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STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 6860

Petitions of Vermont Electric Power Company, Inc. and Green Mountain Power Corporation for a Certificate of Public Good authorizing VELCO to construct the so-called Northwest Vermont Reliability Project, said project to include: (1) upgrades at 12 existing VELCO and GMP substations located in Charlotte, Essex, Hartford, New Haven, North Ferrisburg, Poultney, Shelburne, South Burlington, Vergennes, West Rutland, Williamstown, and Williston, Vermont; (2) the construction of a new 345 kV transmission line from West Rutland to New Haven; (3) the construction of a 115 kV transmission line to replace a 34.5 kV and 46 kV transmission line from New Haven to South Burlington; and (4) the reconductoring of a 115 kV transmission line from Williamstown, to Barre, Vermont

DEPARTMENT'S PROPOSED FINDINGS AND CONCLUSIONS ON THE
FERRY ROAD CROSSING IN CHARLOTTE, VERMONT

In accordance with the Public Service Board's order of October 21, 2004, the Department submits the following proposed findings of fact and conclusions of law concerning the Ferry Road crossing in Charlotte, Vermont. Definitions in this document shall have the same meaning as in the Department's proposal for decision submitted in this docket on November 24, 2004.

I. Findings of Fact

1. With respect to the three options for overhead construction near the Waldorf School in the vicinity of Ferry Road presented to date in this case, sufficient mitigation opportunities do not exist for any one of those options to pass the Quechee test. Therefore, as a last resort, burial of the transmission line should be considered for a short distance in this location. However, it is possible that another overhead design could allow the line to be constructed through this general vicinity in such a way as to meet the requirements of the Quechee test.

Raphael, design details pf. at 10.

2. The Original Proposal, constructed in the existing corridor, would have significant adverse impact due to visibility from the Waldorf School buildings and proximity to outdoor recreation spaces, the presence of residences which may be impacted, and concerns regarding visibility from conserved lands as well as the proposed West Village area and pathway. Exhibit DPS-DR-1 at 26.
3. The Reroute Filing's proposal for this area brings the corridor more out into the open, where it will be difficult to screen. This is an important open space and development area in the community and the Reroute Filing's proposed corridor would both undermine the aesthetics and constrain the future development potential and value. If this proposal were developed it would result in an undue, adverse impact to aesthetics of the area. Exhibit DPS-DR-10 at 6-7.
4. The proposal to route the corridor along the railroad tracks east of the Waldorf School, first conceptually proposed by DPS in response to the Reroute Filing and then implemented by VELCO through the Design Details Filing, does not effectively mitigate the impact of the project and would significantly increase the impact on residences east of the tracks.

Raphael, design details pf. at 8.

- a. The Design Details Filing places the proposed pole marked 27 further north than DPS had proposed or considered in recommending this route. Id.
- b. The Design Details Filing proposes significant tree removal of existing mature buffer trees not anticipated in the Department's original proposal for this corridor. The amount of clearing proposed by VELCO to maintain a 100-foot right-of-way and the need to have an access road to the pole marked 27 removes most of the substantial buffer, posing significant impact to residences east of the tracks. Id.
- c. Protection of the impacts to these residences and retention of a substantial buffer were critical issues in the Department's conceptual proposal. In making the proposal, Mr. Raphael stated:

The area on the east is heavily wooded and could afford some clearing without substantially affecting aesthetics. The exception to

this would be at the residence immediately to the south of Ferry Road and east of the railroad tracks. Careful and selective clearing and replanting would be required here to protect the interests of the property owner here, but we believe it can be accomplished.

Exhibit DPS-DR-10 at 7.

- d. An average uninvolved individual would most likely find the removal of mature vegetation which separates and screens a transmission line and corridor from a residence or group of residences to be a shocking change, in that it would open up the view and expose residents every day to a structure which is unusually high, for the most part 20 feet or more higher than distribution poles, and with a different conductor array, so as to result in a discordant and out of scale situation. In the vicinity of the Ferry Road crossing, with the mature trees removed, the residents on the east side of the tracks would also lose their buffer to the railroad tracks and industrial/commercial/institutional land uses beyond the tracks. Raphael, design details pf. at 9.
5. Mr. Raphael has reviewed a design for an overhead crossing at Ferry Road that would be west of the tracks and east of the Waldorf School, which to be viable would involve VELCO's purchasing that school. Mr. Raphael is confident that, under such circumstance, the design could pass the Quechee test. 12/2/04 tr. at 138-40 (Raphael) (vol. 2).
6. Discussions between VELCO and the Waldorf School are ongoing at this time. 12/2/04 tr. at 18 (Dunn) (vol. 2).

II. Conclusions of Law

Based on the foregoing findings of fact and findings 21, 23, and 267.b.ii of the Department's proposal for decision filed on November 24, 2004, the Board should conclude that the NRP can be sited in the Ferry Road area in a manner which complies with the Quechee test and § 248(b)(5), whether that be overhead or underground. To date, however, the Board has not been presented with an overhead option that meets Quechee. Because discussions currently are ongoing between VELCO and the Waldorf School, the Board should not determine prior to issuance of a

CPG whether, in the Ferry Road area, the line should be underground or overhead, but rather should give VELCO and the Waldorf School a reasonable opportunity to reach an accord, with VELCO's being allowed to present any such accord and design for the Ferry Road crossing in post-certification review.

However the Board decides to proceed regarding the Ferry Road crossing, it should not approve the alternative proposal originally advanced by DPS in Exhibit DPS-DR-10 or contained in VELCO's Design Details Filing.

Dated at Montpelier, Vermont this 17th day of December, 2004.

Respectfully submitted,

VERMONT DEPARTMENT OF PUBLIC SERVICE

By: _____
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