

**STATE OF VERMONT
PUBLIC SERVICE BOARD**

Docket No. 6252

Petitions of Vermont Electric Power Company, Inc. for a)
certificate of public good to install a Flexible AC)
Transmission System (FACTS) device and reconfigure)
certain components at its Essex substation located in)
the Town of Williston, Vermont, for the purpose of)
reinforcing the transmission system)

Order Entered: 6/30/2000

I. INTRODUCTION

This case concerns a petition filed by Vermont Electric Power Company, Inc. ("VELCO") pursuant to 30 V.S.A. § 248. In its petition, VELCO requests an amendment to the Certificate of Public Good ("CPG") issued by the Public Service Board ("PSB" or "Board") on October 7, 1999, in this Docket to approve the final locations of the five transmission lines that exit the Essex substation.

VELCO's original petition in this matter was filed on June 30, 1999, pursuant to 30 V.S.A. § 248(j). In accordance with the Board's request, VELCO filed an amended petition on July 13, 1999, pursuant to 30 V.S.A. § 248. The petition for an amendment to the CPG was filed on May 22, 2000, accompanied by prefiled testimony and exhibits. Copies were served on all parties to the Docket. A prehearing conference was held on June 6, 2000, and a site visit was conducted on June 8, 2000. All parties agreed that a technical hearing was not necessary, provided that a stipulation regarding the facts and proposed conditions could be reached among the parties.

A Stipulation was filed by VELCO, the Department of Public Service ("DPS") and the Vermont Agency of Natural Resources ("ANR") on June 21, 2000.

No other party has appeared, and no party opposed the proposed amendment.

II. FINDINGS OF FACT

Background

Based upon the substantial evidence of record and the testimony presented at the hearing, I hereby report the following findings to the Board in accordance with 30 V.S.A. § 8.

1. VELCO is a company as defined by Section 201 of Title 30, Vermont Statutes Annotated, and as such is subject to the Board's jurisdiction pursuant to Section 203 of Title 30. Pet. at 1.

2. By Order issued October 7, 1999, in this Docket, the Board granted VELCO a CPG for the installation of a Flexible AC Transmission System ("FACTS") in its Essex substation in Williston, Vermont. Pet. at 2.

3. At the time of the hearing on September 17, 1999, VELCO could not detail the precise final location of the 115 kV transmission lines that exit the Essex substation, because final substation design details were unavailable. Pet. at 3; Harvey pf. at 2-3.

4. The final FACTS layout has just been completed and the final locations of the 115 kV transmission lines are now known. Pet. at 3; Harvey pf. at 3-4.

5. There are five 115 kV transmission lines that serve the Essex Substation:

- Essex substation to Georgia (ESX-GEO)
- Essex substation to Barre (ESX-BAR)
- Essex substation to Williston (ESX-WIL)
- Essex substation to East Avenue (ESX-EAVE)
- Essex substation to Sandbar (ESX-SBR). (Harvey pf. at 4.)

6. VELCO proposes to change the 115 kV transmission lines as follows:

- ESX-GEO: tie to Bay 2 instead of Bay 1. (Harvey pf. at 6; Exh. WFH-2.)
- ESX-BAR: move 2 bays over to Bay 3. Install a new structure to tie in the IBM TAP. (Harvey pf. at 7; Exhs. WFH-2 and WFH-4.)
- ESX-WIL: move to new bay east of Bay 3. (Harvey pf. at 8; Exhs. WFH-2 and WFH-6.)
- ESX-SBR: move two bays to Bay 3. (Harvey pf. at 8; Exhs. WFH-2, WFH-3 and WFH-9.)
- ESX-EAVE: change structure to cross ESX-SBR line. (Harvey pf. at 9; Exh. WFH-2.)

Orderly Development of the Region

[30 V.S.A. § 248(b)(1)]

7. 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 the following finding.

8. The proposed changes will not increase the visibility of the project; the number of transmission lines will remain the same; the changes are consistent with the context of the surroundings; and all of the proposed changes are within existing rights-of-way or on land currently owned by VELCO. Harvey pf. at 9-10. The amendments are further supported by Findings 25 through 33. (For ease of reference, all citations to "Findings" refer to the Board's Decision in this Docket dated October 7, 1999.)

Need for Present and Future Demand for Services

[30 V.S.A. § 248(b)(2)]

9. 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. The FACTS project will not operate safely and efficiently without the proposed changes. Harvey pf. at 10; see also Findings 34 through 52.

System Stability and Reliability

[30 V.S.A. § 248(b)(3)]

10. The proposed project is necessary to ensure system stability and reliability (see Findings 53 through 62) and the project will not operate safely and efficiently without the proposed changes. To promote increased reliability, in the Stipulation VELCO has agreed that the transmission structure labeled EE-2 on Exhibit WFH-2 accompanying VELCO's May 22, 2000, petition will be guyed to the south with two guys and two anchors in accordance with VELCO's transmission standards. Stipulation at 2, ¶ 4(a).

Economic Benefit to the State

[30 V.S.A. § 248(b)(4)]

11. The proposed project will result in an economic benefit to the State (see Findings 63 through 76). The cost of the proposed changes has been included in the costs of the entire project as set forth in the original Findings.

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

[30 V.S.A. § 248(b)(5)]

12. The proposed project will not have an undue adverse affect on aesthetics, historic sites, and water purity, the natural environment and the public health and safety (see Findings 77 through 81 and findings below). The proposed changes will likewise have no such undue adverse affects because there will be the same number of transmission lines, they will be in the same rights-of-way, and they will be located on land owned by VELCO. While there are additional pole structures and relocation of the lines, there is no overall increase in pole line height and no additional impact on historic sites, water purity, the natural environment, public health or safety. Harvey pf. at 11.

Outstanding Resource Waters

[10 V.S.A. § 1424a(d)]

13. No designated "outstanding resource waters" exist within the project area. See Finding 82.

Water and Air Pollution

[10 V.S.A. § 6086(a)(1)]

14. The proposed project will not result in undue water or air pollution. See Findings 84 through 109.

Sufficiency of Water and Burden on Existing Water Supply

[10 V.S.A. § 6086(a)(2) and (3)]

15. The proposed changes do not create any additional burden on the water supply. Harvey pf. at 12.

Soil Erosion

[10 V.S.A. § 6086(a)(4)]

16. The proposed project as designed will not result in unreasonable soil erosion or reduce the ability of the land to hold water. See Findings 111 through 115. In the Stipulation, VELCO has agreed to install silt fencing on the riverside during construction and shall seed and mulch all disturbed soil after the silt fence has been removed. Stipulation at 2-3, ¶ 4(c)(ii).

Transportation Systems

[10 V.S.A. § 6086(a)(5)]

17. The proposed changes will have no impact on traffic congestion or safety. Harvey pf. at 12.

Educational Services

[10 V.S.A. § 6086(a)(6)]

18. The project will not bring additional students to the area or otherwise affect the ability of any municipality to provide educational services. Harvey pf. at 13.

Municipal Services

[10 V.S.A. § 6086(a)(7)]

19. The proposed project will not place an unreasonable burden on the ability of any involved municipalities to provide municipal services. Harvey pf. at 13.

Aesthetics, Historic Sites or Rare and Irreplaceable Natural Areas

[10 V.S.A. § 6086(a)(8)]

20. The proposed project will not have an undue adverse effect on the scenic or natural beauty of the area, or upon aesthetics, historic sites or rare and irreplaceable natural areas. See Findings 121 through 133. To reduce any effects on the shoreline of the Winooski River, in the Stipulation VELCO has agreed that the endpoint of each anchor for the transmission structure labeled EB-1 on Exhibit WFH-2 accompanying VELCO's May 22, 2000, petition will be placed no greater than thirty feet on the ground from the base of the pole which it anchors. Also in the Stipulation, VELCO has agreed to review the screening of the EB-1 structure after the construction and planting is complete, in accordance with the existing plans. All vegetation will

be allowed to grow to its maximum height. If at any time such screening is determined by VELCO or ANR to be inadequate, VELCO will contact ANR and propose additional measures to correct the deficient screening. The DPS will receive a copy of, and an opportunity to comment on, any proposed measures with respect to screening. No measures to correct deficient screening shall be implemented by VELCO without the approval of ANR. If any such measures would modify the screening set forth on the approved plans, VELCO will seek a letter of approval from the PSB. Stipulation at 2, ¶ 4(b), (c)(i).

Necessary Wildlife Habitat and Endangered Species

[10 V.S.A. § 6086(a)(8)(A)]

21. The proposed changes will have no impact on any rare and irreplaceable natural areas since none are at the site. Harvey pf. at 13; see also Findings 134 through 138.

Development Affecting Public Investments

[(10 V.S.A. § 6086(a)(9)(K)]

22. The proposed changes will not unreasonably endanger the public or quasi-public investments in any governmental public utility facility, 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. Harvey pf. at 14; see also Finding 139.

Compliance With Electric Energy Plan

[30 V.S.A. § 248(b)(7)]

23. The DPS has determined that the proposed project is consistent with the Vermont 20-Year Electric Plan provided VELCO constructs the project in accordance with the plans and evidence submitted in this proceeding and complies with the conditions stated in the June 21, 2000, Stipulation among VELCO, DPS and ANR. Stipulation at 3, ¶5, Attachment 1.

Outstanding Water Resources

[30 V.S.A. § 248(b)(8)]

24. The proposed changes will not affect any waters of the state that have been designated "Outstanding Resource Waters." Harvey pf. at 14; see also Finding 141.

Existing Transmission Facilities

[30 V.S.A. § 248(b)(10)]

25. The proposed changes will have no adverse affect on Vermont customers or utilities and will allow the FACTS project to safely and efficiently improve reliability of existing service. Harvey pf. at 15; see also Findings 142 through 144.

To the extent these findings are inconsistent with any proposed findings, such proposed findings are denied. The parties to this docket have waived their right to review and comment on the Proposal for Decision, pursuant to 3 V.S.A. Section 811.

Dated at Montpelier, Vermont, this 30th day of June, 2000.

s/Peter B. Meyer

Peter B. Meyer
Hearing Officer

III. ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that VELCO's proposal to change the location of the transmission lines that exit VELCO's Essex substation located in the Town of Williston, Vermont, in accordance with the evidence and plans submitted in this proceeding, as conditioned in the Stipulation filed on June 21, 2000, in connection with the previously approved proposal to install a Flexible AC Transmission System device and reconfigure certain components at VELCO's Essex substation located in the Town of Williston, Vermont, are necessary reinforcements to the transmission system to provide system reliability and will promote the general good of the State of Vermont in accordance with 30 V.S.A. § 248. A certificate of public good to that effect shall be issued.

DATED at Montpelier, Vermont, this 30th day of June, 2000.

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

OFFICE OF THE CLERK

Filed: June 30, 2000

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 mail) of any technical 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.