

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7583n

Joint Petition of George and Beverly Young, the)
Vermont Telecommunications Authority and)
Vanu Coverage Co., pursuant to 30 V.S.A.)
§§ 248(n) and 219a, for a certificate of public)
good authorizing the installation and operation of)
a combined wind net metering system and)
wireless telecommunications facility in)
Greensboro, Vermont)

Order entered: 1/8/2010

I. INTRODUCTION

This case involves a petition filed on November 17, 2009,¹ by George and Beverly Young (the "Youngs"), the Vermont Telecommunications Authority ("VTA"), and Vanu Coverage Co. ("Vanu") (together, the "Applicants"), requesting a certificate of public good ("CPG") authorizing the installation and operation of a proposed net metering system (comprised of a wind turbine electrical generation facility) and a wireless telecommunications facility in Greensboro, Vermont ("Project"), pursuant to 30 V.S.A. §§ 219a and 248(n).

The Project is part of the plan coordinated by the VTA to locate low-cost telecommunications equipment on residential-scale wind turbines as a means of extending wireless service to unserved and under-served areas of Vermont.

On November 17, 2009, the Applicants filed the petition, including the net metering application, prefiled testimony, and proposed findings with the Public Service Board ("Board"), the Vermont Department of Public Service ("Department"), the Vermont Agency of Natural

1. The petition, including a net metering application (#NM-840), was originally filed on November 17, 2009, but was not completed until November 30, 2009.

Resources ("ANR"), the Town of Greensboro, and the adjoining landowners as specified in 30 V.S.A. §§ 219a and 248(n).²

Pursuant to § 248(n), Board § 248(n) Procedures, and Board Rule 5.100, any party wishing to submit comments as to whether the petition raises a significant issue with respect to the relevant substantive criteria of 30 V.S.A. § 248 was required to file its comments with the Board within thirty days.

On December 24, 2009, the ANR filed a letter with the Board stating that the agency had no concerns regarding the Project.

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

The Board has determined that the petition and prefiled testimony have effectively addressed the issues raised with respect to the substantive criteria of 30 V.S.A. § 248. Consequently, we find that the procedures authorized by Section 248(n) and 219a are sufficient to satisfy the public interest, and no hearings are required.

II. FINDINGS

1. The Project is part of a plan coordinated by the VTA to test the feasibility of locating low-cost telecommunications equipment on residential-scale wind turbines as a means of extending wireless service to unserved and under-served areas of Vermont. Smith pf. at 2-3.
2. Participants in the Project include: the Youngs, who are the landowners and net metering customers; Vanu, which is the telecommunications provider; and the VTA, which is the overall project coordinator. Smith pf. at 3.
3. The telecommunications equipment used in the Project will allow Vanu to serve multiple service providers from the same base station and antennas. Smith pf. at 3.
4. The proposed Project is located on property owned by the Youngs at 442 Young Road in Greensboro, Vermont. The Project will be located on a 136-acre parcel approximately 735' northeast of the Youngs' residence. Net Metering Application at Sections 1, 5 and 9.

2. See Board Order: *In Re: Procedures governing the placement of wireless communications facilities on electric generation and transmission facilities pursuant to 30 V.S.A. § 248(n)*, issued September 5, 2007, and Board Order Amending Standards and Procedures issued September 28, 2008 ("Board § 248(n) Procedures").

5. The wind turbine has a tower height of 112' and a rotor diameter of 14'. The power output of the wind turbine is 2.5 kW. Net Metering Application at Section 5.
6. The telecommunications equipment will be placed on the 112' tall wind turbine tower, below the 14' diameter rotor. Smith pf. at 3.
7. The Project will include up to six vertical flat panel antennas each measuring 76" high by 8" wide by 4" deep mounted on the turbine tower at a height of 100'. The Project will also include up to two 4' diameter and one 2' diameter dish antennas mounted at a height of between 80' to 100'. Smith pf. at 3.
8. Two enclosed cabinets measuring 72" high by 25" wide by 34" deep and housing air conditioning, heaters, batteries and power supplies will also be installed near the base of the turbine tower as part of the communications facility. Smith pf. at 4.
9. The power supply and telecommunications wiring from the Project to the Youngs' residence will be buried underground. Smith pf. at 4; Net Metering Application at Section 9.
10. The Youngs have certified that the Project is in compliance with all of the requirements set forth in the Net Metering Application. Net Metering Application at Section 3.

Orderly Development of the Region

[30 V.S.A. § 248(b)(1)]

11. 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 finding 12, below.
12. The Project fulfills the goals of improving telecommunications services contained in the Town and Regional Plans by extending cellular coverage to unserved areas of Greensboro and surrounding towns with minimal scenic and visual impact. Smith pf. at 4-5.

System Stability and Reliability

[30 V.S.A. § 248(b)(3)]

13. The Project will not adversely impact system stability and reliability. This finding is supported by findings 14 and 15, below.

14. The total peak demand for the telecommunications equipment will be approximately 100 amps, far less than new homes which typically have 200-amp service and, thus, should be indiscernible to the serving utility. Smith pf. at 5.

15. The wind turbine system will be installed in compliance with the interconnection safety and technological requirements of Board Rule 5.100. Application at Section 3.

Economic Benefit to the State

[30 V.S.A. § 248(b)(4)]

16. To the extent that increased wireless telecommunications signal coverage results in increased commercial investment in the region, the proposed Project will provide an economic benefit to the state.³ Smith pf. at 6.

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

Health and Safety

[30 V.S.A. § 248(b)(5)]

17. The proposed Project 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 18-32, below.

Waste Disposal

[10 V.S.A. § 6086(a)(1)(B)]

18. The proposed Project as designed meets any applicable health and environmental conservation regulations regarding the disposal of wastes, and does not involve the injection of waste materials or any harmful or toxic substances into ground water or wells. All construction debris produced during construction of the proposed Project will be disposed in accordance with the law. Smith pf. at 6; Net Metering Application at Section 3.

Floodways

[10 V.S.A. § 6086(a)(1)(D)]

19. The proposed Project is not located in a floodway. Smith pf. at 7; Net Metering

3. Pursuant to § 248(n)(1)(D), construction of the wireless communications facility is also consistent with the "state's interest in ubiquitous mobile telecommunications and broadband service in the state."

Application at Section 8.

Streams

[10 V.S.A. § 6086(a)(1)(E)]

20. The proposed Project is not located on or adjacent to any streams. Smith pf. at 7; Net Metering Application at Section 8.

Shorelines

[10 V.S.A. § 6086(a)(1)(F)]

21. The proposed Project is not located near any shorelines. Smith pf. at 7; Net Metering Application at Section 8.

Wetlands

[10 V.S.A. § 6086(a)(1)(G)]

22. The proposed Project is not located near any wetland. Smith pf. at 7; Net Metering Application at Section 8.

Soil Erosion

[10 V.S.A. § 6086(a)(4)]

23. The proposed Project will not result in unreasonable soil erosion or reduce the ability of the land to hold water. This finding is supported by finding 24, below.

24. Soil disturbance will be limited to that required for the installation of the cabinet platform and the utilities trench. Smith pf. at 7.

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

[10 V.S.A. § 6086(a)(8)]

25. 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 26-30, below.

26. The tower supporting the wind turbine and telecommunications facility will be a guyed monopole tower and will not be lit. The tower will be painted a light gray color. Net Metering Application at Section 8.

27. The telecommunications antennas will appear as small appendages to the larger tower

structure. Smith pf. at 8.

28. No significant noise will be generated by the proposed Project. Smith pf. at 9.

29. The equipment cabinets will be painted a cream color. Smith pf. at 4.

30. The proposed Project will not adversely impact any known historic sites or natural areas. Smith pf. at 8; Net Metering Application at Section 8.

Necessary Wildlife Habitat and

Endangered Species

[10 V.S.A. § 6086(a)(8)(A)]

31. The proposed Project will not have an undue adverse impact on any necessary wildlife habitat or known endangered species sites. This finding is supported by finding 32, below.

32. No state or federal rare, threatened or endangered species, or necessary wildlife habitat have been identified at the proposed Project site. Net Metering Application at Section 8.

Outstanding Resource Waters

[30 V.S.A. § 248(b)(8)]

33. The proposed Project is not located on or near any Outstanding Resource Waters as designated by the State of Vermont Water Resources Board. Smith pf. at 9; Net Metering Application at Section 8.

IV. CONCLUSION

Based upon all of the above evidence, the petition does not raise a significant issue with respect to the relevant substantive criteria of 30 V.S.A. § 248; the public interest is satisfied by the procedures authorized in 30 V.S.A. §§ 219a and 248(n); 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 installation and operation of a net metered wind turbine and telecommunications facility in Greensboro, Vermont, by the Applicants, in accordance with the evidence and plans submitted in this proceeding, will promote the general good of the State of Vermont in accordance with 30 V.S.A. §§ 219a and 248(n), and a certificate of public good to that effect shall be issued in this matter.

Dated at Montpelier, Vermont, this 8th day January, 2010.

<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: January 8, 2010

ATTEST: 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.