2 Senator Ashe to revise that because it was --
3 that's problematic. The Legislature
4 legislates.

5 MS. EASTMAN: I understand. The
6 Administration implements.

7 COMMISSIONER RECCHIA: In theory and I
8 would like to keep it that way as much as
9 possible. So I really feel like this just
10 doesn't feel good to me at all.

11 MS. EASTMAN: When I read it -- I'm
12 sorry. I think what I would like to say, and
13 this goes back to, you know, the fact that
14 there are things here that have more
15 specificity than others. The fact that, you
16 know, we see the things sort of fit together
17 as a whole, but I take the point that what you
18 all have on your plates is broader than just
19 what we've talked about here and that the
20 things we're talking about here are part of
21 the bigger picture. I mean -- and maybe
22 nobody else is willing to, but in some places
23 you know, some of these proposals have asked
24 would we be willing to testify or take a look
25 at things, you know, that may be on the

1 Administration's plate or the legislative
2 plate, and I'm happy to do that. I mean I
3 think it's time to move this to somebody else
4 doing some specificity. That's not within our
5 purview, but I'm not saying if somebody wants
6 my comments on what I think we did and why I
7 think we did it and how I think it might
8 relate to something else, I have no problem
9 with that.

10 MS. MCCARREN: If Chris's recommendation
11 was to remove that section, I support it for
12 both the reasons that it's allowing -- it
13 implies that the legislators could be involved
14 in implementation, okay, and also, you know, I
15 just don't think it's a good idea.

16 COMMISSIONER RECCHIA: Seriously are
17 you, Louise, willing to come back at let's say
18 toward the end of the summer to get briefed on
19 what we've done and to react to it?

20 MS. EASTMAN: I'm gone for five weeks
21 late August to mid September.

22 MS. MCCARREN: I have had so much fun
23 with you guys I would never miss another
24 opportunity to come to this room. Of course I
25 would be happy to.

1 COMMISSIONER RECCHIA: I think in the
2 spirit of that I have no problem with the --
3 having some language that suggests that in
4 this next iteration where the agencies are
5 working to implement what they can and to
6 create and compare if -- the legislation next
7 year, you guys would be willing to look at
8 that or have an evaluation on that.

9 MS. MCCARREN: But --

10 MS. EASTMAN: Okay. Quickly.

11 MS. MCGINNIS: Basically keep the last
12 sentence.

13 PUBLIC: My only question, I brought
14 this up last time, for these projects that we
15 fear are going to happen in the interim --

16 MS. EASTMAN: That's why we have all the
17 pay attention to. The pay attention to.

18 PUBLIC: Is that going to make any
19 difference though?

20 MS. EASTMAN: It may not and this is why
21 we want to get our recommendations out, and
22 I'll say it because there are some things in
23 here that they can just go ahead and do if
24 they think it's significant, and that's why we
25 have that other Appendix 2 is to say you can

1 go forth and do these things right now. It
2 doesn't require anything else. So we're
3 trying to -- that's what our attempt is with
4 an additional recommendation and with Appendix
5 2 when we get there.

6 So there are some things they already
7 do. We'll try and -- and for us to get things
8 done so in fact you can start rulemaking if
9 you want to do rulemaking or come up with the
10 legislation you don't have to wait for us to
11 be looking at anything. So it's not like we
12 hold anything hostage. We just offer
13 ourselves up if they want us.

14 MR. JOHNSTONE: That's great. I'm good
15 with that.

16 MS. EASTMAN: Okay. So we're now on
17 page 14 and the other things here that we
18 talked about we've got a few comments.

19 MS. McCARREN: You know, Jan, on the --
20 I'm sorry. I don't mean to skip ahead. I was
21 down in ag.

22 MS. EASTMAN: You can be in agriculture
23 if you want to be.

24 MS. McCARREN: Thank you. I would just
25 add -- well shouldn't we say that growing your

1 own rye could create a good liquor. I'm not
2 going to say that.

3 I just had -- remaining cognizant of
4 retail rates with respect to the generator
5 lead being pushed and put in base rates, you
6 know, okay. And, Jan, you said it correctly
7 on the conservation issue and -- the
8 conservation easement issue and it was kind of
9 -- I misunderstood what you said was that the
10 easements on land within the easement itself
11 there are conditions.

12 MS. EASTMAN: There may be conditions
13 that are controlling. That's right.

14 MS. MCCARREN: Okay. So I'm fine on
15 that. I don't see that -- it looks like it
16 didn't show up again in here.

17 MS. EASTMAN: And that's okay, but
18 that's what people have to look at, if they
19 have just a contract, and so depending upon
20 what somebody said will control.

21 MR. BODETT: So would -- you know if
22 someone put a thousand acres into a
23 conservation but specifically allowed
24 renewable generation on it, would it still
25 qualify for conserved land for the tax

1 benefits and all that?

2 MS. EASTMAN: Yes.

3 MS. McCARREN: That is -- I wouldn't
4 shake my head so clearly.

5 MR. COSTER: It depends on the
6 conservation values that are being protected.
7 It may.

8 MS. EASTMAN: And it still can be
9 protected. For instance -- for instance, our
10 property is in current use, not conserved but
11 in current use under forests, but for that you
12 can have 20 percent of your land be open to
13 meet the forest requirements. So there's
14 absolutely nothing inconsistent with me
15 potentially using the open pieces for solar
16 because what I'm required to do is manage my
17 forest. So as long as I manage my forest
18 consistent with a plan then I'm set and good
19 to go. So I can say very much I'm in current
20 use, but current use isn't going to tell me I
21 can't do solar.

22 MS. McCARREN: I think we're all in
23 agreement it depends on what the conservation
24 easement says and I support that.

25 MS. EASTMAN: Or what the current use

1 program says.

2 MS. MCGINNIS: Do I need to change
3 anything in the language?

4 MS. MCCARREN: I don't think so.

5 MR. PATT: I had a comment on another
6 thing on the page.

7 MS. EASTMAN: What other thing?

8 MR. PATT: I was going to go back to the
9 renewable energy certificate. There are a
10 number of technical errors in how this is
11 written.

12 MS. EASTMAN: Great. Will you fix it
13 for us?

14 MR. PATT: I can try.

15 PUBLIC: Where are you?

16 MS. EASTMAN: Under the RECs.

17 MR. PATT: The issue, and I'm not
18 weighing in on one side or other of the issue,
19 but the issue is whether retail utilities in
20 Vermont can sell RECs out of state, not the
21 generators because it's the retail company in
22 Massachusetts or if there was a RPS in
23 Vermont, it's the retail seller that has to
24 claim the certain amount of RECs.

25 So that's one thing, and then they are

1 not selling them to other states. They are
2 selling them to retailers in other states.

3 MS. EASTMAN: Right.

4 MR. PATT: And then there should be a
5 distinction made that in order -- were there
6 to be a RPS in Vermont a retail utility like
7 Washington Electric Co-op would need to retire
8 enough RECs to meet whatever the standard is.
9 This appears to say you can't sell any RECs.
10 That it's either you do what you do now or you
11 can't sell anything.

12 In our case we could meet a renewable
13 portfolio standard and still have stuff to
14 sell.

15 MR. JOHNSTONE: BED is in the same
16 position as you.

17 MR. PATT: Other utilities are similar.
18 So I think it's some tweaking of that, and
19 again not getting into the substance.

20 MR. JOHNSTONE: There's even a third way
21 which is without a RPS we could just deem that
22 we're going to retire RECs without getting
23 into the RPS.

24 MS. EASTMAN: And as I say this is one
25 of those things that other people are

1 beginning to look at the Public Service Board
2 had a proposal on and we want to make this
3 accurate, but we were just putting this in to
4 note we're not dealing with this. We're not
5 the people to deal with this, but it's an
6 issue.

7 MR. PATT: I've been in the middle of
8 that so I know it's an issue, but I'm just
9 trying to get the wording accurate for you.

10 MS. EASTMAN: Thank you.

11 MS. MCGINNIS: We will work offline with
12 you. Anne and I will work with you on that.

13 MR. PATT: Okay.

14 MS. EASTMAN: Thanks so much. So what
15 else on this page?

16 MR. JOHNSTONE: My comment on ag, maybe
17 I misremember, but I thought we said last time
18 the ag one was overly specifically compared to
19 everything else and we were going to get rid
20 of the specifics, but maybe I misremember.

21 MS. MCGINNIS: In my notes you had
22 mentioned that and then we came back around to
23 saying we're going to keep it.

24 MR. JOHNSTONE: I'm going -- I'm okay
25 with keeping it.

1 MR. BODETT: This is their language.

2 MS. EASTMAN: We already have a
3 recommendation that matches this.

4 MR. JOHNSTONE: That's fine.

5 MS. MCGINNIS: Well that recommendation
6 is much broader and so I kept it in the broad
7 recommendations. This one is much more
8 specific. It would fall within an other
9 category of related issues unless you want me
10 to take these recommendations and put them
11 back.

12 MS. EASTMAN: Let's just leave it there.

13 COMMISSIONER RECCHIA: Let me just note
14 these are not numbered recommendations. This
15 is part of the discussion and I think it's
16 appropriate for the discussion in this level.

17 MR. COSTER: Can I just make one
18 distinction? Talking about conservation
19 easements the second arrow under the ag
20 section says should be allowed on conserved
21 land. That's probably too broad. It should
22 be conserved farms because this is really
23 specific to agricultural properties. You know
24 we don't want to recommend that these things
25 should be proposed in wilderness areas or

1 other conserved locations that don't have --

2 COMMISSIONER RECCHIA: Well do you want
3 any -- do you want any harvest forest
4 management to be going on in those areas? In
5 a national forest or --

6 MR. COSTER: It depends. It may be
7 certainly appropriate, but this is under the
8 context of agricultural viability and what's
9 compatible with ongoing agricultural.

10 COMMISSIONER RECCHIA: That's true. We
11 are under the agricultural. I agree with you.

12 MS. MCGINNIS: So what's the proper
13 term? Conserved agricultural land? Conserved
14 farm? What's the term?

15 MR. COSTER: Usually just farms is fine.

16 MS. EASTMAN: Well it's interesting
17 because isn't this where they may be getting
18 at going broader than their own farm like
19 getting me to -- if I'm next to a farm getting
20 me to be able to do it.

21 MS. MCGINNIS: That was the intent.

22 MS. EASTMAN: So they are combining
23 stuff.

24 MR. JOHNSTONE: This is where Chuck
25 wanted us to define the term farm for him.

1 MS. EASTMAN: I'm not going to do that.

2 MS. McCARREN: Thanks, Billy, because I
3 thought that had been removed. We just need
4 clarity on it.

5 MS. EASTMAN: One at a time.

6 COMMISSIONER RECCHIA: I would use
7 conserved ag lands for now in this section.

8 MS. EASTMAN: Okay, and I think you
9 should use conserved agricultural land because
10 you conserve the land. You don't conserve the
11 farm. Okay. Anything on the last bit
12 intermittency of renewables and siting issues.
13 Louise?

14 COMMISSIONER RECCHIA: Just that until
15 now I kept on reading that word as intimacy
16 renewables.

17 MS. MCGINNIS: You're really tired when
18 you're reading it.

19 MS. McCARREN: This is a nit, but it is
20 an editing issue. There is only one grid
21 operator in New England. VELCO is a
22 satellite. It's no big deal, but what we've
23 done is this is very generic like across the
24 whole country and we may want to make this
25 more specific. Linda, do you want me to fix

1 this?

2 MS. MCGINNIS: I'm happy -- the only
3 reason it's in there is Gaye brought it up a
4 hundred times and we never talked about it so
5 I just wrote something very generic.

6 MS. MCCARREN: I have no problem with it
7 being in there. The other issue I had is if
8 the storage is going to produce electricity,
9 it is already regulated. It is going to
10 require a 248. So you get a fly wheel, you
11 got a pump storage, those kind of things. I'm
12 not sure we really want to try to extend the
13 regulatory scheme to cover more distributed
14 types of storage such -- we talked about this
15 before like chillers on roofs, commercial
16 chillers on roofs, right?

17 MS. MCGINNIS: No.

18 MS. MCCARREN: Okay. I'll remodel this
19 a bit for you.

20 MS. EASTMAN: I don't want to do that.

21 COMMISSIONER RECCHIA: Can you play with
22 this?

23 MS. MCCARREN: I will. God you're
24 trusting me to do this.

25 MS. MCGINNIS: Beware guys.

1 MS. EASTMAN: So now I think what we
2 wanted to look at we are at Appendix 2 if we
3 need more of that and Appendix 3. I think
4 those were the two we wanted to look at and I
5 don't know what to say about Appendix 2. Is
6 this right?

7 MR. JOHNSTONE: There is the issue that
8 we had the comment number five.

9 MS. MCGINNIS: That's just an oversight.

10 COMMISSIONER RECCHIA: Number five
11 should be the legislative change.

12 MR. JOHNSTONE: We believe --

13 MS. MCGINNIS: Well I don't know.

14 MR. JOHNSTONE: I believe it's
15 legislative. The statute today says due. So
16 to move to substantial I believe requires
17 legislative change.

18 MS. EASTMAN: Thank you. It is
19 legislative.

20 MS. MCGINNIS: Just also another point
21 because we've added a number of other
22 recommendations, I will add the
23 recommendations to this and try to figure out
24 what category they fall under.

25 COMMISSIONER RECCHIA: Cool.

1 MR. JOHNSTONE: Can I also ask, while
2 we're on Appendix 2, one question I had is the
3 debate we were having around number 25 is does
4 that belong here as a separate table under
5 number 2? Because it's related, and tell me
6 why you didn't. I mean I see you kind of
7 exhaling.

8 MS. MCGINNIS: Exactly. What I was
9 going to do instead of saying it should be
10 another recommendation was just to have a
11 separate table here that said pay attention to
12 and list those things here.

13 MR. JOHNSTONE: So why not say more.

14 MS. MCGINNIS: And the reason I didn't
15 was because so many of the things in there we
16 hadn't fully discussed and I wanted to make
17 sure you all had the opportunity to fully
18 discuss it, and I was aware if I stuck it here
19 you wouldn't --

20 COMMISSIONER RECCHIA: For me I want to
21 distinguish -- now that I look at this it
22 still is somewhat --

23 MR. JOHNSTONE: Separate table.

24 COMMISSIONER RECCHIA: I'm good with a
25 separate table, but I think one is generally

1 process and the other are generally like
2 issues to do better next time. So I think
3 they need to be treated separately, although
4 there's some overlap.

5 MR. JOHNSTONE: I'm open. It strikes me
6 it's very similar and related.

7 MS. MCGINNIS: I also worry, Scott, that
8 we are going to have now a very specific
9 recommendation that lists those things. This
10 is a table that my guess people are going to
11 look at kind of closely to say okay what are
12 the things we can start doing now, and I don't
13 really want to distract from what are process
14 issues. So that was another thing to not
15 include it here because this is what you have
16 to actually start doing stuff putting people
17 on right away.

18 MR. JOHNSTONE: On the other hand, we're
19 asking the Board to pay attention to those
20 things right now.

21 COMMISSIONER RECCHIA: That's true, but
22 then if you're going to put it in a table, you
23 need more than one column and it would have to
24 be pay attention, pay really close attention.

25 MS. MCCARREN: It's the four tiered

1 approach.

2 MS. EASTMAN: I have to tell you maybe
3 we don't do a table around that. Maybe it's
4 just a recommendation at the end that crosses
5 categories along with funding.

6 MR. JOHNSTONE: That's fine.

7 MS. EASTMAN: I think that's what you
8 end up doing.

9 MR. JOHNSTONE: I'll leave it alone.

10 MS. EASTMAN: Okay. So that's Appendix
11 2. Then Appendix 3, which is the tiers, is
12 there anything else we have to discuss in
13 here? One thing why some things are in red in
14 2 and 3 is because Linda had made -- in a
15 prior draft we had made specific reference to
16 certain parties and not all of them, and so I
17 just wanted to be sure we weren't changing
18 Section 248 parties. We were just changing
19 the notice period because you wanted ANR to be
20 added, but DOH, there are a whole lot of
21 people according to 248 get notice.

22 MR. JOHNSTONE: That's 2, 3 and 4 you
23 added that, right?

24 MS. MCGINNIS: It's all the same
25 wording, basically give notice to everybody

1 that 248 already gives notice to.

2 MR. JOHNSTONE: That's great. Ready.
3 Move on.

4 MS. EASTMAN: So any other -- well we
5 have some -- there were some other comments
6 about --

7 MS. MCGINNIS: There's nothing else in
8 those at least for now. You guys didn't
9 really look so much at the appendices so I'm
10 flagging things.

11 MR. JOHNSTONE: Assume we all love them.
12 We followed your instruction.

13 MS. MCGINNIS: That's true.

14 MS. MCCARREN: Wait a minute. She gave
15 us a reprieve until Saturday night.

16 MS. EASTMAN: We got through it.

17 MS. MCCARREN: I did have a question on
18 7. Nothing wrong. What's its purpose?

19 MS. MCGINNIS: The reason this was here
20 was when I was starting to draft --

21 COMMISSIONER RECCHIA: When we get to
22 Appendix 5 I have a comment.

23 MS. EASTMAN: Let's go to Appendix 5.

24 MS. MCGINNIS: Appendix 5 I did want you
25 to take a look at.

1 COMMISSIONER RECCHIA: Thanks. I did.

2 MS. MCGINNIS: I have added two columns.

3 COMMISSIONER RECCHIA: I see that. So
4 it's the wording of them. For the two little
5 PSD, yeah, blasting and setbacks and noise.

6 MS. MCGINNIS: Yes.

7 COMMISSIONER RECCHIA: We are
8 considering -- can't say PSB will open a
9 non-contested docket to study these.

10 MS. MCCARREN: There is no such thing.

11 COMMISSIONER RECCHIA: So what I said
12 and the guidance to me should be the PSD
13 should consider -- PSD, as in dog, should
14 consider requesting the PSB open up a docket.

15 MS. MCCARREN: I would take out
16 non-contested docket and put in rulemaking
17 docket because that's really what we're
18 talking about.

19 MS. MCGINNIS: Okay. So PSD will
20 request that a rulemaking docket --

21 MS. EASTMAN: PSD will consider.

22 MS. MCGINNIS: No. PSD will request
23 that the PSB consider opening.

24 COMMISSIONER RECCHIA: I'm just saying
25 I'm not willing to commit to that here.

1 There's a lot more that gets involved that I
2 need to assess before I'm willing to do that.

3 MS. MCGINNIS: So I can't put setbacks
4 in here?

5 COMMISSIONER RECCHIA: You can say the
6 Commission recommends that the PSD consider.
7 You can say strongly consider. You could say
8 the PSD shall if you want, but know that I'm
9 evaluating this. So I'm not willing to commit
10 to doing that yet.

11 MS. MCGINNIS: I still want to make sure
12 I understand. So I'm like putting an asterisk
13 at the bottom related to blasting, safety
14 issues. I don't even know if that's the right
15 term. The Commission recommends that the PSD
16 consider what?

17 COMMISSIONER RECCHIA: A rulemaking
18 docket.

19 MS. GRACE: I'm sorry. My suggestion --
20 my language suggestion is that opening a
21 docket/rulemaking because they could -- the
22 Board could decide that opening a docket that
23 doesn't result in a rulemaking is a preferable
24 way to go.

25 COMMISSIONER RECCHIA: Got it. So now

1 that you've put your oar in this water save me
2 from the --

3 MS. McCARREN: We're going to deputize
4 her to work with Linda to have the exact
5 language.

6 COMMISSIONER RECCHIA: Right now it's
7 saying we're agreeing to do this and I can't
8 do that yet.

9 MS. MCGINNIS: I'm going to write the
10 Commission recommends that you consider.
11 That's about as vague as it can get.

12 COMMISSIONER RECCHIA: Beautiful.

13 MS. MCGINNIS: Recommends that the PSD
14 consider asking the PSB to open a
15 docket/rulemaking.

16 COMMISSIONER RECCHIA: In stereo.

17 MR. JOHNSTONE: At the risk of
18 prolonging this, rather than that could we
19 simply say that the Commission believes that a
20 -- whatever it was, rulemaking/docket for
21 these sorts of guidance is appropriate and
22 then he can decide whether he agrees or not,
23 and we don't have to recommend considering to
24 think about whether to talk to the Board. We
25 can say we actually think there's value here

1 and then he can decide whether or not to
2 proceed.

3 MS. MCGINNIS: I might be a little
4 tired. Why don't we just say -- tell me what
5 you want me to say. Commission recommends.

6 MR. JOHNSTONE: And get rid of all the
7 Department and Board stuff.

8 MS. EASTMAN: No. It's not a
9 recommendation. The Commission believes it's
10 appropriate.

11 MR. JOHNSTONE: Great. Awesome. That's
12 fine.

13 MS. EASTMAN: We don't even say the
14 Commission believes.

15 MR. JOHNSTONE: Rather than argue about
16 the process we think it's appropriate that
17 these sorts of rules and guidance be in place.

18 COMMISSIONER RECCHIA: One could take a
19 step back, and if you look at the one above
20 it, that says guidelines for conservation and
21 protection of rare species. ANR gets all the
22 easy ones. Why wouldn't we simply say
23 guidelines for blasting and safety, guidelines
24 for setbacks, guidelines for noise, and
25 because they are within the 12 to 18 months --

1 MS. MCGINNIS: I'm totally happy to do
2 that.

3 MR. JOHNSTONE: That would be so much
4 easier.

5 MS. GRACE: Then she doesn't get to put
6 an x next to PSD.

7 COMMISSIONER MARKOWITZ: Yes, I do.

8 COMMISSIONER RECCHIA: She's still going
9 to do that.

10 MS. MCGINNIS: And it's just for those
11 two. That's all you have is those two.
12 That's it.

13 COMMISSIONER RECCHIA: That's what drew
14 my attention to them.

15 MS. EASTMAN: All right. We're doing
16 well. I just want to be sure. Anybody have
17 anything else on 5?

18 COMMISSIONER RECCHIA: No.

19 MS. EASTMAN: How about 6?

20 MS. MCGINNIS: Make sure you look at 6.
21 Don't say no until you look at it.

22 COMMISSIONER RECCHIA: It's the money.

23 MS. EASTMAN: And I think this may
24 change after Chris has a conversation
25 tomorrow.

1 MR. COSTER: Just the ongoing
2 involvement by at least ANR in reviewing these
3 dockets is a cost.

4 MS. MCGINNIS: That's what I'm
5 wondering. So should I have an extra line
6 saying ANR and PSD?

7 MS. EASTMAN: Why don't you just say
8 state agency cost and then it covers anybody
9 -- any state agency.

10 MS. MCGINNIS: State agency cost related
11 to improved permitting process.

12 COMMISSIONER MARKOWITZ: Or just
13 permitting process. Not even approved.

14 MS. EASTMAN: Permitting process.

15 MS. MCGINNIS: Well I guess it's the
16 marginal additional cost that these
17 recommendations are going to incur.

18 MS. EASTMAN: But actually there are
19 some things that we're talking about relative
20 to cost that aren't marginal. It's that they
21 are occurring now because people are
22 participating -- they are reviewing
23 applications.

24 MR. JOHNSTONE: And we're paying for
25 them as taxpayers to the benefit of others.

1 MS. EASTMAN: Okay. All right.

2 Appendix 7, now we have some issues.

3 MS. MCGINNIS: Let me tell you why.

4 MS. MCCARREN: I understand why. It
5 reads kind of like a promo for --

6 MS. MCGINNIS: No. Let me go -- you may
7 not understand the reason why. It was when
8 you had said that we needed some careful
9 wording on why we're sticking with the PSB.

10 MS. MCCARREN: Yes.

11 MS. MCGINNIS: So I started drafting the
12 three paragraphs and I'm trying to keep it as
13 short as possible as you agree with the three
14 paragraphs for the most part.

15 One of the rationales is because the
16 current process -- many people think that
17 projects aren't actually modified under the
18 current process when in fact projects are
19 significantly modified, and I think it's
20 useful to have a couple of illustrative
21 examples. So that's why it's there.

22 MS. MCCARREN: I don't have any problem
23 with it. Linda, you have done such a great
24 job. I think it should be included.

25 MR. JOHNSTONE: So the parallel to your

1 the numbers -- I don't know the numbers, Deb
2 would -- so you're really making the old Act
3 250 defense that Jan and I have had to make
4 and she makes that all the time of does Act
5 250 actually reject a lot of projects. No.
6 It changes almost every one and improves them.

7 MS. MCGINNIS: And I think it's
8 important for people to understand how much
9 projects can be changed.

10 MS. EASTMAN: One at a time.

11 COMMISSIONER MARKOWITZ: As you know I'm
12 not in charge of Act 250.

13 MR. JOHNSTONE: You know the data.

14 MS. EASTMAN: So Appendix 8. It's just
15 an explanation.

16 MS. MCGINNIS: Yes. This was just in
17 case we were going to need to refer to what
18 VSPC -- and it doesn't have to be in here.

19 MS. MCCARREN: It's fine.

20 MS. MCGINNIS: It was just to add
21 additional information.

22 MS. EASTMAN: And Appendix 9 is just the
23 stuff we put together earlier about what other
24 states do in response to that issue that we
25 did that.

1 MR. JOHNSTONE: Were you producing
2 Appendix 10? Earlier -- it was something you
3 said earlier. You thought we should put that
4 in a new appendix.

5 MS. MCGINNIS: It might have been it was
6 in my head the municipal -- let me just say
7 what I think and this may -- I went back and
8 forth on whether I should put it in.

9 The RPCs had given that information that
10 I shared with all of you on what potential
11 rewording of different statutes would be, and
12 I went back and forth on whether I should
13 include it, and ultimately I think I shouldn't
14 because I think that's the job of the people
15 who actually know how to look through all
16 those to figure that out.

17 COMMISSIONER RECCHIA: So maybe this is
18 it. So in the first sentence of the first
19 part of the report I think Appendix 1 should
20 be the Executive Order.

21 MS. MCGINNIS: I have that in the longer
22 report.

23 COMMISSIONER RECCHIA: I apologize for
24 not reading the longer report.

25 MS. MCGINNIS: Those 80 pages.

1 MR. JOHNSTONE: You'll find it in your
2 notes, but I think we talked about it, neither
3 of you just brought it up, is another
4 appendix, but you'll find it in your notes.

5 MS. MCCARREN: Is that document ready to
6 be read? I know you sent it to us and I
7 haven't read it yet.

8 MS. MCGINNIS: It's ready to read. What
9 I put in my note to you was that stuff has
10 changed so much that I can't possibly keep up
11 in the longer document yet with it, but I want
12 you to see it because it has a lot of stuff
13 that's just standard boilerplate. It's who
14 you are, what the Commission has done, where
15 you visited the sites, blah blah blah.

16 So yes read it. I would appreciate your
17 responses both on the structure whether it
18 makes sense to do that because I want to just
19 underscore here what I said in that e-mail.
20 What I'm hoping to do is have the Executive
21 Summary be extremely brief on the
22 recommendations. It's basically only the
23 highlighted sentence in the Executive Summary
24 aside from the introductory stuff which some
25 of which I'm trying to keep and some of which

1 I'm not keeping, but it's to keep -- if it's
2 an Executive Summary that's 14 pages long,
3 it's not an Executive Summary any more. So
4 I'm trying to bring it down.

5 MS. MCCARREN: Do you want editing
6 comments on it too?

7 MS. MCGINNIS: I'm not sure I want them.

8 MS. EASTMAN: Here's what I want to say.
9 She and I talked about this. Linda's put a
10 lot of time and effort into this and the big
11 report. So minimal change is fine, but we
12 cannot go and restructure this whole document.
13 We're going to have to go with what it is and
14 its structure because it would just take too
15 much.

16 COMMISSIONER MARKOWITZ: That's why she
17 sent us the structure for us to take a quick
18 look at it so if we saw any real big problems
19 we would tell you, and I didn't see any real
20 big problems.

21 MS. EASTMAN: That's what we're going to
22 do next week is hopefully we're looking at the
23 big document.

24 MS. MCGINNIS: That's what I'm hoping.

25 COMMISSIONER RECCHIA: Because we're so

1 good at looking at short documents.

2 MS. EASTMAN: Exactly. The other thing
3 -- so we got through everything today, Scott.
4 Scott and I were having a conversation earlier
5 about timing for all this. So do we think
6 that with one more day of deliberation we'll
7 be done?

8 MS. McCARREN: If we tell ourselves that
9 we will be done, we will be done.

10 MS. EASTMAN: Okay, and then that means
11 I had asked Linda to talk to the Chief of
12 Staff about are we sending this report just in
13 writing now or are we trying to schedule
14 something like on Monday the 29th?

15 My thought is, sorry guys, I think we're
16 sending it in writing and not trying to
17 schedule anything and that we're offering up
18 when you wish to talk about it with us we will
19 make ourselves available.

20 MR. JOHNSTONE: When you get back.

21 MS. EASTMAN: Kind of thing.

22 MS. McCARREN: Thursday is?

23 MS. EASTMAN: The 25th.

24 MS. McCARREN: This Thursday is there
25 something at the State House?

1 MS. EASTMAN: No. This Thursday I'm
2 testifying on S30. It's about S30, but I will
3 be making some -- probably I'll be asked about
4 some things and I'm going to make some -- and
5 I'll make some comments. I'm not going to --

6 MS. MCCARREN: What time is it?

7 MS. EASTMAN: 10 o'clock. I don't think
8 it's a big deal. Anne will be there with me
9 and I will try not to step on anything we're
10 saying and Linda and Billy.

11 MR. PATT: I would just say some of us
12 that have testified in the Committee have told
13 -- have told the Committee that we thought
14 they should wait to see your report. So I
15 think that's what they are asking you about.

16 MS. EASTMAN: And I'll tell them where
17 we are and you can go online and next Thursday
18 the 25th we'll probably have it finalized and
19 they can see it, and I'll be upfront and say
20 I'm leaving to go to Ann Arbor and so I'll be
21 back.

22 COMMISSIONER RECCHIA: I would not do
23 that second part not -- I wouldn't tell them
24 where you're going.

25 MS. EASTMAN: But I'm going to say -- so

1 are we agreed that right now unless we get a
2 huge call from the Administration that we're
3 going to submit this in writing by April 30th?

4 MS. MCGINNIS: I'll just send a note to
5 Liz to that effect just to let her know that's
6 what we're proposing.

7 MS. EASTMAN: I have one other thing.
8 Who's writing the thank you to all the staff
9 piece? Are you writing that, Louise?

10 MS. MCCARREN: I was actually going to
11 do it in bottles of booze and I don't know
12 what everybody drinks.

13 (Laughter.)

14 MS. EASTMAN: I believe though that we
15 should have, most reports do, but
16 acknowledgment.

17 MS. MCCARREN: In the report. You want
18 me to write that?

19 MS. EASTMAN: An acknowledgment of Linda
20 and PSB staff and Sheila and everybody and ANR
21 staff.

22 MS. MCCARREN: And all of the very
23 dedicated people.

24 MS. EASTMAN: Who showed up and
25 everybody who keeps looking at these drafts

1 but looks at these drafts and responds because
2 we actually have been -- we haven't taken
3 everything everybody said, but we've reviewed
4 it. So I think it wouldn't have happened -- I
5 made a comment to somebody this -- for me the
6 only way I could do this is because I think
7 this is the best staff support, even better
8 than when I was Secretary of the ANR.

9 COMMISSIONER RECCHIA: Let the record
10 show thank you.

11 (Applause.)

12 MR. JOHNSTONE: I chaired a similar
13 process similar to this a few years ago and
14 the first thing the body got told once we were
15 established was there would be no staff and no
16 staff will show up.

17 MS. EASTMAN: Well Liz made a different
18 commitment when we said yes. Linda, you had
19 something.

20 MS. MCGINNIS: Yes. It was just the
21 longer report -- given the amount of back and
22 forth that we have had on wording on the
23 smaller report I do have a few concerns on the
24 longer report. I don't know quite how we're
25 going to deal with that given the short time

1 frame we have left. So I would like
2 suggestions on that.

3 MS. EASTMAN: I'm making a strong
4 commitment to myself that -- I'm not a
5 wordsmith anyway. I think you write well
6 and I'm not going to -- if I see something
7 that I think is really glaring, and one thing
8 I'm good at is I read well. You can talk to
9 people I've worked with. I read well. When
10 I'm reading something that somebody has
11 written and I can think oh this is going to
12 cause somebody concern, and if we just said
13 this, it might help kind of thing. I'm good
14 at that.

15 COMMISSIONER MARKOWITZ: My suggestion
16 is this, that we all look at it, we do our --
17 like I am an editor so I have not looked at
18 these things closely in advance because I
19 would copy edit it everywhere, but I'll read
20 it with a copy editing eye because that will
21 help and allow you to decide to take it or
22 not, and then what we would do is let you --
23 we get you our edits in advance, you decide
24 whether or not it's dramatically better or you
25 fixed a typo.

1 MS. MCGINNIS: Those kind of edits I
2 fully welcome because I have done a lot of
3 editing. That's fine to me. It's the
4 substance --

5 COMMISSIONER MARKOWITZ: I was going to
6 finish, but then in this we identify the
7 places where you think there needs to be
8 conversation, and if we can do this in
9 advance, then you might be able to sort of
10 circulate that so that we're ready.

11 MS. EASTMAN: One other thing I think,
12 Louise, those -- you have some places that you
13 disagree.

14 MS. MCCARREN: Yes. I owe you guys.

15 MS. EASTMAN: You do, some language, and
16 I don't know how you want to do it. I think
17 it's become less maybe, but --

18 MS. MCCARREN: Not sitting here. Right
19 now maybe when I get home.

20 MR. JOHNSTONE: Can I suggest to build
21 on what Deb suggested here that I think what
22 would be helpful for the process, Linda, and
23 only you know when you think the document is
24 going to be ready for this review, but we've
25 talked about this, there's a commitment from

1 this group I think that from when we get that
2 longer document we need to turn it over by a
3 time certain far enough in advance of the 25th
4 that you can get responses from us, come up
5 with the next draft, so that we really isolate
6 what the dialogue needs to be about on the
7 25th. That's really what you're talking
8 about, but I would say based on when you think
9 you're going to have something ready we need
10 to have a commitment that we turn it around
11 within a window.

12 MS. McCARREN: I was going to flip it.
13 What you said the first thing we ought to do,
14 I'm going to do is try and read that long
15 document, but read it just for structure and
16 big picture. Get you those comments right
17 away.

18 MS. MCGINNIS: That would be great.

19 MS. EASTMAN: And that's what I'm
20 willing to do.

21 MS. MCGINNIS: Big picture structure
22 stuff now and then I will try to get all of
23 this, because I have to also get you the
24 changes on the smaller document, right, that
25 we've just come up with today to make sure

1 you're okay with them.

2 COMMISSIONER RECCHIA: I need like four
3 hours this evening to get you final --

4 MS. MCGINNIS: That would be helpful
5 because you have good stuff.

6 COMMISSIONER RECCHIA: Thank you.

7 MS. EASTMAN: Are we okay?

8 COMMISSIONER RECCHIA: Just to put a
9 fine point on this, I think you need to give
10 -- tell us a date when -- if you have already
11 sent out -- you already have sent out the long
12 version. If that's the version you want us to
13 look at --

14 MS. MCGINNIS: For structure. Read the
15 e-mail in front. It has lots of exclamation
16 points and stars as per request.

17 COMMISSIONER RECCHIA: So when you send
18 out the one that you want us to review for
19 content, you have to give us a due date like
20 you did for Monday, only this time when you
21 say we need comments by Monday recognize that
22 in my world I'm thinking 11:59 is still
23 Monday.

24 MS. MCGINNIS: I got that. So I will
25 put the time in. I will put the time next to

1 it.

2 MS. EASTMAN: We're done. Is there
3 anything else that anybody around the room
4 wants to say before we take off early today?
5 Anybody need to say something desperately?

6 PUBLIC: I just want to say thank you.

7 MS. EASTMAN: You're very welcome and as
8 I say we thank you.

9 PUBLIC: It's been really fun I have to
10 say.

11 MS. EASTMAN: So we will be back here in
12 Giga at 9 o'clock on the 25th, and we'll --
13 we've got the day reserved. If it doesn't
14 take all day, it doesn't take all day. Thank
15 you so much everybody.

16 (Whereupon, the proceeding was
17 adjourned at 3:40 p.m.)

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C E R T I F I C A T E

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4
5 I, JoAnn Q. Carson, do hereby certify that
6 I recorded by stenographic means the Deliberative Session,
7 Volume II, re: Energy Generation Siting Policy
8 Commission, at the Giga Conference Room of the Public
9 Service Department, 112 State Street, Montpelier, Vermont,
10 on April 16, 2013, beginning at 1 p.m.

11 I further certify that the foregoing
12 testimony was taken by me stenographically and thereafter
13 reduced to typewriting, and the foregoing 160 pages are a
14 transcript of the stenograph notes taken by me of the
15 evidence and the proceedings, to the best of my ability.

16 I further certify that I am not related to
17 any of the parties thereto or their Counsel, and I am in
18 no way interested in the outcome of said cause.

19 Dated at Burlington, Vermont, this 19th day
20 of April, 2013.

21 _____
22
23 JoAnn Q. Carson

24 Registered Merit Reporter

25 Certified Real Time Reporter