

STATE OF VERMONT  
ENERGY GENERATING SITING POLICY COMMISSION

November 30, 2012 - 2 p.m.  
Montpelier Room, Capitol Plaza  
Montpelier, Vermont

Commission Members

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Louise McCarren, Vice Chair  
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1 CHAIRMAN EASTMAN: Good afternoon. Can  
2 you hear me? Is this -- I guess it's  
3 working.

4 My name is Jan Eastman. I'm Chair of  
5 the Energy Generation Siting Policy  
6 Commission. It's too long a title for me.  
7 Welcome. And for those of you who haven't  
8 joined us before, I'll just give you a brief  
9 overview of what our process is overall, and  
10 then we will talk a little bit about today.

11 So as you know, five of us were  
12 appointed by the Governor to serve on this  
13 Commission to review the process for  
14 electric generation siting, all kinds of  
15 electric generation siting. And we have had  
16 two meetings, this is our third. We  
17 generally look at our work as we are in the  
18 information gathering stage at this point.  
19 Then we will move to a public hearing  
20 process and deliberation with a final report  
21 due by the end of April. So we have --  
22 sorry about this.

23 Yes, we have had information gathering  
24 from state agencies, other states, and today  
25 we are going to hear from participants in

1 the process. We have another meeting  
2 scheduled for December 6 and one for  
3 December 19. And as I remember, Linda,  
4 December 6 is --

5 MS. MCGINNIS: More participants.

6 CHAIRMAN EASTMAN: More participants and  
7 December 19 are other states.

8 On January 11 we have also scheduled a  
9 day where we are going to hear from other  
10 perspectives, people who didn't fall within  
11 one of the categories that I'm going to  
12 explain in a little bit, and we are also  
13 going to spend some time in the afternoon  
14 taking stock, in effect starting our, you  
15 know, public deliberation of the public --  
16 public deliberation of the processes.

17 Also mid January, don't know exactly  
18 when, we will be making a presentation to  
19 the legislature just about the process, and  
20 probably hearing from those legislators who  
21 also wish to provide comment. In January  
22 and February we are going to have site  
23 visits and public hearings covering a  
24 variety of energy sources and at various  
25 geographic locations, so we are going to do

1 at least three all-day site visits, and we  
2 will probably get to at least five different  
3 types of generation. And we will combine  
4 those with public hearings. And they will  
5 be in different geographical locations.

6 We will also have another set of public  
7 hearings when -- after we have come up with  
8 a draft report, a draft recommendations, we  
9 will go out again for a couple of more  
10 public hearings probably one in the north  
11 and one in the south or one sort of  
12 centrally located.

13 We hope by March to have draft  
14 recommendations circulated so that you can  
15 all, as I say, get to public hearings about  
16 those and provide comments. And right now  
17 as I said we are looking at late April for  
18 final draft and presentation to the  
19 legislature and Governor.

20 Okay. I should say that Gaye Symington,  
21 one of our members, has a doctor's  
22 appointment. She should be here within an  
23 hour. We are all not going to be able to be  
24 here all the time. As you know we do have a  
25 Web site. It's [sitingcommission.vermont](http://sitingcommission.vermont.gov).

1 gov. I actually went to it yesterday to  
2 find out where this hearing was today  
3 because I failed to write that down. And we  
4 are receiving public comment there and  
5 reviewing it. Linda McGinnis sends it to us  
6 in some format every week or so, so that we  
7 can be sure we are reviewing everything.

8 So today's focus is on participants in  
9 the 248 process. And so today we are  
10 hearing from Regional Planning Commissions,  
11 developers, utilities and citizens. And I  
12 really do want to thank all of the  
13 individuals and groups who agreed to  
14 organize the sub groups represented today.  
15 VAPDA, REV and VCE. It was a lot of work.  
16 I know that. I heard from some of you. We  
17 really appreciate you working over the  
18 holidays because we are trying to keep to  
19 this schedule and that -- we appreciate your  
20 help. That's all I want to say.

21 All people today who are speaking have  
22 been a formal party in the 248 process. We  
23 asked presenters to focus on the key aspects  
24 of the Commission mandate. We gave them the  
25 similar template to what we gave to the

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other states so that we can have people focusing their remarks on what we have been asked to review and consider. They were sent the template asking to look at strengths and weaknesses along with suggested improvements in four broad areas; siting approval practices, including siting guidelines, coordination and timing with other agencies, time lines, composition of the Public Service Board, appeals process, et cetera. Second area public participation and representation. Third area adequate protection of lands, environmental resources and cultural resources. And the fourth area of monitoring compliance and impact.

Each group has been given 30 minutes for presentations. And then we will have 10 to 15 minutes for questions and answers from the Commission. And I do want to say, I know that this is limited time. There are probably a lot of things that we are not going to have time to hear from you today. Please provide additional written comments, and of course we will have those other public hearings in January and February

1 which you're also welcome to attend.

2 Okay. And hopefully we will have some  
3 time at the end for public comment, but we  
4 will be as efficient as we can. Any  
5 questions from Commission members?

6 (No response.)

7 CHAIRMAN EASTMAN: Any other questions  
8 before we get started?

9 (No response.)

10 CHAIRMAN EASTMAN: Great. Such a great  
11 group. Seriously. Thank you.

12 So we are going to start with our  
13 perspective from the Regional Planning  
14 Commissions, and we have got Jim Sullivan  
15 who is going to present. He's Bennington  
16 County Regional Planning Commission, and I  
17 know got a lot of history with these issues.  
18 Dave Snedeker from NVDA, and Chris Company  
19 from Windham are here also. How are you?

20 MR. COMPANYY: Good.

21 CHAIRMAN EASTMAN: For question and  
22 answer time. Jim, you're to be doing the  
23 presentation?

24 MR. SULLIVAN: Yes.

25 CHAIRMAN EASTMAN: Great. Thank you.

1 MR. SULLIVAN: Thank you very much, Jan,  
2 and thank you to the Commission really for  
3 inviting us to come and participate. We  
4 really do appreciate it. It's an important  
5 part of what we do, and we are glad to have  
6 an opportunity.

7 And first thing I want to do is  
8 apologize for the nature of these slides.  
9 22 slides of bulleted lists are probably not  
10 the most fun thing to look at, but we were  
11 assembling comments from the Regional  
12 Planning Commissions and did the best we  
13 could to organize them. So that's what  
14 you're going to get. I'll try to make it a  
15 little bit interesting.

16 Just a little bit of background for  
17 those who don't know, the Vermont's Regional  
18 Planning Commissions are authorized under  
19 Title 24 of the Vermont Planning and  
20 Development Act. And each individual  
21 Commission is created by the member  
22 municipalities with approval of the Agency  
23 of Commerce and Community Development, and  
24 there are 11 Regional Planning Commissions  
25 around the state. The membership, the

1 Commissions are governed by municipal  
2 representatives appointed by the elected  
3 bodies of the municipalities, and the  
4 Commissions may also have other elected or  
5 appointed members often representing various  
6 interests around the region.

7 And the statutory responsibilities laid  
8 out, you know, we have to have a  
9 comprehensive regional plan, certainly the  
10 major part of what we do is providing  
11 assistance to the member towns and villages  
12 and supporting coordination and cooperation  
13 among those groups. And it is specific in  
14 the statute that we participate in Act 250  
15 and Section 248 proceedings.

16 And then kind of the last bullet there  
17 is the whole part of the whole range of  
18 things that we do. The responsibilities of  
19 the regional commissions I think have grown  
20 considerably over the years so now we work a  
21 lot in transportation, housing, emergency  
22 management, environmental protection, land  
23 conservation, economic development, growth  
24 management, solid waste, energy, and we do a  
25 lot with geographical analysis and mapping,

1 and a few other things too.

2 And as Jan mentioned, the Vermont  
3 Association of Planning and Development  
4 agencies is going to be the umbrella  
5 organization that all the Regional Planning  
6 Commissions belong to and coordinate their  
7 activities through.

8 So to go into the outline we provided  
9 just now, the first comments in color A are  
10 going to be the strengths and the next are  
11 going to be weaknesses. I think you'll  
12 probably notice that there's some repetition  
13 as we go through because some of the  
14 comments that we got from the Regional  
15 Planning Commissions seemed to fit into  
16 multiple categories, and when we get to the  
17 end that's a benefit because there is fewer  
18 bullets in the last couple of slides.

19 The important role of the Public Service  
20 Board as far as the strength is its position  
21 to provide a consistent statewide forum and  
22 process for review of energy projects. And  
23 I know I was at the last hearing, and that  
24 was something that you heard from the other  
25 states who were there, that that's an

1 important role of an entity like that. It  
2 has a critical role in helping to ensure the  
3 long-term energy security of the state. And  
4 that's something that I think is  
5 particularly important that hasn't been  
6 talked about a lot. Because you know, there  
7 is the State Energy Plan's goal of having 90  
8 percent renewables by 2050. And there is  
9 also I think a growing realization that we  
10 are going to have to get more of our energy  
11 from the in-state sources going forward for  
12 more local sources, you know 30, 40 years  
13 from now. It really isn't that far out.

14 We are not really sure as though we are  
15 going to be able to rely and have these  
16 large regional generators, so it's important  
17 that somebody is really taking a close look  
18 at that because of how fundamentally  
19 important this electrical generation is to  
20 the state. Given the way that things have  
21 changed over time, and the number and  
22 diversity of projects, you know, there is a  
23 concern that the Public Service Board may be  
24 under-staffed at the present time. You  
25 know, and as I said one of the reasons is

1 because it was created in a time when most  
2 energy projects were large facilities  
3 developed by public utilities while current  
4 proposals are smaller scale, spread out,  
5 merchant plants, if you will. So  
6 fundamentally different character of what we  
7 are seeing with generation now is what we  
8 saw maybe when things were set up.

9 Another concern, time lines can be  
10 challenging for towns and regions with  
11 limited staff, expertise and resources. And  
12 we will come back to that in some of the  
13 other slides. You know most of the work in  
14 our Regional Planning Commissions in these  
15 things when we review these projects they  
16 are really done by volunteers with a little  
17 bit of staff support so that can make it  
18 very challenging.

19 There is also concerns expressed that  
20 the Public Service Board, you know, ability  
21 to coordinate with some of the state  
22 agencies is maybe a little bit more limited  
23 than it should be, that all of the input and  
24 permitting from those agencies should be,  
25 you know, in place before the Public Service

1 Board is rendering a decision in cases.

2 Ideas for improvement. This theme came  
3 back over and over. The information about a  
4 project from the developer as well as any  
5 involved agencies should be shared with  
6 municipalities and Regional Planning  
7 Commissions as early in the process as  
8 possible. You know, it's definitely going  
9 to help everything going down the line if  
10 Regional Planning Commissions,  
11 municipalities know what the issues are,  
12 know some of the findings that are being  
13 developed, and rather than having to try to  
14 grapple with a huge amount of information  
15 all at once when an application is filed.

16 Another concern is that applications be  
17 complete prior to acceptance for review.  
18 And if applications are deemed incomplete  
19 after review is started, then the process  
20 should restart from the beginning because so  
21 much can change, and you really need to take  
22 a fresh look at things.

23 And another one is related to appeals.  
24 You know, if some of the environmental  
25 permits are appealed down the line, again

1 the question is you probably should not have  
2 construction happen until those appeals are  
3 resolved. And then this bullet stands alone  
4 here because it kind of goes back to one of  
5 the first comments I made was to -- maybe it  
6 is time to revisit the Public Service Board  
7 enabling statute, which is what you're all  
8 doing now, to reflect current conditions  
9 with regard to the size and type of new  
10 energy generating facilities.

11 Siting approval practices continue.

12 Site selection is especially important for  
13 renewable energy projects in terms of energy  
14 return on investment, sometimes abbreviated  
15 E-R-O-I or EROI. There is some recognition  
16 of this fact in current PSB practice. Those  
17 of you who don't know what I'm talking about  
18 there is with traditional thermal-based  
19 generators the fuel is imported to the site  
20 whether it's coal or natural gas or uranium.  
21 And the quality and consistency of that fuel  
22 was always there. And there was certainly  
23 siting issues because there would be needed  
24 water for cooling and transportation to  
25 bring fuel and waste products out, but the

1 fuel source was consistent.

2 Whereas with renewable projects, lower  
3 density fuels that we are looking at  
4 basically, whether it be wind or sunlight or  
5 biomass, where you put the things is  
6 absolutely critical. Because they don't  
7 work as well if you put them in the wrong  
8 place. And so kind of the importance of  
9 recognizing that the site is really critical  
10 is something that I think that at least it's  
11 recognized in the PSB process, although it's  
12 maybe not given enough prominence.

13 Use of Act 250 criteria and recognition  
14 of town and regional plans provides some  
15 permitting consistency. You know Act 250  
16 criteria has been around and used and  
17 deployed for a long time, and they have  
18 worked pretty well, I think most people  
19 agree over time. And so it's good to have  
20 kind of that follow through and consistency  
21 in those policies, and the relationships  
22 they have with local and regional entities  
23 as well as the state agencies.

24 Siting guidelines to the extent that  
25 they exist are relatively weak. On the

1 concern side now, they don't effectively --  
2 always effectively capture local and  
3 regional issues and concerns. It's also  
4 difficult to effectively consider cumulative  
5 impacts of multiple projects of a given type  
6 on a region. You know I've heard that maybe  
7 a region might have 15 excellent locations  
8 for a particular type of an energy  
9 generation project, but if all 15 of those  
10 are developed, you know, it's going to  
11 radically alter the character of the area.  
12 So how do you deal with that cumulative  
13 impact question.

14 Some of the ideas for improvement under  
15 these approval practices, recommend that  
16 there be an energy return on investment  
17 analysis as part of the application with  
18 positive consideration given to high EROI  
19 projects. Develop strong criteria supported  
20 by data to direct projects towards sites  
21 where public benefits are high relative to  
22 cost and impact. So kind of looking at the  
23 significance and importance of the site, how  
24 effective it is at generating energy on the  
25 benefit side and looking at the cost, and

1 say well where do you go to look for some of  
2 those criteria. And some of the more  
3 complicated ones you think maybe could be --  
4 we could help define them by looking at town  
5 and regional plans, especially criteria  
6 having to do with land use and aesthetic  
7 criteria, considering impacts on residential  
8 and village areas that those communities and  
9 regions probably have a very good  
10 understanding of, important view sheds and  
11 what are the characteristics that are  
12 particularly important to a given region for  
13 a view shed, and potentially conflicting  
14 land uses. And that could mean a whole  
15 range of things, but it might in the case of  
16 solar, for example, mean, you know,  
17 south-facing slopes are great for solar.  
18 They also have the best access to sunlight  
19 obviously for growing food, you know, so  
20 some of those issues are tough to grapple  
21 with. And you might be able to find some  
22 direction from the town and regional  
23 planning.

24 And as we mentioned, you know, dealing  
25 with that issue of saturation within a

1 region, and I don't know what the answer to  
2 that is, but trying to get at that is  
3 probably a particularly important thing as  
4 we are going forward.

5 Then this long one here is I think  
6 really pretty important in the concept.  
7 Consider which projects are necessarily  
8 appropriate for highly formal quasi-judicial  
9 process of the Public Service Board and  
10 which might be more appropriately considered  
11 through a less structured process similar to  
12 the Act 250 District Environmental  
13 Commission process. You know that's a  
14 process that we all are able to participate  
15 in fairly readily without a lot of, you  
16 know, additional hurdles to go over. And  
17 people feel like they can get in and can  
18 participate. And so if there are projects  
19 where the impact is maybe really focused in  
20 the local and regional area, the whole  
21 range, the benefits and the costs, to maybe  
22 try to find a system where those projects  
23 could be considered through a little bit of  
24 a different process or less formal, less  
25 legalistic process than the 248 process.

1           How do you define that where those  
2 thresholds are? We don't really know. But  
3 I would suggest that if the State Energy  
4 Plan is amended specifically to look at that  
5 question, you know, where are those  
6 thresholds, what are the issues that there  
7 really should cause a project to be -- to go  
8 through one process or another, that might  
9 be a way to start.

10           Public participation and representation.  
11 You know public hearings are held in the  
12 affected areas. Town and Regional Planning  
13 Commissions are given time to review the  
14 plans and are invited into the process. You  
15 know, and those entities and others can  
16 pursue intervener status. You know at the  
17 same time, as I mentioned, Regional Planning  
18 Commissions and local governments lack the  
19 technical, legal and financial resources to  
20 fully and effectively participate in the  
21 Section 248 process. This is especially  
22 true given the increasing number of  
23 diversity of projects being proposed.

24           You know I think listen to some of the  
25 presentations from the other states, and the

1 public -- their siting entities are looking  
2 at one or two projects a year for three and  
3 five years because of some of the  
4 thresholds. And you know we are looking at  
5 some regions who knows, seven, eight at a  
6 time. And we really don't have the  
7 resources and staff or financial resources  
8 to be able to properly participate in the  
9 process when we are dealing with that number  
10 of projects, many of which are -- even  
11 though they may be smaller, they are really  
12 very, very complicated.

13 Another concern is that there is a  
14 failure to effectively consider impacts and  
15 allocate mitigation measures to non-host  
16 towns. I know that's been expressed a  
17 number of times on various types of projects  
18 where transportation impacts or view shed  
19 impacts are felt, if not significantly  
20 sometimes primarily in towns that aren't the  
21 host town.

22 Public participation ideas for  
23 improvement. Kind of going back to what  
24 some of the things we started with. Data  
25 developed during the siting process should

1 be made available to municipalities and  
2 Regional Planning Commissions as early as  
3 possible to assist with their planning and  
4 analysis of these projects.

5 Early consultation with towns and  
6 Regional Planning Commissions would help  
7 limit the scope, complexity and cost of  
8 participation for local governments and  
9 regions. You know, it's noted that very  
10 often state agencies, Agency of Natural  
11 Resources might be working with developers  
12 for two years or more before an application  
13 is filed. So there is a lot of work being  
14 done, and then you know, very short time  
15 frame response for the folks who are  
16 directly affected.

17 Explicitly define the types of impacts  
18 to non-host towns that warrant a more formal  
19 role for those communities, similarly define  
20 appropriate mitigation and compensation for  
21 those towns. And we had an issue in our  
22 region where one of the most impacted towns  
23 was in another state. And so that adds  
24 another level of complexity and figure how  
25 that fits into the process.

1           A little bit more, require developers to  
2 provide funding to affected towns and  
3 regional commissions, possibly a formula-  
4 based payment related to project size and/or  
5 create a fund that could be available to  
6 towns and regions to support equitable  
7 participation in the process. I think it  
8 was Connecticut that has like a \$25,000 per  
9 project payment to the local government.  
10 You know, and whether -- exactly how that  
11 might work I don't know. But we do know  
12 that it's very difficult, it's difficult for  
13 everybody in the process because of the  
14 nature of the process. We recognize that.  
15 It's difficult for the state agencies and  
16 the local governments and the Regional  
17 Planning Commissions and the developers and  
18 the citizens because it's an expensive  
19 process. We really struggle with that  
20 resource question.

21           Tie certain formal siting criteria to  
22 clearly articulated positions in local and  
23 regional plans. You know all the local and  
24 regional plans may not be quite up to speed  
25 to where they need to be to provide the

1 needed direction, so there might need to be  
2 an effort probably through the Regional  
3 Planning Commissions to make sure that those  
4 types of issues that need to be considered  
5 to provide good direction to the Public  
6 Service Board are available.

7 And then as mentioned earlier, create  
8 some type of a tiered status where a less  
9 formal process is used and local and  
10 regional plans are given greater weight for  
11 some of these projects.

12 Adequate protection of lands,  
13 environmental and cultural resources. You  
14 know it is mentioned a number of times in  
15 the comments we receive that, you know, the  
16 comprehensive reviews of impacts by Agency  
17 of Natural Resources and other state  
18 agencies is very important. You know there  
19 may be disagreement with some of those  
20 findings, but the technical -- the ability  
21 to have technical reviews from the states is  
22 very important.

23 Some of the concerns, you know, again  
24 keep repeating this one. But awareness and  
25 involvement by towns and Regional Planning

1 Commissions tends to come fairly late in the  
2 process. It's kind of hard for us to plan  
3 for one when things are going to happen and  
4 to budget our resources accordingly.

5 Mitigation measures need to be more  
6 effectively targeted to address demonstrated  
7 needs. Certificate of Public Good issuance  
8 should not precede resolution of  
9 environmental permits, and certain concerns  
10 may not be fully addressed such as impacts  
11 on forests and agricultural land, net energy  
12 which is kind of another way of saying  
13 energy return on investment and  
14 sustainability.

15 We were -- in the last point, we were  
16 concerned some of the projects that were  
17 proposed in our region they, you know, they  
18 are receiving some form of a public subsidy,  
19 and so there was -- had a time line attached  
20 to it, so they were very eager to get  
21 something going, so they would pursue what  
22 would be maybe kind of perceived as an easy  
23 site so they could get it in. But the site  
24 was -- you know, we looked at it and said  
25 why isn't anybody asking about whether this

1 is a good site for generating electricity,  
2 you know, talking about the impacts of the  
3 project on the surrounding environment and  
4 communities, but nobody even seemed to ask  
5 the question does this make sense to put a  
6 biomass site in this location or a solar  
7 site where there isn't good access to  
8 sunlight.

9 Adequate protection of lands,  
10 environmental cultural resources. Ideas for  
11 improvement. Early involvement in  
12 municipalities and Regional Planning  
13 Commissions, getting information from  
14 developers and the agencies as early as  
15 possible. You know consulting with local  
16 governments and Regional Planning  
17 Commissions to ensure that any mitigation  
18 measures that are deemed necessary address  
19 identified environmental and infrastructure  
20 needs.

21 So very often local and regional plans  
22 will have identified important conservation  
23 areas, habitat areas, transportation,  
24 infrastructure needs in the area in the  
25 corridors that lead to those sites, and

1 there should be a close connection there.

2 The CPG approval. The construction  
3 should wait until environmental permitting  
4 is complete. And again review and  
5 improvement of environmental criteria.  
6 Consideration of net energy to ensure  
7 maximum public benefit relative to cost and  
8 impact, as I mentioned, especially critical  
9 for projects that benefit from public  
10 investments.

11 Strengths and weaknesses relative to  
12 monitoring compliance, there weren't as many  
13 comments in this area so --

14 CHAIRMAN EASTMAN: Obviously no  
15 strengths that I see.

16 MR. SULLIVAN: Well perhaps -- well I  
17 won't say that. It was only --

18 CHAIRMAN EASTMAN: No identified  
19 strengths.

20 MR. SULLIVAN: No one felt compelled  
21 enough to identify them specifically in the  
22 comments I received. How about that?

23 CHAIRMAN EASTMAN: Okay.

24 MR. SULLIVAN: So provision of data on  
25 environmental impacts and actual generation

1 should be required as a condition of any  
2 CPG. That information should be provided to  
3 the Public Service Department, environmental  
4 agencies, towns, Regional Planning  
5 Commissions and the public so there is broad  
6 awareness and understanding of what's going  
7 on once these things are under construction  
8 and built.

9 Cumulative impact of numerous projects  
10 of a certain type can have a serious impact  
11 on a character of a town or region. And  
12 there should be a way to measure those  
13 impacts and establish thresholds, and I  
14 really don't have a great answer for how to  
15 do that, but you're looking at generating  
16 capacity in a region relative to state or  
17 regional consumption levels. I don't know  
18 if that really relates so much to monitoring  
19 compliance, but there was a bullet under  
20 there which seemed to fit.

21 So some ideas there, consistent  
22 statewide process. This is my strengths,  
23 right.

24 Summary. I told you there wouldn't be  
25 as many bullets and there is not. So the

1 strength is a consistent statewide process  
2 that gives consideration to the long-term  
3 energy security of the state as expressed in  
4 the State Energy Plan. Acknowledgment of  
5 local and regional plans and input and  
6 expertise from state agencies, especially  
7 ANR for complex environmental impact  
8 analysis. So that's a summary of the  
9 strengths. Through all those slides we can  
10 just fill it to that.

11 Weaknesses summary. Awareness and  
12 involvement by towns and Regional Planning  
13 Commissions comes too late in the process.  
14 Lack of strong siting criteria to direct  
15 development to the best sites. The  
16 complexity and cost of participating for  
17 local governments and Regional Planning  
18 Commissions. And the formality of the  
19 process regardless of the size and scope of  
20 the project. Impacts in non-host towns not  
21 being effectively considered. And  
22 mitigation measures are not always  
23 effectively targeted to meet identified  
24 needs.

25 And changes and recommendations. A

1 mechanism to ensure earlier involvement in  
2 sharing of information with local government  
3 and regional commissions. Development of  
4 strong criteria that relate to local and  
5 regional plans especially as they concern  
6 issues like land use patterns, aesthetics.  
7 And provision of funding to local  
8 governments and Regional Planning  
9 Commissions to allow for more effective and  
10 equitable participation. Goes on to  
11 developing that -- a less formal process,  
12 possibly similar to an Act 250 District  
13 Environmental Commission proceeding for  
14 projects whose impacts are more local and  
15 regional in nature.

16 Consider giving greater authority to  
17 local and regional plans in those cases,  
18 somewhat more like Act 250 again, and  
19 possibly using the State Energy Plan  
20 ultimately for guidance and setting what  
21 those thresholds are and for making those  
22 decisions. Providing clear standards for  
23 mitigation and compensation for hosts and  
24 impacted non-host communities. Completion  
25 of environmental permitting should precede

1 the Certificate of Public Good. And it's  
2 important to fully assess and consider the  
3 energy return on investment in terms of both  
4 long-term siting and long-term viability and  
5 sustainability of energy projects.

6 And that would be it.

7 CHAIRMAN EASTMAN: Thank you.

8 MR. SULLIVAN: Now Dave's here to do all  
9 the rest of the work.

10 CHAIRMAN EASTMAN: So questions from  
11 Commission members?

12 MS. McCARREN: Can I ask you a question  
13 about the State Energy Plan is adopted by  
14 the Department of Public Service, and then  
15 it's a public document, as I understand it,  
16 and I could be wrong on this, it does not  
17 require legislative approval, the department  
18 had the statutory authority to do a  
19 statewide energy plan.

20 Now you are a regional planner so you  
21 get this plan. And it calls for an outcome  
22 by 2050. And it's going to -- how do you  
23 respond to it is what I really want to know,  
24 how do you in your regional planning say,  
25 okay, it looks like we are going to possibly

1 have a lot of renewables here. What, you  
2 know, how does the regional planning  
3 agencies take something like that,  
4 incorporate it into your own plans to best  
5 -- find the best places for which you  
6 anticipate will be a lot of renewables?  
7 That's a little long-winded, but I'm trying  
8 to get how those two things relate.

9 MR. SULLIVAN: Do you want to take that  
10 one, Dave?

11 MR. SNEDEKER: Sure. I guess while we  
12 know that there is a state plan, at the same  
13 time that that plan was being developed in  
14 the northeastern -- Northeast Kingdom, we  
15 were also developing the Regional Energy  
16 Plan. Our board and our energy committee  
17 are a little bit different in their thinking  
18 about the energy future. I think we are  
19 seeking more of a -- not a completely  
20 renewable future, although that may, you  
21 know, rightly or wrongly that's -- our board  
22 has decided that a diversified portfolio  
23 that meets the needs of our businesses and  
24 industry is important as well.

25 As we did our regional energy plan we

1 looked at sources whether they were  
2 intermittent resources or providing base  
3 load power, and --

4 MS. WHITE: Three minutes.

5 CHAIRMAN EASTMAN: I'm sorry.

6 MR. SNEDEKER: So we are aware of the  
7 state's plan. We developed the regional  
8 plan. They I guess complement each other in  
9 some ways, in other ways they may contradict  
10 each other a bit. It's the towns --

11 MS. McCARREN: I guess where -- you said  
12 this. Where the project goes can be very  
13 controversial and have a significant effect  
14 on the towns. So faced with this long-term  
15 apparent preference for renewables, what can  
16 you as the planning authorities do to  
17 mitigate the adverse effects? Can you in  
18 your plan say, okay, we are going to have  
19 this type of renewable. Here's the best  
20 land use place to have it?

21 MR. SULLIVAN: I think we can certainly  
22 get toward that. I don't know if we wind up  
23 going to the point where we identify exact  
24 locations --

25 MS. McCARREN: I didn't mean exact.

1 MR. SULLIVAN: -- for all of those  
2 things. In some cases we might. Like in  
3 our Regional Energy Plan we recognize -- we  
4 look at all the various renewable  
5 opportunities, and we look in a case like  
6 small hydro, which you don't look at as  
7 much, but in those instances it makes a lot  
8 of sense for us to specifically identify  
9 existing dam sites and say this is where  
10 they should go rather than building new  
11 ones, and this is how much capacity is  
12 potentially out there.

13 Other things you say, yeah, we looked at  
14 the State Energy Plan. We provided  
15 extensive comments on it, from -- based on  
16 our Regional Energy Plan. And also took  
17 back from the State Energy Plan and said,  
18 okay, how is this going to inform our  
19 thinking? Just like you suggested.

20 I think it does it in a couple of ways.  
21 It does force us to take a look at some of  
22 those issues like what kind of criteria can  
23 we put in our plans, you know, recognizing  
24 that there are going to be a lot more  
25 renewable projects in our area. So what are

1 the issues, and, you know, what are the  
2 conditions that make it more acceptable to  
3 have those in certain areas. So we are  
4 definitely taking a look at that in our  
5 local plans as we are consulting with towns.

6 You know we are also looking, quite  
7 frankly, at the issue of 90 percent  
8 renewables by 2050 and what does that mean.  
9 And you know, some of us at least say well  
10 one of the things that means is probably  
11 there is going to be less total energy  
12 available in the future than there is now.  
13 You know so if you're looking at the  
14 denominator of that equation as well as the  
15 numerator that has significant effects in  
16 our planning too.

17 Chris?

18 MR. CAMPANY: Chris Company, Windham  
19 Regional Commission. One other I guess  
20 practical reality for this is we can plan  
21 all we like, but then we get to the process  
22 and we don't know what standing our plan  
23 actually has.

24 MS. McCARREN: That's the next question  
25 I was actually going to ask you.

1 CHAIRMAN EASTMAN: But that's in  
2 recommendations.

3 MR. CAMPANY: If the plan is actually  
4 implemented. That's the other challenge is,  
5 you know, the town's got this process, we go  
6 through this process, then the reality of a  
7 permit comes along, and we don't know what  
8 the outcome is going to be after we put  
9 potentially hundreds of hours into that  
10 effort.

11 MS. McCARREN: So some clarity on the  
12 weight to which the decision maker should  
13 give to the town and regional plans needs to  
14 be clarified.

15 MR. CAMPANY: Absolutely. Just so we  
16 know what to expect. Because this isn't a  
17 complaint. It's just a reality we deal  
18 with. You know, our funding for this comes  
19 out of core funding through the Department  
20 of Economic Housing and Community  
21 Development through which we do all natural  
22 resource planning, all land use planning,  
23 all municipal assistance, and that's a broad  
24 range of issues; all Act 250 reviews,  
25 Section 248.

1           So if you're spending literally hundreds  
2 of hours on some of these projects, you're  
3 not doing some other core activities that we  
4 are required to under statute.

5           CHAIRMAN EASTMAN: Any other questions  
6 from Commission members? Sorry. I have  
7 one.

8           I just want to clarify because this was  
9 very helpful to me. When you're talking  
10 about a threshold issue you're still talking  
11 about though a state process. You're not  
12 talking about a threshold where the state  
13 would review things at one level and then  
14 would send it to locals for a different  
15 level.

16           What I heard you talking about was -- I  
17 just want to clarify that.

18           MR. SULLIVAN: I think that's true.  
19 It's kind of how the process is structured,  
20 the formality of the process as well as, you  
21 know, maybe the -- as in the case of Act  
22 250, you know, whether you're dealing with  
23 some regionally constituted boards that are  
24 operating under state guidelines and state  
25 law. That's how I interpret it. Yes.

1 CHAIRMAN EASTMAN: Okay. Thank you.  
2 Thanks. That was very helpful I thought.  
3 Okay.

4 (Applause.)

5 CHAIRMAN EASTMAN: We shouldn't take  
6 time for applause, but that was really  
7 useful. Thank you very much.

8 Next we are going to hear from  
9 developers of projects, and we have -- and  
10 this was coordinated through Renewable  
11 Energy Vermont. Again thank you. And we  
12 have Brian Waxler I think is going to be  
13 here by phone. He's from Pomerleau Real  
14 Estate and Ferrisburgh solar, and John --  
15 I'm going to -- help me here. How do I  
16 pronounce --

17 MS. WHITE: Soininen.

18 CHAIRMAN EASTMAN: Soininen. Thank you.  
19 And is that Eolian Renewable Energy? Seneca  
20 Mountain Wind, by phone. And Chad Farrell  
21 from Encore Redevelopment. Josh Bagnato,  
22 First Wind and Sheffield Wind, and Neil  
23 Habig?

24 MS. McCARREN: This is why you got to be  
25 Chair.

1 CHAIRMAN EASTMAN: Iberdrola, Deerfield  
2 Wind.

3 And just so I know, you're all talking?

4 MS. STEBBINS: They are all talking.  
5 Brian's going to go first. He'll be about a  
6 minute or two via phone, and then Josh and  
7 Chad both have Power Points that are rigged  
8 up ready to go. John we will be calling in  
9 also has a Power Point, and then Neil is  
10 here for a few quick points as well as to  
11 address Q and A.

12 CHAIRMAN EASTMAN: So you're going to do  
13 it all in 30 minutes?

14 MS. STEBBINS: That's our goal.

15 CHAIRMAN EASTMAN: You guys are good.  
16 We'll see.

17 MS. STEBBINS: Person going first does  
18 not have a Power Point. It is the text that  
19 you have, and he'll be reading it when he  
20 calls in in just a moment.

21 CHAIRMAN EASTMAN: Commissioners were  
22 given a one-page sheet here.

23 MS. McCARREN: He doesn't have to read  
24 it. We can read.

25 CHAIRMAN EASTMAN: But everybody else

1 here can't see it.

2 MS. MCCARREN: Fair enough. I didn't  
3 mean literally just read it. He could kind  
4 of summarize it.

5 MS. STEBBINS: I did just text him, so  
6 he should be calling in in a moment. Hello.  
7 We're here. Try that. Anne is there -- is  
8 this on speaker?

9 MR. WAXLER: Hello.

10 MS. STEBBINS: Brian, would you mind  
11 continuing to talk?

12 MR. WAXLER: I would love to continue to  
13 talk. What do you want to talk about today?

14 MS. STEBBINS: Okay. Can people hear or  
15 should I hold the mike?

16 MEMBER OF THE PUBLIC: Hold the  
17 microphone.

18 MS. STEBBINS: Okay. Brian, try that  
19 please.

20 MR. WAXLER: Okay.

21 MS. STEBBINS: That's great.

22 MR. WAXLER: Is that okay?

23 MS. STEBBINS: Yes, that's perfect.

24 MR. WAXLER: Are you ready for me?  
25 Because I'm going to read what I think

1 everyone has in front of them. A two-page  
2 prepared -- or response. Can you hear me  
3 okay?

4 MS. STEBBINS: Yes.

5 MR. WAXLER: All right. Well then I  
6 will start. Good afternoon everybody. My  
7 name is Brian Waxler. And I'm a passionate  
8 proponent of solar energy and also a partner  
9 in the Ferrisburgh Solar Farm, which is a  
10 one-megawatt PV solar production facility  
11 located just off of Route 7 in Ferrisburgh.

12 The facility was commissioned and began  
13 production at the end of 2010. And I'm  
14 proud to report that it is operating as  
15 planned and producing better than expected.

16 I was asked to speak to you this  
17 afternoon about the permitting process that  
18 we followed in order to construct our solar  
19 project, and I would like to thank you for  
20 taking the time to consider our perspective  
21 of various permitting processes in Vermont.

22 I believe that I'm in a unique position  
23 to comment as I'm also a partner at  
24 Pomerleau Real Estate. Pomerleau has been  
25 developing commercial and residential real

1 estate for years, and we are intimately  
2 familiar with the Act 250 process.

3 Therefore, my comments will be focusing on  
4 my experience with both properties and how  
5 the two compare with one another.

6 At the time we were first awarded our  
7 SPEED contract which was authorized by the  
8 Vermont legislature, we had never before  
9 dealt with Section 248 and so we weren't  
10 sure what we were in for. We have put  
11 together a permit team of engineers and  
12 architects and hired the law firm of Shems,  
13 Dunkiel, Raubvogel and Saunders to help  
14 guide us through the process.

15 What we found was the Section 248  
16 application was really more straightforward  
17 Act 250 application. The substance of the  
18 two applications required providing the same  
19 information. But the inquiries and  
20 resulting responses were more direct in the  
21 Section 248 application. The general  
22 concerns were the same. The Section 248  
23 process required us to properly plan and  
24 report on specific details and to review the  
25 project with the town to determine its

1 impact, if any, on local services and  
2 infrastructure such as public safety and  
3 education.

4 The major difference between Section 248  
5 and Act 250 as we see it is that the Vermont  
6 Public Service Board has final say in  
7 approving a Section 248 application. This  
8 difference allows policies as prescribed by  
9 the State of Vermont to be enacted. It  
10 grants the state the ability to permit  
11 projects which have been determined to be in  
12 the best interest, also referred to as the  
13 public good, of all the people of Vermont.

14 The state has prevailed over the one or  
15 two folks who might not support the project  
16 because the overall interest is now focused  
17 on sort of the local impact but the good for  
18 all in the state.

19 Most importantly I believe is that  
20 Section 248 with its public comment process  
21 allows people who are opposed to solar  
22 energy projects or who don't like the idea  
23 that the state might be promoting or  
24 participating in a production of solar  
25 energy to express themselves and voice their

1 point of view. But this opposition won't  
2 necessarily cause endless delays or put a  
3 stop to a project.

4 This is an important distinction as each  
5 of the District Environmental Commissions  
6 want to see local permits in hand before  
7 they will review their Act 250 submission.  
8 Section 248 acknowledges the concept that  
9 the needs of the many should outweigh the  
10 needs of the few. This is consistent with  
11 the democratic form of government we embrace  
12 in Vermont. It allows the policy makers who  
13 are put in place by the electorate to make  
14 policy and to see those policies carried out  
15 without being stopped by a few dissenters.

16 Additionally the appeal process under  
17 the Section 248 permit is more fair and  
18 efficient. All appeals are on the record  
19 reviews and look to the issues of law.

20 The appellant is represented by an  
21 attorney, and the reviews are not de novo.  
22 Under Act 250 the appeal process reopens the  
23 entire permit and are totally unpredictable.

24 This state needs to encourage renewable  
25 energy projects and should make every effort

1 to ensure that the process is predictable  
2 and expeditious. We feel that the current  
3 Section 248 review process sufficiently  
4 regulates new projects and protects the  
5 citizens while allowing for a predictable  
6 and efficient permitting process.

7 Thank you for your time and  
8 consideration.

9 MS. STEBBINS: That's all he has. He  
10 does have to hang up. Do you have any  
11 questions for him specifically, or if I have  
12 questions I can follow up to him and have  
13 him respond.

14 CHAIRMAN EASTMAN: Let's do that.

15 MS. STEBBINS: Okay.

16 CHAIRMAN EASTMAN: Thank you.

17 MS. STEBBINS: Thank you, Brian. Much  
18 appreciated.

19 MR. WAXLER: Thank you.

20 MS. STEBBINS: So next we have Josh  
21 Bagnato. Josh, do you want to drive and --

22 MR. BAGNATO: Sure. Hello. My name's  
23 Josh Bagnato. I work for a company called  
24 First Wind. We are the developers and the  
25 operators of the Sheffield wind project

1 located in Sheffield, Vermont.

2 I've worked for the company for six  
3 years, and prior to that I worked on  
4 renewable energy policy for the state of  
5 Massachusetts. I'm from Vermont and  
6 currently live in Vermont.

7 Just a little more context on First  
8 Wind. We only have one operating wind  
9 project in Vermont. We have seven others in  
10 the northeast; three in the west and four in  
11 Hawaii. And the overarching summary of my  
12 remarks are going to be that our experience  
13 with the Public Service Board and the  
14 Section 248 is that the standards are  
15 rigorous, they are fair, and they are  
16 appropriate for evaluating energy projects  
17 in Vermont. However the process is too  
18 uncertain and allows ample opportunities for  
19 delays and wasted resources.

20 So what are the pros of the siting  
21 approval practice? Clear process and  
22 standards. We always knew what we needed to  
23 do and when, a professional process, a  
24 professional board that relies on facts,  
25 science and experts to evaluate development.

1 An agency staff that is very accessible and  
2 clear on their mandate to protect the  
3 resources but also willing to sit down and  
4 talk and improve an applicant's application  
5 and resolve issues through creative  
6 solutions.

7 Some of the outcomes of our consultation  
8 during the Certificate of Public Good  
9 process was bat curtailment at the Sheffield  
10 project as well as a commitment to study the  
11 impacts of bats and turbines and protection  
12 of 2,700 acres of habitat for bears.

13 Also the pro was a lot of public input.  
14 The project was redesigned many times. The  
15 footprint was shrunk. The turbines were  
16 reduced. Roads were narrowed. Clearings  
17 for turbines were made smaller. So a lot of  
18 public input drastically changed the design  
19 of the project from what was originally  
20 proposed to what was built.

21 Some of the cons. Unlike other states  
22 particularly Maine, where we do a lot of  
23 business, where we have five operating wind  
24 projects now and 30 employees whereas  
25 Vermont we have four employees and one wind

1 project, they have a statutory time line for  
2 the permitting agency in that case the DEP  
3 to make a decision. It's not the case in  
4 Vermont. It's difficult for investors to  
5 sort of wait around for decisions when you  
6 don't know when they are going to come.

7 The state appeal process is lengthy and  
8 unpredictable. I put some dates in there to  
9 show what the Sheffield process went  
10 through. Basically a year of appeals with  
11 the Supreme Court on the Certificate of  
12 Public Good. Two years of appeals with the  
13 Vermont Environmental Court on a stormwater  
14 permit, fourteen days in trial during that  
15 appeal. And then about a year with the  
16 Vermont Supreme Court on the same stormwater  
17 permit, and that appeal was eventually  
18 dropped once the project was operational.

19 One specific detail that maybe I'm in a  
20 unique perspective to talk about is  
21 satisfying the conditions that are in the  
22 Certificate of Public Good before you can  
23 start building the project, before you can  
24 go operational, and then once the project is  
25 operational. That's been my job and that's

1 currently my job as it relates to this  
2 project.

3 At Sheffield we had 10 conditions we had  
4 to receive board approval before we started  
5 construction, and four conditions before we  
6 started operation. I've given a time line  
7 of one of those conditions that was required  
8 to be satisfied before we went to operation  
9 for the sound monitoring plan which we have  
10 actually just finished completing during  
11 this year. So you can see it's a 14-month  
12 process with no deadlines as to when  
13 decisions will be made. Lots of experts  
14 being hired, motions, counter motions, et  
15 cetera.

16 And that plan was eventually approved.  
17 It's been implemented, we have done three of  
18 the four rounds of sound monitoring. We  
19 have been well under the state sound  
20 standards. There has been two complaints  
21 from two houses, and yet the state has  
22 decided, we think, to do additional  
23 monitoring which is not consistent with that  
24 plan.

25 Public participation is key. We feel

1 that there was a lot of participation during  
2 the Sheffield process. That process as I  
3 alluded to before helped mitigate impacts.  
4 We feel in Vermont as well as other states  
5 the host community should receive financial  
6 benefits and determine how to distribute  
7 them. Sheffield has been doing that for the  
8 last year and has had some pretty open  
9 public meetings about how to do that. But  
10 those aren't the only benefits that the  
11 State of Vermont receives from this project.  
12 There is a lot of tax revenue that goes to  
13 the state that's been distributed around.  
14 We give scholarships to students in the  
15 Northeast Kingdom, school tours, et cetera.

16 We firmly believe as a company that the  
17 state, developer and stakeholders should  
18 have the burden to make sure that the local  
19 community is educated on the impacts of the  
20 proposed development, but clean energy  
21 projects have statewide benefits and they  
22 satisfy state policy goals in Vermont, and  
23 therefore they should be permitted on the  
24 state rather than the local level.

25 That being said, in order to have a

1 successful project you have to have local  
2 support, and we feel like we did that in  
3 Sheffield, and we feel like we do that in  
4 all our projects.

5 We feel that Vermont was very protective  
6 of the environmental cultural resources, but  
7 there can be some things that can be done on  
8 the permitting process that would help with  
9 some of the cons I noted before.

10 First, all state permits should be  
11 combined under the Certificate of Public  
12 Good such as stormwater and wetland  
13 permitting. That is what is done in Maine.  
14 They use the various experts throughout the  
15 departments to look at one application to  
16 give their opinions if a certain -- certain  
17 part of the application is sufficient and  
18 then approve it or deny it or change it.  
19 That should be here, and that would be one  
20 permit, and therefore you would have one  
21 appeal opportunity on that single permit.

22 I also think the state should consider  
23 charging opposition groups for time spent on  
24 frivolous appeals and motions.

25 MEMBER OF THE PUBLIC: Boo.

1           CHAIRMAN EASTMAN: Excuse me please. We  
2 have heard from all sides regarding this.  
3 Okay. Let's just be respectful.

4           MR. BAGNATO: As I mentioned the state  
5 spent 14 days in the Environmental Court  
6 protecting their stormwater permit. That  
7 being said I think developers should pay for  
8 the required experts to support the state  
9 review. Not all states have visual experts,  
10 not all states have sound experts.

11 Sometimes you need to go out and hire  
12 someone to help you review an application,  
13 and in that case the burden should be on the  
14 developer to pay for that.

15           In terms of monitoring compliance, again  
16 I think in Vermont the conditions that are  
17 in the part of this Certificate of Public  
18 Good that are part of a requirement to  
19 operate the project, they are significant,  
20 they take a lot of money and a lot of time  
21 to execute, and they generate very important  
22 information about the real impacts of an  
23 operating project. However I think the  
24 system the state has for monitoring these  
25 conditions could be improved. When we

1 submit a report, a sound report, a report  
2 about impacts to birds and bats, there is no  
3 feedback from the state. In many other  
4 states when you submit a compliance  
5 condition you get a letter back saying  
6 you've satisfied it or we have a question  
7 about this. In Vermont we don't get that  
8 same type of feedback.

9 In addition, at Sheffield during  
10 construction I would estimate there are over  
11 10 inspections by state employees. Those  
12 inspections -- at least I never saw them,  
13 were never compiled into any type of  
14 document that said things were going well,  
15 here are some problems. So there is a lot  
16 of speculation that, oh, construction was  
17 not going well or was going really well.  
18 Well their inspections were done, data was  
19 available, but it was never I think compiled  
20 and made available to the public which may  
21 have helped with some of the rumors that  
22 were going around.

23 And lastly other states require a third-  
24 party inspector to be paid for by the  
25 developer, but basically managed by the

1 state to make sure the construction is done  
2 appropriately. That could be something  
3 Vermont could look into as well.

4 Finally in summary what are the  
5 strengths. Accessible state agencies who  
6 are protective of their resources but  
7 willing to work with the applicant. Good  
8 process for public input which really does  
9 shape the projects. And a professional PSB  
10 process that relies on facts and science to  
11 make decisions.

12 Weaknesses, no predictability on time  
13 lines for decisions, and too many  
14 opportunities for folks who do not want the  
15 development to delay it and cause both the  
16 state and the developer and themselves to  
17 spend a lot of resources.

18 If there is anything I would change a  
19 statutory time line for decisions and only  
20 one appeal opportunity. And what's my  
21 recommendation for the Commission? I think  
22 they need to improve the process for the  
23 initial approval of the conditions and then  
24 for monitoring the permit conditions and as  
25 necessary share with the public so the

1 public is seeing the real science that's  
2 being obtained from these sites.

3 Thank you.

4 CHAIRMAN EASTMAN: Thank you. Do you  
5 have any -- we are going to wait until the  
6 end for questions?

7 MS. McCARREN: Yes, I have a question.  
8 What you said --

9 MR. JOHNSTONE: Use the mike.

10 MS. McCARREN: Sorry. When you talk  
11 about predictability of the 248 process, did  
12 I hear you say in your opinion it is not  
13 predictable enough, and is that inconsistent  
14 with the first person who spoke to us via  
15 phone on your panel?

16 MR. BAGNATO: I don't want to comment on  
17 what the first person said. I don't know if  
18 I caught it all. My point was from the date  
19 you submit the application, the state should  
20 have a requirement to make a decision on  
21 that application within a certain amount of  
22 days.

23 MS. McCARREN: Time constraints. But  
24 the process itself, overall process, what I  
25 heard the first speaker say is that he liked

1 the predictability of the process. And so  
2 what you're concerned about is no mandatory  
3 time line.

4 MR. BAGNATO: That's it. I think the  
5 process is predictable. The steps are  
6 understood. It's just that you don't know  
7 if you're going to get a decision in 180  
8 days, 360 days, a year and-a-half.

9 MS. McCARREN: When you talked about the  
10 accessibility of staff, you did not mean the  
11 board's staff because they are constrained.

12 MR. BAGNATO: No. The agency staff are  
13 accessible to discuss things with. I would  
14 make a point on when you submit something  
15 that needs to be approved to start  
16 construction, there is no opportunity to  
17 talk to anybody at the Public Service Board  
18 to say how is it going, do you have  
19 questions, when might you make a decision.  
20 This is a black box.

21 The only reason satisfying these  
22 conditions that we are required to be  
23 satisfied did not become a massive problem  
24 for us is because we were under appeal for a  
25 storm permit so it didn't matter. But to

1 satisfy a condition prior to construction or  
2 prior to operation in another state is a  
3 two-week process. It is a one-month  
4 process. Not a 14-month process.

5 MR. BODETT: Very quickly you mentioned  
6 that there are financial benefits that  
7 Sheffield is receiving and they are -- they  
8 deliberate on how to distribute them.

9 How are those benefits arrived at and  
10 what form do they take? Other than property  
11 taxes I assume.

12 MR. BAGNATO: We make that annual  
13 payment to Sheffield in the amount of 520  
14 thousand dollars.

15 MR. BODETT: How was that arrived at?

16 MR. BAGNATO: That was arrived at -- it  
17 was an agreement, I believe it's called Host  
18 Community Agreement. It was made during --  
19 as part -- this was a little bit before my  
20 time, but it was made as part of the CPG or  
21 just before it.

22 MR. BODETT: Thank you.

23 MR. BAGNATO: So the town was involved  
24 in that. The town's attorney was involved  
25 in that, and we were involved in that. How

1 that money was to be spent was not  
2 prescribed at that point, so now the town is  
3 deciding specifically how they are going to  
4 spend that money, whether it reduces tax  
5 burden on their citizens, buys a new fire  
6 engine, et cetera.

7 CHAIRMAN EASTMAN: Okay. Thank you.

8 MR. BAGNATO: Thank you.

9 MR. FARRELL: Good afternoon. My name  
10 is Chad Farrell. I am the principal of a  
11 small renewable energy development group  
12 called Encore Redevelopment located here in  
13 Vermont over in Burlington, and I'm honored  
14 to be here to speak with you today based on  
15 our experience developing smaller scale  
16 renewable energy projects in Vermont.

17 So I'm going to try to be as brief as  
18 possible and just run through some strengths  
19 and weaknesses, a quick case study, and then  
20 offer some thoughts.

21 I think the strengths of the 248 program  
22 here in Vermont is that the Public Service  
23 Board is in fact staffed by experts. These  
24 folks are highly trained, knowledgeable and  
25 non partisan. There are substantive

1 criteria and standards that are robust and  
2 thorough. Certainly obtaining a Certificate  
3 of Public Good is not easy. And the permit  
4 process addresses many environmental,  
5 cultural resource, electrical construction,  
6 and I might add safety criteria as well.

7 Public engagement is as well  
8 incorporated, and as it should be, highly  
9 valued. Public notice and local hearings  
10 are certainly part of the process. It's  
11 been mentioned by Josh and some others that  
12 there could be some improvements with  
13 respect to the timeliness of the milestones  
14 or the predictability of those milestones  
15 and decisions, codified time limits  
16 certainly would help. We know that the  
17 utilities are required to have firm time  
18 lines as part of the interconnection  
19 process. It would be our hope that the  
20 Public Service Board could offer similar  
21 codified time limits for review and  
22 decision.

23 There seems to be a bit of reliance on  
24 developer trial and error. We don't know  
25 all of the perfect places to go develop

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projects. If there are certain locations that could be favored, and this goes across our experience with solar as well as wind, if there are certain marginalized pieces of property that would be more preferable for development, we would love to understand where those locations would be. That would be the example of landfills and brown fields for solar, and in certain cases wind as well. And if a project location should be avoided, we would welcome the opportunity to understand where those restricted areas would be.

An over reliance on public comment and intervention can certainly bog down the process. Energy projects are complicated and they require expert review to determine the public benefits as related to the potential detriments. And I think it's very important and the Public Service Board is well qualified to separate all of the scientific fact from some of the non peer reviewed information that tends to float out there.

So quick case study, we were involved in

1 developing a two turbine 4.4 megawatt  
2 project under Vermont's SPEED program up in  
3 Derby Line. This project was sited on two  
4 working dairy farms in the Northeast Kingdom  
5 both of which were located in strong wind  
6 regime. The project offered financial  
7 benefits for the farmers and the local  
8 communities, and clean electricity for more  
9 than 2,000 Vermont homes.

10 There were certainly job creation  
11 opportunities for local contractors as well,  
12 and the project did enjoy the support of the  
13 local contracting community. And finally  
14 the project responded to legislative intent.  
15 Act 45 called for the rapid deployment of  
16 multiple different technologies of smaller  
17 scale renewable energy, and this project was  
18 an attempt to respond to that legislative  
19 intent.

20 Project was ultimately stopped by a  
21 number of unsubstantiated and non  
22 scientifically based claims from a few  
23 individuals before the full 248 process  
24 could run its course. And smaller  
25 developers such as ourselves just simply

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cannot withstand the time and cost required to continually respond to those claims. And the result is an absence of smaller-scale community-focused projects.

So just some thoughts and recommendations. Other states I know have the concept of a project ombudsman. This individual or group could be helpful in coordinating all permits. We benefited in our project from this very professional at the ANR. It would be fantastic to have a similar resource across all state agencies to help coordinate the project from a permitting standpoint, serve as a project liaison for the community, so on and so forth.

Certainly as Josh mentioned having some robust guidelines would be helpful. If the project is constructed and developed in accordance with a set of protocols, it can therefore be built.

I like the idea of providing setbacks as opposed to say noise thresholds with respect to wind projects. And more subjective view shed studies, that could be helpful.

1           Again, I think we are working on this,  
2           but the inclusion of mapped areas, that  
3           could -- that should certainly be avoided  
4           such as significant migratory pathways, that  
5           might be helpful, and I would like to see a  
6           reliance on peer-reviewed data and  
7           scientifically-based conclusions.

8           And my final point would be to allow the  
9           experts to continue to provide the level of  
10          expertise that's required to evaluate the  
11          public good associated with these projects.  
12          In this manner the bad projects will  
13          essentially be weeded out, and we will allow  
14          Vermont's energy future to continue to be  
15          determined by those who are sufficiently  
16          qualified to rule on the numerous aspects,  
17          numerous different and often conflicting  
18          aspects associated with these projects and  
19          rule accordingly.

20          Thank you.

21          MS. McCARREN: Can I ask a quick  
22          question? Just a very quick question. You  
23          talked about -- you mentioned that it would  
24          be helpful to you if there was a -- that  
25          locations perhaps -- preferred locations,

1 and so do I conclude from that that you  
2 can't go to a local town plan nor to a  
3 regional plan to find that now?

4 MR. FARRELL: No. That would not be how  
5 I would phrase that. We could. It would be  
6 helpful to understand from a more state  
7 level planning policy where those locations  
8 might be.

9 MS. McCARREN: Okay. Because we heard  
10 from the regional planners, and the question  
11 I asked them was well wouldn't your plan  
12 take into consideration where renewables  
13 should go.

14 So I'm just trying to get clear from a  
15 developer's point of view you don't have any  
16 place to go look.

17 MR. FARRELL: That's not entirely true.  
18 Although these town plans and these  
19 community plans are rapidly developing and I  
20 think trying to react accordingly to the  
21 relatively recent and more focused approach,  
22 or more focus on renewable energy projects,  
23 especially the smaller scale. So I think  
24 anything we can have at the state level  
25 would be helpful.

1 MR. JOHNSTONE: We have a dial tone in.  
2 You're all set.

3 MS. STEBBINS: Hello John. Are you  
4 there?

5 MR. SOININEN: Yes, I'm here.

6 MS. STEBBINS: Great. Let's plan on  
7 moving very quickly please. We have one  
8 more presenter after you. Go ahead and just  
9 say next, and I'll click the slide show  
10 forward. Thank you.

11 MR. SOININEN: Okay great. So cover  
12 slide we don't need to look at. Next.  
13 Titled the "Eolian Overview." My name is  
14 John Soininen. I'm the co-founder and Vice  
15 President Development with Eolian Renewable  
16 Energy. I'm the project manager for Seneca  
17 Mountain Wind which is a joint venture  
18 between Eolian and Nordex. Eolian is based  
19 in Portsmouth, New Hampshire, and we are  
20 exclusively focused on wind development in  
21 the northeast.

22 We have evaluated numerous sites in  
23 Vermont in the last several years, and to  
24 date we have not found any other sites that  
25 we believe to be suitable for development

1                   presently. Next.

2                   MS. STEBBINS: Yes.

3                   MR. SOININEN: Eolian's methodology. We  
4 take a technical approach to site selection.  
5 We use GIS analysis. We focus on technical  
6 fundamentals, wind resource, land area,  
7 these large parcels. Proximity to existing  
8 infrastructure, and we pride ourselves  
9 enhancing community and landowner values  
10 through thoughtful collaboration. Next.

11                   Project vetting tools, just providing  
12 some examples of the analyses that we  
13 undertake, obviously looking at New  
14 Hampshire here. You can see areas in green  
15 are one third developable on the left-hand  
16 side, yellow are not. So there are many,  
17 many areas that are not suitable for  
18 developing. Desktop prescreening to  
19 indicate that there are limited  
20 opportunities. And project economics and  
21 impact assessments drive the development  
22 decisions, and fundamentally we believe this  
23 is what is good for Vermonters and  
24 ratepayers. Next.

25                   Quick overview of permitting in Vermont.

1 We are encouraged by a clear articulation of  
2 the need for extensive new renewable  
3 generation in official documents. We are  
4 encouraged by clear public support both  
5 through surveys performed to determine  
6 public opinion and in our conversations  
7 directly with Vermonters. We don't believe  
8 that Vermont should seek to pick the best  
9 areas for wind development. Regulators  
10 should establish good standards to promote  
11 the development of appropriately sited  
12 projects that don't cause undue impact.  
13 Next.

14 Strengths. Oversight of this process by  
15 the PSB with a focus on statewide needs and  
16 objectives is crucial and must be  
17 maintained. Substantive criteria and  
18 standards currently considered under the  
19 Section 248 process seem to work well.  
20 Energy is a necessary industry, and siting  
21 generation facilities requires a broad state  
22 perspective. Local views should be  
23 considered as is currently the case but  
24 should not be allowed to frustrate state  
25 goals and objectives. Comprehensive

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permitting is imperative and has been shown to be effective. Next.

Weaknesses. Lack of clearly defined siting criteria causes confusion on occasion, and permitting time tables are not sufficiently defined nor appeals streamlined. Next.

Recommendations regarding siting. Maintain a Section 248 process which works well to balance the benefits of a project against the impacts in determining whether projects promote the general good to the State of Vermont. Implement clear siting criteria for public safety setbacks of 1.1 times turbine height and sound limitations of 45 dba and set expectations and protect the public. Improve the coordination of permit requirements from various agencies potentially incorporating water quality permits into a CPG like New Hampshire does. Time lines for review and responses to applications need to be improved and concurrent not consecutive. Appeals paths and timetables must be well defined and remain consolidated. Next.

1 Public participation. Local and  
2 regional planning organizations as well as  
3 individuals do have a voice in the Section  
4 248 process. Vermont has a very  
5 comprehensive permitting review process.  
6 Vermont has strict environmental protection  
7 mechanisms in place to protect public  
8 interests, so public input on these matters  
9 can be duplicative. Public input is  
10 important but adds significant cost to the  
11 development process which ultimately adds  
12 the cost to ratepayers. Next.

13 Recommendations. Increase public  
14 education about state energy objectives and  
15 siting regulations regarding energy  
16 development in order to help alleviate some  
17 common misconceptions. Implement objective  
18 criteria. Do not promote local vetoes which  
19 will frustrate statewide planning. The  
20 democratic process must be maintained.  
21 There is a place for majority rule, and  
22 while not everybody will be satisfied, it  
23 does not mean they will be unreasonably  
24 impacted. Next.

25 Comments and other suggestions. We have

1 heard about alternative dispute mechanisms  
2 that can be potentially beneficial, but it  
3 only works when there is a win/win solution,  
4 and not when project opponents' primary  
5 objective is to prevent the project.

6 Statewide taxation with state allocation  
7 benefits or a prescriptive formulaic payment  
8 structure could work to equalize payments to  
9 host communities going forward, but  
10 addressing existing projects would be very  
11 challenging. Next.

12 Comments on protection of land. Vermont  
13 has one of the most comprehensive permitting  
14 review processes in the country.

15 Environmental regulations and protections  
16 should consider the potential impacts of  
17 global climate change and the cost of doing  
18 nothing to reduce the combustion of fossil  
19 fuels. You have to keep this discussion in  
20 context. Some environmental policies and  
21 regulations must be reviewed and  
22 reevaluated. RINAs cannot be used liberally  
23 or implemented broadly. They need to be  
24 kept to the original intention. And  
25 preventing any impact to bear habitat

1 associated with renewable energy development  
2 while allowing bear hunting is a fundamental  
3 disconnect statewide.

4 Recommendations regarding monitoring and  
5 compliance. Certain conditions such as  
6 sound level restrictions are straight  
7 forward. Single post-construction survey  
8 should be sufficient. Protocols for  
9 addressing specific complaints should also  
10 be straightforward. And the last is third-  
11 party participation. Avian and bat  
12 mortality monitoring permit conditions  
13 should be part of an adaptive management  
14 plan and focused on mortality reduction not  
15 just repeating studies for multiple years,  
16 which has been the case in the past. Next.

17 Recommendations for monitoring and  
18 compliance. State agencies need to be  
19 involved. Private studies are expensive and  
20 frequently discredited. States should be  
21 allowed to assess reasonable fees, but there  
22 should not be a tolerance for erroneous  
23 claims. Cumulative impacts need to be  
24 considered in the context of cumulative  
25 benefits, as renewable projects provide

1 substantive societal benefits which is why  
2 these projects need to be incentivized.

3 Next.

4 Summary recommendations. The project --  
5 the Section 248 process would benefit from  
6 the addition of some clearly defined  
7 objective criteria. If Vermont wants to  
8 promote renewable energy development in  
9 state the Section 248 process needs to  
10 include statutory time lines for permit  
11 review and appeal. It is important that 248  
12 process maintain the current statewide  
13 public good standard allowing for  
14 consideration of whether a project's  
15 benefits outweigh its impacts. Next.

16 Here's my contact information. Thank  
17 you for the time, and please let me know if  
18 you have any questions or if there is  
19 anything further you would like from me.

20 CHAIRMAN EASTMAN: Thank you.

21 MS. STEBBINS: Thank you, John. And  
22 five minutes? Okay.

23 MS. WHITE: We have six minutes total,  
24 but we have been interspersing questions.

25 CHAIRMAN EASTMAN: Six minutes total.

1 Be fast, and that six minutes includes our  
2 questions guys.

3 MR. HABIG: Good afternoon. My name is  
4 Neil Habig. I work for Iberdrola  
5 Renewables. I have been involved in the  
6 Deerfield Wind project in Searsburg, Vermont  
7 since about 2007. In 2009 we obtained our  
8 CPG from the Public Service Board for the  
9 project, and since that time we have  
10 continued on in our permitting efforts with  
11 the Forest Service as the project is located  
12 on National Forest Service land.

13 To share a few comments on that  
14 experience, in the context of what seems to  
15 be in question, under this Commission's  
16 review, the scope, depth, range of  
17 participants, time line and decision making.  
18 As far as the scope of review, it indicates  
19 it's very broad as defined under the Act 248  
20 as well as the intervener process and public  
21 comment which introduce a range of other  
22 issues specific to that particular project.

23 The depth of the issues. Under the 248  
24 process the burden of proof is with the  
25 applicant. One of the first cases before

1 the Public Service Board for wind was  
2 actually denied on the basis of not thorough  
3 enough. So I think the standard under this  
4 process for depth of consideration is very  
5 thorough.

6 Participation in the process, some of  
7 the commentary regarding the process is that  
8 some of the stakeholders are -- don't have  
9 an ability to participate. In our case, we  
10 had two local neighbors, an abutting town, a  
11 small business owner as well as NGOs and so  
12 forth, and the neighbors represented  
13 themselves pro se, and the Board accommodated  
14 them as far as time and familiarity with the  
15 process. So it was accessible and the  
16 standard for meeting -- getting party status  
17 was very low, as long as you had some nexus  
18 to the project, the Board was very good  
19 about allowing interveners to participate.

20 The decision making, I think that the  
21 record, the decisions and the orders speak  
22 for themselves. They are thoroughly  
23 considered, thoughtful and well reasoned  
24 opinions. And so I'm sure the Commission  
25 has looked at some of those. But as the

1 others have said, it's a very professional  
2 Board and staff undertaking the process.

3 As far as time line is concerned I think  
4 the Board operates very efficiently when  
5 they are focused on a particular docket, but  
6 it's subject to their calendars and staff  
7 calendars and so subject to delays depending  
8 upon their attention. When they are focused  
9 on it they move quickly, but if they have a  
10 number of other dockets before them, we had  
11 one instance where we had to wait to have to  
12 be reheard for about three months. So if  
13 there are a number of projects with some of  
14 these smaller projects, I think somebody  
15 from the Planning Commission mentioned a  
16 tiered approach, I think that would have  
17 some merit.

18 And just in summary, the process was  
19 robust and thorough, an efficient process  
20 review, but subject to delays dependent upon  
21 the Board's docket. That's all I have.

22 CHAIRMAN EASTMAN: Thanks so much, Neil.  
23 Thank you. Questions from Commission  
24 members for any of the developers?

25 (No response.)

1 CHAIRMAN EASTMAN: Okay. Thank you. We  
2 are now going to take a 10-minute break.

3 (Recess was taken.)

4 CHAIRMAN EASTMAN: We are going to go  
5 ahead and get started. Thank you.

6 So next we are going to hear from  
7 utilities. And we have Don Rendall from  
8 Green Mountain Power and Randy Pratt and  
9 Joslyn is it Wilschek?

10 MR. PRATT: Wilschek.

11 CHAIRMAN EASTMAN: It's misspelled on  
12 this then. There is an L in here. From  
13 Vermont Electric Co-op.

14 Thank you very much. Nice to see you.

15 MR. RENDALL: Thank you.

16 MS. McCARREN: Nice to see you.

17 MR. RENDALL: Thank you for the  
18 opportunity to be here. I'm Don Rendall  
19 from Green Mountain Power. I'm the project  
20 executive for the Kingdom Community Wind  
21 Project which we have just finished the  
22 turbine erection phase of in Lowell,  
23 Vermont.

24 We really appreciate the opportunity to  
25 appear before the Commission and to share

1 our observations about the siting process in  
2 Vermont and what the paradoxes and dilemmas  
3 are that that siting process creates, as it  
4 does in Land Use Planning in Vermont  
5 generally.

6 I must say that having listened to the  
7 comments of the developer group that  
8 preceded us that I thought that the  
9 presentations that they made, that the  
10 observations that they had were right on the  
11 money, and very close to the views held by  
12 Green Mountain Power and our experience in  
13 siting generation in Vermont.

14 We have some very aggressive state  
15 energy goals in Vermont. The legislature  
16 has told us that they want us to have 20  
17 percent new renewables by 2017. The  
18 legislature has told us that they want 55  
19 percent of statewide retail electric sales  
20 to be renewable by 2017. The legislature  
21 has set a goal of 75 percent of statewide  
22 renewable sales by 2032. Vermont's  
23 Comprehensive Energy Plan has a very  
24 aggressive and laudable goal of 90 percent  
25 renewable energy by 2050. We can't achieve

1 those goals without an aggressive  
2 development and deployment of renewable  
3 energy generation in Vermont.

4 We have another goal. It is the goal of  
5 reliable, affordable, environmentally sound  
6 electric energy and an electric system that  
7 works for all Vermonters. We can't achieve  
8 any of those goals without the ability and  
9 the flexibility to develop and deploy  
10 electric generation around the State of  
11 Vermont. So our goal should be a siting  
12 process that is designed to achieve our  
13 state energy policy efficiently, cost  
14 effectively, using disciplined process,  
15 giving those impacted appropriate due  
16 process and participation and providing  
17 consistent and predictable results.

18 In preparing for this session I had the  
19 opportunity to review the slides that  
20 describe the siting procedures in the other  
21 New England states. It occurred to me as I  
22 reviewed those slides that if Vermont's goal  
23 is to have the most rigorous siting process  
24 in New England, we have achieved it. We  
25 have an intensive process, we have

1           incredibly big opportunity for stakeholders  
2           to participate in the process before, during  
3           and after the actual siting procedure. We  
4           have a siting process that is incredibly  
5           intensive in its rigor in the granularity of  
6           its criteria, in the amount of due process  
7           that is provided to the parties in the  
8           siting proceeding, and in the decision  
9           making that the Public Service Board  
10          undertakes in issuing a Certificate of  
11          Public Good.

12                 I have to look, because I can't  
13                 remember, but my recollection is that the  
14                 decision in our Kingdom Wind project from  
15                 the Public Service Board is almost 200 pages  
16                 long and literally addresses every --  
17                 obviously every criteria that is required  
18                 under Section 248 -- but also every argument  
19                 proffered by all of the parties in that  
20                 proceeding. Those parties included the  
21                 Department of Public Service who represents  
22                 the public, the Agency of Natural Resources,  
23                 it included 12 interveners who were allowed  
24                 intervener status, individuals, groups,  
25                 interest groups, and all of their arguments

1 were presented over nine trial days through  
2 over 50 witnesses, through an incredibly  
3 rigorous process, under the auspices of the  
4 Administrative Procedure Act, a contested  
5 case through sworn testimony, where the  
6 Board made its decision after hearing all of  
7 that evidence, issued findings and  
8 conclusions that were incredibly detailed,  
9 and took account of all of the arguments  
10 presented by all of the parties.

11 So while we can't -- we certainly cannot  
12 say that every party got what they wanted,  
13 we certainly can say that every party was  
14 listened to. And that is the hallmark of a  
15 process that is undertaken under the rule of  
16 law.

17 This is not the first time that the  
18 clash of statewide permitting process, the  
19 Section 248 process, and the sensibilities  
20 of those who are directly impacted by a  
21 project have been the subject of public  
22 debate. When Section 248 was a very young  
23 statute, in 1975, the City of South  
24 Burlington zoned out a transmission project  
25 that VELCO wanted to build in South

1 Burlington. The Public Service Board said  
2 that it should go there. The City of South  
3 Burlington went to Superior Court, VELCO  
4 went to the Public Service Board. The  
5 Public Service Board said it should be  
6 built, the Superior Court said it should  
7 not. The Supreme Court -- I think the  
8 Supreme Court heard three appeals relating  
9 to that case, but in the seminal appeal, in  
10 the seminal decision by the Supreme Court in  
11 1975 the Supreme Court made very clear that  
12 the legislature through the Section 248  
13 process had created a process that it was  
14 designed to prefer, to elevate the  
15 importance of statewide policy, over the  
16 specific interests of any particular  
17 locality. That's not to say that a  
18 particular municipality, a particular group,  
19 a particular group of citizens should not be  
20 heard. It's to say that we have competing  
21 interests, and when those competing  
22 interests clash, that the statewide policy  
23 is the one that should prevail. And that's  
24 what the legislature decided when they  
25 enacted Section 248.

1 I want to talk just for a minute about  
2 the Kingdom Community Wind project in the  
3 context of public involvement and public  
4 participation because I think it's really  
5 important for this Commission to understand  
6 how in real life the process of developing a  
7 renewable energy project, any kind of a  
8 generation project in Vermont involves  
9 communities, individuals, stakeholders.

10 When we began the Kingdom Community Wind  
11 project, we began an outreach program over  
12 one year before we filed a Section 248  
13 permit. We had meetings with all of the  
14 affected communities, we met with the select  
15 boards of all the towns surrounding Lowell  
16 including Lowell. We met with the Regional  
17 Planning Commissions in Lamoille County in  
18 the Northeast Kingdom. We met with  
19 interested citizen groups. We had community  
20 meetings. We did an incredible amount of  
21 outreach to let people know what we were  
22 doing, why we were doing it, and to solicit  
23 their views.

24 Ultimately Lowell voted on that project.  
25 Almost 80 percent of the town showed up for

1 the vote. And the vote was overwhelmingly  
2 in favor of the project. There was an  
3 incredible amount of community involvement  
4 in that project. When we were in the  
5 Section 248 permit we, as any applicant for  
6 a Section 248 permit, provided a so-called  
7 45-day notice where we notified the affected  
8 municipalities and planning commissions of  
9 what we were doing and that we were  
10 intending to file a 248 application. We  
11 filed the application supported by the  
12 prefiled testimony and exhibits of 11  
13 witnesses, the whole case laid out for  
14 everyone to see. The Public Service Board  
15 granted 12 parties intervention in that  
16 proceeding; five adjoining property owners,  
17 a group of 200 voters and property owners,  
18 the towns -- the surrounding towns of Albany  
19 and Craftsbury and the Town of Lowell, the  
20 Green Mountain Club, the Conservation Law  
21 Foundation and VPIRG, all parties in the  
22 case. Remember, all parties in the case  
23 where the Department of Public Service  
24 represents the public.

25 One of the paradoxes, and this is my

1 final observation, one of the paradoxes of  
2 the process that we have is that the -- is  
3 that our commitment to rigor, our commitment  
4 to discipline in the process and our  
5 commitment to maximum participation by  
6 affected stakeholders creates paradoxically  
7 a process that is incredibly complicated,  
8 incredibly time consuming, and incredibly  
9 resource intensive for everyone whether it's  
10 the developer or the opponent. On the one  
11 hand the more that we streamline the process  
12 which is something that we at Green Mountain  
13 Power would absolutely advocate, time  
14 limits, streamlined process, reducing the  
15 number of parties in cases rather than  
16 expanding it, because we have good advocates  
17 for the public in the -- in those cases.

18 As we expand public participation, we  
19 make it more difficult to achieve our goal  
20 of developing and deploying renewable  
21 generation, and you've heard that from the  
22 private developers, and you're hearing it  
23 from a utility developer who ultimately is  
24 responsible to try to deliver these projects  
25 as cost effectively as possible for our

1 customers. And every day that we spend in  
2 the Public Service Board in the permitting  
3 process is an expense that we have to be  
4 responsible to our customers for.

5 So as we think about this process and we  
6 think about what we have, which is a -- as  
7 the other presenters have emphasized, a  
8 process that is rule based, that is before  
9 -- an -- effectively an adjudicatory body  
10 where we have rules of procedure, where we  
11 have a disciplined process, where the  
12 criteria are evaluated under sworn evidence,  
13 not in the media, not in rooms like this,  
14 but in the -- under oath, in the witness  
15 box, with the -- before a tribunal that has  
16 the experience to evaluate the evidence  
17 under a set of very rigorous criteria, we  
18 should be careful what we wish for in trying  
19 to change that process, one that has served  
20 us for almost 40 years, well 1972. 40  
21 years, has served us for 40 years.

22 If we could have our way at Green  
23 Mountain Power we would make the process  
24 more efficient, less expensive, more  
25 predictable, and more accessible for all

1 parties, developers, statutory parties and  
2 stakeholders. It's difficult to do that  
3 where you have 15 parties in a litigated  
4 setting. I mean in real court, which is  
5 where I spent most of my career practicing,  
6 a case that has four, five, eight parties we  
7 call it complex litigation. It is  
8 incredibly difficult to process. These  
9 cases -- frankly I think the Public Service  
10 Board does an admirable job of managing that  
11 process with that many parties in the room  
12 participating on a daily basis through the  
13 process from the date the application is  
14 filed until the date the decision is  
15 rendered.

16 Finally, we have a very intensive appeal  
17 process for these -- for these permits when  
18 they are granted. And it's frustrating for  
19 the developers like us that we have multiple  
20 appeal processes, some of which go to the  
21 Supreme Court, some of which go back now to  
22 the Public Service Board with respect to  
23 collateral permits, ANR permits, some of  
24 which are on the record or on questions of  
25 law, that is those before the Supreme Court,

1 some of which are de novo, which means you  
2 start all over again, such as the appeal  
3 from a stormwater permit that has already  
4 been litigated at the Public Service Board,  
5 already has been subject to the full review  
6 of the Agency, and then goes back to the  
7 Public Service Board to start all over  
8 again.

9 And if we can find a way to streamline  
10 those processes, to make this more of a one-  
11 stop shopping exercise, we think that would  
12 be a laudable outcome in achieving our goal  
13 of responsible development of renewable  
14 energy in Vermont on an aggressive path to  
15 reach the goals that our legislature has  
16 enacted. Thank you.

17 CHAIRMAN EASTMAN: Thanks. Do you want  
18 questions? No, finish your presentation and  
19 then we are going to do questions. That  
20 will give people time to think about their  
21 questions.

22 MR. PRATT: Good afternoon and thank you  
23 for the opportunity to make a few brief  
24 comments about slides. If the Commission  
25 would prefer, I would be happy to summarize

1 my remarks and submit them in writing.

2 So I'm Randy Pratt from Vermont Electric  
3 Cooperative. And with me is Joslyn Wilschek  
4 of Primmer, Piper, Eggleston & Cramer, and  
5 Joslyn has been the attorney on most of the  
6 Section 248 proceedings that we have filed  
7 over the last several years, so we will be  
8 hopefully sharing the microphone this  
9 afternoon.

10 Just a brief disclaimer, while I'm the  
11 only representative of a public power  
12 utility, I do need to be clear that I speak  
13 for VEC only and that any similarity to  
14 other public power utilities is purely  
15 coincidental. I think most of you know or  
16 all of you know that Vermont Electric Co-op  
17 is a member-owned electric cooperative. We  
18 serve 35,000 members in 74 towns in northern  
19 Vermont.

20 I personally have also seen the 248  
21 process from two sides. Before I joined VEC  
22 I was a Hearing Officer at the Public  
23 Service Board for several years. So  
24 hopefully my bipolar presentation or view  
25 you might find helpful.

1           VEC was a party in the Kingdom Community  
2 Wind process but GMP took the lead on that,  
3 and I think Mr. Rendall's remarks and  
4 recommendations are ones that we share, so I  
5 won't reiterate those except to say that we  
6 do support that position. Instead my role  
7 here is more to not address the generation  
8 siting issues because that's not a big part  
9 of what we do, but rather the more  
10 reliability oriented Section 248 proceedings  
11 that are a very big part of what we do. And  
12 I do that because I think our view of the  
13 smaller 248 process which is the same as the  
14 big process, really informs our view of  
15 whether there ought to be added process  
16 layered on to the overall 248 process.

17           Now as I said, we don't always agree  
18 with Green Mountain Power on every point,  
19 but on this point we do, and so you know,  
20 again I'll just reiterate that some of the  
21 recommendations that Mr. Rendall made we  
22 will also, you know, be making.

23           But to summarize our position on the 248  
24 process in general, it is time consuming, it  
25 is thorough, it is expensive, and that's the

1 case even in simple uncontested 248 cases  
2 without any landowner participation or any  
3 dispute. We also -- we are of the view that  
4 nobody likes the 248 process, and because of  
5 that, it's evident that it works. And it  
6 probably isn't going to get much better. If  
7 you have a 248 or --

8 MS. McCARREN: Well thanks a lot. I had  
9 other things I could have done this  
10 afternoon.

11 (Laughter.)

12 MR. PRATT: Well really, if you have a  
13 process like this, and one party is happy  
14 and one isn't, that probably isn't the best  
15 process, as it should apply to everyone.  
16 But that process, cumbersome as it is, but  
17 rigorous as it is and fair as it is, in our  
18 view it already discourages generation in  
19 Vermont, especially renewable generation.

20 And this actually conflicts, I think,  
21 with the legislature's goal in encouraging  
22 renewable generation and with the  
23 administration's goal as laid out in the  
24 Comprehensive Energy Plan.

25 And lastly, we believe that any changes

1 that the Commission might recommend should  
2 not speak to the highest common denominator,  
3 if you will, where I mean the elephant in  
4 the room is wind. And if the Commission is  
5 considering changes based on the most  
6 complex issue in the 248 process, what we  
7 don't want to see happen -- we just  
8 encourage the Commission to make sure that  
9 they are aware of any possible downstream  
10 effects of those changes on the more mundane  
11 and the smaller, less contested 248  
12 processes.

13           Regarding the goals of building more  
14 renewable generation, we believe that SPEED  
15 is doing what the legislature intended. If  
16 you break out that acronym of SPEED we have  
17 sustainably priced, and we have energy  
18 enterprise development. We are getting  
19 sustainably priced renewable energy projects  
20 built in Vermont. And VEC, for example, is  
21 on track to meet our 2017 SPEED goals. If  
22 we layer on top of that additional renewable  
23 requirements like an RPS, not only will it  
24 cease to be sustainably priced, but in my  
25 opinion it won't change the development

1 landscape at all. And we can get into the  
2 -- probably not in this forum -- but I would  
3 be happy to discuss the renewable energy  
4 credit market and how that is affecting  
5 SPEED and renewables in Vermont, but this  
6 probably isn't the forum to do that.

7 But anyway, if the legislature continues  
8 to either recommend or mandate additional  
9 renewables at this time, it's only going to  
10 further complicate this process and make it  
11 a whole lot more contentious. So anyway,  
12 getting back from the bigger picture, our  
13 experience on the reliability-based 248  
14 procedures, as I said, even the non-  
15 contested fairly straightforward processes  
16 are taking on the average of about six  
17 months and can cost tens of thousands if not  
18 a hundred thousand dollars or more just to  
19 conduct. And that's only to get the CPG.  
20 That doesn't include the costs of all of the  
21 environmental engineering, legitimate  
22 engineering, all the preparation prior to  
23 getting the CPG, and it doesn't include all  
24 of the follow-up compliance required.

25 And there already is -- there has been

1 some talk about maybe having a simplified  
2 process for 248 filings. We already have  
3 that under 248(j). And so 248(j) could be  
4 in my view used as a vehicle more  
5 effectively to serve as a streamlined  
6 process for less contentious or uncontested  
7 248 processes.

8 So speaking to the numbers I want to  
9 give Joslyn just a chance to fill in if she  
10 would like some of the details about some of  
11 the examples of what we have had to go  
12 through, as I said, for just some of the  
13 simpler processes. If you're good, okay.

14 But towards that end we do believe that  
15 all parties, not just the utilities or  
16 interveners or the regulators, would benefit  
17 greatly from a more structured -- I  
18 shouldn't say structured -- but if we could  
19 have a more predictable and consistent time  
20 line within Section 248 proceedings, and I  
21 know this speaks to -- I consider Chairman  
22 McCarren's question earlier about whether  
23 the process is clear. But if we could have  
24 actually a set out time line of the time  
25 that -- the time after filing within which

1 you will have a prehearing conference, a  
2 time frame within which you'll have a site  
3 visit, an intervention and hearings, and  
4 then ultimately a decision, it would be  
5 extraordinarily helpful because these  
6 projects are not only time constrained  
7 because of some of the funding issues that  
8 we have heard about, but there is also  
9 weather considerations, there is some of  
10 these things we can't do in the winter and  
11 some things that we have to do in the  
12 winter. So if we had some predictability in  
13 the time line for 248 process, that would go  
14 a long way.

15 So those are really all the remarks that  
16 I have at this point, but I do want to give  
17 Joslyn one more opportunity to fill in if  
18 there is anything that I might have missed,  
19 or I would be happy to answer any questions.

20 MS. WILSCHEK: Thanks. I'll be brief.  
21 I just had two kind of data points I wanted  
22 to make sure the Commission was aware of.  
23 First is in terms of the requirements to  
24 notify Regional Planning Commissions, local  
25 Planning Commissions, and municipalities,

1 the Board rules require the petitioner to  
2 provide construction level detailed plans  
3 and analysis of non-transmission  
4 alternatives, an analysis of the aesthetic  
5 and environmental impacts, and their plans  
6 for transportation to those entities 45 days  
7 before they file the petition. So there is  
8 that required level of notice. One might  
9 argue well that isn't soon enough. I just  
10 think the Commission should consider if you  
11 require advance notice at that level of  
12 detail earlier what tends to happen is the  
13 petitioner provides the information but then  
14 changes it. And I think that 45 days  
15 strikes the balance between you're getting  
16 as close as you can get to the petition,  
17 you're as sure as you can get, and you're  
18 being as open and transparent as you can,  
19 but again if you require that notice  
20 earlier, it may be that the developer  
21 changes the plan, so when they end up filing  
22 it looks different than what they formerly  
23 provided.

24 My second point was just to discuss a  
25 comment I heard earlier about not allowing

1 projects to be built before appeal processes  
2 are over. The appeal process for the  
3 Certificate of Public Good to the Supreme  
4 Court -- I used to clerk at the Supreme  
5 Court so I'm well aware of the process there  
6 -- and I can tell you just generally that  
7 from the time you get a CPG to a decision is  
8 at a minimum one year and at times can be  
9 longer. Also if there is a federal question  
10 involved in the Certificate of Public Good,  
11 after the Vermont Supreme Court issues its  
12 decision, the Vermont Supreme Court decision  
13 can be appealed to the United States Supreme  
14 Court which as we know can take much longer.

15 And I think the utilities, VEC, needs  
16 the predictability that once it does get a  
17 CPG it can build and not wait for these long  
18 appeal processes to be over.

19 And finally I just had more of a  
20 concrete recommendation. We have heard a  
21 lot of recommendations on time lines, and I  
22 appear before the Board frequently in  
23 Section 248s so this is just some food for  
24 thought. My recommendation would be to have  
25 a deadline X amount of days after the

1 petitioner files a petition that the Board  
2 shall hold a prehearing conference, I would  
3 recommend 14 business days. Generally the  
4 time can range from three weeks anywhere up  
5 to six weeks in my experience. I think that  
6 would add predictability because what  
7 happens is the petitioner files the Section  
8 248 application, then we are all kind of  
9 sitting around not knowing when things are  
10 going to begin. So I would have within X  
11 amount of days of filing the petition the  
12 Board shall conduct a prehearing conference.

13 Then I would also have within so many  
14 days after the prehearing conference, this  
15 shall be the date for intervention. The  
16 intervention deadline is very important. It  
17 gives stakeholders and landowners notice  
18 well in advance of when they can start  
19 planning. What happens now is you don't  
20 know the intervention deadline until after  
21 the prehearing conference when the Board has  
22 issued an order. So I think stakeholders  
23 knowing when their intervention filing  
24 should be filed would help everyone.

25 And lastly I also think there should be

1 a deadline that can say within so many days  
2 of the prehearing conference the Board shall  
3 hold at least one site visit. The Board  
4 generally holds site visits four weeks after  
5 a prehearing conference because the Board  
6 clerk needs to issue notice in a newspaper.  
7 And my point with all of this is in a  
8 perfect world we'd all love time lines and  
9 deadlines for everything, but I think at a  
10 minimum these three deadlines, these time  
11 frames, can be implemented; prehearing  
12 conference, site visit and intervention  
13 deadline, and I think that would help get  
14 the process going.

15 Thank you for your time. That's all I  
16 have.

17 MR. PRATT: Just one more comment if I  
18 may.

19 CHAIRMAN EASTMAN: Yes.

20 MR. PRATT: Those people in the room who  
21 know me are probably shocked that I have not  
22 yet waved the cooperative flag, so I'll do  
23 that again, but in this context Section  
24 248(C) requires that for a transmission  
25 project or generation project in a

1 cooperative's territory requires that it  
2 receive a majority vote of the cooperative  
3 members. So there is yet in our instance  
4 one more additional opportunity not only for  
5 member input but for, you know, review at  
6 our cooperative, and we do take that  
7 responsibility very seriously.

8 CHAIRMAN EASTMAN: Thank you.

9 MS. McCARREN: I have a clarifying  
10 question for you. When you start talking  
11 about reliability projects, were you talking  
12 about substations?

13 MR. PRATT: Yes.

14 MS. McCARREN: Okay. That's a whole  
15 different genre.

16 MR. PRATT: It is.

17 MS. WILSCHEK: Can I just clarify the  
18 reason why VEC wanted to provide the  
19 Commission with information on an  
20 uncontested Section 248 is for the  
21 Commission to understand how extremely  
22 thorough the process is. Even when there  
23 are no interveners it can still take six to  
24 nine months because you have the Department  
25 of Public Service, you have the Agency of

1 Natural Resources who are at the table. The  
2 process has many layers of review even in  
3 uncontested cases, and we wanted the  
4 Commission to understand that that -- how  
5 deep that process goes.

6 MS. McCARREN: That's fine. Because  
7 transmission and substations are not subject  
8 to the siting provisions.

9 MR. PRATT: Understood.

10 MS. McCARREN: I have one really quick  
11 question for all of you. How often has (j)  
12 been used? I mean that's not a quiz. What  
13 I'm trying to understand is, what I'm trying  
14 to understand is (j) clearly carves out the  
15 possibility that the Board can waive some of  
16 the 248.

17 MS. WILSCHEK: Well I don't know the  
18 number.

19 MS. McCARREN: I wasn't --

20 MS. WILSCHEK: I can speak very  
21 generally. In 2005 when I started appearing  
22 before the Public Service Board, at least  
23 VEC, we used (j)'s frequently for very minor  
24 projects; swapping out transformers. It  
25 really is -- you used to be able to use it

1 more in 2005, 2006. Now at least in my  
2 experience with VEC it's for very minor  
3 projects that have almost no impact on  
4 aesthetics or environmental -- you're  
5 swapping out a transformer. You might be  
6 changing a couple poles.

7 I don't know if Mr. Rendall has anything  
8 to add. But I can't see it being used for a  
9 major -- it wouldn't be used for a major  
10 generation project. But it could be used if  
11 -- I don't know how the renewable projects  
12 are going to evolve. If a solar project  
13 needs a minor upgrade, that's pretty de  
14 minimis, perhaps they would use that.

15 MR. PRATT: I would say it's roughly  
16 about a third of the 248 filings we do under  
17 (j).

18 MS. McCARREN: Okay.

19 MR. PRATT: And I would also --

20 CHAIRMAN EASTMAN: I just want to get  
21 Scott's question in. Sorry.

22 MR. JOHNSTONE: That's okay. My  
23 question is also for you, Randy. I wanted  
24 to try to make sure I got -- hopefully that  
25 you could expand a little bit on a couple

1 pieces of your comments.

2 At the top, and my words not yours, but  
3 what I heard you saying is early on you were  
4 talking about don't solve for the most  
5 complex, and with the law of unintended  
6 consequences, burden the most simple. My  
7 words, not yours.

8 MR. PRATT: I wish I had used yours.

9 MR. JOHNSTONE: But -- and then later  
10 you talked about these alternative paths as  
11 a way to solve for the most simple. So I  
12 guess what I was trying to understand on one  
13 hand the former is a great philosophical  
14 concept, one I happen to believe in  
15 personally, and the second is potentially a  
16 practicable solution.

17 I wasn't so -- what I was trying to  
18 hopefully get you to expand on is what are  
19 you actually recommending in that space,  
20 when you put those two comments together, do  
21 you have a recommendation for us to think  
22 about?

23 CHAIRMAN EASTMAN: And if you don't have  
24 it today, you did offer to --

25 MR. JOHNSTONE: You can follow up.

1           CHAIRMAN EASTMAN:  -- file other  
2 comment.

3           MR. PRATT:  I think we between the two  
4 of us have a recommendation.  But I would  
5 even add a third layer.

6           MR. JOHNSTONE:  Please.

7           MR. PRATT:  A third layer to that  
8 equation, and that is that we have had in  
9 recent years some success at actually  
10 obtaining legislative fixes for things  
11 within Section 248 that haven't worked well  
12 for us.  And so you know, while we are  
13 looking at the overall process as fairly  
14 rigid, we have been able to obtain some  
15 flexibility in that.

16           For example, there was at one point the  
17 requirement that if we installed, you know,  
18 a piece of equipment in a substation that  
19 was telecommunications that was this big, we  
20 had to get a CPG for it.  So we were able to  
21 get that fixed.  And so somewhere in there,  
22 I don't have a specific recommendation,  
23 although Joslyn has some thoughts on it, but  
24 you know, I think somewhere within that  
25 equation there is the answer.  But not

1 expanding the top and having those  
2 unintended consequences all the way down.

3 MS. WILSCHEK: I think VEC's position is  
4 that they -- VEC agrees with GMP's position  
5 here in that the process as it is now is  
6 thorough, and it should remain mostly  
7 unchanged. It does provide the Public  
8 Service Board with flexibility in large  
9 cases that have big impacts. You see the  
10 cases, they take a longer time. In projects  
11 that have less impacts, we see those  
12 projects take less time to go through.

13 So I think our recommendation is to keep  
14 the process mostly as is, and then the one  
15 change at a minimum is to the extent  
16 possible provide predictability in terms of  
17 when things need to get done throughout the  
18 process.

19 MR. JOHNSTONE: Thank you. That's  
20 helpful.

21 CHAIRMAN EASTMAN: Thank you. Other  
22 questions? Gaye.

23 MS. SYMINGTON: In your follow-up will  
24 you include the three examples of time; the  
25 prehearing conference, the site visit and

1 the intervention? If you could make sure  
2 that's included in your follow-up comments,  
3 because I just need -- I don't move on this  
4 as fast as everybody else in this process.

5 CHAIRMAN EASTMAN: Right.

6 MS. SYMINGTON: And you also made a  
7 comment that our current process discourages  
8 generation especially renewable. And I'm  
9 curious how you see there being a difference  
10 between say the procedure that is applied in  
11 the case of renewable generation as opposed  
12 to siting a nuclear power plant or a gas-  
13 fired plant.

14 MR. PRATT: Thank you for pointing out  
15 that I misspoke. I'm getting very good at  
16 eating crow these days. What I meant to say  
17 is that we do have, as I think the  
18 Commission is aware, a very thorough,  
19 rigorous, expensive, time-consuming process.  
20 And that is what is discouraging to  
21 generation across the board.

22 I think you're absolutely right that it  
23 would probably be more discouraging of  
24 building a new nuclear plant than a  
25 renewable project, so you know, I'll have

1 Kim erase that from the transcript, if I  
2 may, but you raise a good point.

3 My point was simply that renewables are  
4 getting -- they are the generation projects  
5 that we are currently doing. There are only  
6 a handful, if that, of non-renewable  
7 generation options on the table. And I  
8 don't know that any of those are even  
9 active.

10 So thank you for pointing that out.

11 CHAIRMAN EASTMAN: Anything else?

12 (No response.)

13 CHAIRMAN EASTMAN: Thank you. I would  
14 note that we do have a Power Point  
15 presentation that Green Mountain Power  
16 prepared. So that will go up on the Web  
17 site for all of you to see.

18 And if there is anything else that  
19 people want to present, remember we put it  
20 up there on, you know, on the web so we all  
21 get to see everything.

22 Okay. Thanks very much.

23 MR. RENDALL: Thank you.

24 CHAIRMAN EASTMAN: So next we have  
25 citizen participants. These are people who

1 have participated formally in the 248  
2 process. And we have Bob Kischko from  
3 Springfield is going to moderate this, is  
4 that it? Is that a good word?

5 MR. KISCHKO: Yes. Absolutely. We have  
6 a number of people.

7 CHAIRMAN EASTMAN: They have got 30  
8 minutes. Kim Fried from Newark. And Rob  
9 Pforz --

10 MR. PFORZHEIMER: Pforzheimer.

11 CHAIRMAN EASTMAN: Steve Wright from  
12 Craftsbury. Noreen Hession from Newark.  
13 Don and Shirley Nelson from Lowell. And  
14 Kevin McGrath from Lowell.

15 MR. KISCHKO: I'm going to do this  
16 standing up if people don't care, and  
17 probably a few of us will be standing as  
18 well because we have got a lot of things to  
19 go over.

20 So first of all I would like to get  
21 started. It's a pleasure to be here. I  
22 appreciate the Governor appointing the  
23 Commission because I think it's really  
24 important for our state. And I would like  
25 to just start out with just a couple real

1 quick comments. I live in Springfield. And  
2 my issue which is maybe unlike some of the  
3 other folks here in the room, is really on  
4 the biomass side, and we have got a nice  
5 picture of McNeil up there. We are also  
6 going to touch on wind, on solar a bit as  
7 well.

8 I agree with a lot of what's been said,  
9 and I think my constituents here will agree  
10 as well as a lot of people here in the room  
11 that it's a very costly process that we go  
12 through. You're going to see that by some  
13 of our slides. We are going to hear that by  
14 testimony that our friends are going to  
15 give.

16 And also, I like what the Regional  
17 Planning people have said as well, that the  
18 time line needs to be earlier. I understand  
19 from all sides, because I have been doing  
20 this for awhile and kind of get a feel for  
21 this, and I'm also touched with what the  
22 Regional Planning has said that we need to  
23 -- you guys are doing a great job, by the  
24 way, we need to identify areas in this great  
25 state of ours because we live here for a

1 reason, or we would all be living in New  
2 Jersey. It's important that we identify the  
3 right locations for where we are going to  
4 put power plants.

5 With that, we are going to start by  
6 saying we are really behind with where we  
7 are with siting, because by the time siting  
8 really happens, the developers have already  
9 picked it. So we are behind. So they have  
10 chosen the spot, they have already met with  
11 ANR, they have met with a number of  
12 community leaders, that happened in my case  
13 in Springfield. Our Regional Planning  
14 director said the Commissioner's done  
15 everything right, or the developer has done  
16 everything right. He's met with the  
17 community leaders. Well he hadn't met with  
18 the people at all, so I'm left with the  
19 people. Next slide please.

20 We need to go back to basics. And those  
21 basics are, is there really a need for these  
22 projects? You know, we have got these  
23 wonderful long-range goals, and part of what  
24 I need to ask myself as an engineer are we  
25 really doing the right thing here? Is there

1 a surplus of power in New England?

2 Everything that I've read is we have got  
3 some. So do we really need these projects.

4 I know the legislature has got these  
5 wonderful goals. Technology is crazy. I  
6 look at myself when I had a bag phone,  
7 didn't seem that many years ago, to my brand  
8 new little I-phone that's now, wow,  
9 incredible. And are any of these projects  
10 really reducing greenhouse gas emissions. I  
11 think that's part of what this siting  
12 question is about. Do we need these  
13 projects?

14 And the Governor's goals, and had an  
15 opportunity to chat with him not that many  
16 weeks ago, we're -- the people that I'm  
17 representing and speaking for in  
18 Springfield, we are totally behind the  
19 greenhouse gas emission reductions. Next  
20 slide please.

21 I'm going to turn this over now. We are  
22 going to get some comments from some of the  
23 nice folks, and Kim's going to speak. So  
24 Kim.

25 MR. FRIED: I'm Kim Fried, a resident of

1 Newark. Also the chair of the Newark  
2 Planning Commission. And my experience with  
3 248 is the 246 and 248 sections based on the  
4 last eight months of a project that's been  
5 proposed in our area, which will be the  
6 largest, if it moves forward, largest ridge  
7 industrial wind project in the state. And  
8 that's my but in the quote.

9 I want to talk about the timing. In  
10 March we were notified on a pre-notification  
11 of the met project for four met towers in  
12 our area. Before we could get through the  
13 met tower information, there was an  
14 application in April filed. And before we  
15 could respond to the application, and this  
16 is small town volunteers, we -- information  
17 started coming in to the Public Service  
18 Board docket. Now there is a docket. So we  
19 start seeing some of the information coming  
20 from the state agencies and the developers,  
21 additional information.

22 You can imagine how surprised we were  
23 when our focus, the demand from the Public  
24 Service Board, the demand in this case from  
25 the developer, is our inputs to the process

1 need to be limited to met towers. But when  
2 we got some of the information coming into  
3 the docket, we see that there is a fairly  
4 advanced process going on with the ANR and  
5 the developer, actually a wind team, doing  
6 some very serious work, not on the met  
7 project, but on the next application for the  
8 wind project.

9 And these were serious meetings. And my  
10 frustration, and I'm sure I'm a pain in the  
11 butt to some of our agency folks, is trying  
12 to get information, specific information on  
13 who's involved in these meetings, what are  
14 the discussions in these meetings, what is  
15 leading to some of the decisions in these  
16 meetings.

17 And I can tell you there is no direct  
18 participation by citizens in these wind  
19 meetings. And with that I'll leave it. I  
20 want to thank the Commission for hearing  
21 citizens.

22 MR. KISCHKO: Thank you, Kim. I'm going  
23 to have Steve Wright step up. He's as good  
24 as I am with a little bit of prepared  
25 testimony, so he's going to use his cheat

1 sheet.

2 MR. WRIGHT: Actually want to start with  
3 a question. Do I have to use this mike?

4 MR. JOHNSTONE: Yes.

5 CHAIRMAN EASTMAN: Yes.

6 MR. JOHNSTONE: Sorry.

7 MEMBER OF THE PUBLIC: Suck it up.

8 MR. WRIGHT: You're going to limit my  
9 hand waving.

10 CHAIRMAN EASTMAN: They made me use it.  
11 If it's to limit your hand waving,  
12 certainly.

13 (Laughter.)

14 MR. WRIGHT: Well here we go. I'm Steve  
15 Wright. I'm from Craftsbury. I very much  
16 appreciate the work you folks are engaging  
17 in. Having been a volunteer on a number of  
18 boards and this and that for much of my 40  
19 or so years in Vermont, so thank you in  
20 advance for your efforts. I'm assuming  
21 there is that big 50 dollar per diem that  
22 you're earning here, at least I sure hope it  
23 is.

24 CHAIRMAN EASTMAN: Uh-huh.

25 MR. WRIGHT: If you don't know about

1 that, please do. We would be happy to  
2 supplement that for you.

3 This particular vignette that I'm about  
4 to give to you is really an attempt to  
5 describe what one small town has to contend  
6 with with regard to merely being involved,  
7 getting to the point where you walk in the  
8 door with Section 248. Uncharacteristically  
9 I'm going to read this to you because I  
10 don't want to miss anything in here. It's  
11 about the Lowell project, of course, but it  
12 represents every wind project in Vermont.  
13 It's quite generic.

14 Craftsbury received GMP's application of  
15 1,300 pages which went directly from the  
16 select board to the Conservation Commission  
17 in mid May of 2010. That local process  
18 included a careful review by the  
19 Conservation Commission, then a review by  
20 the Planning Commission, then a public  
21 informational meeting, then a recommendation  
22 to the select board for intervener status  
23 from the Conservation Commission, then  
24 select board petition to the PSB for  
25 intervenor status granted in late August.

1 From that time in late August of 2010 we  
2 had three weeks to hire an attorney, hire an  
3 expert witness on our criteria, or  
4 witnesses, generate prefiled testimony, and  
5 begin a fundraising effort for a joint  
6 effort, a joint case, excuse me, with the  
7 Town of Albany. That is typical of what we  
8 small towns face when we get 1,300 pages of  
9 application from one of the largest  
10 corporations in the state.

11 MR. KISCHKO: Thank you. Here's where  
12 we are at, small citizens trying to do the  
13 necessary fundraising which we are in the  
14 middle of right now. And I'm going to turn  
15 that back over to you. People can see by  
16 the slide, and these are not exaggerated  
17 numbers by any means.

18 MR. WRIGHT: Thank you, Bob. My  
19 original estimate of the cost for that case,  
20 that joint case between Albany and  
21 Craftsbury was \$30,000. Our total after the  
22 Supreme Court case denied a stormwater  
23 appeal, still under appeal, no decision yet,  
24 and two and-a-half years of work is  
25 currently \$160,000 for a town of a thousand

1 people.

2 That whole reaction, the whole response  
3 to the application by GMP came from citizens  
4 of the area, not just Craftsbury, not just  
5 Albany, but Westfield, Irasburg, Glover,  
6 Greensboro, other towns in the area. If you  
7 could compute those volunteer hours that  
8 these folks have given and still give, that  
9 dollar value would be well over half a  
10 million dollars. It was the citizens of the  
11 region expressing their commitment to  
12 protecting their homes and the immeasurable  
13 benefits of the landscape in which they  
14 live, and the importance of that landscape  
15 to their lives, their peace, and their  
16 humility.

17 MR. KISCHKO: Thank you. Noreen, there  
18 you are. I think you're up next. My  
19 favorite slide by the way.

20 MS. McCAREN: Have you got any ideas on  
21 that?

22 MR. KISCHKO: We had more squirrels this  
23 year at home and chipmunks. I can't tell  
24 you.

25 MS. HESSION: I'm Noreen Hession from

1 Newark. I want to start just by thanking  
2 VCE for organizing this, and I want to thank  
3 you for giving citizens like me an  
4 opportunity to speak. I feel like  
5 frequently our voice is lost in this  
6 process. So thank you so much for asking us  
7 -- giving us this opportunity.

8 I'm talking -- I'm going to talk a  
9 little bit about town plans today. Our town  
10 plan in Newark expresses our concern about  
11 the industrialization of Newark. It's  
12 explicitly stated. The wind developer who  
13 targeted our town misinterpreted the town  
14 plan, they ignored concerns about  
15 industrialization, and instead claimed our  
16 interest in renewable energy was an  
17 invitation. It was not an invitation.

18 In response to the developer's proposal  
19 we had a rapid door-to-door campaign where a  
20 majority of the taxpayers and voters signed  
21 a petition that said no to the developers.  
22 We knew what they wanted, and we didn't want  
23 them in town. But we learned that neither  
24 the developers nor the Public Service Board  
25 would take our petition into consideration,

1 and we were told we needed to amend the town  
2 plan and add very specific language so we  
3 could make very clear what we already said  
4 which is that we didn't want our town  
5 developed.

6 We did that. We followed the legal  
7 process. We amended the town plan with very  
8 specific language against industrial wind  
9 development and met tower construction, and  
10 then we voted overwhelmingly three to one in  
11 support of the town plan at the biggest town  
12 meeting that we have ever had in the history  
13 of Newark. People came out and voted three  
14 to one against.

15 Because it was campaign season the  
16 Governor was in the Kingdom. Because it's a  
17 lovely, small state, I had the opportunity  
18 to talk to him, and I said to him, "Did you  
19 hear about our vote?" He said, "Yes," and  
20 he repeated his campaign promise,  
21 "Communities matter. I'm going to support  
22 your vote." So we are looking forward to  
23 that support.

24 The Department of Public Service agreed  
25 with our amended town plan. They said it

1 was valid, they said it was legal, they  
2 communicated that to the Public Service  
3 Board. Yet on November 15th the Public  
4 Service Board ruled against the validity of  
5 the amended town plan. And now the icing on  
6 the cake is the landowner is suing the town.

7 We are a tiny town with limited  
8 resources. We have people who love our  
9 community, we love the natural world, and  
10 this process is taxing our already stretched  
11 resources.

12 The developer's on record saying that if  
13 a town has a vote, and the town votes  
14 against a project, they will leave. Yet we  
15 voted and the developer's response was that  
16 our vote wasn't meaningful. I have more on  
17 that if you want to hear about it.

18 They won't leave unless the Public  
19 Service Board makes them leave. And even if  
20 they are told to leave Newark, we have no  
21 voice in what happens to the town next to  
22 ours where their mountains overlook Newark  
23 and where industrial wind project -- the  
24 same industrial wind project is proposed  
25 there.

1           You've heard presenters refer to towns  
2           like Newark as host towns. I disagree with  
3           that language. We aren't hosts. We are  
4           targets. Because I live in one of the most  
5           beautiful areas of the state I'm frequently  
6           a host. I know I'm a good host when invited  
7           guests are well fed, well rested, and they  
8           leave after a few days. I know I'm a target  
9           when folks show up uninvited with dynamite  
10          and I need a lawyer to get rid of them.

11                   (Applause.)

12          MR. KISCHKO: Thank you. Don and  
13          Shirley Nelson are going to speak, and they  
14          have been through this process I think  
15          firsthand.

16          CHAIRMAN EASTMAN: Can I just say I know  
17          we allowed applause, and I appreciate that,  
18          but you're only taking their time. Okay.

19          MR. KISCHKO: Thank you.

20          MR. NELSON: Hi. I'm Don Nelson, this  
21          is my wife Shirley. We intervened in the  
22          project. We went through the hearings, and  
23          it's been kind of a long process. I was  
24          told at the hearing that Green Mountain  
25          Power only needed 200-foot setbacks for the

1 project. And I've got a mile and-a-half of  
2 property line that goes along, abuts that  
3 project. So when it got blasted we had some  
4 guests that went up on the mountain, and  
5 Green Mountain Power slapped me with a TRO.  
6 Kept me off 1,200 feet of land for a mile  
7 and-a-half, because we were public nuisance,  
8 because we were using our own land. And  
9 during the hearing they said they didn't  
10 need that. But you know, once they got  
11 going, they decided they did.

12 And we also had noise experts that  
13 testified in front of the hearing. And the  
14 other day about three weeks ago, I had to  
15 call him up and tell him that everything he  
16 had said at the hearings came true. We had  
17 noise that was to me it sounded like a 747  
18 coming in to land, and you were right  
19 underneath it, and the wings were flapping.  
20 And that went on from 3:30 in the morning  
21 until 10 minutes after 5 on Sunday.

22 I hear now that there have been some big  
23 changes and they have quieted them down, and  
24 there was -- because of snow on the blades.  
25 Well the tips of those blades that day, we

1           timed them, and the tips of the blades were  
2           going about 184 miles an hour. It was kind  
3           of hard for me to realize that there would  
4           be snow on those blades, but that was the  
5           excuse they gave.

6           See we have been through the process,  
7           and we are just two people. And this is  
8           going on all over the state. For an energy  
9           policy that -- well I don't believe in it --  
10          but I guess the legislature does, and that  
11          gives the utilities the right to go ahead  
12          and do these things. And the average  
13          citizen just has to sit back and take it. I  
14          just hope that we wake up before too long  
15          and realize that we might be wrong on this  
16          energy deal. Thank you.

17          Do you want to say anything, Shirl?

18          MRS. NELSON: Just a couple things.  
19          After we heard all the noise we went to some  
20          of our neighbors, and they signed a paper  
21          for us saying what they heard, and then we  
22          took it to the local papers.

23          And since then we have been getting  
24          calls from Green Mountain Power that that  
25          isn't their protocol. We have to call them.

1 And they notified everybody that signed the  
2 paper and told them that was the only thing  
3 they could do was notify Green Mountain  
4 Power. To me that's like letting the fox  
5 guard the hen house.

6 It was awfully hard to go from being a  
7 dairy farmer to going pro se on this whole  
8 process. It's intimidating, expensive, and  
9 we didn't even have a computer at the time.  
10 We didn't know what we were doing.

11 But there is just so many things. They  
12 threatened and harassed and bullied us for  
13 quite awhile now. And then the blasting  
14 just tore everything apart, and we watched  
15 it day after day after day, and had to stay  
16 off our land, and it's just not a way you  
17 should have to live. And it isn't just our  
18 place. It's every community that's being  
19 put through this. And it tears the  
20 community completely apart. Friendships are  
21 lost, marriages are dissolved, and it's just  
22 not the way to go. You've got to find  
23 something that will site it better.

24 MR. KISCHKO: Sorry to interrupt. I've  
25 got the five-minute flag here. I'm going to

1 have Rob say a few words, if you can do it  
2 quickly.

3 MR. PFORZHEIMER: I'll try that. My  
4 name is Rob Pforzheimer. I live in Sutton.  
5 I have been involved in the Sheffield case  
6 and the Lowell case and familiar with the  
7 Deerfield case, and in Sutton, in Sheffield,  
8 the town appropriated 80 thousand dollars  
9 and -- to hire a lawyer and participate in  
10 the process. And we hired 10 experts, the  
11 Ridge Protectors and the Town of Sutton  
12 hired 10 experts, all of which were pretty  
13 much ignored. Our Professor, William  
14 Kilpatrick from UVM professor emeritus was  
15 our bat and bird expert.

16 On nights that First Wind, UPC First  
17 Wind said that they had detected four to six  
18 bats with their bat detector, four to six  
19 hits with their radar, Professor Kilmartin  
20 on the same nights detected 4 to 600. On  
21 another night when they said they detected  
22 six to eight bats, he detected 6 to 800.

23 In the final order from the Board none  
24 of our experts were even mentioned. The  
25 Board just ignores them and takes whatever

1 facts they choose to put into their order,  
2 and they are usually always from the expert.  
3 And for the Town of Sutton to appropriate 80  
4 thousand dollars after voting down four  
5 school budgets was quite extraordinary and  
6 showed the depth of feeling that Sutton  
7 didn't want this project. And they  
8 eventually were supposed to be in -- they  
9 were originally supposed to be in Sutton,  
10 but were moved out of Sutton just on our  
11 town line with Sheffield.

12 And the 80 thousand dollars and almost  
13 -- I think a million dollars the Ridge  
14 Protectors raised with spaghetti dinners,  
15 barbecues, chicken barbecues, silent  
16 auctions, was no match for the 454 million  
17 dollars in grants that First Wind has  
18 received to date or the 117 million dollar  
19 loan guarantee.

20 And for the other communities to fight  
21 projects like Iberdrola who have received  
22 over a billion dollars in federal grants,  
23 it's a mismatch. It's hopeless, and the  
24 Board doesn't listen.

25 MR. KISCHKO: Thanks Rob. I'm going to

1 let Kevin talk for just a few seconds.

2 MR. McGRATH: I'll try to be as brief as  
3 I possibly can. What about the other slide?  
4 If we could go to that other slide.

5 My name is Kevin McGrath. I live on  
6 Farm Road in Lowell, Vermont. Green  
7 Mountain Power's nice enough to buy one of  
8 my neighbor's homes, and I don't know why  
9 they bought that home, but I guess they are  
10 in the real estate business as well.

11 When you first look at this you're going  
12 to think it's Irene. That happened last  
13 May, the end of May. Our experts told us  
14 that we would have problems with stormwater.

15 MR. KISCHKO: Kevin, sorry to interrupt.  
16 Was this when the Irene flood was?

17 MR. McGRATH: No. I just said that. So  
18 this is May, Memorial Day. And this house  
19 on the left here is Mrs. Blanchard's home.  
20 She's been in that home now for over 60  
21 years. It's the first time she's ever  
22 experienced floods like this.

23 On the right is a micro site, micro  
24 hydro plant, and that was obliterated. It  
25 had to be reconstructed. That was

1 commissioned back in 1972.

2 My home is Farm Road which is just under  
3 the turbines. The water came down from the  
4 side of the mountain and obliterated Farm  
5 Road. One of my friends has a Hummer. He  
6 couldn't even get to my house with a Hummer.  
7 I have been on that road for 25 years. I've  
8 never seen such devastation. That's enough.

9 MR. KISCHKO: All right. So just --  
10 this is a direct result from the Lowell wind  
11 --

12 MR. McGRATH: Our experts told us a year  
13 ago that this was the recipe for the perfect  
14 storm, that you can expect this to happen.

15 MR. KISCHKO: Okay. So I guess our  
16 point in all this, it's really important to  
17 site these properly so that we don't end up  
18 with these sort of slides that are pretty  
19 eye opening to myself.

20 I'm going to move on here to a couple  
21 other slides so we can wrap up for some  
22 questions and answers.

23 CHAIRMAN EASTMAN: Yes.

24 MR. KISCHKO: So one of the things that  
25 I think we need to touch on, and it's very

1 dear to my heart. I recognize now the fact  
2 that the wind does create ill-health for  
3 people. That's an actual prescription that  
4 a person who lives three quarters of a mile  
5 away from the Lowell site -- Sheffield site  
6 -- I'm sorry from Sheffield, as a direct  
7 result from that particular facility.

8 I'm completely concerned about the  
9 health impacts on biomass, and that's a  
10 whole other subject we could spend days on.  
11 So what I want to leave the Commission with,  
12 and we are going to get this handout to you.  
13 There is a lot to read. We are going to go  
14 right to the last slide which I think is the  
15 most important thing that we want to leave  
16 with the Commission at this time. And I  
17 wish we had more time. But it's getting  
18 late in the day.

19 So -- this was Thomas Jefferson's first  
20 inaugural address. I'm not going to read  
21 this, but I would like everyone to read it  
22 to themselves, because that's in my opinion  
23 what -- the people that you're seeing in  
24 front of you are the citizens and the public  
25 in this state. And I think we get the

1 balance that's needed between renewables,  
2 but we need to think about are they really  
3 needed, how are they needed, what are our  
4 alternatives.

5 We are bright people in this country.  
6 It's 2012. We need to be doing better than  
7 industrial-scale ridgeline wind generation  
8 or biomass plants. We are going back to the  
9 caveman. It just makes no sense. We are a  
10 very smart country. So I'll leave you with  
11 that.

12 Thank you very much for having us.

13 CHAIRMAN EASTMAN: Thank you.

14 (Applause.)

15 CHAIRMAN EASTMAN: So questions from  
16 Commission members for anyone? Yes, Louise.

17 MR. KISCHKO: Should I pass the mike to  
18 someone specific?

19 MS. McCARREN: No, I think it's for the  
20 lady from Newark.

21 MR. KISCHKO: Noreen.

22 MS. McCARREN: I apologize. Tell me  
23 your name again.

24 MS. HESSION: Noreen.

25 MS. McCARREN: Noreen. Would it -- are

1 you recommending or are you implying to us  
2 that a recommendation could be that town  
3 plans have to be given a certain amount of  
4 weight in a proceeding? I don't mean to use  
5 a fancy word by "weight," but they have to  
6 be taken into account? That they have  
7 force?

8 MS. HESSION: Yeah. I think in my ideal  
9 world scenario, and I haven't talked about  
10 this with other people who are here, but I  
11 think even before you start the Public  
12 Service Board process, because once that  
13 happens, lawyers get involved and you need  
14 money, and it puts a lot of pressure on the  
15 town. So a process whereby a town is, you  
16 know, a project is proposed, you bring it to  
17 the town, the town is educated, the town  
18 takes a vote. I think something like that  
19 would be really helpful to kind of do that  
20 up front before the Public Service Board  
21 process gets involved.

22 But in terms of the town plan right now,  
23 my understanding is, number one, you know,  
24 when we designed -- when our Planning  
25 Commission designed the town plan, it wasn't

1 thinking oh, someday somebody could propose  
2 -- the mountain behind my house is not that  
3 tall. You know, never in my wildest dreams  
4 did I think that anybody was going to put an  
5 industrial wind turbine on top of it. If we  
6 had known that was coming, would we have  
7 written a different town plan? Yeah, I'm  
8 sure we would.

9 So we amended our town plan, and now we  
10 are being told even though you've amended  
11 your town plan, you know, it's not valid, we  
12 have to go with the old town plan. It's not  
13 specific enough. And the Public Service  
14 Board doesn't even need to take into  
15 consideration. I mean they can, you know,  
16 they can take it into consideration, but it  
17 doesn't have the weight. We can't -- the  
18 town plan by itself won't stop it.

19 MR. KISCHKO: I'll reiterate that with  
20 the Spring -- we are going through that in  
21 Springfield right now with the draft town  
22 plan where they had the word biomass in  
23 there to define it, and it says it could  
24 include municipal and agricultural waste,  
25 which if you look that up under the EPA that

1 means garbage.

2 MS. McCARREN: That's right.

3 MR. KISCHKO: So we went right to the  
4 select board and said what are you guys  
5 thinking? And the Regional Planning  
6 Commissioner, Mr. Kennedy, he said, oh, we  
7 made a mistake. I think they were trying to  
8 slip that through because everything that I  
9 read about biomass is it can burn a wide  
10 variety of fuels. And that's some danger  
11 that we are looking at, you know, in the  
12 forefront.

13 CHAIRMAN EASTMAN: Tom.

14 MR. BODETT: I forget who the speaker  
15 was, but you mentioned a bat study that you  
16 had commissioned. Yeah. And I'm sorry,  
17 what was your name?

18 CHAIRMAN EASTMAN: Rob.

19 MR. PFORZHEIMER: Rob Pforzheimer.

20 MR. BODETT: Thank you. And it was  
21 disallowed. Did the Public Service Board  
22 give a reason why that testimony was not  
23 allowed?

24 MR. PFORZHEIMER: No. The Public  
25 Service Board has their findings of fact,

1 and they pick and choose from the testimony  
2 what they believe the facts to be.

3 CHAIRMAN EASTMAN: The person was  
4 allowed to testify?

5 MR. PFORZHEIMER: He testified at the  
6 hearings, but then at the end his testimony  
7 was --

8 MR. BODETT: I misunderstood.

9 MR. PFORZHEIMER: -- was not regarded.

10 Another thing I would like to comment on  
11 something that Josh Bagnato from First Wind  
12 said today, he said they are really  
13 interested in curtailment and bats and  
14 saving the bats with some kind of  
15 curtailment. Well the ANR in the First Wind  
16 came up with an MOU, a Memorandum of  
17 Understanding, in January of 2007 during the  
18 hearings. There was never any chance for  
19 discovery on this. And it mentioned times  
20 and temperatures and conditions where they  
21 would have to curtail and cut back on the  
22 production.

23 And this summer they claimed a financial  
24 hardship, and they asked for a take permit  
25 for bats. So the MOU was supposed to find

1 ways to mitigate and curtail and save bats,  
2 and the ANR has just kind of thrown that out  
3 the window and given them a permit to kill  
4 bats, endangered and otherwise, and they  
5 have killed over 95 bats so far.

6 CHAIRMAN EASTMAN: Other questions?

7 (No response.)

8 CHAIRMAN EASTMAN: All right. Thank  
9 you. We really do appreciate you putting  
10 this together. You know you were up first.

11 MR. KISCHKO: It was a very quick time  
12 line.

13 CHAIRMAN EASTMAN: I understand. And so  
14 anything further that you would like to  
15 provide, of course. And we will -- as I  
16 say, I mean we are going to hear from some  
17 more people in a couple of weeks, and then  
18 at that January meeting there will be more  
19 opportunity, you know, for comment. And I  
20 know there will be some back and forth here  
21 as we go along.

22 MS. McCARREN: I just have a thought.  
23 If you could provide us more information,  
24 that would be great, but it would really be  
25 interesting to me anyway, is this balance

1 that has to be struck between the public  
2 good, the overall public good and the towns,  
3 the individuals, and you know, as Don  
4 Rendall said, in '72, I mean that first  
5 project was the Queen City tap.

6 MR. KISCHKO: Right. I remember that.

7 MS. McCARREN: We are all getting --

8 CHAIRMAN EASTMAN: Betty Bandel,  
9 (phoenetic) my English teacher at UVM.

10 MS. McCARREN: If you could give us some  
11 of our views on where that balance is.

12 MR. KISCHKO: Absolutely. And I think  
13 it's important, I'm going to leave the  
14 Commission with a handout that I brought on  
15 biomass because there was a study done in  
16 2000 that said the location, location,  
17 location, you don't put these things near  
18 residential areas. And that's what they are  
19 proposing in our community which is so  
20 different than the Fair Haven facility,  
21 because when ANR came to our town for the  
22 public hearing on the air quality permit  
23 there were 30 some people that spoke out  
24 against it. Only one person spoke for it,  
25 who is our regional development director,

1 and afterwards we had some opportunity to  
2 chat with them, and they said, wow, I can't  
3 get over it. When we presented this in Fair  
4 Haven we didn't have one person said  
5 anything bad about it. Everybody is in  
6 favor of it. Well does that say something?

7 And I'll leave you with this, just a  
8 closing thing. When we do have the public  
9 hearings, and we had that in Springfield for  
10 the biomass plant, we had about 300 some  
11 people and probably about 50, 60 people  
12 spoke. The first thing the Hearing Officer  
13 said, this is not part of the record. Okay.  
14 So it gives people an opportunity to talk.  
15 And I would say 95 percent of the people  
16 that got up and spoke, and it's very  
17 difficult to get up and speak in front of a  
18 group, that we were not in favor of it.  
19 Well all of that gets lost.

20 So we, you know, it's our charge to get  
21 that information to the people that make the  
22 decisions that not everybody is for these  
23 projects. I'll just leave you with that,  
24 and thank you again.

25 CHAIRMAN EASTMAN: Thank you. Anything

1 else?

2 (No response.)

3 CHAIRMAN EASTMAN: Thank you very much.  
4 So we are at 4:44.

5 MR. KISCHKO: Did we do good on time?

6 CHAIRMAN EASTMAN: Fine. Thank you. We  
7 usually take the last few minutes of these  
8 meetings to have public comment. I'm  
9 wondering if we should do that for a few  
10 minutes. I'm going to admit that I'm tired.  
11 I want you to all know that.

12 MS. McCARREN: If the Chair is cranky --

13 CHAIRMAN EASTMAN: No, I'm not cranky.

14 MR. JOHNSTONE: There is a difference  
15 between cranky and tired. It's not the  
16 same.

17 CHAIRMAN EASTMAN: So I want to provide  
18 the opportunity for public comment. I'm  
19 hoping that it will be something different  
20 that we haven't heard, that someone, you  
21 know, needs to say today. We will be around  
22 a lot. Okay. So forgive me.

23 MR. JOHNSTONE: Come up so we can hear  
24 you.

25 CHAIRMAN EASTMAN: We have got a woman

1 in the back and then Gabrielle. Okay.

2 Thank you so much.

3 MS. MARONI: Hi, I'm Carol Maroni from  
4 Craftsbury, and I was not expecting to say  
5 anything. But one of the questions that  
6 came up right at the end was where is the  
7 balance between the good and not so good.

8 And one of the things that I have been  
9 sort of investigating is this whole  
10 renewable energy credits. And what has -- I  
11 sort of had this eye-opening experience  
12 where I realize that our current policy, I  
13 mean when we talk about the good of the  
14 whole and renewable energy and global  
15 warming, it's all wonderful. But in our  
16 state because we do not have criteria that  
17 mandates renewable energy credits or  
18 mandates renewable power a certain amount,  
19 we are able to sell renewable energy credits  
20 to other states. And by doing that, what  
21 happens is they don't have to meet their  
22 required energy amount. So we are selling  
23 -- we are putting things on our mountains,  
24 and it's become a commodity of money because  
25 we are putting it on our mountains. We are

1 able to take those renewable energy credits,  
2 sell them to another state, and the other  
3 states thereby don't have to meet their own  
4 state requirements because they bought our  
5 renewable energy credits.

6 And what I realized was by destroying  
7 our mountains we are not helping global  
8 warming -- the global warming problem. We  
9 are actually destroying Vermont mountains to  
10 meet the renewable energy requirements of  
11 another state so that they don't have to  
12 meet it themselves, and they don't have to  
13 pay a carbon. So we are actually increasing  
14 our carbon footprint by building these and  
15 selling them so that other people don't have  
16 to. I mean does that make sense to anybody?

17 MEMBER OF THE PUBLIC: Yes, it does.

18 CHAIRMAN EASTMAN: What you're saying  
19 makes sense that that's what's going on.  
20 The question is does it make sense.

21 MS. MARONI: So when you ask, you know,  
22 what the balance is, I think the balance is  
23 to have something with teeth in it so if we  
24 are going to do that here in Vermont then,  
25 you know, people look at the turbines and

1 they say, this is so wonderful, look what we  
2 are doing for the environment, but they  
3 don't see the big picture of how it really  
4 isn't.

5 So that's my two cents, and it's  
6 something different than you've heard I  
7 think.

8 MS. McCARREN: Thank you.

9 CHAIRMAN EASTMAN: Thank you.  
10 Appreciate it.

11 MS. STEBBINS: Thank you. I'll make  
12 this very brief. I had one comment which is  
13 the energy return on investment idea, and  
14 the question of, you know, is this project  
15 being well sited and put in places that is  
16 going to generate energy. And my one  
17 comment is these projects are capital  
18 intensive and they do require -- I mean a  
19 developer be it a utility or a private  
20 developer is not going to build a project if  
21 they are not going to see that energy  
22 generated from it. So that one discussion  
23 seems a little off.

24 And my other comment is just simply with  
25 regard to there have been a few comments

1 about subsidizing renewables, et cetera. We  
2 have subsidized traditional fuels for  
3 hundreds of years, and until we either stop  
4 subsidizing everything, all of the above,  
5 we're not going to see the transition to a  
6 clean energy future that we need to  
7 regarding climate change.

8 CHAIRMAN EASTMAN: Thank you.

9 MS. ARBORIO: Hi. My name is Pam  
10 Arborio. I'm from Island Pond. Our entire  
11 town, our entire area is a tourism area. I  
12 haven't seen on any tourism maps,  
13 publications, anything showing out-of-  
14 towners, out-of-staters, foreign visitors  
15 showing them pictures of wind turbines on  
16 our mountains.

17 They are -- the only thing that sustains  
18 our village is tourism. And they want to  
19 put between 35 and 40, 492-foot tall  
20 industrial wind turbines on our ridgeline  
21 that will be reflected in the lake, which  
22 means that 24 hours a day, seven days a  
23 week, we will be seeing those turbines.  
24 That's what they are asking us to do. And  
25 the Public Service Board has denied every

1 attempt we have made to stop this process.

2 We need help. Where are the people that  
3 are going to help us?

4 CHAIRMAN EASTMAN: Thank you.

5 MS. ISELIN: Hi. I'm Kathleen Iselin  
6 from East Haven, and I have a question which  
7 is what would happen if all of the money  
8 that went to implement say large-scale  
9 industrial-scale wind projects instead went  
10 to installing human-scale small-scale  
11 renewable energy in everyone's backyard,  
12 like a small wind turbine in everybody's  
13 backyard, or solar, or micro hydro, or  
14 whatever else that there is. And I would  
15 just like everybody to please consider that.  
16 Thank you.

17 CHAIRMAN EASTMAN: Thanks.

18 MR. McGRATH: I was so rushed before I  
19 thought I had two minutes, I thought I was  
20 going to get the hook and we were going to  
21 get thrown out of here. I'm Kevin McGrath  
22 from Lowell. I live on Farm Road. I have  
23 had my property for about 25 years or so.  
24 Back in 2002 a developer tried to come into  
25 the town, and we said no. What changed?

1 That's what you need to know.

2 The Lowell vote was a vote for tax  
3 relief. It only included residents not  
4 property owners. It didn't include the  
5 other surrounding communities. Green  
6 Mountain Power and Vermont Co-op spent  
7 thousands of dollars running a campaign for  
8 wind.

9 I have had several people come up to me  
10 since the turbines have been up and have  
11 apologized to me. "I had no idea, Kevin. I  
12 didn't know they were going to destroy your  
13 home."

14 I have a picture of my home right now.  
15 You wouldn't want to live in this home, and  
16 you certainly wouldn't want to listen to  
17 what I had Saturday night. My sister and  
18 two children came up to visit Saturday  
19 night, and at 3 o'clock in the morning the  
20 sound was so loud in my home we couldn't  
21 sleep. At 10:00 the next morning one of my  
22 friends came over and said it sounds like  
23 water is rushing down the hill. I said no,  
24 those are the turbines.

25 I have a newspaper article I would just

1 like to hand over to you if I could.

2 CHAIRMAN EASTMAN: Yeah, definitely. We  
3 will put it in. Thank you very much.

4 MR. McGRATH: Thank you.

5 CHAIRMAN EASTMAN: Thank you.

6 MS. SMITH: I just want to respond to  
7 the balance question. Annette Smith. My  
8 work has become very sad. I work with  
9 citizens in their communities. I tried to  
10 take a week off last week. A lot of what I  
11 dealt with on vacation was noise complaints.  
12 This has become a very serious problem for  
13 Vermonters who have been subjected through  
14 no fault of their own except that they are  
15 neighbors to these projects. They're  
16 characterized as opponents for living where  
17 they live and for saying we don't want to  
18 live here. But they are stuck.

19 So we have a huge, huge imbalance right  
20 now in the process and what's happening  
21 around three mountains where we know now  
22 that more than a thousand Vermonters are  
23 going to be subjected to this noise by  
24 January. And we have nothing in place to  
25 protect them.

1           So part of your task I will ask you to  
2 do is to really seriously look at why we are  
3 doing what we are doing, and what we can do,  
4 not in April and not next year, but as soon  
5 as possible to provide some protections and  
6 some real responses to the people who are  
7 suffering. And they are suffering. Thank  
8 you.

9           CHAIRMAN EASTMAN: Thank you. Thank  
10 you. Any other questions or comments from  
11 the Commissioners today? I have one. I  
12 need --

13           MEMBER OF THE PUBLIC: We're tired.

14           (Laughter.)

15           CHAIRMAN EASTMAN: Thanks. Yeah. But  
16 you know, it's so great -- I get it. I  
17 really need a map of Vermont with where all  
18 the projects that currently are and what's  
19 proposed. Because we do keep hearing what  
20 are the questions about, you know, multiple,  
21 you know, impacts, cumulative impacts. And  
22 so I just would love to see that.

23           MEMBER OF THE PUBLIC: Go to Energize  
24 Vermont's Web site. There is one there.

25           CHAIRMAN EASTMAN: Thank you very much.

1 MEMBER OF THE PUBLIC: Find out where  
2 the Northeast Kingdom is.

3 CHAIRMAN EASTMAN: So everybody from --  
4 just think about that, okay.

5 MS. McCARREN: We can get that.

6 MEMBER OF THE PUBLIC: It's easy.

7 CHAIRMAN EASTMAN: Okay. Thank you. So  
8 thank you very much. We will be back in  
9 Montpelier on December 6.

10 MR. WRIGHT: One piece of information,  
11 on your way out there are a series of  
12 ridgeline construction shots, six 24 by 36  
13 pictures if you would like to take a look.  
14 If you have any problems with the pictures,  
15 they are mine.

16 CHAIRMAN EASTMAN: Thank you.

17 MEMBER OF THE PUBLIC: They are an eye  
18 opener too.

19 MS. WHITE: Who is coming next week?

20 CHAIRMAN EASTMAN: Next week it's still  
21 participants in the process next week. So  
22 that means --

23 MS. MCGINNIS: Legal expertise.

24 CHAIRMAN EASTMAN: People who have been  
25 representing people who go through the

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process, legal experts, and conservation groups and towns, right?

MS. MCGINNIS: Yes, and VPA. VPA organized the towns.

CHAIRMAN EASTMAN: Vermont League of Cities and Towns. Towns organized by the Vermont League of Cities and Towns. Okay.

(Whereupon, the proceeding was adjourned at 4:55 p.m..)

C E R T I F I C A T E

1  
2  
3 I, Kim U. Sears, do hereby certify that I  
4 recorded by stenographic means the Hearing re: Energy  
5 Generation Siting Policy Commission Information Session  
6 #3, at the Montpelier Room, Capitol Plaza, 100 State  
7 Street, Montpelier, Vermont, on November 30, 2012,  
8 beginning at 2 p.m.

9 I further certify that the foregoing  
10 testimony was taken by me stenographically and thereafter  
11 reduced to typewriting and the foregoing 147 pages are a  
12 transcript of the stenograph notes taken by me of the  
13 evidence and the proceedings to the best of my ability.

14 I further certify that I am not related to  
15 any of the parties thereto or their counsel, and I am in  
16 no way interested in the outcome of said cause.

17 Dated at Williston, Vermont, this 3d day of  
18 December, 2012.

19 \_\_\_\_\_  
20 Kim U. Sears, RPR  
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22  
23  
24  
25