

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 6667

Petitions of Central Vermont Public Service)
Corporation and Vermont Electric Power)
Company, Inc. for certificates of public good)
authorizing reconfiguration of 34.5 kv)
transmission facilities outside the East Fairfax)
Substation in Fairfax, Vermont, and related bulk)
transmission system improvements)

Order entered: 8/28/2002

I. INTRODUCTION

This case involves a petition filed on December 28, 2001, by Central Vermont Public Service Corporation ("CVPS") and an amended petition filed on May 31, 2002, by CVPS and Vermont Electric Power Company, Inc. ("VELCO") requesting a certificate of public good ("CPG") under 30 V.S.A. § 248(j). CVPS and VELCO seek to reconfigure some of CVPS's existing 34.5 kv transmission facilities near and within VELCO's existing East Fairfax Substation, located in Fairfax, Vermont.

CVPS and VELCO have served the petition, prefiled testimony, proposed findings, and a proposed order (along with a prospective CPG) on the Public Service Board ("Board"), the Vermont Department of Public Service ("DPS") and the Vermont Agency of Natural Resources ("ANR"), as specified in 30 V.S.A. § 248(a)(4)(C), pursuant to the requirements of 30 V.S.A. § 248(j)(2).

Notice of the filing in this docket was sent on June 14, 2002, to all parties specified in 30 V.S.A. § 248(a)(4)(C) and all other interested persons. 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 must file the comments with the Board on or before

July 16, 2002. Notice of the filing, with a request for comments on or before July 16, 2002, was also published in the *St. Albans Messenger* on June 18 and 25, 2002.

The ANR filed comments with the Board on July 17, 2002. In its filing, the ANR does not oppose the proposed project and does not request a hearing. Related to the "Streams" criteria (10 V.S.A. § 6086(a)(1)(E)), the ANR notes that the proposed project will involve work in the vicinity of Beaver Brook. In a letter addressing this subject, the ANR lists several recommendations, most of which have been incorporated into the proposal. A recommendation that has not been incorporated, but which the ANR requests be incorporated is "that vegetation should be allowed to grow to the maximum height possible under the poles and lines." As a result, the ANR requests that one additional condition be included in the CPG. No comments or objections to the ANR request has been received from CVPS or VELCO, and we have adopted the ANR request in today's order.

The DPS also filed a Determination under 30 V.S.A. § 202(f) on July 16, 2002.

No comments were received from any other parties or interested persons.

The Board has reviewed the petition and accompanying documents and agrees that, pursuant to 30 V.S.A. § 248(j), a CPG should be issued without the notice and hearings otherwise required by 30 V.S.A. § 248.

II. FINDINGS

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

1. CVPS is a duly organized public service corporation with a principal place of business at 77 Grove Street, Rutland, Vermont. Pet. at 1.
2. VELCO is a duly organized public service corporation with a principal place of business at 366 Pinnacle Ridge Road, Rutland, Vermont. Amend. Pet. at 1; Johnson pf. at 1.
3. CVPS owns and operates electrical distribution and transmission systems in the Town of Fairfax, Vermont. Watts pf. at 1.
4. VELCO owns and operates the bulk power transmission system which supplies the CVPS system at a substation located in Fairfax, Vermont. Johnson pf. at 1.

5. CVPS is proposing to reconfigure its existing 34.5 kv transmission lines around the existing VELCO East Fairfax Substation to improve the reliability of its system in the Fairfax/Underhill service area. Watts pf. at 1.

6. The proposed project will consist of disconnecting the existing 34.5 kv Underhill Tap transmission line from the existing Fairfax-East Fairfax 34.5 kv transmission line, then extending and reconnecting this line to the VELCO system at the existing VELCO East Fairfax Substation, relocation of a section of the Fairfax-Johnson 34.5 kv transmission line to a location farther from Beaver Brook, installation of a 200-foot 34.5 kv tie line and load break switch in front of the East Fairfax substation, and the elimination of approximately 1,400 feet of 34.5 kv transmission line along Beaver Brook. Watts pf. at 1-2.

7. Expansion of the existing VELCO East Fairfax Substation is not required, as the bay of structural steel needed to accommodate the proposed new CVPS transmission line connection is existing. The proposed new CVPS transmission line extension will be located around the east and north sides of the substation and then connect directly into an existing open position in the 34.5 kv bays of the substation. The proposed equipment being installed within the substation resembles the existing equipment in size and appearance. Johnson pf. at 2.

8. The proposed routing for the relocation and reconfiguration of the transmission lines involves land owned by VELCO as well as land in private ownership. All of the proposed line locations have been reviewed and approved by the affected landowners. The deeds have not and will not be executed until all permits and permissions have been received. Watts pf. at 2.

Orderly Development of the Region

[30 V.S.A. § 248(b)(1)]

9. The proposed 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 plan of any affected municipality. This finding is supported by findings 10 through 12, below.

10. The proposed project involves the realignment of existing facilities and will not materially impact existing or potential land uses in the region. The Fairfax Planning

Commission, the Northwest Regional Planning Commission, and the Fairfax Selectboard were notified of the proposed project and were provided with construction plans in March 2001; none raised any concerns or objections to the project as proposed. Upton pf. at 1-2; exh. TOU-2.

11. The proposal will not impact areas of natural or cultural significance. Upton pf. at 2-9.

12. The proposed project will not impact any land conservation measures included in the Fairfax Town Plan. Upton pf. at 2.

Need For Present and Future Demand for Service

[30 V.S.A. § 248(b)(2)]

13. The proposed project is required to meet the need for 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 3 through 6, above; Watts pf. at 1-2.

System Stability and Reliability

[30 V.S.A. § 248(b)(3)]

14. The proposed project will not adversely affect system stability and reliability, in fact, the proposed project will improve reliability. This finding is supported by findings 15 through 17, below.

15. By disconnecting the 34.5 kv Underhill Tap from the Fairfax-East Fairfax 34.5 kv transmission line and reconnecting it within the VELCO East Fairfax Substation, the proposed project improves reliability by removing approximately 8 miles of line exposure to the approximately 3-mile Fairfax-East Fairfax line. Stacom pf. at 1-2.

16. From the standpoint of relaying and line protection, the proposed project will result in a line configuration that is more flexible and reliable by allowing more rapid fault sensing and clearing, also giving better protection from damage to system equipment. Stacom pf. at 2.

17. The proposed project will allow system maintenance at the East Fairfax Substation without any interruption of service or degradation in system protection. Stacom pf. at 3.

Economic Benefit to the State

[30 V.S.A. § 248(b)(4)]

18. The proposed project will result in an economic benefit to the State. This finding is supported by findings 15 through 17, above, and 19, below.

19. The total construction cost for the proposed project is estimated at \$255,000, with the transmission line portion estimated at \$115,000 and the substation modifications estimated at \$140,000. All costs will be paid by CVPS. Watts pf. at 2.

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

[30 V.S.A. § 248(b)(5)]

20. The project as proposed will not have an undue adverse effect on aesthetics, historic sites, air and water purity, the natural environment and the public health and safety. This finding is supported by findings 21 through 47, below, which are based on the criteria specified in 10 V.S.A. §§ 1424a(d) and 6086(a)(1) through (8), 8(A) and (9)(K).

Outstanding Resource Waters

[10 V.S.A. § 1424a(d)]

21. The proposed project will have no undue impact on any known outstanding resource waters of the state, as the proposed project is not located on or near any Outstanding Resource Waters. Upton pf. at 9.

Water and Air Pollution

[10 V.S.A. § 6086(a)(1)]

22. The project as proposed will not result in undue water or air pollution. This finding is supported by findings 23-31, below.

Headwaters

[10 V.S.A. § 6086(a)(1)(A)]

23. The proposed project will not be located in a headwaters area. Upton pf. at 4.

Waste Disposal

[10 V.S.A. § 6086(a)(1)(B)]

24. The proposed project as designed will meet any applicable health and environmental conservation regulations regarding the disposal of wastes, and will not involve the injection of waste materials or any harmful toxic substances into ground water or wells. Upton pf. at 4.

25. Any construction debris will be disposed of at an approved landfill. Upton pf. at 4.

Water Conservation

[10 V.S.A. § 6086(a)(1)(C)]

26. The project will not require the use of water. Upton pf. at 4.

Floodways

[10 V.S.A. § 6086(a)(1)(D)]

27. The proposed project is located adjacent to Beaver Brook. The existing transmission lines are within the floodway of that brook. After the proposed construction is complete, four sections of transmission line that now run along and over the brook will have been replaced by two sections. The number of poles in the floodway will have been reduced from four to two. The proposed new pole locations will also be less subject than the existing poles to washout by the river, the channel of which moves frequently in the area. The proposed project will reduce the extent of facilities in the floodway, and therefore decrease any potential for interference with the flow or storage of flood waters. The proposal will neither increase restriction nor diversion of the flow of flood waters, nor endanger the health, safety and welfare of the public or of riparian owners during flooding. Upton pf. at 4 and 5.

Streams

[10 V.S.A. § 6086(a)(1)(E)]

28. Two existing transmission lines are located alongside and spanning Beaver Brook. The proposed project will consolidate these existing facilities into one transmission line, generally farther away from the brook. The natural condition of the stream will be maintained, and to some extent restored. In accordance with recommendations made by the Vermont Water Quality Division, CVPS will locate the proposed new poles as far from the top of the bank of Beaver

Brook as possible and will minimize any clearing of trees and brush near the brook. Upton pf. at 5; exh. TOU-3.

Shorelines

[10 V.S.A. § 6086(a)(1)(F)]

29. The proposed project is not located on the shoreline of a lake, river, or pond. Upton pf. at 5.

Wetlands

[10 V.S.A. § 6086(a)(1)(G)]

30. There are no Class 1 or 2 wetlands associated with this proposed project. Upton pf. at 5-6.

Air Pollution

[10 V.S.A. § 6086(a)(1)]

31. The proposed project will not result in unreasonable air pollution. There will be no industrial or manufacturing emissions or blasting. The proposed construction will not produce smoke or excessive noise or dust. Upton pf. at 3.

Sufficiency of Water And Burden on

Existing Water Supply

[10 V.S.A. § 6086(a)(2)(3)]

32. The proposed project will not require the use of water and will not place a burden on any existing water supply. Upton pf. at 4.

Soil Erosion

[10 V.S.A. § 6086(a)(4)]

33. The proposed project as designed will not result in unreasonable soil erosion or reduce the ability of the land to hold water. This finding is supported by findings 34 and 35, below.

34. The only earth disturbance associated with the proposed project is the replacement of several poles. Upton pf. at 6.

35. Low-growing vegetation will be retained, and clearing will be minimized near Beaver Brook, in accordance with recommendations of the Vermont Agency of Natural Resources. Upton pf. at 6; exh. TOU-3.

Traffic

[10 V.S.A. § 6086(a)(5)]

36. The proposed project will have no effect on transportation systems and, therefore, will not cause unreasonable congestion or unsafe conditions with respect to them. Upton pf. at 6.

Educational Services

[10 V.S.A. § 6086(a)(6)]

37. The proposed project will not impact educational services, therefore, it will not cause an unreasonable burden on the ability of any of the involved municipalities to provide educational services. Upton pf. at 6.

Municipal Services

[10 V.S.A. § 6086(a)(7)]

38. The proposed project will not require municipal or governmental services and, therefore, will not place an unreasonable burden on the ability of any involved municipalities to provide municipal services. Upton pf. at 6 and 7.

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

[10 V.S.A. § 6086(a)(8)]

39. The project as proposed will not have an undue adverse effect on the scenic or natural beauty, aesthetics, historic sites or rare and irreplaceable natural areas. This finding is supported by findings 40 through 44, below.

40. The proposed project consists of the extension of the existing Underhill Tap transmission line into the VELCO East Fairfax Substation, the relocation of the existing Fairfax-Johnson transmission line to a point farther from Beaver Brook, the installation of a 200-foot tie line and load break switch in front of the substation, and the elimination of approximately 1,400 feet of transmission line along Beaver Brook. Watts pf. at 1.

41. The proposed project will not adversely affect any views and, after the proposed project is complete, the overall aesthetic impact of the proposed facilities around the existing substation will be essentially the same as the existing aesthetic impact. Exh. DGW-1; Upton pf. at 7-8.

42. Some additional clearing will be required to the west of the existing substation. Existing facilities along Beaver Brook will be consolidated, and clearing near the brook will be minimized. Upton pf. at 7-8; exh. DGW-1.

43. The proposed transmission line will generally fit within the context of the area in which it is proposed, and it will not adversely affect the Town of Fairfax. Upton pf. at 7-8; exh. DGW-1.

44. There are no known historic sites or rare or irreplaceable areas impacted by this proposed project. Upton pf. at 8.

Discussion

Based on the above findings, the Board finds that this proposed project will not have an undue adverse effect on the aesthetics or scenic and natural beauty of the area. In reaching this conclusion, the Board has relied on the Environmental Board's methodology for determination of "undue" adverse effects on aesthetics and scenic and natural beauty as outlined in the so-called Quechee Lakes decision. Quechee Lakes Corporation, #3W0411-EB and 3W0439-EB (January 1986).

As required by this decision, it is first appropriate to determine if the impact of the proposed project will be adverse. The proposed project would have an adverse impact on the aesthetics of the area if its design were out of context or not in harmony with the area in which it is located. If it is found that the impact would be adverse, it is then necessary to determine whether such an impact would be "undue." Such a finding would be required if the proposed project: (1) violated a clear written community standard intended to preserve the aesthetics or scenic beauty of the area, (2) if it would offend the sensibilities of the average person, or if (3) generally available mitigating steps were not taken to improve the harmony of the proposed project with its surroundings. The Board's assessment of whether a particular project will have

an "undue" adverse effect based on these three standards will be significantly informed by the overall societal benefits of the project¹.

The proposed project will not have an adverse impact on aesthetics. Proposed tree clearing will take place adjacent to existing transmission facilities. The most visible facilities, which are along the brook, will be consolidated so that the number of poles will be reduced. Clearing will be minimized in this area, and low-growing vegetation will be retained where possible. Especially considering the number of transmission facilities that presently converge at the substation site, the proposed project will not constitute a significant change to existing conditions.

**Necessary Wildlife Habitat and
Endangered Species**

[10 V.S.A. § 6086(a)(8)(A)]

45. The proposed project will not impact any designated natural areas or known endangered species sites. Upton pf. at 8; exh. TOU-1.

Development Affecting Public Investments

[10 V.S.A. § 6086(a)(9)(K)]

46. The proposed facilities 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, or the public's use or enjoyment of or access to such facilities, services, or lands. Upton pf. at 8.

Public Health and Safety

[30 V.S.A. § 248(b)(5)]

47. The proposed project will have no adverse effect on public safety. The proposed project shall be constructed in accordance with the requirements of the National Electrical Safety Code. Public Service Board Rule No. 3.500.

1. Consider for example, reduction in need for powerplant, transmission investments, or other social costs.

Consistency with Resource Selection

Integrated Resource Selection

[30 V.S.A. Sec. 248(b)(6)]

48. he proposed project, by enhancing system stability and reliability, in a cost-effective manner, is consistent with the Company's Least-Cost Integrated Plan. Watts pf. at 2.

Compliance With Electric Energy Plan

[30 V.S.A. § 248(b)(7)]

49. The project as proposed is consistent with the Vermont 20-Year Electric Plan. Stacom pf. at 1-3. he DPS has determined, in a letter dated July 16, 2002, that the proposed project is consistent with the Vermont 20-Year Electric Plan in accordance with 30 V.S.A. § 202(f), provided that the actions of CVPS and VELCO in this matter are consistent with the petition and testimony. DPS Section 202(f) Determination.

Outstanding Water Resources

[30 V.S.A. § 248(b)(8)]

50. No designated Outstanding Resource Waters will be affected by the proposed project. Upton pf. at 9.

Existing Transmission Facilities

[30 V.S.A. § 248(b)(10)]

51. The proposed project will have no adverse affect on Vermont customers or utilities and, in fact, will improve reliability of existing service to CVPS ustomers as a result of reconfiguring the subject transmission lines. Stacom pf. at 1-3.

III. CONCLUSION

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

IV. ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that the reconfiguration by CVPS of 34.5 kv transmission lines in Fairfax, Vermont, and associated modifications in the VELCO East Fairfax Substation, will promote the general good of the State of Vermont in accordance with 30 V.S.A. Sec. 248, and a certificate of public good shall be issued in this matter.

Dated at Montpelier, Vermont, this 28th day of August, 2002.

<u>s/Michael H. Dworkin</u>)	
)	PUBLIC SERVICE
)	
<u>s/David C. Coen</u>)	BOARD
)	
)	OF VERMONT
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OFFICE OF THE CLERK

FILED: August 28, 2002

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: Clerk@psb.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.