



November 22, 2011

Mrs. Susan M. Hudson, Clerk  
Vermont Public Service Board  
112 State Street  
Montpelier, VT 05620-2701

Re: Georgia Mountain Community Wind Project, PSB Docket No. 7508  
**Request for Board Approval to Proceed with Construction  
and  
Response to Comments Submitted by ANR and Landowners**

Dear Mrs. Hudson:

By this letter, Georgia Mountain Community Wind (“GMCW” or “Petitioner”) again requests that the Board complete its review of and approve all outstanding pre-construction filings so that Petitioner is not precluded from eligibility to obtain certain federal funds made available under Section 1603 of the American Recovery and Reinvestment Act of 2009 (“ARRA”).

In addition, GMCW responds to recent comments filed by the Agency of Natural Resources (“ANR”) and the Landowners.

1. Request for Approval of Pre-Construction Conditions

Petitioner again asks that the Board issue a decision as soon as possible on all outstanding pre-construction conditions. All of the deadlines for comments have passed. In order to avail itself of critically needed ARRA federal funds, Petitioner must begin construction on the property in early December, 2011 to spend 5% of the Project this year. Final approval of all pre-construction conditions is therefore critical. The outstanding pre-construction filings are:

Requirement	Reference	Submission Date
Design-Detail Plans	CPG Condition No. 4	Nov. 4, 2011
Transportation Plan, including Road Permits/Upgrades	CPG Condition Nos. 6, 8, 11	June 3, 2011

Decommissioning Plan	CPG Condition No. 12	Nov. 4, 2011
System Impact Study	Order of 6/11/10 at Page 23	July 26, 2011

Petitioner accordingly requests that the Board review and approve these plans and issue an order as soon as practicable confirming that Petitioner has satisfied all remaining pre-construction conditions.<sup>1</sup>

## 2. Response to ANR's November 21 Comments

The ANR's supplemental comments, filed by email after the close of business on November 21, 2011, come more than two weeks after Petitioner responded to the ANR's original comments on the proposed Decommissioning Plan. The Board should strike these comments as untimely. To the extent the Board considers the ANR's untimely reply, GMCW reiterates that its proposed Decommissioning Plan complies with Condition No. 12 of Petitioner's CPG and with the site restoration provisions set forth in the Conservation Easement to which ANR agreed and which has been approved by the Board in this docket.

In essence, ANR seeks to have this Board retroactively impose additional requirements upon Petitioner based upon the decommissioning plan submitted in the so-called Kingdom Community Wind ("KCW") proceeding. Petitioner was not a party to the negotiations between ANR and KCW or a party to that proceeding. Petitioner did not agree to include the restoration activities in its Conservation Easement negotiated with ANR, and had the final order and CPG in this docket included such requirements, Petitioner would have challenged such conditions. The retroactive application of these additional conditions post-CPG would be fundamentally unfair to Petitioner, in violation of due process and in contravention of the Board's order in this docket. *See In re Handy*, 171 Vt. 336 (2000) and 3 V.S.A. § 809(a), (c).

## 3. Response to Landowner Comments

Petitioner does not oppose the condition suggested by Landowners in their November 18, 2011 letter regarding blasting. As to the second November 18, 2011 letter filed by the Landowners, please refer to footnote 1 for Petitioner's comment.

Thank you in advance for your consideration of this request. Please feel free to contact me should you have any questions or concerns.

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<sup>1</sup> In a letter dated November 18, 2011, the Landowners question the importance to Petitioner of issuance of final approvals. The remarks are neither productive or with merit. Preparation for the setback proceedings and management of the project generally involve significant undertakings. The Harrison family has expended enormous time and resources in this project and continue to proceed because this project is of utmost importance to this Vermont family and the general good of the state.

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Respectfully Submitted,

  
Kimberly K. Hayden

cc: James Harrison  
Attached Service List



**Georgia Mountain Community Wind Project, PSB Docket No. 7508  
Service List**

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