

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Case No. 8816

Petition of Swanton Wind LLC for a certificate of public good, pursuant to 30 V.S.A. § 248, for the construction of an up to 20 MW wind-powered electric generation plant powered by up to 7 wind turbines located along Rocky Ridge in Swanton, Vermont	
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Order entered: 1/12/2017

**ORDER RE: NRPC AND FAIRFIELD INTERVENTIONS**

**I. INTRODUCTION**

This case concerns the petition filed with the Vermont Public Service Board (“Board”) on September 9, 2016, by Swanton Wind, LLC (“Petitioner”), for a certificate of public good, pursuant to 30 V.S.A. § 248, authorizing the installation and operation of an up to 20 MW wind-powered electric generation plant in Swanton, Vermont (the proposed “Project”).

In today’s Order, the Board recognizes the exercise of intervention as of right by the Northwest Regional Planning Commission (“NRPC”) and the Town of Fairfield (“Fairfield”).

**II. PROCEDURAL HISTORY**

On December 16, 2016, the Fairfield Selectboard filed a motion to intervene pursuant to 30 V.S.A. § 248(a)(4)(H).

On December 29, 2016, NRPC filed a motion to intervene pursuant to 30 V.S.A. § 248(a)(4)(G) and 24 V.S.A. § 4345a(14).

No party filed an objection to either the Fairfield or NRPC motion.<sup>1</sup>

**III. DISCUSSION AND CONCLUSION**

Rule 2.209 governs intervention in proceedings before the Board. Rule 2.209(A) provides that upon timely application a person or entity shall be entitled to intervene in a Board

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<sup>1</sup> Per the Board’s Order of November 16, 2016, parties have until January 13, 2017, to respond to the NRPC motion. However, per 30 V.S.A. § 248(a)(4)(G) and (I), NRPC may exercise its statutory right to intervene by filing a letter with the Board to that effect. Accordingly, we see no prejudice to any party by ruling on the NRPC motion prior to the expiration of the response period.

proceeding as of right when a statute confers an unconditional right to intervene, or when a statute confers a conditional right to intervene and the condition or conditions are satisfied.

**1. The Fairfield Motion**

30 V.S.A. § 248(a)(4)(H) provides a statutory right to intervene in Board proceedings to the legislative body and planning commission of a municipality adjacent to a municipality that is proposed to host a facility subject to review under section 248 if the distance from the facility's nearest component to the boundary of that adjacent municipality is 500 feet or 10 times the height of the facility's tallest component, whichever is greater.

Fairfield asserts that its municipal boundary is within ten times the height of the nearest turbine and that it therefore meets the statutory condition for intervention of right.

No party has contested Fairfield's assertion.

We therefore recognize Fairfield's exercise of its statutory right to intervene and Fairfield shall be added to the service list as a party to this proceeding.

**2. The NRPC Motion**

30 V.S.A. § 248(a)(4)(G) provides a statutory right to intervene in Board proceedings to the regional planning commission for the region in which a facility subject to review under section 248 is proposed to be located.

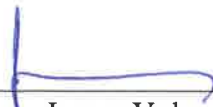


NRPC asserts that the proposed project falls within the boundaries of its planning region.

No party has contested NRPC's assertion.

We therefore recognize NRPC's exercise of its statutory right to intervene and NRPC shall be added to the service list as a party to this proceeding.

**SO ORDERED.**

Dated at Montpelier, Vermont, this 12<sup>th</sup> day of January, 2017.

 _____ )	) PUBLIC SERVICE ) ) BOARD ) OF VERMONT
James Volz )	
 _____ )	
Margaret Cheney )	
 _____ )	
Sarah Hofmann )	

OFFICE OF THE CLERK

Filed: January 12, 2017

Attest: Judith C. Whitney  
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@vermont.gov](mailto:psb.clerk@vermont.gov))*

*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.*

PSB Docket No. 8816 - Service List - Parties

*Rest 1/12/17*

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(For Swanton Wind LLC)

<del>INDEX</del>	<del>✓</del>
<del>INDEX</del>	<del>✓</del>
BINDER	✓
STAFF	✓
COMPUTER	✓
WHISTLAW	
WEB	in Shared old PSB

(For Agency of Agriculture, Food & Markets)

(For Town of Swanton Selectboard  
and Planning Commission &  
For Town of Fairfield Selectboard)

(For Christine and Dustin Lang)

(For Vermont Division for  
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(For City of Burlington Electric Dept.)

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Interested Persons:

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