

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Docket No. 8099

Petition of Green Mountain Power Corporation for a )  
certificate of public good pursuant to 30 V.S.A. § 248(j) )  
authorizing the reconductoring of 9.6 miles of 46 kV )  
transmission line in the towns of Woodstock, Hartland, )  
and Hartford, Vermont )

Order entered: 10/11/2013

**I. INTRODUCTION**

This case involves a petition filed on July 18, 2013, by Green Mountain Power Corporation ("GMP" or "the Company"), requesting a certificate of public good ("CPG") under 30 V.S.A. § 248(j). GMP seeks authorization for the reconductoring of 9.6 miles of 46 kV transmission line located in the towns of Woodstock, Hartland, and Hartford, Vermont (the proposed "Project"). In today's Order, we conclude that the Project is of limited size and scope; that the petition does not raise a significant issue with respect to the substantive criteria of 30 V.S.A. § 248; that the public interest is satisfied by the procedures authorized by 30 V.S.A. § 248(j); and that the Project will promote the general good of the State.

**II. PROCEDURAL HISTORY**

On July 18, 2013, GMP submitted prefiled testimony, proposed findings, and a proposed order pursuant to the requirements of 30 V.S.A. § 248(j). Morris L. Silver, Esq., also filed a Notice of Appearance on behalf of GMP.<sup>1</sup>

On August 27, 2013, the Public Service Board ("Board") provided notice of the petition to all entities specified in 30 V.S.A. § 248(a)(4)(C) and other interested parties. The notice stated that any party wishing to submit comments as to whether the petition raises a significant issue with respect to the substantive criteria of 30 V.S.A. § 248 should file such comments with the

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1. Letter from Morris L. Silver, Esq., to Susan M. Hudson, Clerk of the Board, filed July 18, 2013.

Board on or before September 10, 2013. A similar notice of the filing was published on the Board's website. Also on August 27, 2013, the Clerk of the Board issued a memorandum seeking additional information from GMP to supplement its filing.

On August 30, 2013, Sheila Grace, Esq., filed a Notice of Appearance on behalf of the Vermont Department of Public Service ("DPS").<sup>2</sup>

On September 9, 2013, GMP submitted the additional information requested in the August 27 memorandum.<sup>3</sup> This filing included a corrected version of Exhibit GMP-TOU-1 which is a map of the Project area highlighting nearby deer wintering areas ("DWAs").

On September 23, 2013, the DPS filed a letter stating that the petition does not raise a significant issue with respect to the substantive criteria of 30 V.S.A. § 248, and that the public interest is satisfied by the procedures authorized by 30 V.S.A. § 248(j).<sup>4</sup> Also on September 23, 2013, the DPS filed a letter pursuant to 30 V.S.A. § 202(f) stating that the Project is consistent with the *Vermont Electric Plan*.

On September 24, 2013, Donald J. Einhorn, Esq., filed a Notice of Appearance on behalf of the Vermont Agency of Natural Resources ("ANR").<sup>5</sup>

On September 24, 2013, ANR filed a letter requesting that any Board approval of this petition be conditioned on GMP's not performing any construction activity within 300 feet of DWAs from December 15 to April 15.<sup>6</sup> ANR contended that if GMP could not accept this condition, then the petition would raise a significant issue with respect to the substantive criteria of 30 V.S.A. § 248(b)(5).

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2. Letter from Sheila Grace, Esq., to Susan M. Hudson, Clerk of the Board, filed August 30, 2013.

3. Letter from Morris L. Silver, Esq., to Susan M. Hudson, Clerk of the Board, September 9, 2013 ("GMP Supplement").

4. Letter from Sheila Grace, Esq., to Susan M. Hudson, Clerk of the Board, filed September 23, 2013 ("DPS Letter").

5. Notice of Appearance from Donald J. Einhorn, Esq., to Susan M. Hudson, Clerk of the Board, filed September 24, 2013.

6. Letter from Donald J. Einhorn, Esq., to Susan M. Hudson, Clerk of the Board, filed September 24, 2013 ("ANR DWA Letter").

On September 27, 2013, GMP informed the Board that it had consulted with ANR about their DWA concern and that the Company would accept the proposed condition as a part of the CPG.<sup>7</sup>

No other comments on the petition were received.

### **III. FINDINGS**

Based upon the petition and accompanying documents, the Board hereby makes the following findings in this matter.

#### **Description of the Project**

1. GMP is a company subject to the Board's jurisdiction pursuant to 30 V.S.A. § 203. GMP's principal place of business is 163 Acorn Lane, Colchester, Vermont. Petition at 1.
2. The Project that is the subject of this petition involves reconductoring 9.6 miles of existing 46 kV transmission line by replacing it with approximately 7.39 miles of 3/0 Aluminum Conductor Steel Reinforced ("ASCR"), 1.72 miles of 336 ASCR, and 0.47 miles of 477 ASCR to 556 ASCR conductors between the GMP Taftsville substation and Vermont Electric Power Company's ("VELCO's") Wilder substation in Hartford, Vermont. The transmission line crosses both Interstate 89 and Interstate 91, U.S. Routes 4 and 5, Vermont Route 12, the White River, the Ottauquechee River, Lake Pinneo, and other smaller wetland zones. Ryan C. Johnson, GMP ("Johnson") pf. at 2; Timothy O. Upton, GMP ("Upton") pf. at 9; and exhs. GMP-RCJ-1A through 1H.
3. The Project is designed to replace aging infrastructure including line dating to 1929 and poles that are approximately 47 years old in order to meet existing reliability concerns and projected future changes. Kim L. Jones, GMP ("Jones") pf. at 2; Johnson pf. at 4.
4. The Project will replace forty-one utility poles with forty-five utility poles that will be 5 feet taller. Jones pf. at 2; Johnson pf. at 3; and exhs. GMP-RCJ-1A through 1H.

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7. Letter from Morris L. Silver, Esq., to Susan M. Hudson, Clerk of the Board, September 26, 2013 ("GMP DWA Letter").

5. In 2012, in preparation for decommissioning the VELCO Hartford 115/46 kV transformer, GMP conducted a study that indicated that this Project would be needed prior to the anticipated future addition of 11 MW of White River Junction/Wilder ("WRJ") load to the GMP system as a result of the decommissioned transformer. The Project will eliminate the risk of potential future thermal overloading that would be created by this additional 11 MW load. Jones pf. at 4.

6. The Project addresses existing reliability and aging infrastructure concerns as well as potential future configuration changes. The need for, and location of, any capacitor additions subsequent to the decommissioning of the VELCO Hartford substation will be included as part of a planned subsequent 248 filing. Jones pf. at 5.

### **Orderly Development of the Region**

[30 V.S.A. § 248(b)(1)]

7. The Project will not unduly interfere with the orderly development of the region, with due consideration having been given to the recommendations of the municipal and regional planning commissions, the recommendations of municipal legislative bodies, and the land conservation measures contained in the plans of the affected municipalities. This finding is supported by findings 8 through 13, below.

8. GMP proposes to reconductor approximately 9.6 miles of an existing 46 kV transmission line in the towns of Woodstock, Hartland, and Hartford, Vermont. Upton pf. at 3.

9. The work will not conflict with any land conservation measures in the municipal plans of the affected municipalities because the work will take place entirely within an existing long-standing transmission corridor. The land uses attendant to the Project will be unchanged. Upton pf. at 2.

10. The 2007 Woodstock Village and Town Plan states that utility companies responsible for the placement of lines are encouraged "to run transmission lines along one side of a Town Highway." The Project is consistent with this language. There are three poles located in the

town of Woodstock; the line then exits the Taftsville substation, crosses U.S. Route 4, and remains on the same side of Route 4 until it enters Hartland. Upton pf. at 2-3.

11. Neither the 2007 Hartland Town Plan nor the 2007 Hartford Master Plan directly addresses the siting of utility lines. Upton pf. at 3.

12. There are no applicable land conservation measures in the 2009 Two Rivers-Ottawaquechee Regional Plan. The Plan does require a "consideration of the external costs" of proposals with potential land conservation impact on the region. The Project represents the most economical method of addressing reliability concerns on the regional transmission network. Upton pf. at 3-4; Jones pf. at 2 and 7.

13. On March 15, 2013, the respective selectboards and planning commissions of the towns of Woodstock, Hartland, and Hartford, along with the Two Rivers-Ottawaquechee Regional Commission, were provided with a description of the Project's purpose, nature, and extent including area maps. None of these entities recommended changes to the proposed design. Upton pf. at 4.

### **Need for Present and Future Demand for Service**

[30 V.S.A. § 248 (b)(2)]

14. The Project is required to meet the present and future demand for service which could not otherwise be provided in a more cost-effective manner through energy conservation programs and measures and energy efficiency and load-management measures. This finding is supported by findings 15 through 19, below.

15. The existing 3/0 ASCR conductor was installed in 1929, and forty-one of the existing poles are over forty-seven years old. The application of non-transmission alternatives ("NTAs") would not address the issue of aging infrastructure. Jones pf. at 8.

16. The Project will save approximately 20.04 kW in losses at peak and 23,173 kWh in losses annually, thus producing loss savings of \$29,500 over twenty years with no load additions. Jones pf. at 7.

17. With the projected WRJ load addition, the loss savings over twenty years are \$220,000. Jones pf. at 7.

18. Inclusion of transmission and distribution avoided costs and loss savings to be realized by the Project are \$62,000 at current load and \$465,000 with the projected WRJ load addition over twenty years. Jones pf. at 7.

19. After completion of a Vermont NTA screening form indicated a full study was needed, GMP conducted the Hartford/Ascutney study, which showed the potential for a lower cost alternative which closed the Wilder connection with National Grid. That alternative was not acted upon because it had negative impacts on both National Grid and regional reliability. The upgrades required to complete this alternative were estimated to exceed the costs of the Project. Jones pf. at 6.

#### **System Stability and Reliability**

[30 V.S.A. § 248(b)(3)]

20. The Project will not adversely affect system stability and reliability. The Project improves system stability and reliability. This finding is supported by findings 21 and 22, below.

21. The Project will improve system performance during contingencies, specifically, the projected decommissioning of the VELCO Hartford substation, by providing an essential upgrade to the system's thermal capability. Jones pf. at 7.

22. The Project gives this section of the transmission system a 120% increase in current carrying capacity and 107% better breaking strength, thereby reducing the impacts of unplanned contingencies such as ice storms and tree contact. Johnson pf. at 4.

#### **Economic Benefit to the State and Its Residents**

[30 V.S.A. § 248(b)(4)]

23. The Project will result in an economic benefit to the State and its residents. This finding is supported by findings 24 and 25, below.

24. The total cost of the Project is estimated at \$1,847,829. Johnson pf. at 4.

25. The Project will provide an economic benefit to the State and its residents by improving

reliability to the customers served in the Project region. The Project will reduce the potential for load loss and improve future load service capability. Johnson pf. at 8.

**Public Health and Safety**

[30 V.S.A. § 248(b)(5)]

26. The Project will not have an undue adverse effect on public health and safety. This finding is supported by findings 27 through 29, below.

27. The majority of the Project construction will be conducted in an existing transmission line corridor and will consist of placing new conductors on an existing transmission line and replacing forty-five utility poles. Land uses will remain unchanged. There will be no changes to the existing road crossings. Upton pf. at 2 and 9.

28. GMP will perform all work in accordance with the National Electric Safety Code requirements. Upton pf. at 9; Johnson pf. at 3.

29. The Project eliminates the exposure to future thermal overloading caused by the additional load resulting from the projected decommissioning of the VELCO Hartford substation. Jones pf. at 4.

**Aesthetics, Historic Sites, Air and Water Purity,  
and the Natural Environment**

[30 V.S.A. § 248(b)(5)]

30. The Project as proposed will not have an undue adverse effect on aesthetics, historic sites, air and water purity, the natural environment or the public health and safety. This finding is supported by findings 31 through 68, below, with due consideration having been given to the criteria specified in 10 V.S.A. §§ 1424(a)(d) and 6086(a)(1)-(8)(a) and (9)(k) and greenhouse gas impacts.

**Outstanding Resource Waters**

[10 V.S.A. § 1424(a)(d)]

31. The Project is not located near any outstanding resource waters. Upton pf. at 5.

**Air and Water Pollution and Greenhouse Gas Impacts**

[30 V.S.A. § 248(b)(5); 10 V.S.A. § 6086 (a)(1)]

32. The Project will not result in undue air or water pollution or greenhouse gas impacts. This finding is supported by findings 33 through 38, below.

33. The Project does not involve road construction, will not result in excessive dust, and will require no burning during construction. Upton pf. at 4 and 5.

34. Construction will take place between the hours of 7:00 A.M. and 5:00 P.M. Monday through Friday, and 8:00 A.M. and 5:00 P.M. Saturday. No construction will take place on Sundays or state and federal holidays. This will minimize the effects of noise at neighboring properties. Upton pf. at 4.

35. The Project does not involve any generation or other equipment that will emit or store greenhouse gases. Any greenhouse gases emitted from construction vehicles associated with the Project will be small and temporary. Upton pf. at 13.

36. The Project has the potential to disturb more than one acre of earth, due to improvements to existing access roads and with pole and anchor replacements. The Project requires a National Pollution Discharge Elimination System permit as part of its request for a Department of Environmental Conservation General Permit 3-9020, for which GMP applied in September 2013. Upton pf. at 5 and Upton GMP Supplement at 12.

37. All work will be performed in accordance with a site-specific Erosion Prevention and Sediment Control Plan and will not begin without confirmation of coverage from the Department of Environmental Conservation. Upton pf. at 6.

38. The poles associated with the Project will be treated with the herbicide pentachlorophenol, which the Environmental Protection Agency classifies as a probable human carcinogen. Based on GMP's review of Geographic Information Systems data provided by ANR and supplemental field verification, the Company determined that no replacement poles will be within 100 feet of a private well or within 200 feet of a public drinking water source. The same ANR-approved isolation distances will be maintained for any pole storing or staging areas. Upton GMP Supplement at 17.

## Discussion

The Board notes that the Petitioner has proposed working hours between 7:00 A.M. and 5:00 P.M. Monday through Friday, which is consistent with past Board policy. However, in the interest of reducing Project construction time and cost, we find that it is appropriate in this case to expand the allowable work hours to 7:00 A.M. to 7:00 P.M. Monday through Friday. That said, Saturday hours will remain limited to 8:00 A.M. to 5:00 P.M. and no construction will be permitted on Sundays or state or federal holidays.

With regard to greenhouse gas impacts on the Project, we have determined that this Project does not have any direct greenhouse gas impacts.<sup>8</sup> In addition, we found that the Project is expected to reduce future greenhouse gas emissions through projected line loss savings.<sup>9</sup>

### **Headwaters**

[10 V.S.A. § 6086(a)(1)(A)]

39. There are several Project areas that may meet the definition of "headwaters" areas under 10 V.S.A. § 6086(a)(1)(A). The transmission line crosses through the watershed of a public water supply between Poles 69 and 75; the line also crosses through the watersheds of several small upland streams with relatively steep slopes between Poles 106 and 140. It is not known which, if any, of the areas within the Project boundaries may provide significant recharge to aquifers. However, because the Project will not create any new lines, access roads, or cleared rights-of-way, it should not result in any additional impacts on any headwaters area. Upton GMP Supplement at 11.

### **Waste Disposal**

[10 V.S.A. § 6086(a)(1)(B)]

40. The Project will meet applicable Department of Environmental Conservation regulations regarding the disposal of wastes. This finding is supported by findings 41 and 42, below.

41. Retired and waste materials will be removed from the site for salvage or for disposal in accordance with the Vermont Solid Waste Management rules. Upton pf. at 5.

42. The Project does not involve injection of any material into groundwater or wells. Upton pf. at 5.

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8. Finding 35, above.

9. Findings 16-18, above.

**Water Conservation**

[10 V.S.A. § 6086(a)(1)(C)]

43. The Project will not require the use of water. Upton pf. at 6.

**Floodways**

[10 V.S.A. § 6086(a)(1)(D)]

44. The Project will not restrict or divert the flow of flood waters and will not significantly increase the peak discharge of the river or stream. The Project will be located within an existing transmission corridor. The transmission line crosses a floodway in two locations and crosses a 100-year floodplain in three locations. The replacement of aerial conductors and the in-place replacement of existing utility poles will have no impact on the flow of flood waters. Upton pf. at 6 and exhs. GMP-RCJ-1A through 1H.

**Streams**

[10 V.S.A. § 6086(a)(1)(E)]

45. The Project will be located within an existing transmission corridor and will maintain the natural condition of streams. This finding is supported by findings 46 and 47, below.

46. The transmission line crosses several streams. Vanasse, Hangen, Brustlin, Inc., of Vergennes ("VHB") performed a detailed field review and located all perennial and intermittent streams crossing the right-of-way along with the pole locations. Upton pf. at 6-7; exhs. GMP-RCJ-1A through 1H.

47. Stream crossings will be avoided during construction to the maximum extent feasible through careful management by using multiple access points to avoid unnecessary crossings and scheduling work to reduce the number of times a stream is crossed. Best management practices, including sediment and erosion control devices, temporary bridges, and post-construction stabilization and revegetation, will be used as necessary and appropriate to protect water quality and stream bank integrity. Upton pf. at 6-7.

**Shorelines**

[10 V.S.A. § 6086(a)(1)(F)]

48. The Project involves reconductoring of an existing transmission line that crosses several waterways and must, of necessity, be located on shorelines. Reasonable steps will be taken to minimize the impacts on these shorelines. This finding is supported by findings 49 through 51, below.

49. The Project crosses Lake Pinneo between poles 54 and 55, the Ottauquechee River between poles 55 and 56, and the White River between poles 103 and 104. Upton pf. at 7.

50. The Project will have no impacts on Lake Pinneo, the Ottauquechee River, or the White River. The shorelines will be maintained in their current natural condition. Public access will not be affected. The Project will have no impact on vegetation on, or adjacent to, the shorelines, and will have no impact on the potential for erosion. Upton pf. at 7 and 8.

51. The replacement of the transmission line crossing of the White River in Hartford will be pursuant to a Rivers and Harbors Act permit from the Army Corps of Engineers ("ACOE"). Upton pf. at 8.

### **Wetlands**

[10 V.S.A. § 6086(a)(1)(G)]

52. The Project will not violate the Vermont Wetland Rules relating to significant wetlands. This finding is supported by findings 53 and 54, below.

53. VHB performed a detailed field review that identified all wetlands in and near the transmission line right-of-way. This review was provided to both ANR and the ACOE and it was determined that a Section 404 wetlands permit was not required. Upton pf. at 8 and 9 and GMP Supplement at 13.

54. GMP will use best management practices developed by ANR to minimize wetlands impacts, which will make this transmission line maintenance an Allowed Use under the Vermont Wetland Rules. These practices will include careful management of access points (i.e., choosing shortest possible routes to poles and avoiding wetlands crossings), maximizing construction during dry and frozen conditions, using temporary construction matting as necessary, and using native wetlands seed mixes approved by ANR for any required post-construction seeding. Upton pf. at 8.

### **Sufficiency of Water and Burden on Existing Water Supply**

[10 V.S.A. §§ 6086(a)(2)&(3)]

55. The Project will not cause an unreasonable burden on existing water supplies because the Project will not require a water supply. Upton pf. at 9.

**Soil Erosion**

[10 V.S.A. § 6086(a)(4)]

56. The Project will not result in unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result. All Project work will take place within the existing cleared transmission right-of-way. No road construction will be required. When construction is complete, existing access ways will be seeded and mulched as needed. All work will be performed in accordance with a site-specific Erosion Prevention and Sediment Control Plan and will not begin without approval from the Department of Environmental Conservation as required by GMP's requested Construction General Permit 3-9020. Upton pf. at 9.

**Transportation**

[10 V.S.A. § 6086(a)(5)]

57. The Project will not cause unreasonable congestion or unsafe conditions with respect to the use of highways, waterways, railways, airports and airways, or other means of transportation existing or proposed. Traffic impacts during construction will be minor and temporary. There will be no changes to existing road crossings. Work within the right-of-way crossing federal or state highways will be performed only subject to the approval of the Vermont Agency of Transportation. Traffic control measures will be employed as needed whenever work takes place on municipal roadways. Upton pf. at 9-10.

**Educational and Municipal Services**

[10 V.S.A. §§ 6086(a)(6) &amp; (7)]

58. The Project will not cause an unreasonable burden on the ability of any municipality to provide educational, municipal, or governmental services because it will not require or impact these services. Upton pf. at 10.

**Aesthetics, Historic Sites or Rare and Irreplaceable Natural Areas**

[10 V.S.A. § 6086(a)(8)]

59. The Project will not have an undue adverse effect on the scenic or natural beauty of the area, or upon aesthetics, historic sites, or rare and irreplaceable natural areas. This finding is supported by findings 60 through 64, below.

60. The Project involves the reconductoring of approximately 9.6 miles of existing 46 kV transmission line along an existing corridor running through Woodstock, Hartford, and Hartland. Jones pf. at 2; Upton pf. at 2.

61. The Project fits within the context of its immediate surroundings and the local area, and does not violate a written community standard. Upton pf. at 2, 3, and 11.

62. Electric transmission facilities have existed at the Project site for decades. The new equipment will be similar to existing components and will not be shocking or offensive. There is no written community standard prohibiting the upgrade of existing utility infrastructure. The municipal and regional plans suggest that the aesthetic and environmental impacts of transmission facilities be minimized to the extent possible. The use of an existing site for the Project accomplishes this goal. Upton pf. at 11.

63. The Northeast Archeology Research Center, Inc. ("NEARC") conducted an Archeological Research Assessment of the entire Project corridor. NEARC discovered the presence of twenty-five archeologically or historically sensitive areas and one historic site at an off-corridor access route. Sensitive areas will be avoided or protected during construction in accordance with plans developed by NEARC and approved by the Vermont Division of Historic Preservation. Upton pf. at 11.

64. There are no known rare or irreplaceable natural areas in the Project area. Upton pf. at 5.

**Necessary Wildlife Habitat and Endangered Species**

[10 V.S.A. § 6086(a)(8)(A)]

65. The Project will not destroy or significantly imperil necessary wildlife habitat or any endangered species. This finding is supported by findings 66 and 67, below.

66. The Project will be located entirely within an existing transmission corridor. GMP consulted with district wildlife and fisheries biologists and the Wildlife Diversity Program at the Vermont Fish and Wildlife Department prior to beginning design work on the Project.

Upton pf. at 12.

67. The route of the Project is proximate to several deer wintering areas DWAs. GMP has agreed not to engage in construction activities within 300 feet of the DWAs from December 15 through April 15. Exhibit GMP-TOU-1; ANR DWA Letter; and GMP DWA Letter.

### Discussion

The potential impact of the Project on DWAs was an issue commented on by ANR which proposed a condition on the CPG reflecting this seasonal practice. ANR offered that GMP's adherence to the proposed condition would overcome this potential significant issue with respect to the substantive criteria of 30 V.S.A. § 248. GMP has consented to this condition. Subject to such a condition we find that the Project will have no unduly adverse impact on necessary wildlife habitat or endangered species.

### **Development Affecting Public Investments**

[10 V.S.A. § 6086(a)(9)(K)]

68. The Project will not unnecessarily or unreasonably endanger the public or quasi-public investments in any governmental public utility facilities, services, or lands, or materially jeopardize or interfere with the function, efficiency, or safety of the public's use or enjoyment of or access to such facilities, services, or lands. The transmission line crosses several public roads. There will be no changes to existing road crossings. Traffic control measures will be employed as needed whenever work takes place on any municipal roadway. Work crossing any federal or state roadway will only be performed subject to approval from the Vermont Agency of Transportation. Upton pf. at 13.

**Consistency With Company's Least-Cost Integrated Plan**

[30 V.S.A. § 248(b)(6)]

69. The Project is consistent with the principles for resource selection expressed in GMP's Integrated Resource Plan ("IRP"). GMP seeks to improve reliability and efficiency as outlined in its IRP. The Project will improve reliability for unplanned and planned contingencies consistent with the IRP. The replacement of the undersized and aging conductor and infrastructure will result in lower overall costs and will improve system performance consistent with IRP principles. Jones pf. at 8.

**Compliance with Electric Energy Plan**

[30 V.S.A. § 248(b)(7)]

70. The Project complies with the *Vermont Electric Plan*. The relevant tenets of the 2011 *Vermont Electric Plan* require utilities to provide reliable electric service at the lowest possible life-cycle cost, with due consideration for environmental and aesthetic impacts, as well as public health and safety. The Project will improve electric service reliability at least cost, which in turn protects health and safety. The Project will not result in undue adverse environmental or aesthetic impacts. Jones pf. at 8.

71. On September 23, 2013, the Department filed a letter, pursuant to 30 V.S.A. § 202(f), stating that the Project is consistent with the *Vermont Electric Plan*. DPS Letter.

**Outstanding Resource Waters**

[30 V.S.A. § 248(b)(8)]

72. The Project is not located on or near any waters designated as Outstanding Resource Waters. Upton pf. at 8.

**Waste-to-Energy Facility**

[30 V.S.A. § 248(b)(9)]

73. The Project is not a waste-to-energy facility; therefore, this criterion is not applicable.

**Existing or Planned Transmission Facilities**

[30 V.S.A. § 248(b)(10)]

74. The Project can be served economically by existing or planned transmission facilities without undue adverse effect on Vermont utilities or customers. The Project involves improvements to an existing 46 kV transmission line originally constructed in 1929 and is an integral part of the GMP transmission system that provides service in the Woodstock and Hartford areas. Johnson pf. at 4.

**IV. CONCLUSION**

Based upon all of the above evidence, we conclude that the Project will be of limited size and scope; that the petition does not raise a significant issue with respect to the substantive criteria of 30 V.S.A. § 248; that the public interest is satisfied by the procedures authorized by 30 V.S.A. § 248(j); and that the Project will promote the general good of the State.

**V. ORDER**

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board ("Board") of the State of Vermont that:

1. The proposed reconductoring of 9.6 miles of 46 kV transmission line located in the towns of Woodstock, Hartland, and Hartford, Vermont (the "Project"), by Green Mountain Power Corporation ("GMP"), will promote the general good of the State of Vermont in accordance with 30 V.S.A. Section 248, and a certificate of public good ("CPG") to that effect shall be issued.

2. Construction, operation and maintenance of the Project shall be in accordance with the plans and evidence submitted in this proceeding. Any material deviation from these plans or substantial change to the Project must be approved by the Board. Failure to obtain advance

approval from the Board for a material deviation from the approved plans or substantial change to the Project may result in the assessment of a penalty pursuant to 30 V.S.A. §§ 30 and 247.

3. GMP shall obtain all necessary permits and approvals. Construction, operation and maintenance of the Project shall be in accordance with such permits and approvals, and with all other applicable regulations.

4. GMP shall restrict construction activities for the Project to the hours between 7:00 A.M. and 7:00 P.M. Monday through Friday, and between 8:00 A.M. and 5:00 P.M. Saturday, and shall cease construction activities on Sundays and state or federal holidays.

5. GMP shall not perform any construction activities within 300 feet of a deer wintering area from December 15 through April 15.

6. The Project shall be constructed in accordance with the National Electric Safety Code.

7. Prior to commencing construction, GMP shall file with the Board, the parties, and the towns of Woodstock, Hartland, and Hartford a letter stating that it has fulfilled all requisite CPG conditions, and that it intends to commence construction of the Project.

8. GMP shall adhere to its Erosion Prevention and Sediment Control Plan and shall not begin construction without Department of Environmental Conservation approval consistent with Construction General Permit 3-9020.

9. Work within the right-of-way crossing federal or state highways shall only be performed subject to the approval of the Vermont Agency of Transportation. Traffic control measures will be employed as needed whenever work takes place on municipal roadways.

Dated at Montpelier, Vermont, this 11<sup>th</sup> day of October, 2013.

<u>s/James Volz</u>	)	
	)	PUBLIC SERVICE
	)	
<u>s/John D. Burke</u>	)	BOARD
	)	
	)	OF VERMONT
<u>s/Margaret R. Cheney</u>	)	

OFFICE OF THE CLERK

FILED: October 11, 2013

ATTEST: s/Susan M. Hudson  
Clerk of the Board

*NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us )*

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