

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 6949

Joint Petition of Central Vermont Public Service)
Corporation (CVPS) and Vermont Electric Power)
Company (VELCO), pursuant to 30 V.S.A. § 248(j),)
for a certificate of public good authorizing the)
expansion of the CVPS Bay Street Substation, the)
addition of a bay and breakers at the VELCO St.)
Johnsbury substation, and the reconfiguration of)
transmission lines at both facilities, in St. Johnsbury,)
Vermont)

Order entered: 6/28/2004

I. INTRODUCTION

This Docket involves a petition filed by Central Vermont Public Service Corporation ("CVPS") and Vermont Electric Power Company, Inc ("VELCO") (collectively, "Companies" or "Petitioners") on April 1, 2004, requesting a certificate of public good ("CPG") pursuant to 30 V.S.A. § 248(j) to increase the capabilities of existing transmission lines and substations to provide more reliable service in St. Johnsbury, Vermont. Specifically, the Petitioners propose to add a new bay, new breakers, disconnects, and surge arresters at VELCO's St. Johnsbury substation, and add a new control building and expand the existing fence at CVPS's Bay Street substation. In addition, existing transmission lines will be reconfigured outside each facility.

Notice of the filing in this docket was sent on April 29, 2004, to all parties specified in 30 V.S.A. § 248(a)(4)(c) and all other interested parties. The notice stated that any party wishing to submit comment as to whether the petition raises a significant issue with respect to the substantive criteria of 30 V.S.A. § 248 needed to file their comments with the Board on or before June 1, 2004. Notice of this filing, with a request for comments on or before June 1, 2004, was published in the *Caledonian Record* on May 4, and May 11, 2004. No comments were received regarding this filing.

II. FINDINGS

1. CVPS and VELCO are each companies, as defined in 30 V.S.A. § 201. Petition at 1.

2. The proposed improvements at VELCO's St. Johnsbury substation include the addition of a third 34.5 kV steel bay, an extension of the 34.5 kV bus into the new bay, and two new 34.5 kV breakers. Surge arresters and 34.5 kV bus and line side disconnects will also be installed in the new bay. Six new poles will be installed outside the substation to create new circuit ties. Johnson pf. at 2; Upton pf. at 9.

3. Proposed improvements at CVPSs Bay Street substation consist of the expansion of the existing fence, installation of a new control building and equipment, and reconfiguration of existing transmission lines. Watts pf. at 2.

4. The proposed project is intended to increase the capabilities of the existing St. Johnsbury area transmission lines and substations to provide more reliable service to existing customers. Watts pf. at 1.

Orderly Development of the Region

[30 V.S.A. § 248(b)(1)]

5. 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 6 and 7, below.

6. The proposed project is intended to improve the reliability of existing systems. Upton pf. at 1–2.

7. The proposed project will not impact any land conservation measures included in the St. Johnsbury Town Plan. The St. Johnsbury Planning Commission, the St. Johnsbury Selectboard, and the Northeastern Vermont Development Association were notified of the project and did not submit any comments. As requested by the municipal planning commission, CVPS has ensured that the proposed project will not interfere with the use or maintenance of municipal utilities. Upton pf. at 1–3.

Need for Present and Future Demand for Service

[30 V.S.A. § 248(b)(2)]

8. 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 finding 4, above.

System Stability and Reliability

[30 V.S.A. § 248(b)(3)]

9. The proposed project will improve system stability and reliability. Watts pf. at 1–3; Stacom pf. at 1–2; exhs. FPS#1, FPS#2.

Economic Benefit to the State

[30 V.S.A. § 248(b)(4)]

10. The total construction cost for the proposed project will be approximately \$600,000 for the CVPS portion and \$230,000 for the VELCO portion. Watts pf. at 2; Johnson pf. at 3.

11. The proposed project will provide greater reliability to all customers served by the lines, especially during substation or line maintenance, and during contingencies. Watts pf. at 1; Stacom pf. at 1–3.

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

[30 V.S.A. § 248(b)(5)]

12. The modifications as proposed will not have an undue adverse effect on aesthetics, historic sites, air and water purity, the natural environment and public health and safety. This finding is supported by findings 13 through 40 below, which are the criteria specified in 10 V.S.A. §§ 1424(a)(d) and 6086(a)(1)-(8)(a) and (9)(k).

Outstanding Resource Waters

[10 V.S.A. § 1424(a)(d)]

13. No Outstanding Resource Waters will be affected by the proposed project. Upton pf. at 12.

Water and Air Pollution

[10 V.S.A. § 6086(a)(1)]

14. The proposed project will not result in undue water or air pollution. This finding is supporting by findings 15 and 16, below.

15. The proposed project will not result in any air pollution because there will be no emissions from the proposed project. If any clearing is necessary, vegetative materials will be chipped and mulched or disposed of at an approved off-site location. No burning will take place. Upton pf. at 4.

16. Proposed project does not involve industrial/ manufacturing emission, or excessive dust and smoke during construction. Upton pf. at 4.

Headwaters

[10 V.S.A. § 6086(a)(1)(A)]

17. The proposed project is not located in a headwaters area. Upton pf. at 5; exh. TOU-1.

Waste Disposal

[10 V.S.A. § 6086(a)(1)(B)]

18. The proposed project does not involve disposal of wastes or injections of any material into groundwater or wells. Upton pf. at 5.

19. Any construction debris will be disposed of at an approved landfill. Upton pf. at 5.

Water Conservation

[10 V.S.A. § 6086(a)(1)(C)]

20. The proposed project will not require the use of water. Upton pf. at 5.

Floodways, Streams, and Shorelines

[10 V.S.A. §§ 6086(a)(1)(D)(E) &(F)]

21. The poles outside the Bay Street substation are located adjacent to the Passumpsic River floodway. The structures will not restrict or divert the flow of flood waters. Upton pf. at 5.

22. There are no streams associated with the proposed project. Upton pf. at 5; exh. TOU-1.

23. The Bay Street substation is located approximately 100 feet from the bank of the Passumpsic River. Vegetation will not be impacted, and transmission lines will be moved farther from the riverbank. Upton pf. at 4–6; exh. TOU-1.

Wetlands

[10 V.S.A. § 6086(a)(1)(G)]

24. There is a Class 2 wetland associated with the Passumpsic River below the Bay Street substation. The substation work will not take place within the wetland or its 50-foot buffer. Existing transmission lines will be reconfigured to move farther away from the river and associated wetland areas. Overall wetland impacts will be reduced, and the work constitutes an Allowed Use under the Vermont Wetland Rules. Upton pf. at 6; exh. TOU-1.

Sufficiency of Water and Burden on Existing Water Supply

[10 V.S.A. §§ 6086(a)(2)&(3)]

25. The proposed project will not require the use of water and will not place a burden on any existing water supply. Upton pf. at 4–7.

Soil Erosion

[10 V.S.A. § 6086(a)(4)]

26. Earth disturbance will be limited to the immediate areas of new pole locations and the expansion of the Bay Street substation yard. With the installation and maintenance of erosion control devices between the substation and the top of the bank to the east, construction will not result in unreasonable soil erosion or reduction in the ability of the land to hold water. Upton pf. at 7.

Transportation Systems

[10 V.S.A. § 6086(a)(5)]

27. The proposed project will not cause unreasonable congestion or unsafe conditions with respect to transportation systems. Upton pf. at 7.

Educational Services

[10 V.S.A. § 6086(a)(6)]

28. Educational services will not be impacted by this project. Upton pf. at 7.

Municipal Services

[10 V.S.A. § 6086(a)(7)]

29. No additional municipal services will be required as a result of the proposed modifications. Upton pf. at 7.

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

[10 V.S.A. § 6086(a)(8)]

30. The proposed project 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 31 through 38, below.

31. The proposed project involves the expansion of the CVPS Bay Street substation and addition of a new control building, the addition of a new bay and additional breakers at the VELCO St. Johnsbury substation, and the reconfiguration of existing transmission lines outside each substation. Johnson pf. at 1-3; Upton pf. at 1-2; exhs. DGW#1, DGW#2, RCJ-2 through 8.

32. The proposed project will provide circuit ties through the installation of six new poles outside the VELCO St. Johnsbury substation. At the CVPS Bay Street substation, the substation yard will be enlarged, including the construction of a new control building, and existing transmission lines will be reconfigured, resulting in the consolidation of lines. Transmission line

construction will be primary vertical dead-end angles and GOAB switches mounted on 55- and 60-foot wooden poles. Upton pf. at 9–11; Watts pf. at 2; exhs. DGW#1–DGW#4.

33. Existing views at both sites already include substations and multiple transmission lines. Upton pf. at 9–10.

34. The VELCO St. Johnsbury substation is screened from Interstate 93 by existing vegetation and topography. The new poles will be located directly outside the substation in a field already containing multiple transmission lines and poles. Upton pf. at 9; exh. DGW#1.

35. The CVPS Bay Street substation includes a building built in 1926 and currently housing control equipment for the facility. It is an old brick structure that has served multiple purposes over the years, had multiple additions and removals, and is in poor condition. The building was built as an addition to a larger structure, since removed. Upton pf. at 10–11.

36. With the construction of the new control building at the CVPS Bay Street substation, the existing building will no longer serve any purpose associated with the transmission facilities at the site. CVPS intends to remove the existing building at a later date and install coniferous trees and shrubs in its place. The building's historic properties have been fully documented. The Vermont Division for Historic Preservation has reviewed the proposed project and has no objection to the demolition of the building. Therefore, the proposed project will not have an undue adverse impact on cultural or historic resources. Upton pf. at 9–11; exh. TOU-2.

37. The proposed project is very unlikely to have any impact on potential archaeological sites because earth disturbance will be limited to the area immediately surrounding the poles and expanded substation yard, which is located well above the river on existing fill. Upton pf. at 11.

38. There are no rare or irreplaceable natural areas associated with the proposed project. Upton pf. at 11; exh. TOU-1.

Discussion

Based on the above findings, the Board finds that the 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, dated January 13, 1986.

As required by this decision, it is first appropriate to determine if the impact of the project will be adverse. The project would have an adverse impact on the aesthetics of the area if its design is 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 that such an impact would be "undue." Such a finding would be required if the project violates a clear written community standard intended to preserve the aesthetics or scenic beauty of the area, if it would offend the sensibilities of the average person, or if generally available mitigating steps would not be taken to improve the harmony of the project with its surroundings. The Board's assessment of whether a particular project will have an "undue" adverse effect based on these standards should be significantly informed by the overall societal benefits of the project.¹

The proposed project will not have an adverse effect on the aesthetics of the area. The expansion of the Bay Street substation fence and construction of a new control building will fit the existing context of the area, which is industrial in nature and contains electric transmission facilities. The new building will be located at the rear of the substation lot, and would allow for the future removal of the existing building, which would be an aesthetic improvement. The addition of poles in order to complete circuit ties at the VELCO St. Johnsbury substation will also fit the context of the area. The poles will be located in a field at the bottom of a steep bank — while the poles themselves will be plainly visible at the site, they are located immediately adjacent to the existing substation where several transmission lines already converge. Installing the ties will not require significant tree clearing, and the substation is almost completely screened by existing vegetation.

Even if the project did have an adverse aesthetic impact, such impact would not be undue. The project does not violate a clear, written community standard, is not shocking or offensive, and is based on a design that makes use of reasonably available mitigation steps. The St. Johnsbury Town Plan envisions continued industrial development along Bay Street, and the proposed project's design avoids environmental impacts to the river and the planned construction

1. Docket 6884, Order of 4/21/04 at 20-21.

of a recreational bike path. Since all construction takes place adjacent to existing substations and transmission lines, its presence will not be shocking, and will not offend the sensibilities of the average person. Reasonable steps have been taken to minimize the aesthetic impacts of the proposed project, including an overall reduction in the number and length of transmission lines entering the Bay Street substation from the south and west. The St. Johnsbury Selectboard, and the municipal and regional planning commissions, were notified of the proposed project and did not recommend any changes to the proposal.

CVPS has represented that the removal of the 1926 brick control building will result in an aesthetic improvement to the area. For this reason, the Board will require CVPS to submit a plan for removal of the building within one year of the date of this Order.

Necessary Wildlife Habitat and Endangered Species

[10 V.S.A. § 6086(a)(8)(A)]

39. The proposed project will not impact any designated natural areas or known endangered species. Upton pf. at 11; exh. TOU-1.

Development Affecting Public Investments

[10 V.S.A. § 6086(a)(9)(K)]

40. The proposed modifications are not adjacent to and will not impact any public areas or investments. Upton pf. at 11–12.

Least-Cost Integrated Resource Plan

[30 V.S.A. § 248(b)(6)]

41. The proposed project is consistent with the principles for resource selection in accordance with CVPS's approved least-cost integrated plan. The proposed project will allow for more flexible and reliable delivery service from existing sources. Watts pf. at 1, 3; Stacom pf. at 1–2.

Compliance with Electric Energy Plan

[30 V.S.A. § 248(b)(7)]

42. The Department has determined, in a letter dated June 4, 2004, that the proposed Project is consistent with the Vermont 20-Year Electric Plan, pursuant to 30 V.S.A. § 202(f).

Outstanding Resource Waters

[30 V.S.A. § 248(b)(8)]

43. No Outstanding Resource Waters will be affected by the proposed project. Upton pf. at 12.

Existing or Planned Transmission Facilities

[30 V.S.A. § 248(b)(10)]

44. The proposed project can be served economically by existing transmission facilities without undue adverse effect on Vermont utilities or customers. Watts pf. at 3.

III. CONCLUSION

Based upon all of the above evidence, we conclude that 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 by 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 proposed modifications, in accordance with the evidence and plans presented in this proceeding, 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 shall be issued in the matter. Within one year of the date of this Order, CVPS shall submit to the Board a plan for removal of the existing control building at the Bay Street substation.

Dated at Montpelier, Vermont this 28th day of June, 2004.

<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: June 28, 2004

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.