

Hi. My name is Noreen Hession. I live in Newark, in the Northeast Kingdom. I want to thank the committee for allowing me the opportunity to testify on S.201 and S292.

I think you're all familiar with Eolian's Seneca Mountain Wind proposal. Their original vision included 100 MWs of Industrial Wind, 35 to 40 turbines, each one close to 500 feet tall, on the mountain ridges of Brighton, Ferdinand, and Newark. I've spent most of the last 2 years learning about industrial wind and participating in the PSB process as an intervener.

Each of the three towns has held a vote that relates to the SMW project. Newark voted on a town plan that says that IWTs are inappropriate. Brighton voted on ridgeline wind. The Unified Towns and Gores, which contains the town of Ferdinand, voted on the SMW project itself.

All three towns voted against wind. A total of 1,370 people voted and 65% voted against wind.

In addition, our regional planning commission voted for a moratorium on wind projects: its board of directors voted 39 to 3 in favor of the moratorium.

Do you know why? We've seen Sheffield and we've seen Lowell. We've seen enough.

But, none of our votes matter. Our town plans don't matter. Our regional planning commission doesn't matter and our regional plan doesn't matter.

The PSB routinely ignores all of these things.

If enacted, S.201 and S.292 could change all of that. They could return decisions about the future of Vermont to the people of Vermont.

These bills will:

- Elevate planning at both the municipal and regional level
- Assure that all affected parties are granted party status *automatically*
- Place responsibility for the costs of processing applications on developers
- Help to assure that energy projects can be well-integrated with the grid and perform as promised.

I support both bills and offer these suggestions:

1. 246: Expand the scope of the bills so that they pertain to MET towers as well as generation facilities. That means whenever you reference 248, include 246.

2. Statutory Notification: Call for the PSB to enforce statutory notification requirements: SMW failed three times to notify all adjoiners and the PSB accepted their application as complete because SMW *tried* to identify the adjoiners. "Substantial compliance" was good enough for the Board. Figuring out who your neighbors are isn't rocket science, but it does take organizational skills and a commitment to doing things right. Allowing 'substantial compliance' discourages competent and rigorous effort on behalf of the developer and denies Vermonters their right to participate in the process. The requirement to notify adjoiners shouldn't be optional.

3. Automatic Party Status: Stick to your guns on automatic party status. The Board's granting of status is not a sure thing. I have seen people excluded because of technicalities. While it's nice that the Board has a practice of granting "permissive intervention" to municipalities and RPC's please don't allow party status to be discretionary. Party status should be the right of municipalities, RPCs and adjoiners. When I've talked to members of the Board about the extent to which communities are ignored in this process the response has been "*We take our direction from the Legislature. If you want change, go to the State House.*" I want change. The Board relies on you for direction: please make it a law. There is no reasonable reason why a targeted town, an RPC or an adjoiner should ever be denied party status.
4. Cumulative Impact: Please consider cumulative impact. For example - when the ANR looks at the Seneca Project, they should be looking at the Sheffield and Lowell project at the same time.
5. Postcertification review: Yes. I'm in complete agreement that there should never be a CPG granted *prior* to subsequent approvals: this opens the door to allow the developer to change the project after a CPG is awarded, and those changes could have an impact on earlier studies. And again, this should apply to 246 projects as well as 248.
6. Application fee: This part of the bill focuses on 248 and it, too, should include MET towers (246). While the application fees described in S.201 are a step in the right direction the fee structure is based upon construction costs and MET towers, while being inexpensive to construct, use a great deal of VT state resources. The DPS, PSB and ANR have been working on the SMW case for 2 years. Lawyers, scientists, administrators, project managers have engaged in this project two years. There should be an accounting for all time spent on all projects and the state of Vermont should be compensated for all direct and indirect costs.
7. Substantial deference for local and regional bodies and to the local plan. Substantial deference is nice, but I'd take it one step further and state outright: town plans should be dispositive. The governor is on record saying "if a town doesn't want an industrial wind facility it shouldn't have to host one." I mentioned at the outset that all communities targeted by SMW have all voted: 2 out of 3 have updated their town plans and the third is in the process of doing that now. We've all voted "NO". Help us ensure that in Vermont, "no" means "no".
8. Greenhouse gas emissions: I support the requirement that energy facilities demonstrate that they will not result in a net increase in greenhouse gas emissions. We certainly have the planning tools available to determine the amount of GHG emissions that will be created by a project. And since we're asking so much of our communities, this calculation should be the first step in determining the value of a project. Does the whole project – from beginning to end - do the job it's intended to do? It's not an unreasonable question. I'd be suspicious of anyone who argued against it.
9. Transmission for instate generation: I support the requirement that electric generation facilities demonstrate that they are designed to minimize curtailment. In addition, IW-Turbines are not used piecemeal, but rather, are part of an entire system. Ensuring sufficient transmission facilities for expected generation prior to CPG approval is common sense.

In summary - I appreciate the work that the committee is undertaking with S.201 and S.292.
I support them and encourage the Committee to pass them both with the suggested modifications.

Thank you so much for your time and attention.

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