



Having the playing field tilted sharply in their direction isn't enough for some energy developers: they have to cheat too. Sometimes the Public Service Board helps them.

Vermont's Energy Scofflaws

Scofflaw (noun) A violator who mocks or ridicules the law.

Anybody who has ever objected to a "renewable" energy project in Vermont knows that the deck is stacked in favor of energy developers—that just about any project that's proposed, no matter how objectionable, will be approved by our Public Service Board.

Yet, having the playing field tilted sharply in their direction isn't enough for some developers: they have to cheat too.

A few weeks ago we learned that Travis Belisle, aspiring wind developer, didn't bother to obtain a Certificate of Public Good for the MET (wind measurement) tower he had erected on his Swanton property. Mr. Belisle said that he was unaware that a CPG was required for the MET tower. His partner, Martha Staskus of VERA Renewables, was canny enough to know that this didn't sound good. She thought it would be better if she suggested that they knew the law, but Belisle had put the tower up for personal reasons: he didn't know he was considering constructing a commercial energy project that included seven industrial wind turbines. (The project would loom over several houses that Belisle built and sold to buyers who, today, are very angry.)

Confidence in Vermont's state government is at an all-time low. The performance of the PSB is one of the reasons.

Now the Caledonian Record reports that David Blittersdorf didn't bother to obtain a CPG for the MET tower that he raised in Irasburg. Apparently when Mr. Blittersdorf put his MET tower up, he, too, did it for personal reasons. He says that he didn't know that he was considering building a commercial wind energy project. But now, after collecting wind data, Blittersdorf realizes that the very location where he erected his personal MET tower would be the perfect spot for two industrial wind turbines.

Isn't this amazing?

You see, under Title 30 Section 246, Vermont's

Public Service Board was required to develop a permit process for MET towers. So the PSB wrote rules that apply only to those who wish to construct a MET tower "as a means of

acquiring wind data to determine the feasibility of constructing a commercial wind generation facility."

If you don't realize that you are considering constructing a commercial wind energy project, then you can erect MET towers without applying for a CPG. Later, you can slap yourself on the forehead and exclaim, "Holy cow! I could put industrial wind turbines right there! Why didn't I think of this sooner?"

So, are Vermont's energy laws silly or are Messrs. Belisle and Blittersdorf trying to pull a fast one? The answers are yes and yes.

State government has created a regulatory system that is easy for energy developers to game. The penalties for non-compliance are so insignificant that cheating has become part of the developers' play book. The PSB often fails to enforce its own rules; its puny fines have become a minor cost of doing business. Consider these examples.

In 2004, the PSB fined UPC, the developers of the Sheffield wind project, \$2,000 for putting up a MET tower without a permit. On the strength of the data they collected, UPC put up a string of wind turbines that produces less than 80% of the electricity that their PSB filings promised. How's that for the public good?

In 2010, the PSB fined "The Vermont Community Wind Farm" \$6,000 for erecting a MET tower in the wrong place—a location that suited the developer better, but a location for which they did not have a permit. The PSB used the inconsequential \$2,000 UPC fine as the yardstick that justified the puny \$6,000 VCWF penalty. (VCWF abandoned their project before they applied for a CPG for actual wind turbines. Their site was home to rare, threatened, and endangered species.)

In 2013, the PSB awarded Eolian Renewable Energy a CPG to erect four MET towers for its ill-fated Seneca Mountain Wind project. (The SMW project would have fragmented Vermont's second largest block of wildlife habitat and it would have cost \$86M to connect it to the grid.)

Eolian failed three times to provide the required notification to abutting land owners. After the third failed attempt, the PSB ruled that Eolian had "substantially complied" with the

requirements. As a result, abutters were denied the rights that the PSB's rules were supposed to guarantee.

Oh well, rules are made to be broken—especially at the PSB.

Confidence in Vermont's state government is at an all-time low. The performance of the PSB is one of the reasons. If the PSB wants to earn some credibility and wishes to put an end to flagrant violations of its rules, then it will do what District Environmental Commissions do when Act 250 is violated: impose a hefty fine and require the violator to apply for a permit.

Belisle and Blittersdorf plan to apply for permits to construct their wind projects any day now. The PSB should delay consideration of their applications until the MET tower permit processes are completed. The PSB should then delay an additional amount of time equal to the time the unpermitted MET towers stood. Finally, the PSB should reject the turbine applications because each of the applicants has a history of violating the rules.

If the PSB follows our prescription, there will be no more energy scofflaws in Vermont.

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