

STATE OF VERMONT  
PUBLIC UTILITY COMMISSION

Case No. 17-5090-INV

---

Amended order establishing standards and procedures for issuance of a certificate of public good for a temporary meteorological station pursuant to 30 V.S.A. § 246	
---	--

---

Order entered: 12/06/2017

**ORDER ESTABLISHING STANDARDS AND PROCEDURES**

**I. INTRODUCTION**

The procedures governing Vermont Public Utility Commission (“Commission”) approval of temporary meteorological stations are set forth in 30 V.S.A. § 246. During the 2017 legislative session, the General Assembly enacted into law Act No. 53, which made revisions to § 246. These revisions alter the comment and review periods for applications under this section. In order to ensure compliance with these new requirements, the Commission has determined to revise its Standards and Procedures Order (“Procedures Order”)<sup>1</sup> as set forth below.

In order to implement these revisions, on October 12, 2017, the Commission issued draft standards and procedures that incorporate the revised comment and review requirements of Act 53. Act 53 also changed the Vermont Public Service Board’s name to the Vermont Public Utility Commission, effective July 1, 2017. The revisions set forth below reflect this name change. In addition, earlier this year the Commission implemented its online filing system known as ePUC. The revisions include changes related to the use of ePUC for filing § 246 applications and the required advance notice of those applications. The revisions also include a longer notice period (45 days instead of 30) and the requirement that advance notice of the project be published twice in a newspaper of general circulation in the project area, that a site plan be included with the advance notice, and that applicants address comments received during the advance notice period.

The Commission provided notice and solicited comments and recommendations with regard to the proposed revisions from the Vermont Department of Public Service (“Department”), the Vermont Agency of Natural Resources (“ANR”), Renewable Energy Vermont, the Vermont League of Cities and Towns, and the Vermont electric utilities.

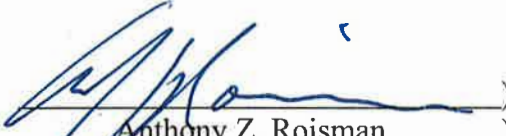
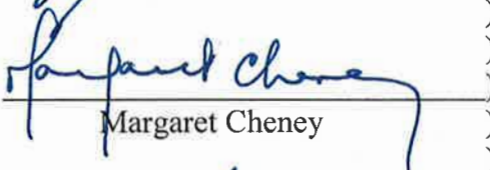

---

<sup>1</sup> *Order establishing standards and procedures for issuance of a certificate of public good for a temporary meteorological station pursuant to 30 V.S.A. § 246*, Order issued March 9, 2010.

The Commission received comments from the Department and ANR. The Department and ANR suggested minor edits to further clarify the procedures. ANR also suggested revisions to Section 4 of the procedures to more closely reflect the resources identified in its Natural Resources Atlas. We conclude that these amendments will add clarity to the procedures and have revised the attached draft procedures accordingly. The procedures are also available on the Commission's website and through ePUC.

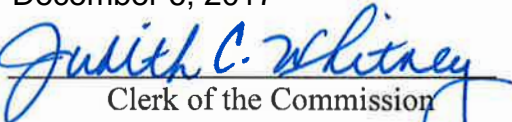
**SO ORDERED.**

Dated at Montpelier, Vermont, this 6th day of December, 2017

 Anthony Z. Roisman	)	PUBLIC UTILITY
	)	
 Margaret Cheney	)	COMMISSION
	)	
 Sarah Hofmann	)	OF VERMONT

OFFICE OF THE CLERK

Filed: December 6, 2017

Attest:   
Clerk of the Commission

*Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Commission (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: puc.clerk@vermont.gov)*

*Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Commission within thirty days. Appeal will not stay the effect of this Order, absent further order by this Commission or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Commission within ten days of the date of this decision and Order.*

## Amended Standards and Procedures

**Purpose and Applicability:** The purpose of these standards and procedures is to implement 30 V.S.A. § 246. These standards and procedures are applicable to the proposed construction or installation of a temporary meteorological station.

**Definitions:** "Temporary meteorological station" means a temporary tower, which may include guy wires, and attached instrumentation to collect and record wind speed, wind direction, and atmospheric conditions, constructed or installed in order to determine the suitability of a site for the location of a grid-connected wind turbine.

"Temporary meteorological station application form" means the current Commission application form for temporary meteorological stations. From time to time the Commission may modify or revise the application form.

**Notice Requirements:** The applicant must provide written notice, at least 45 days in advance of filing a Section 246 application, to the following entities:

- (a) legislative bodies and municipal and regional planning commissions in the communities where the project will be located;
- (b) the landowners of record of property, pursuant to the current municipal grand list, adjoining the property on which the project will be located;
- (c) the Secretary of the Agency of Natural Resources;
- (d) the Agency of Transportation;
- (e) the Department of Public Service; and
- (f) the Commission.

The applicant shall cause the notice to be served on the entities listed in (a) and (b), above, by certified mail. The applicant shall cause the notice to be transmitted to the entities listed in (c) through (e), above, using the Commission's electronic filing system, unless the applicant is making a paper filing in accordance with the Commission's rules, in which case service must be by certified mail. With advance written permission from the intended recipient, the applicant may serve a copy of the notice via electronic mail. In addition, the applicant shall cause notice to be published twice in a newspaper of general circulation in the project area for two consecutive weeks during the advance notice period and no later than 15 days prior to filing an application.

The notice shall state that the applicant intends to submit a § 246 application, identify the location of the temporary meteorological station site(s), and provide a description of and site plan for the proposed project. The notice must contain sufficient detail about the proposed project to allow the recipient to understand the impact of the project on any interest of the recipient that is within the Commission's jurisdiction to address. The notice shall also state that recipients may file inquiries or comments with the applicant during the advance notice period with respect to the project and that recipients will also have the opportunity to file comments with the Commission once the application is filed.

If, within 180 days of the date of the advance notice, the applicant has not filed a complete application for the project that fully complies with the filing requirements of this Order, the submission will be treated as withdrawn without further action by the Commission.

**Application Information:** The application must include all of the information and materials set forth below.

#### 1. Project Description

(a) Provide a description of the installation and operation of the project, including specific equipment, amount of clearing, length and width of any new access roads, trails, and parking areas, and any ground disturbance, grading, stream crossings, or drainage improvements.

(b) Provide the approximate length of time the temporary meteorological station will need to remain at the site. (Note: a Certificate of Public Good issued pursuant to § 246 shall be valid for a period of no more than five years.)

#### 2. Site Plans

Applicants must provide a site plan for each meteorological station. A site plan shall include the following (with all features clearly labeled):

(a) Proposed meteorological station locations, all incidental project features from point of delivery off a public road to each individual site, and any areas that will be cleared of vegetation, on a 1: 24,000 scale USGS topographic map.

(b) Property boundaries and setback distances to the base(s) of the proposed or existing structures and dimensions of all proposed improvements.

(c) Proposed utilities, including distance from source of power, sizes of service available and required, and locations of any proposed utility or communication lines.

(d) A dimensional plan view of all areas where vegetation is to be cleared or altered, grading and drainage changes, and any proposed direct or indirect alterations of sensitive environmental resources (e.g., wetlands, significant natural communities).

(e) Detailed plans for any drainage of surface and/or sub-surface water and plans to control erosion and sedimentation both during construction and for the duration of the temporary installation.

(f) Locations and specific descriptions of any proposed screening, landscaping, groundcover, fencing, exterior lighting, and signage.

(g) Plans of any proposed access driveway, roadway, or parking area at the facility site, including grading, drainage, and traveled width, including a cross-section of the access drive indicating the width, depth of gravel, and paving or surface materials.

(h) The latitude and longitude coordinates for each proposed meteorological station. If the final location of the temporary meteorological station and associated clearing will be determined in the field at the time of installation, the applicant must indicate on the plans and depict the entire area in which each tower may be located. The applicant is required to investigate the entire potential area for sensitive environmental resources and possible impacts.

(i) The existing significant natural and constructed features (including but not limited to water bodies, wetlands, tree lines, buildings, and roads) that are within or adjacent to the area directly affected by the project.

### 3. Elevation Drawings

(a) For each proposed temporary meteorological station, the applicant must provide elevation drawings.

(b) The elevation drawings must be at appropriate scales but no smaller than 1"/20'.

(c) The applicant must include two elevation drawings of the proposed temporary meteorological station drawn at right angles to each other, showing the ground profile to at least 100 feet beyond the edge of any proposed clearing, and showing any guy wires or supports. The elevation drawing shall show all proposed wind measurement equipment, including its location on the tower or other support structure and the height of the tower or other support structure above grade at the base, and describe the proposed finish of the tower.

(d) The elevation drawing shall indicate the relative height of the surrounding tree canopy as it presently exists.

(e) Each plan sheet shall be clearly labeled with the project title, date, revision date(s), scale, and name of the professional or firm that prepared the plan.

### 4. Review of Potential Impacts

(a) Based upon the applicant's review of the Agency of Natural Resources' Natural Resources Atlas, the applicant shall state whether the temporary meteorological station will be sited on, near (e.g., within 500'), or within any of the following:

- i. Floodways
- ii. Shorelines
- iii. Streams
- iv. Wetlands
- v. Outstanding resource waters
- vi. Significant natural communities
- vii. Necessary wildlife habitat
- viii. Rare, threatened, or endangered species
- ix. Vernal pools
- x. River corridors

If the answer to any one of the foregoing is yes: (1) the applicant shall show the location of the temporary meteorological station in relation to the protected resource on the plans specified in Section 2 above, and (2) provide information demonstrating that the installation of the project will not have an undue adverse impact on the protected resource and, if any, indicate the measures that will be taken to avoid or minimize any such impact.

(b) The applicant shall provide information demonstrating that the installation of the project will not have an undue adverse impact under the following criteria and, if any, indicate the measures that will be taken to avoid or minimize any such impact.

- i. Aesthetics
- ii. Historic sites
- iii. Air and water purity
- iv. The natural environment
- v. Public health and safety
- vi. Public investments
- vii. Orderly development of the region

#### 5. Description of Comments on the Advance Notice

The applicant shall provide a description of all comments received during the advance notice period and the applicant's response to the comments.

**Filing Requirements:** A completed temporary meteorological station application form must first be filed with the Commission for review prior to being served upon the other recipients as listed below. Within two business days of notification from the Commission that the application is complete, the applicant must serve a copy of or notice of the completed application upon:

(a) legislative bodies and municipal and regional planning commissions in the communities where the project will be located;

- (b) the landowners of record of property, pursuant to the current municipal grand list, adjoining the property on which the project will be located;
- (c) the Secretary of the Agency of Natural Resources;
- (d) the Agency of Transportation; and
- (e) the Department of Public Service.

Specifically, within two business days of notification from the Commission that the application is complete, the applicant shall provide a copy of the application to the entities listed in (a) and (b), above, by certified mail. The applicant shall cause the notice of the application to be transmitted to the entities listed in (c) through (e), above, using the Commission's electronic filing system or, if the applicant is making a paper filing, using certified mail. In addition, the applicant shall provide notice of the application, by certified mail, to any entity that has filed comments with the applicant on the advance notice. The notice of the application shall include the case number, the project location, a link to information on the Commission's website about how members of the public may participate in this case, a link to ePUC, and information on where a commenter can view a paper copy of the application. The notice must also inform the recipients of the deadline for filing comments, motions to intervene, and requests for hearing with the Commission.

**Completed Applications:** Upon receiving an application under § 246, Commission staff will review the application to determine whether it is administratively complete. Applicants should receive an e-mail message with the results of this review within 10 business days of the date the Commission received the application; however, the expiration of this time period without the receipt of an e-mail message does not constitute a determination that the application is administratively complete enough to process. If the application is found to be complete, the applicant must provide copies of the application to the entities set forth above. If the application is found to be incomplete, the applicant will be informed of the deficiencies and will be given an opportunity to cure them. A determination that an application is administratively complete is not a legal determination regarding the sufficiency of the information included in the application.

**Submission of Comments and Requests for Hearing:** If any person wishes to submit comments, file a motion to intervene in the proceeding, or request a hearing concerning an application filed pursuant to § 246, such correspondence is due at the Commission within 30 calendar days of the date of service of the complete application.



**Issuance of Decision:** A proposal for decision regarding the application will be issued within 5 months of its filing or, if the original filing was not complete, within 5 months of the date on which the Commission notifies the applicant that the filing is complete. A Certificate of Public Good issued pursuant to § 246 shall be valid for a period of no more than five years.

PSB Case No. 17-5090-INV - SERVICE LIST

Parties:

Charlotte B. Ancel, Esq. (for Green Mountain Power Corporation)  
Green Mountain Power Corporation  
163 Acorn Lane  
Colchester, VT 05446  
charlotte.ancel@greenmountainpower.com

Olivia Andersen (for Renewable Energy Vermont)  
Renewable Energy Vermont  
P.O. Box 1036  
Montpelier, VT 05601  
Olivia@revermont.org

Carolyn Browne Anderson, Esq. (for Green Mountain Power Corporation)  
Green Mountain Power Corporation  
2152 Post Road  
Rutland, VT 05702  
carolyn.anderson@greenmountainpower.com

Reginald Beliveau, Jr. (for Swanton Village, Inc. Electric  
Swanton Village, Inc. Electric Department Department)  
P.O. Box 279  
120 First Street  
Swanton, VT 05488  
rbeliveau@swanton.net

Meredith Birkett (for Village of Johnson Water & Light  
Village of Johnson Water & Light Department Department)  
P.O. Box 603  
Johnson, VT 05656  
vojmanager@townofjohnson.com

Victoria J. Brown, Esq. (for Vermont Electric Cooperative Inc.)  
Vermont Electric Cooperative, Inc.  
42 Wescom Road  
Johnson, VT 05656  
vbrown@vermontelectric.coop

Ellen Burt  
Town of Stowe Electric Department  
P.O. Box 190  
56 Old Farm Road  
Stowe, VT 05672  
eburt@stowelectric.com

(for Town of Stowe Electric Department)

Maura Carroll  
Vermont League of Cities & Towns  
89 Main Street  
Suite 4  
Montpelier, VT 05602  
mcarroll@vlct.org

(for Vermont League of Cities & Towns)

Jennifer Duggan, General Counsel  
Vermont Agency of Natural Resources  
anr.notice@vermont.gov

(for Vermont Agency of Natural Resources)

William F. Ellis  
McNeil, Leddy & Sheahan  
271 South Union Street  
Burlington, VT 05401  
wellis@mcneilvt.com

(for City of Burlington Electric Department)

Jonathan Elwell  
Village of Enosburg Falls Water & Light  
42 Village Drive  
Enosburg Falls, VT 05450  
jelwell@enosburg.net

(for Village of Enosburg Falls Water & Light  
Department Inc.)

James Gibbons  
City of Burlington Electric Department  
585 Pine Street  
Burlington, VT 05401  
jgibbons@burlingtonelectric.com

(for City of Burlington Electric Department)

Christine Hallquist  
Vermont Electric Cooperative, Inc.  
42 Wescom Road  
Johnson, VT 05656  
challquist@vermontelectric.coop

(for Vermont Electric Cooperative Inc.)

Bill Humphrey  
Village of Lyndonville Electric Department  
P.O. Box 167  
20 Park Avenue  
Lyndonville, VT 05851  
bhumphrey@lyndonvilleelectric.com

(for Village of Lyndonville Electric  
Department)

Neale Lunderville  
City of Burlington Electric Department  
585 Pine Street  
Burlington, VT 05401  
nlunderville@burlingtonelectric.com

(for City of Burlington Electric Department)

Pamela Moore  
Village of Jacksonville Electric Company  
P.O. Box 169  
Jacksonville, VT 05342  
jackelec@myfairpoint.net

(for Village of Jacksonville Electric Company)

John Morley  
Village of Orleans Electric Department  
Municipal Building  
One Memorial Square  
Orleans, VT 05860  
orloffice@villageoforleansvt.org

(for Village of Orleans Electric Department)

Craig Myotte  
Village of Morrisville Water & Light  
Department  
857 Elmore Street  
Morrisville, VT 05661  
cmyotte@mwlvt.com

(for Village of Morrisville Water & Light  
Department)

James V. Pallotta  
Village of Ludlow Electric Light Department  
9 Pond Street  
Ludlow, VT 05149  
jpleld@tds.net

(for Village of Ludlow Electric Light  
Department)

James Porter, Director of Public Advocacy  
Vermont Department of Public Service  
DPS-PA@vermont.gov

(for Vermont Department of Public Service)

Patricia Richards  
Washington Electric Cooperative, Inc.  
P.O. Box 8  
East Montpelier, VT 05651  
patty.richards@wec.coop

(for Washington Electric Cooperative Inc.)

Evan Riordan  
Barton Village, Inc. Electric Department  
P.O. Box 519  
Barton, VT 05822  
electricmanager@bartonvt.com

(for Barton Village Inc. Electric Department)

Carol Robertson  
Village of Hyde Park Electric Department  
P.O. Box 400  
Hyde Park, VT 05655  
carol.robertson@hydeparkvt.com

(for Village of Hyde Park Electric Department)

Matt Rutherford  
Town of Stowe Electric Department  
P.O. Box 190  
56 Old Farm Road  
Stowe, VT 05672  
mrutherford@stowelectric.com

(for Town of Stowe Electric Department)

Jeffrey Schulz  
Town of Northfield Electric Department  
51 South Main Street  
Northfield, VT 05663  
jschulz@northfield.vt.us

(for Town of Northfield Electric Department)

Ronald A. Shems, Esq.  
Diamond & Robinson, P.C.  
P.O. Box 1460  
Montpelier, VT 05601-1460  
ras@diamond-robinson.com

(for Washington Electric Cooperative Inc.)

Michael Sullivan  
Town of Hardwick Electric Department  
P.O. Box 516  
Hardwick, VT 05843  
msullivan@hardwickelectric.com

(for Town of Hardwick Electric Department)