

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Docket No. 6844

Petition for Declaratory Ruling by the Stowe )  
Mountain Resort as to whether extensions and )  
modifications of the Resort's 34.5 kV )  
distribution system require approval pursuant to )  
30 V.S.A. § 248 )

Order entered: 11/10/2003

**DECLARATORY RULING**

**I. BACKGROUND**

This case concerns a petition filed by the Stowe Mountain Resort ("Resort") on April 22, 2003, pursuant to 3 V.S.A. Section 808 and Public Service Board ("Board") Rule 2.403, seeking a declaratory ruling that extensions and modifications of the Resort's 34.5 kV distribution system are not subject to the Board's jurisdiction under 30 V.S.A. Section 248, pursuant to the terms of the Board's General Order 51 relating to transmission and distribution line construction.

Copies of the petition and attached materials were provided on May 20, 2003, to the Vermont Department of Public Service, the Environmental Board, the Agency of Natural Resources, and the Town of Stowe Electric Department. Comments were to be filed with the Board by June 3, 2003. No parties filed comments related to this petition.

**II. FINDINGS**

1. Approximately 20 years ago, the Resort upgraded its distribution system for lifts and snowmaking. The Resort considered the following voltages for the upgrade: 5 kV (the voltage level of the Resort's existing system at that time); 15 kV; and 34.5 kV. For several reasons, including reduced line losses, the Resort selected the 34.5 kV system. Pet at 1.

2. The upgraded 34.5 kV distribution system at the resort begins at a meter in the Spruce base lodge parking area and travels overhead to a riser pole near the Mt. Mansfield parking area, south of the Gondola base. From this pole, the distribution is underground and feeds switches

and pad mounted transformers supplying lifts, snowmaking equipment, and other Resort-owned electric loads Pet. at 1.

3. The Resort is currently extending the 34.5 kV distribution system as part of an expansion of the Resort. This expansion of the 34.5 kV system was included in the Resort's Act 250 permit application for its expansion, and in the subsequent Act 250 approval. Pet. at 2.

### **III. DISCUSSION**

Vermont statutes require Board approval prior to site preparation for, or construction of, an electric transmission facility. 30 V.S.A. § 248. Pursuant to the Board's General Order 51, any electric line designed to operate or capable of operating at a voltage in excess of 30 kV is presumed to be a transmission line for the purposes of Section 248, unless the Board makes a specific declaration to the contrary. In the past, the Board has issued such declarations to Vermont utilities pursuant to General Order 51, ruling that construction of distribution facilities, even if they operate or are capable of operating at 34.5 kV, are not subject to the provisions of Section 248. These prior rulings established the following distinction between transmission and distribution facilities:

An "electric transmission facility" within the meaning of 30 V.S.A. § 248 is a line and/or related facilities (including any substation), the purpose of which is the transporting of electric power at any voltage in bulk from a source or sources of supply to other principal parts of the system or to a distribution system.

A "distribution line or facility" is a line and/or related facilities (including pad or pole mounted line transformers), the purpose of which is to serve individual customers at any voltage not to exceed 34.5 kV; this definition does not include any line and/or facilities at any voltage if such lines and/or facilities function as a transmission facility.<sup>1</sup>

Applying these definitions, it is clear that the Resort's 34.5 kV lines are part of its distribution system, and, as such, are not be subject to the requirements of Section 248.

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1. These definitions were first set out in Docket No. 5738, Order of June 17, 1994, at 7.

**IV. ORDER**

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that extensions and modifications of the Resort's 34.5 kV distribution system in the Town of Stowe, Vermont, as described in the findings above, are part of a distribution system and, as such, do not require approval under 30 V.S.A. Section 248.

Dated at Montpelier, Vermont, this 10<sup>th</sup> day of November, 2003.

<u>s/Michael H. Dworkin</u>	)	
	)	PUBLIC SERVICE
	)	
<u>s/David C. Coen</u>	)	BOARD
	)	
	)	OF VERMONT
<u>s/John D. Burke</u>	)	

OFFICE OF THE CLERK

FILED: November 10, 2003

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.*