

STATE OF VERMONT
PUBLIC SERVICE BOARD

CPG # NM-401

Application of Frank Cole for a certificate of)
public good for an interconnected net metered)
wind turbine)

Order entered: 4/9/2008

I. INTRODUCTION AND BACKGROUND

This case involves an application filed by Frank Cole ("Applicant") on October 1, 2007, requesting a certificate of public good ("CPG") pursuant to 30 V.S.A. §§ 219a and 248 and Vermont Public Service Board ("Board") Rule 5.100, for a net metering system. The net metering system consists of a 2.5 kW wind turbine to be located on the Applicant's property in Shelburne, Vermont.

Notice of the application in this docket was sent on September 28, 2007, by the Applicant, to all parties as specified in the Board's Rule 5.100. The notice stated that any party wishing to submit comments or request a hearing in this matter needed to file comments with the Board within thirty (30) days of the date that the notice of the application was sent.

On October 29, 2007, the Shelburne Planning Commission ("Planning Commission") filed a letter with the Board stating that the proposed project raised significant issues with respect to criteria under 30 V.S.A. § 248, and requesting a hearing on this matter.

On January 8, 2008, a prehearing conference was held in the Shelburne Town offices. Appearing at the prehearing conference were the Applicant, Dean Pierce on behalf of the Town of Shelburne Planning Commission, and John Cotter, Esq., for the Vermont Department of Public Service ("Department"). At the prehearing conference the Planning Commission requested additional information regarding the technical specifications of the wind turbine from the Applicant. The Planning Commission agreed to file a letter with the Board as to whether this additional information satisfied its concerns regarding the project, and whether it sought a technical hearing in this matter.

On February 5, 2008, the Planning Commission filed a letter with the Board reiterating its concerns regarding the proposed project and requesting a hearing on the matter.

On February 8, 2008, the Department filed comments on the Planning Commission's request for hearing.

On March 17, 2008, the Hearing Officer issued an Order granting the Planning Commission's request for a hearing. A technical hearing was scheduled for April 11, 2008.

On April 2, 2008, the Planning Commission filed a letter with the Board withdrawing its request for a hearing.

No other comments on the application have been filed with the Board.

II. DISCUSSION

The Board has reviewed the application and accompanying documents and agrees that, pursuant to 30 V.S.A. §§ 219a and 248 and the Board's Rule 5.100, a CPG should be issued without further investigation or hearing.

III. FINDINGS

Based upon the application and its accompanying documents, the Board makes the following findings in this matter.

1. The proposed net metering project is located on property owned by the Applicant at 5234 Dorset Street in Shelburne, Vermont. Application at Section 1.
2. The wind turbine has a tower height of 100 feet and a rotor diameter of 14 feet. Application at Section 5.
3. The proposed project consists of a wind turbine system with a power output of 2.5 kW AC. The facility will be interconnected with the Green Mountain Power Corporation electrical distribution system. Application at Section 5, and Attachment.
4. The Applicant has certified that the project is in compliance with all of the provisions of Sections 3 and 9 of the application. Based on these submissions, we conclude that the project does not raise a significant issue with respect to the environmental criteria of 30 V.S.A. § 248. Application at Sections 3 and 9.

5. The Applicant has certified compliance with the insurance requirements as set forth in Section 3 of the application. Application at Section 3.

IV. CONCLUSION

In Docket No. 6181,¹ the Board developed a net metering program in accordance with the statutory requirements of 30 V.S.A. § 219a. This program was further refined by the Board with the adoption of Board Rule 5.100. The goals of the Order and Rule are to encourage private investment in renewable energy resources, stimulate the economic growth of the state and enhance the continued diversification of energy sources used in Vermont. The standards and requirements adopted in the Order and Rule have been determined by the Board to protect public safety and system reliability.

Based upon the findings and evidence, we conclude that the proposed net metering project will be in compliance with the requirements of the Board's Order in Docket No. 6181 and Rule 5.100, the application does not raise a significant issue with respect to the substantive criteria of 30 V.S.A. § 248, and the proposed project will promote the general good of the state.

V. ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that the proposed wind turbine net metering system, in accordance with the evidence and plans submitted in this proceeding, will promote the general good of the State of Vermont pursuant to 30 V.S.A. § 219a, and a certificate of public good to that effect shall be issued in this matter, pursuant to 30 V.S.A. §§ 219a and 248.

1. *Investigation into the Use of A Net Metering System for the Purchase and Sale of Electricity from Small Electrical Generating Systems to and from Electric Companies*, Docket No. 6181, April 21, 1999.

DATED at Montpelier, Vermont, this 9th day of April, 2008.

<u>s/James Volz</u>)	
)	PUBLIC SERVICE
)	
<u>s/David C. Coen</u>)	BOARD
)	
)	OF VERMONT
<u>s/John D. Burke</u>)	

OFFICE OF THE CLERK

Filed: April 9, 2008

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.