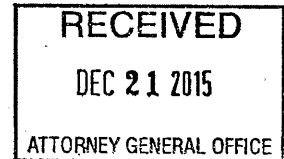


DINS

Burlington, Vermont Plattsburgh, New York

Ritchie E. Berger, Esq.
Email: rberger@dinse.com

December 17, 2015



William E. Griffin, Esq.
Chief Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, VT 05609-1001

Re: Unauthorized Practice of Law by Annette Smith

Dear Bill:

I hope this letter finds you well.

I write to share my concern that Annette Smith, Executive Director of Vermonters for a Clean Environment, has engaged in the unauthorized practice of law in connection with a number of proceedings before the Public Service Board. As explained below, it appears that Ms. Smith's conduct in those matters has crossed the line from pro se advocacy on behalf of her own organization into the realm of rendering legal advice and representation to third parties.

As you know, the Office of the Attorney General is statutorily authorized to enforce the State's laws against the unauthorized practice of a regulated profession. 3 V.S.A. § 127(b), (c). In Vermont, "one is deemed to be practicing law whenever he furnishes to another advice or service under circumstances which imply the possession and use of legal knowledge and skill." *In re Welch*, 185 A.2d 458, 459 (Vt. 1962). This includes "giving of legal advice and counsel, and the preparation of legal instruments and contracts of which legal rights are secured." *Id.*; see also Vt. Bar. Assoc. Advisory Ethics Opinion 88-04 (representation of clients before administrative board by layperson constitutes the unauthorized practice of law); Vt. Bar. Assoc. Advisory Ethics Opinion 03-08 (preparation of filings and affidavits for submission to Family Court constitutes unauthorized practice of law).

Annette Smith is not a licensed attorney in Vermont. Rather, she serves as the Executive Director of Vermonters for a Clean Environment, an organization that advertises itself as "assist[ing] Vermonters with research, strategies, and guidance through the regulatory process on issues impacting Vermont's Communities." See **Tab A** (VCE web page) at 3. In that capacity, she has regularly been providing legal advice to parties in proceedings before the Public Service Board, as well as helping to draft filings for those parties. I submit that such activities bring her squarely within Vermont's definition of the unauthorized practice of law.

An illustrative example of Ms. Smith's conduct in this regard is her involvement in Public

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Service Board Docket No. CPG NM-1646, a proceeding relating to a net-metered wind turbine developed by Green Mountain Power in Vergennes. There, Ms. Smith provided considerable assistance and counsel to two pro se intervenors, Michael and Brenda Mammoliti, who claimed that the turbine was having adverse impacts on their health and property. Not only did Ms. Smith aid the Mammolitis in preparing pre-filed testimony, *see* **Tab B** at 1 and **Tab C** at 1, she sought to formally intervene in the proceeding to represent the Mammolitis' interests. In a hearing before the Board's hearing officer, Ms. Smith argued that allowing Vermonters for a Clean Environment to intervene and represent the Mammolitis would streamline the hearing process, and noted that the Mammolitis would be relying on her counsel in any event: "[U]nless we are able to represent our members . . . , then there's going to be times when it's going to be very slow because we're going to be advising . . . Brenda [Mammoliti] questions to ask and things to say." *See* **Tab D** (Jan. 14, 2014 Hearing Transcript) at 15:19-24.

Ms. Smith acknowledged at the hearing that she had been assisting the Mammolitis for two years, *id.* at 19:17-22, and the metadata for a number of the filings submitted by the Mammolitis in the course of the proceeding identifies Annette Smith as the author. *See* **Tab E** (screenshots of metadata). This is no surprise, as the Mammolitis' filings, which include a lengthy post-trial brief, *see* **Tab F** (post-hearing brief), plainly lie beyond the ken of individuals Ms. Smith characterized as "hav[ing] absolutely no ability to participate in this process." **Tab D** at 15:9-11. Ms. Smith stated that her work for the Mammolitis was consistent with "what we often do," namely, "assist people without intervening." *Id.* at 19:21-22.

Indeed, Smith's work for the Mammolitis is part of a pattern of like conduct in other Public Service Board cases. She has performed similar services for other pro se parties, providing counsel and advice, *see* **Tabs G** and **H** (discovery responses in Docket No. 8148), and, it would appear, helping prepare substantive filings on their behalf, *see* **Tabs I** and **J** (metadata for filings in same docket). *See also* **Tab K** (mailing envelope for pro se motion to intervene in Docket No. 8561, providing a return address for Vermonters for a Clean Environment).

Ms. Smith's services are not limited to individual clients; she has provided services to at least two municipalities. Ms. Smith has identified herself as a "consultant to the [Irasburg] Selectboard" with regard to Public Service Board Docket No. 8585, *see* **Tab L** (Oct. 6, 2015 Hearing Transcript) at 14:20-15:1, and filings on behalf of the Town of Irasburg in that proceeding have borne her return address, *see* **Tab M**. Ms. Smith has likewise assisted the Town of Morgan in Public Service Board Docket No. CPG NM-6633. The Morgan Selectboard's minutes from September 28, 2015 reflect discussion of "[a]ttorney compensation to Annette Smith," who "helped tremendously on the Town's document that was filed with the PSB . . . in opposition to the Application of Seymour Lake Solar, LLC." **Tab N** at 2-3. The matter was taken up again at an October 26, 2015 Selectboard meeting, where "[a] motion was made and seconded to approve to pay Ms. Smith \$2,500.00 now and keep the rest for any help needed in case of wind towers coming to town and will send a letter stating that the money is a donation for

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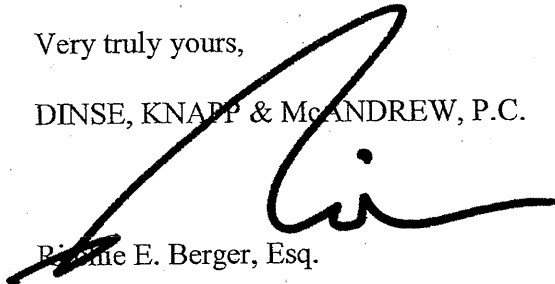
services . . .” **Tab O** at 3.¹

In sum, there can be little question that Ms. Smith has been “furnish[ing] . . . advice or service under circumstances which imply the possession and use of legal knowledge and skill,” *Welch*, 185 A.2d at 459, and I hope your office will review the evidence and take appropriate action. I would be happy to meet with you to discuss the matter if I can be of any assistance.

Thank you.

Very truly yours,

DINSE, KNAPP & McANDREW, P.C.

A handwritten signature in black ink, appearing to read "Ronnie E. Berger, Esq.", written over the typed name.

Ronnie E. Berger, Esq.

Enclosures

¹ It appears that the payment has not yet been made. After my office submitted a Public Records Act request to the Town of Morgan, the Town notified us that they had “put a hold” on the payment to Ms. Smith “pending litigation outcome.”

ABOUT VERMONTERS FOR A CLEAN ENVIRONMENT, INC.



Who are we?

Vermonters for a Clean Environment is a statewide non-profit corporation. We believe that Vermont's economic growth depends on its environmental health.

VCE was founded in 1999 by citizens in southwestern Vermont who joined together to deal with an inappropriate industrial development project. VCE's members now come from all over Vermont.

VCE Board of Directors 2014

Kathy Halford, Wallingford
Steve Halford, Wallingford
David Wright, Middletown Springs
Adam Guettel, Tinmouth
Alex Fauchet, E. Dorset
Steve Burzon, Danby

This grassroots organization receives the majority of our funding from citizens, with additional foundation support. Over the years we have received grants from New England Grassroots Environment Fund, Lear Family Foundation, Patagonia Foundation, Lintilhac Foundation, Johnson Family Foundation Fund, Ettinger Foundation, Prentice Foundation, Maverick Lloyd Foundation, Kelsey Trust, Vermont Community Foundation's Sustainable Future Fund, and the Park Foundation.

VCE's staff consists of founder and Executive Director Annette Smith ([article in Rutland Herald](#), [AP story](#), [profile in Vermont Farm Women book](#)) who works out of Danby (802) 446-2094, with Assistant Elizabeth Cooper. We hire lawyers, experts and public outreach as necessary to achieve our goals.

What is our mission?

VCE is fighting for the economic well-being of all Vermonters assuring appropriate use of our resources -- our people, our land, our air and our water.

We are united in the belief that Vermont's future lies in conserving its clean, rural, small-town environment. We have joined together to pursue the common goals of encouraging economic development with minimal environmental impacts and preserving Vermont's natural beauty. VCE is committed to providing facts and information so that people can make informed decisions.

Vermont has some of the cleanest air in the nation and large quantities of pure water. We support long-term planning for sustainable economic and energy policies for Vermont that will benefit Vermonters and set standards for other states to follow.

We encourage your participation.

Click [here](#) to join VCE.

Get Involved

Join VCE and support our mission to protect Vermont's environment and economy. Members receive updates on issues, provide feedback, and identify impending projects. Please include your email if you wish to receive up to date news and action alerts.

Name _____

Address _____

City _____ State _____ ZIP _____

Phone _____ email _____

Mail to: VCE, Inc.
789 Baker Brook Road
Danby, VT 05739

Donate on-line:



VCE: Citizen Action Gets Results

Vermonters for a Clean Environment (VCE) was founded in 1999 by citizens in southwestern Vermont who joined together to oppose a billion dollar natural gas power plant and pipeline project proposed for the region.

After more than a year of heated opposition, we won.

In January, 2000 the privately-owned Swiss mining company, OMYA, Inc.

announced intentions to open a new mine in the scenic and remote Danby Four Corners valley, which would also have been impacted by the pipeline route.

In Sept. 2004, OMYA sent a letter to the town of Danby selectboard indicating that the privately-owned Swiss corporation has "closed this project." Because OMYA still owns the land, VCE will remain vigilant into the future.

VCE is now a statewide organization with members throughout Vermont. We assist Vermonters with research, strategies and guidance through the regulatory process on issues impacting Vermont's communities. VCE protects the interests of small businesses that are jeopardized by corporate industrial development. Vermonters guide the work of VCE.

Here are a few of our current activities:

- **Water.** Threats to our aquifers and watersheds are increasing daily. Vermonters have taken this precious resource for granted. We worked with VNRC, Water 1st, DCRG and other citizens in several Vermont communities to increase protection of groundwater, resulting in the public trust doctrine applied to groundwater. We have expanded our work on water to include surface water, and the interconnection between surface water and groundwater. Water is central to every issue VCE works on.
- **Chloramine.** Municipal water systems, especially those that use surface water, are facing an EPA rule that requires the reduction of chlorine's disinfection byproducts. The cheapest way to comply with the rule is to switch from chlorine as a secondary disinfectant to chloramine. The Champlain Water District in Chittenden County, Vermont (but not Burlington) switched to chloramine in April 2006. Citizens immediately began complaining about skin rashes, burning eyes, digestive problems, and breathing problems. VCE has worked with citizens in Vermont, New York, Pennsylvania, California and other states where people are reporting the same problems with their tap water. We are working with developers of new technologies to find solutions to the challenge of drinking water disinfection.
- **Mining.** VCE has provided support to citizens in Clarendon, Chester, Moretown, Rochester, Randolph, East Middlebury, Florence, Bethel, Londonderry and other Vermont communities dealing with resource extraction.
- **Industrial Chemicals and Mining Waste Disposal.** Omya is the largest user of biocides in the state of Vermont. VCE challenged Omya's discharge permit, which allows the use of significant new biocides without prior review and approval by the state of Vermont. Omya's use of chemicals is now a major issue for state regulators and new mining waste regulations have been developed thanks to VCE. Omya has received full certification from the state for its waste dumping site, has installed a dewatering facility and built a lined landfill on top of the old waste. Omya changed its flotation reagent to a less toxic formulation after a legislatively-mandated study identified serious inadequacies in the scientific work being done at Omya's site in Florence. We are grateful to Cambridge Environmental and GeoSyntec for the expertise they

brought to the investigation of Omya's waste handling practices. With GeoSyntec now hired by Omya to do groundwater monitoring, we have much more faith in the scientific work being done at Omya's site in Florence.

- **Energy.** VCE provides support for citizen groups on major energy issues, including Enel, Iberdrola, First Wind, Green Mountain Power and other utility scale wind energy proposals, the deployment of wireless smart meters by CVPS, GMP and BED, VELCO's tower build-out, and Entergy's Vermont Yankee nuclear power plant.
- **Agriculture.** VCE received reports from citizens living near farms and orchards where pesticides are used. VCE's investigation concluded that the Vermont Department (now Agency) of Agriculture has failed to enforce regulations intended to protect the public's health and the environment. VCE played an important role in defeating Vermont's only corporate animal feedlot, Vermont Egg Farms, Inc., from expanding to more than double its current size, and assisted residents of Charlotte in stopping the development of a factory farm in their beautiful valley. VCE worked with neighbors of the South Woodstock water buffalo farm who were successful in creating a community-based cheese-making operation instead of the lamb feedlot that was proposed for the site. VCE assists citizens in addressing the use of agricultural chemicals such as formaldehyde where they impact human health, and are supporting the efforts of Whey to Go as they deal with AgriMark/Cabot's land application of chemically-tainted wastewater.
- **Environmental Enforcement.** Vermonters concerned about the degradation of our environment need to speak up and to get involved. Vermont citizens are protecting our environment one neighborhood at a time.
- **Land use and Permitting.** VCE advises citizens about effective participation in regulatory proceedings, including local zoning, Act 250, and Public Service Board (PSB) cases. We have participated in permit reform discussions every time they come up, and are now the only environmental organization with a historical perspective on the various attempts to redesign the permitting processes. Most recently our work involves more PSB work than Act 250 work, and unlike Act 250, we find the PSB process to be nearly impossible for citizens to participate in effectively, unless they spend tens of thousands of dollars and are represented by legal counsel.

Click [here](#) to join VCE.

updated 5/2/14

STATE OF VERMONT
PUBLIC SERVICE BOARD

CPG #NM-1646

Application of Green Mountain Power Corporation)
for a Certificate of Public Good for an interconnected)
group net-metered wind turbine.)

RESPONSES TO FIRST SET OF INTERROGATORIES SERVED BY GREEN MOUNTAIN
POWER CORPORATION ON BRENDA MAMMOLITI

November 27, 2013

Q1. Please Identify any individual You consulted with on Your Prefiled Testimony, including, but not limited to those individuals who reviewed, advised on, edited, contributed to, provided materials for, said Prefiled Testimony. With regard to each individual, please Identify the following:

Q.1(a) The individual's name and address:

Response: Annette Smith and Matt Levin of Vermonters for a Clean Environment, 789 Baker Brook Road, Danby VT 05739

Q.1 (b) The individual's profession:

Response: Environmental advocates

Q.1(c) The individual's employer:

Response: Vermonters for a Clean Environment

Q. 1(d) The individual's contribution to Your Prefiled Testimony:

Response: They provided technical assistance is preparing documents and filing procedures, and understanding what prefiled testimony is.

Q.1(e) If applicable, the individual's academic publications, professional activities, and experience in the areas of shadow flicker and glare:

Response: Not Applicable

Q.2. Please provide in detail all of Your education and any and all professional experience related to shadow flicker from a wind turbine or other electric generation source.

Response: Life experience that comes from having lived with the turbine's impacts for all of 2012 and nearly all of 2013.

Q.3. Please provide in detail all of Your education and any and all professional experience in glare issues from a wind turbine or other electric generation source.

Response: Life experience that comes from having lived with the turbine's impacts for all of 2012 and nearly all of 2013.

Q. 4. Please provide in detail all of Your education and any and all professional experience in the areas of aesthetics.

Response: Life experience that comes from having lived with the turbine's impacts for all of 2012 and nearly all of 2013.

STATE OF VERMONT
PUBLIC SERVICE BOARD

CPG #NM-1646

Application of Green Mountain Power Corporation)
for a Certificate of Public Good for an interconnected)
group net-metered wind turbine.)

RESPONSES TO FIRST SET OF INTERROGATORIES SERVED BY GREEN MOUNTAIN
POWER CORPORATION ON MICHAEL MAMMOLITI

November 27, 2013

Q1. Please Identify any individual You consulted with on Your Prefiled Testimony, including, but not limited to those individuals who reviewed, advised on, edited, contributed to, provided materials for, said Prefiled Testimony. With regard to each individual, please Identify the following:

Q.1(a) The individual's name and address:

Response: Annette Smith and Matt Levin of Vermonters for a Clean Environment, 789 Baker Brook Road, Danby VT 05739

Q.1 (b) The individual's profession:

Response: Environmental advocates

Q.1(c) The individual's employer:

Response: Vermonters for a Clean Environment

Q. 1(d) The individual's contribution to Your Prefiled Testimony:

Response: They provided technical assistance is preparing documents and filing procedures, and understanding what prefiled testimony is.

Q.1(e) If applicable, the individual's academic publications, professional activities, and experience in the areas of shadow flicker and glare:

Response: Not Applicable

Q.2. You have submitted video(s) documenting the alleged effects of the turbine on your home environment as part of Your Prefiled Testimony. Please Identify the following:

Q.2(a) The equipment used to produce the video(s) including make, model, year of the video camera used to produce the video clips you submitted with Your November 12, 2013 Prefiled Testimony:

Response: JVC Everio, G Series Hard Drive Disc Recorder, Model #GZ-MG360

Q.2(b): The exact location of each video clip you submitted with Your November 12, 2013 Prefiled Testimony:

Response: Locations included: inside house for shadow flicker, inside garage for shadow flicker, outside on back porch and in back yard for shadow flicker, outside in back yard for glare.

Q.2(c) Any person(s) who assisted with or helped in any way with the video recording(s) You submitted with Your November 12, 2013 Prefiled Testimony:

Response: Annette Smith assisted in extracting videos from camera and uploading them to the internet.

Q. 2(d) Whether the video equipment You used to produce the video clips You submitted with Your November 12, 2013 Prefiled Testimony was modified in any way to amplify sound and if so, how:

Response: No sound amplification was used – sound is not relevant to this testimony.

Q.2(e) Whether the video equipment You used to produce the video clips You submitted with Your November 12, 2013 Prefiled Testimony includes the capability to zoom:

Response: Yes

Q.2(f) Each video clip You submitted with Your November 12, 2013 Prefiled Testimony that used the zoom capability identified above:

Response: Referring to the list in the Exhibit I filed with the Board on November 12, 2013, all the videos did include the use of zoom except #9-16, 18-20, 22-27, 29-36, 41-42, 46-50, 54-55, 72-73, and 124. Video #80 shows zoom and unzoomed sections.

Q.2(g) Whether the date and time shown on each video clip is accurate, and whether the camera was properly set to the correct date and time:

Response: No. Subsequent to filing the testimony and Exhibit, my wife and I discovered that the process of converting the videos resulted in making the time an hour off. That meant that if the video was labeled as being made at 6pm, in fact it was made at 5pm. This error is consistent for every video I submitted. The date is accurate.

Q. 2(h) Whether the date and time shown on Your November 12, 2013 Prefiled Testimony for each video clip is accurate:

Response: No – see answer to Q.2(g)

Q.3. Please provide in detail all of Your education and any and all professional experience related to shadow flicker from a wind turbine or other electric generation source.

Response: Life experience that comes from having lived with the turbine's impacts for all of 2012 and nearly all of 2013.

Q.4. Please provide in detail all of Your education and any and all professional experience in glare issues from a wind turbine or other electric generation source.

Response: Life experience that comes from having lived with the turbine's impacts for all of 2012 and nearly all of 2013.

Q. 5. Please provide in detail all of Your education and any and all professional experience in the areas of aesthetics.

Response: Life experience that comes from having lived with the turbine's impacts for all of 2012 and nearly all of 2013.

STATE OF VERMONT
PUBLIC SERVICE BOARD

DOCKET NUMBER CPG #NM-1646

IN RE: APPLICATION OF GREEN MOUNTAIN POWER
CORPORATION FOR A CERTIFICATE OF PUBLIC GOOD
FOR AN INTERCONNECTED GROUP NET-METERED WIND
TURBINE IN VERGENNES, VERMONT.

January 14, 2014
10:30 a.m.

112 State Street
Montpelier, Vermont

Technical Hearing held before the Vermont
Public Service Board's Hearing Officers at the
Third Floor Conference Room, People's United
Bank Building, 112 State Street, Montpelier,
Vermont, on January 14, 2014, beginning at
10:30 a.m.

P R E S E N T

STAFF: Tom Knauer, Utilities Analyst
Jake Marren, Staff Attorney

CAPITOL COURT REPORTERS, INC.
P.O. BOX 329
BURLINGTON, VERMONT 05402-0329
(802) 863-6067
(802) 879-4736 (Fax)
E-MAIL: Info@capitolcourtreporters.com

1 APPEARANCES:

2

3 AARON KISICKI, ESQUIRE
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5 112 State Street
6 Montpelier, Vermont 05620-2601

5

6 MICHAEL & BRENDA MAMMOLITI, PRO SE
7 16 High Street
8 Vergennes, Vermont 05491

7

8 JOSLYN WILSCHEK, ESQUIRE
9 Primmer Piper Eggleston & Cramer, PC
10 Appearing for Green Mountain Power Corporation
11 100 East State Street - P.O. Box 1309
12 Montpelier, Vermont 05601-1309

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1 just to set that foundation for this
2 document, initially.

3 HEARING OFFICER KNAUER: Do the parties
4 have any problem with Ms. Wilschek having a
5 very limited opportunity to -- for direct
6 testimony regarding the potential vegetative
7 screening plan?

8 MR. KISICKI: I have no objection.

9 BRENDA MAMMOLITI: No objection.

10 HEARING OFFICER KNAUER: Okay. Well,
11 I'll allow you to introduce this exhibit and
12 ask a few limited questions.

13 So to recap, Ms. Vissering first, Mr.
14 Giles second, Mr. Slaymaker third and Mr.
15 Lorraine fourth, followed by the Mammolitis.

16 So before we get to the witnesses, I
17 think it is now time to address VCE's motion
18 to intervene.

19 Have all parties received a copy of that
20 motion? Has the Department?

21 MR. KISICKI: I have.

22 HEARING OFFICER KNAUER: Have the
23 Mammolitis?

24 BRENDA MAMMOLITI: Um-hm.

25 HEARING OFFICER KNAUER: And has Green

1 Mountain Power?

2 MS. WILSCHEK: I -- yes, I received it
3 at 5:30 last evening. It came in an e-mail
4 at 4:22.

5 HEARING OFFICER KNAUER: Correct. And
6 have you since received a hard copy of that
7 or have you printed --

8 MS. WILSCHEK: I've printed one, yes.

9 HEARING OFFICER KNAUER: Great.

10 Does any party object to the motion of
11 VCE to intervene?

12 MS. WILSCHEK: GMP objects.

13 HEARING OFFICER KNAUER: On what basis?

14 MS. WILSCHEK: Well, to start, VCE has
15 put GMP in a very difficult position. I have
16 never seen a motion to intervene filed on an
17 eve of trial. Actually, technically, it
18 wasn't filed until -- today, I have not yet
19 received a hard copy but I left the office
20 early.

21 And because of this very untimely
22 motion, it really ties GMP's hands. It's so
23 untimely as the motion acknowledges it's
24 untimely, that I think on that basis alone,
25 the Board should deny it. The Board should

1 not be setting a precedence that on the eve
2 of a contested case, parties can move to
3 intervene.

4 VCE's motion is a complete disregard for
5 Board process. This contested case process
6 has been going on since November of 2012. VCE
7 participated just informally at the
8 prehearing conference. They've known about
9 this. They never contacted me at all about
10 this motion previous to filing it. I have
11 had no time to think about it other than late
12 last night. So, one, because of its
13 untimeliness, I think the Board needs to deny
14 it.

15 Two, the intervention rules, the Board
16 rule 2.209 sets forth very specific criteria
17 that a party needs to address and they didn't
18 address any of them. Their focus is on the
19 Mammolitis interests. It's not on their
20 organization's interest in this particular
21 case. They don't address alternative means
22 by which VCE's interest will be protected.

23 It's incredibly procedurally deficient
24 and I think on that basis, again, the Board
25 needs to deny their participation as a party.

1 It is highly prejudicial to GMP. We have had
2 no time to do discovery on them. I have no
3 idea what their role would be here. I
4 understand that -- I have no idea what their
5 participation would be in this hearing today.
6 It's incredibly last minute.

7 And then, lastly, it's a motion that
8 I've never seen before at the Board, which is
9 a motion by a pro se organization wanting to
10 act as a lawyer for a pro se party. And,
11 again, my hands are tied here. I don't think
12 the Board has discretion -- administrative
13 order number 41 from the Supreme Court dated
14 September 1st, 2012, Section II says that
15 practice of law without a license hereunder
16 is prohibitive and may be punished by
17 contempt. There is a Vermont Supreme court
18 Order in 123 Vermont 180 says, One is deemed
19 to be practicing law whenever he or she
20 furnishes to another advice or service under
21 circumstances which imply the possession of
22 use of knowledge and skill. The practice of
23 law will include all advice to clients and
24 all actions taken for them in matters
25 connected with the law.

1 And there's an ethics opinion I have
2 here that I will circulate to everyone which
3 discusses the same. And I -- and there's a
4 public policy reason for this, that it
5 actually protects the people who think
6 they're relying on legal advice. I don't
7 think the Board needs to go that far because
8 I think it needs to deny this based on
9 untimeliness, but I think the Board should --
10 and I'll pass copies of this out -- at least
11 look at these regulations.

12 HEARING OFFICER KNAUER: Thank you.

13 MS. WILSCHEK: Um-hm.

14 And, again, if this was done earlier and
15 I and GMP had an opportunity to speak with
16 the organization and understand how this
17 would work, our position may be different,
18 but I -- we do have to object based on the
19 untimeliness.

20 For example, I would think that they
21 would be doing some examination of GMP
22 witnesses and objecting and that's -- that's
23 lawyering for somebody else.

24 That's all I have.

25 HEARING OFFICER KNAUER: Thank you.

1 Does the Department have a response to the
2 VCE motion?

3 MR. KISICKI: The Department would echo
4 a lot of GMP's concerns. I think with
5 respect to timeliness, I think Joslyn did a
6 very good job of outlining the Department's
7 concerns. If -- I think the one thing that I
8 would add is, in reading VCE's motion it
9 appears to the Department that VCE's
10 rationale for seeking intervention is to aide
11 the Mammolitis in the technical hearing
12 process. With that being said, the
13 Mammolitis, so far in this proceeding, have
14 provided prefiled testimony, sur-rebuttal
15 testimony and also litigation discovery
16 adequately. I don't know that there's a
17 particular reason why VCE's intervention
18 would be required to aide at this point in
19 the process when they've seem to have done
20 quite well so far.

21 And, again, I think -- I haven't been
22 able to research the aspect,
23 that unauthorized practice of law aspect that
24 Ms. Wilschek has. I think this goes to how
25 the untimeliness of this motion has

1 prejudiced the parties.

2 If the parties were to have the time --
3 if the motion had been made in a timely
4 fashion, the Department has confidence and
5 probably view this much differently. But 14
6 hours simply isn't enough time to fully
7 evaluate the law regarding the intervention
8 motion.

9 HEARING OFFICER KNAUER: And it's my
10 understanding that the Mammolitis support
11 VCE's motion.

12 Is that correct?

13 BRENDA MAMMOLITI: Correct.

14 HEARING OFFICER KNAUER: Okay. And does
15 VCE have any response to the Department or
16 GMP?

17 ANNETTE SMITH: I want to thank you for
18 taking this time -- and I don't want to take
19 much time. It was the Board's sending out
20 request to GMP and -- which seemed untimely
21 to me and outside the prefiled testimony that
22 had already been put into the record. In
23 fact, new evidence has been put into the
24 record today. And it's raised real concerns
25 for us about the ability of the Mammolitis to

1 participate in this process at all.

2 I will tell you that the day the
3 prefiled testimony was due, I called them and
4 said, Are you ready and they said we don't
5 know what to do. So, we've helped them all
6 along the way. There's no secret about that.
7 We've been participating and, you know,
8 there's a whole fleet of lawyers and experts
9 sitting opposite to people who have
10 absolutely no ability to participate in this
11 process.

12 We only learned in August, sitting in
13 this room that corporations can participate
14 pro se. And we acknowledge we're not lawyers
15 and we may not have done this right.
16 Literally, yesterday, I was thinking, how can
17 we assist the Board in this process, because
18 what you've seen so far is how it's going to
19 go today, unless we are able to represent our
20 members, not as lawyers, but just -- they're
21 our members, then there's going to be times
22 where it's going to be very slow because
23 we're going to be advising the -- Brenda
24 questions to ask and things to say.

25 So we thought it would be a more

1 efficient process if we simply -- I could
2 imagine it taking twice as much time if we do
3 it the legal way that you're recommending,
4 that the -- GMP wants. Or, otherwise, it
5 will just be a much slower process.

6 But that -- that, you know, we're not
7 trying to play any games here. The same
8 questions would get asked whether or not it
9 was me asking or Brenda asking. Their
10 ability to represent themselves in this
11 proceeding is, I think, potentially risking
12 their rights.

13 And so, we're just concerned that, you
14 know, if this were Act 250, this is a normal
15 thing in Act 250 that people can designate
16 someone to represent them. The Board does
17 have a process where corporations can have a,
18 you know, person on their staff at the
19 direction of an officer participate in the
20 process. So, we're not trying to play any
21 games, we're simply trying to help this day
22 go a little easier for everyone.

23 MS. WILSCHEK: May I respond?

24 HEARING OFFICER KNAUER: (Indicating.)

25 MS. WILSCHEK: GMP has no objection to

1 you -- to VCE being in the room providing,
2 moral support like you -- like VCE mentioned
3 at the prehearing conference. But VCE is
4 asking to be a party in this case, which is
5 very different than sitting next to someone
6 and helping them out.

7 And the Board rule that she's discussing
8 about corporations being represented by a pro
9 se party, that has nothing to do with a pro
10 se party wanting to represent another pro se
11 party. I think that we're getting into a
12 little trouble.

13 HEARING OFFICER KNAUER: Okay.

14 ANNETTE SMITH: Well, we are a
15 membership organization and they're our
16 members. So that's how we view it, not that
17 we would be representing them, but we would
18 be acting on behalf of our members.

19 MS. WILSCHEK: And that's another reason
20 for objecting. She just articulated they
21 want to intervene as a party. We have had no
22 opportunity to do discovery on this entity.
23 We've been very accommodating to the
24 Mammolitis. We've been fine with three
25 extension requests they have asked for and

1 this is just going over the line.

2 HEARING OFFICER KNAUER: I have several
3 questions. VCE has been aware of this
4 proceeding at least since the date of the
5 prehearing conference, if not before.

6 Can VCE provide any reasoning about why
7 the motion was filed just last night -- or,
8 technically, this morning?

9 ANNETTE SMITH: Well, as I stated, we
10 only learned of this rule about corporations
11 being be able to participate, we only learned
12 about that in August. And, I'm sorry, I'm
13 just a little slow, but I only sort of put it
14 together yesterday that there was a
15 possibility that people would appreciate the
16 ability to have this hearing go more
17 efficiently.

18 And I did not want to find us in the
19 position of you saying to us, well, if you
20 had just filed something, we would have
21 something to look at. So, I was providing
22 you with something to look at and if you
23 don't want to have us assist today, we will
24 assist the Mammolitis in any way we can
25 without saying anything more. That's your

1 call. We're just trying to have an efficient
2 hearing.

3 But if we did it wrong, we would
4 appreciate guidance on how to do it right
5 next time. And I acknowledge the timeliness
6 of it but it literally was a -- you know, was
7 precipitated by the Board bringing -- asking
8 GMP to bring new information that the
9 Mammolitis have not really had any
10 opportunity to respond to. So if there's a
11 fairness issue here, there is that, too.

12 HEARING OFFICER KNAUER: Okay. My
13 understanding of this proceeding, and I'm
14 going to ask VCE to confirm this is that the
15 filing of this motion was the first filing
16 that VCE has made in this proceeding?

17 ANNETTE SMITH: That's correct. We have
18 been working with the Mammolitis since
19 January of 2012. So, we have two years of
20 history. We have gone on every site visit
21 and we have done what we often do, is assist
22 people without intervening. This is the
23 first time we've ever attempted to intervene
24 in the Board process because we didn't even
25 know we could until August.

1 HEARING OFFICER KNAUER: I believe that
2 Ms. Smith has already discussed this, but I
3 just want to make sure that I understand for
4 the record.

5 What would VCE be doing in this
6 proceeding if I were to grant the motion?

7 ANNETTE SMITH: We would be asking
8 questions and we would be asking the same
9 questions the Mammolitis are asking. I think
10 that what we wanted to do in addition is --
11 and I've sat through enough Board hearings to
12 know if something comes up that's not
13 anticipated, the ability to do a follow-up
14 question, you know, and we have to take the
15 time to write them down for Brenda to read.
16 So we'd just be making it go a little faster.

17 She has the same questions in front of
18 her that I do and it -- would be asking the
19 same questions.

20 HEARING OFFICER KNAUER: I think we'll
21 take about a five minute break and I can
22 confer with staff and then we'll reconvene.

23
24 (Whereupon, a short break was taken.)

25

1 HEARING OFFICER KNAUER: Okay. We're
2 back on the record. I considered VCE's
3 motion. I find that VCE has not demonstrated
4 a particularized interest that is not
5 accurately represented by other parties
6 already in the proceeding. In addition, I
7 find the motion to have been filed in an
8 untimely manner. On those grounds alone, I
9 feel like it should be rejected. And so I do
10 deny their motion to intervene.

11 VCE has noted that GMP has a whole team
12 here. And Ms. Wilschek, who's their
13 attorney, I have no doubt will be conferring
14 with them throughout the day. And so the
15 Mammolitis are, likewise, free to consult
16 with VCE throughout the day as consultants.
17 But I want to make clear the limits of that.
18 VCE may not represent the Mammolitis in the
19 proceeding today.

20 And, finally, VCE has the option to file
21 an amicus brief. Do you know what that is,
22 Ms. Smith?

23 ANNETTE SMITH: (Indicating.)

24 HEARING OFFICER KNAUER: So, if VCE
25 chooses, they can file an amicus brief when

1 we set the schedule for briefing.

2 So, having ruled on that, unless I'm
3 missing anything, I think we can get to the
4 witnesses. So, GMP please call your first
5 witness.

6 MS. WILSCHEK: Sure. Just need to
7 recalibrate here. GMP calls Jean Vissering.

8 HEARING OFFICER KNAUER: Ms. Vissering,
9 please raise your right hand.

10 Do you swear or affirm under penalty of
11 perjury that the testimony you are about to
12 give will be the truth, the whole truth and
13 nothing but the truth?

14 THE WITNESS: I do.

15

16 DIRECT EXAMINATION BY ATTORNEY WILSCHEK

17 Q. Good morning.

18 A. Good morning.

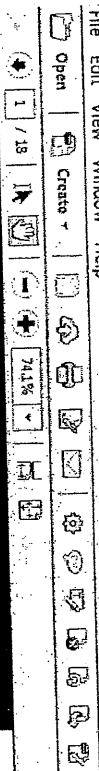
19 Q. Can you please state your name for the
20 record?

21 A. Jean Vissering.

22 Q. And for whom do you work for?

23 A. I am self-employed. I have my own
24 business, Jean Vissering Landscape Architecture.

25 Q. Okay. And do you recall drafting your



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STATE OF VERMONT
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CPG #NM-1646

Application of Green Mountain Power Corporation
for a Certificate of Public Good for an interconnected
group undiverted wind turbine.

MICHAEL AND BRENDA MAMMOLITTS PROPOSED FINDINGS OF FACT AND
CONCLUSIONS OF LAW

NOW COME Michael and Brenda Mammolitti ("the Mammolitts"), pro se, and submit
the following brief in the matter referenced above.

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STATE OF VERMONT
 PUBLIC SERVICE BOARD

CPG #NM-1646

Application of Green Mountain Power Corporation)
 for a Certificate of Public Good for an interconnected
 group net-metered wind turbine. }

RESPONSES TO FIRST SET OF INTERROGATORIES SERVED BY GREEN MOUNTAIN
 POWER CORPORATION ON BRENDA MAMMOLITI

November 27, 2013

Q1. Please identify any individual(s) you consulted with on Your Prefiled Testimony, including but not limited to those individuals who reviewed, advised on, edited, contributed to, provided materials for, said Prefiled Testimony. With regard to each individual, please identify the following:

Q1(a) The individual's name and address:
 Response: Annette Smith and Matt Levin of Vermonters for a Clean Environment, 789 Baker Brook Road, Danby, VT 05739

Q1 (b) The individual's profession:
 Response: Environmental advocates

Q1(c) The individual's employer:
 Response: Vermonters for a Clean Environment

Q1(d) The individual's contribution to Your Prefiled Testimony:
 Response: They provided technical assistance in preparing documents and filing procedures, and understanding what prefiled testimony is.

Q1(e) If applicable, the individual's academic publications, professional activities, and experience in the areas of Stanley Hicker and glauc:
 Response: Not Applicable

File: Michael's Response to first set of interrogatories 112713

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Author: Annette Smith

Subject:

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STATE OF VERMONT
PUBLIC SERVICE BOARD

CRG #NM-1646

Application of Green Mountain Power Corporation)
for a Certificate of Public Good for an interconnected)
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RESPONSES TO FIRST SET OF INTERROGATORIES SERVED BY GREEN MOUNTAIN
POWER CORPORATION ON MICHAEL MAMMOLITI

November 27, 2013

Q1 Please identify any individual You consulted with on Your Pre-filed Testimony, including, but not limited to those individuals who reviewed, advised on, edited, commented to, provided materials for, said Pre-filed Testimony. With regard to each individual, please identify the following:

Q1(a) The individual's name and address:
Response: Annette Smith and Matt Levin of Vermonters for a Clean Environment, 799 Baker Brook Road, Dady, VT 05739

Q1 (b) The individual's profession:
Response: Environmental advocates

Q1(c) The individual's employer:
Response: Vermonters for a Clean Environment

Q 1(d) The individual's contribution to Your Pre-filed Testimony:
Response: They provided technical assistance in preparing documents and filing procedures, and understanding what pre-filed testimony is.

Q1(e) If applicable, the individual's academic publications, professional activities, and experience in the areas of Sandoz Hicker and glare:
Response: Not Applicable

**STATE OF VERMONT
PUBLIC SERVICE BOARD**

CPG #NM-1646

Application of Green Mountain Power Corporation)
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group net-metered wind turbine.)

**MICHAEL AND BRENDA MAMMOLITI'S PROPOSED FINDINGS OF FACT AND
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NOW COME Michael and Brenda Mammoliti ("the Mammolitis"), *pro se*, and submit the following brief in the matter referenced above.

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in town zoning regulations, demonstrating that glare is recognized to be a serious problem, especially for people living in a residential neighborhood.

H. The mitigation strategy discussed at the evidentiary hearing – planting a series of trees along the property line – is an uncertain, incomplete, and insufficient remedy. p. 15

I. GMP has made little or no effort to discuss options or implement reasonable solutions to shadow flicker or glare. p. 16

Conclusion: Possible Remedies, Proposed Solution p. 17

INTRODUCTION

In its Order of November 15, 2012, the Public Service Board (“Board”) established the scope for this evidentiary hearing, stating that,

it would appear that the potential for shadow flicker and glare to have an impact upon the aesthetics and scenic and natural beauty of the area may not have been adequately addressed in GMP's original application. [Order, p. 1]

The facts in this case clearly show that in siting and operating the turbine, Green Mountain Power (GMP) did not take into account the potential for impacts on people whose homes are close by. In its application for a Certificate of Public Good (CPG) and testimony to the Board, GMP minimized the potential impacts. Once the turbine turned out to cause shadow flicker and glare that substantially interfered with the Mammolitis’ ability to peacefully enjoy their home, GMP’s only response to the Mammolitis’ complaints was to install software that was supposed to turn off the turbine for a limited period every day, but never actually worked.

The facts show that the impacts were and are significant, and have not been adequately addressed. The Board must require GMP to take significant steps to mitigate these undue adverse impacts. If GMP chooses not to undertake these steps, the turbine should be removed.

FINDINGS AND DISCUSSION

A. GMP states they sited the turbine in a way to minimize impacts, but in fact did nothing to ensure that would be the case once the turbine was operational.

Findings:

1. GMP claims they sought to minimize disturbances and impacts to neighbors when siting the turbine. [Lorraine prefiled p. 4]
2. GMP did no analysis on potential shadow flicker impacts before the turbine began operating. [Lorraine hearing testimony p. 204]
3. Attached to the original application was a document titled “Frequently Asked Questions, Green Mountain Power and Northern Power Systems Community Wind Program” (“FAQ”). This document was also circulated to the public. [Lorraine hearing testimony p. 207]
4. GMP had no basis for claiming in the FAQ document that the turbine would create “minimal” shadow flicker impacts¹. [Lorraine hearing testimony p. 210]

Discussion:

GMP created this problem by siting the turbine without first evaluating the potential risks to the community and assessing any potential liability they would be creating for themselves. The subsequent complaints, and the Board’s initiation of this proceeding after impacts were witnessed in person by the Board’s Hearing Officer and Department of Public Service staff, indicate that GMP’s assumptions were flawed, inaccurate, and not supported by fact.

¹ The actual language from the document – “The flicker and acoustic impacts of Northern Power 100 turbines have been shown to be minimal.”

B. GMP's assessment that the impacts of shadow flicker would be limited was incorrect, biased to minimize the impacts, and depended on mitigation, which failed.

Findings:

5. The analysis of project impacts performed by GMP's consultant was based not on a comparison to the landscape without any turbine, but rather an analysis of project impacts after the turbine was up and running and an established part of the landscape. [Vissering pre-filed p. 4]

6. GMP's consultant used "the general outlines" of the Quechee Analysis as the basis for their evaluation of the impacts of shadow flicker, a method of analysis that examines the "characteristics of the site and surroundings as they currently exist". [Vissering pre-filed p. 4]

7. The impacts of shadow flicker are predictable and can easily be controlled or corrected by turning off the turbine(s). [Vissering pre-filed p. 6]

8. Despite the fact the mitigation software had already failed and shadow flicker had been occurring when it was not supposed to be occurring, GMP's expert nevertheless testified that mitigation software, designed to turn the turbine off for specific periods during the day, would result in no shadow flicker in the Mammolitis' house or the outdoor areas immediately adjacent to it. [Vissering pre-filed p. 7]²

9. GMP's consultant's conclusion that the impact of the shadow flicker would not be unduly adverse was dependent on the successful installation and operation of mitigation software to shut down the turbine at certain times. [Vissering hearing testimony p. 59 and 60]

² Note that Ms. Vissering's pre-filed testimony is dated 9/20/13, and therefore took place well after GMP had been made aware that the mitigation software was not functioning as intended. See Findings 10 and 11, below.

10. GMP claimed that they had fixed problems with the malfunctioning mitigation software in June 2013. [Brenda Mammoliti pre-filed p. 6]

11. The mitigation software was not fixed as of June 2013 and in fact did not work as promised at all in 2013, due to unresolved programming problems. [Giles hearing testimony p. 154]

12. The turbine was only shut down on two occasions during 2013, for one evening each time. [Brenda Mammoliti pre-filed p.8] [Brenda Mammoliti hearing testimony p. 251]

13. Northern Power Systems (“NPS”) has no established system in place to ensure that the mitigation software works. [Giles hearing testimony p. 165-6]

14. Efforts to correct the mitigation software were prompted by the Mammolitis’ complaints, not by any internal compliance process that GMP or NPS had in place. [Lorraine hearing testimony p. 199-200]

15. The Mammolitis have experienced shadow flicker at the receptors identified by the GMP study at times when the study indicates shadow flicker should not be occurring. [Michael Mammoliti surrebuttal p. 6]

Discussion:

GMP decided to analyze the impacts of the turbine only after it had been operating for many months, after the Mammolitis informed the Board that they were being drastically affected

by the noise, glare, and flicker of the turbine. Since the turbine was therefore at that point an “existing condition” as Ms. Vissering put it [Vissering pre-filed p. 4], the analysis treated shadow flicker and glare as the only additions to the aesthetics that might create adverse impacts.

This construct means that Ms. Vissering apparently considered only the impact of the moving turbine as opposed to a non-moving turbine. This approach is not correct, but rather is biased and fatally flawed.

The Quechee Analysis is used to determine whether a proposed project would have an undue adverse effect on aesthetics. When used after projects have been built, the presumption applied is that the project does not exist. For instance, when a project that needed an Act 250 permit is constructed without first having obtained a permit, it is evaluated as though the project had not yet been constructed. That is, the project itself – even if already in existence – is not considered part of the existing context of the area for the purpose of determining whether the aesthetic impacts of a project would be unduly adverse.³

If the Quechee Analysis is going to be used to determine whether the impacts from the turbine are unacceptable, then the analysis has to compare the landscape without the turbine to the landscape with the addition of the turbine. Thus under the first prong of the Quechee Analysis, a determination of whether the turbine “fits” into the landscape must take into account what the Mammolitis’ experience was before the turbine was installed.

By not considering what the Mammolitis’ experience was without the turbine at all, GMP’s analysis creates an assumption that the turbine is acceptable and not an addition to the landscape. While the Mammolitis understand that this current proceeding focuses on the impacts of shadow flicker and glare, they could not be more clear in their position that it is the turbine

³ Re: Bernard and Suzanne Carrier, #7R0639-EB, Findings of Fact and Conclusions of Law at page 10 (Oct. 5, 1990).

itself, and all of its impacts, which have negatively affected their lives. As is stated later in this brief, for years before the turbine was installed, the Mammolitis enjoyed the full use of their property, including their second floor and back yard.

The testimony provided by all parties clearly indicates that GMP relied upon and promised that the shadow flicker problem would be resolved by the installed mitigation software, but the solution failed. That failure was ignored by GMP's consultant who relied on the software in their declaration that impacts would be minimal and not unduly adverse, and was only recognized because of the Mammolitis' complaints. Unless significant accountability measures are put into place, there is no reason to believe that future attempts at mitigation via software will succeed in addressing shadow flicker on the Mammolitis' property.

C. While there is a disagreement between GMP and the Mammolitis about how to define "exposure", the Mammolitis' definition is reasonable, and is based on real-world observations of when an undue adverse impact is created and should be the basis for determining necessary mitigation.

Findings:

16. GMP's consultants state that there is impact from shadow flicker outside the home only when the shadow flicker falls across specific areas close to the home – the deck and nearby lawn, and the front entry area. [Vissering pre-filed p. 7]

17. GMP's consultants relied on an analysis of events at three locations – inside the Mammolitis' residence on the first floor, the wall of their garage, and their deck – to determine the impact from shadow flicker. They did not consider what could be seen from those points. [Slaymaker pre-filed p. 5, 7]

18. GMP's consultant relied on interior modeling that considered exposure on only the first floor of the Mammolitis' house. [Slaymaker hearing testimony p. 115]

19. GMP's consultant defined negative impacts of flicker as being only felt in connection to "light entering a room". [Slaymaker pre-filed p. 5]

20. GMP's consultants and NPS determined that the shadow flicker mitigation software should be functioning in 2013 only between May 19 and July 22.⁴ [Slaymaker pre-filed p. 9]

21. A determination of whether or not the impacts of shadow flicker are undue is based on how the length of the exposure compares with the "industry standard". [Slaymaker pre-filed p. 8]

22. The industry standards for exposure to shadow flicker are being re-examined and 30 minutes per day is increasingly accepted as the standard. [Slaymaker hearing testimony p. 109]

23. The Mammolitis consider exposure to shadow flicker to be possible any time it is occurring "anywhere on [their] property". [Brenda Mammoliti hearing testimony p. 244]

24. The Mammolitis experience this exposure as early as March and through September, not only during mid-May, June and July. [Brenda Mammoliti pre-filed p. 5, 7] [Michael Mammoliti pre-filed addendum]

⁴ In fact, the modeling submitted by GMP's consultant in their pre-filed testimony indicates that shadow flicker will impact the Mammoliti home one day later, on July 23, and outside areas as early as May 12 and as late as July 30. [Slaymaker pre-filed Exhibit GMP-WS-2, "Wind Farmer" p. 4, 9, 10]

25. Since moving into their home in January 2002 and prior to the turbine installation, the Mammolitis enjoyed living in their home and using the peaceful outside spaces around their home, including the backyard and patio. [Michael Mammoliti pre-filed p. 2] [Brenda Mammoliti pre-filed p. 2]

26. This enjoyment included looking out at their property, observing nature, working in the yard, and watching wildlife. These activities have all been disrupted by shadow flicker occurring at places other than the “receptor” locations identified in the GMP consultant’s study. [Michael Mammoliti sur-rebuttal p. 2, 7] [Brenda Mammoliti pre-filed p. 2, 3]

27. Because of the shadow flicker, the Mammolitis have been unable to use their back yard and porch in the same manner as they did before the turbine was installed. [Michael Mammoliti pre-filed p. 7] [Brenda Mammoliti pre-filed p.7]

28. The shadow flicker makes it hard for the Mammolitis to concentrate or relax, is distracting, disruptive, and annoying, both inside and outside their home. [Brenda Mammoliti prefiled testimony p. 3, 4] [Michael Mammoliti prefiled p. 3, 4]

29. The Mammolitis experience shadow flicker in their second floor bedroom. [Michael Mammoliti hearing testimony p. 281]

30. The Mammolitis experience exposure to shadow flicker for as long as an hour a day. [Brenda Mammoliti hearing testimony p. 245]

31. At no point did any party in this proceeding claim, argue, or testify that the Mammolitis' use of their upstairs or outdoor spaces including but not limited to the "receptor locations" was unusual, occurred outside the normal times of the year when Vermonters normally used outdoor spaces, or was unreasonable or excessive.

Discussion:

The definition of exposure used by GMP and its consultants is overly limited, and does not take into account how the Mammolitis' (or any) property is used. As a static, computer-generated model, it ignores the fact that flicker on other outdoor spaces can be viewed from many areas of the property, including the receptor points used for the model.

Similarly, the GMP analysis of exposure was limited to one location inside the home, despite the fact that shadow flicker was experienced in multiple locations. Both of these limitations are unreasonable and unrealistic, and minimize the real-world impacts created by the presence of shadow flicker as experienced by people exposed to it.

Further, there was no testimony provided to suggest that the Mammolitis' negative reactions to repeatedly seeing and being exposed to shadow flicker on various parts of their property was unreasonable, unusual or extreme.

The Mammolitis' exposure in 2013 lasted for longer than the industry standard would allow. Their exposures occurred as they were undertaking activities that were normal and reasonable, even expected of a Vermont resident. The introduction of the shadow flicker from the wind turbine into the aesthetics of the areas in and around their home has been a substantial change that is clearly unduly adverse.

The Mammolitis' objections to shadow flicker exposure are reasonable and reflect their real-life situation. Any mitigation for shadow flicker must take into account their definition of exposure and the related impacts.

D. A fixed time shut down period for the turbine is not an appropriate or effective remedy for shadow flicker.

Findings:

32. Between May and September, the time of sunset at the Mammolitis' home varies from around 6:45p to around 8:45p. [Brenda Mammoliti surrebuttal p. 4]

33. On August 5, 2013, the Mammolitis and GMP's consultant witnessed shadow flicker on trees on the Mammoliti property between 6:40p and 7:30p, outside the shutdown period used by the mitigation software. [Brenda Mammoliti surrebuttal p.5]

34. GMP's consultants acknowledged that the sun's location in the sky at one specific time is different over the course of the year. [Vissering hearing testimony p. 35] [Slaymaker hearing testimony p. 99-100]

Discussion:

Even if the mitigation software offered by GMP worked, turning the turbine off at the same hour of the day regardless of the location of the sun and the time it creates shadow flicker will fail to eliminate the impacts.

A fixed shut down period for the turbine is scientifically flawed and contradicts common sense, and will continue to result in excessive shadow flicker inside and outside the Mammolitis'

home. If the use of software is pursued, the timing must be adjusted to reflect the changes in time of sunsets over the course of the year.

E. Glare is substantially interfering with the Mammolitis' ability to enjoy their property, and must be addressed by means other than the mitigation software.

Findings:

35. Because of the glare from the turbine blades, the Mammolitis have been unable to use their back yard and porch in the same manner as they did before the turbine was installed. [Michael Mammoliti pre-filed p. 7]

36. At times the glare shines directly in the Mammolitis' eyes, and prevents them from enjoying the view of the mountains or from sitting outside facing the turbine. [Michael Mammoliti surrebuttal p. 2-3] [Brenda Mammoliti pre-filed p. 4] [Brenda Mammoliti surrebuttal p. 2]

37. The Mammolitis have experienced glare on many days of the year, as evidenced by the more than 100 videos submitted, including on days before and after those when the mitigation software was supposed to address shadow flicker issues, and at times of the day when shadow flicker does not occur. [Michael Mammoliti prefiled Addendum]

Discussion:

Glare from the turbine is creating an undue adverse impact, and must be eliminated if the Mammolitis are to be able to use their property in a reasonable and peaceful manner.

Software that automatically turns the turbine off at a fixed time of the day during only several months of the year when shadow flicker will occur will not eliminate the glare that occurs at other times, even if the software were to operate effectively.

F. GMP has provided no explanation for their dismissal of glare impacts, and therefore the dismissal should be ignored.

Findings:

38. GMP's consultant characterized the glare from the turbine as being "of limited area", though that phrase is not defined. [Vissering pre-filed p. 7]

39. GMP's consultant described the turbine as having "a relatively small surface area", though the basis for or importance of that comment is not given. [Vissering pre-filed p.8]

40. GMP's consultant stated that it was unlikely the turbine would create "a large area of bright reflectivity". [Vissering pre-filed p.8]

41. No testimony was submitted by any witness to explain why the size of the glare spot, the turbine, or the area of reflectivity determines whether or not the glare created has an undue adverse impact.

Discussion:

GMP provided no explanation for why their descriptions of the glare and the mechanics behind its creation should be the basis for minimizing and/or dismissing the impact of glare on the Mammolitis. In fact, GMP's consultant indicated that they were aware of the fact that glare

issues are recognized as a problem by the regulatory community. [Vissering hearing testimony p. 74] Germany has acknowledged and solved these problems, sometimes called a “disco effect”, by requiring the use of a matte, non-reflective paint on turbine blades to reduce glare from the blades. [Brenda Mammoliti surrebuttal testimony Appendix 2]

GMP’s efforts to minimize the impacts should be disregarded by the Board, and solutions to glare used elsewhere should be considered.

G. The City of Vergennes treats glare as a regulated (negative) impact in town zoning regulations, demonstrating that glare is recognized to be a serious problem, especially for people living in a residential neighborhood.

Findings:

42. The City of Vergennes’ “Zoning and Subdivision Regulations” (“Zoning Regs”) prohibits any “disturbances”, including glare, that are “uncharacteristic of residential neighborhoods”, such as the one where the Mammolitis’ house is located. [Zoning Regs p. 28]⁵

43. The Zoning Regs indicate that for subdivisions, landscaping may be required to provide screening that will reduce the impacts from glare. [Zoning Regs p. 49]

44. The Zoning Regs prohibit development that produces glare that would constitute a nuisance to other property owners. [Zoning Regs p. 79]

⁵ <http://vergenes.org/wp-content/uploads/2010/08/Zoning-and-Subdivision-Regulations-2012-FINAL.pdf>

Discussion:

Glare is acknowledged to create negative impacts and is regulated by land use regulations in the municipality where the turbine was built. The Board should do the same in its role as the land use regulatory body for electricity generation projects.

H. The mitigation strategy discussed at the evidentiary hearing – planting a series of trees along the property line – is an uncertain, incomplete, and insufficient remedy.

Findings:

45. GMP's consultant testified that the trees described in the proposal discussed at the evidentiary hearing will take "about 30 years ... maybe 40" years to grow to full height, which was testified to be 50-60 feet. [Vissering hearing testimony p. 56]
46. There was no testimony provided at any time during the proceedings regarding how tall or wide the trees would need to be to fully or partially shield the Mammolitis' property from shadow flicker.
47. Due to soil conditions, the ability of the trees to grow at all in the proposed location is uncertain. [Vissering hearing testimony p. 28] [Lorraine hearing testimony p. 212-3]
48. The proposed trees would do little or nothing about glare, especially during the months when foliage was limited or absent. [Vissering hearing testimony p. 30]

Discussion:

The tree planting proposal presented by GMP at the evidentiary hearing is not well thought out. The proposed trees may or may not grow, and there is no information regarding whether they would successfully block either shadow flicker or glare from the Mammolitis' property. Without evidence that trees would accomplish the goal of blocking the glare, there is no basis for this proposal, and it is therefore an insufficient remedy to both the shadow flicker and glare issues. If the proposal were to fail, the trees could become an additional eyesore on an already adversely impacted area.

The Board should not require GMP to plant trees as possible mitigation unless there is credible evidence that they would actually mitigate the shadow flicker and glare.

- I. GMP has made little or no effort to discuss options or implement reasonable solutions to shadow flicker or glare.**

Findings:

49. GMP provided no testimony indicating that it was aware of or considered that there were differing opinions about what areas of the Mammolitis' property impacted by shadow flicker were to be considered for mitigation.
50. GMP provided no testimony showing that it has considered re-programming the mitigation software to shut down the turbine during the times that the sun actually sets, or to mitigate impacts during the times earlier and later in the year when the Mammolitis have experienced shadow flicker.

51. GMP officials discussed the concept of planting screening trees with the Mammolitis in early 2013, and were informed by the Mammolitis at that time that trees would not grow well in the area where tree planting is now proposed. [Lorraine hearing testimony p. 213-4]

52. Neither GMP officials nor GMP's consultant discussed the tree screening proposal introduced at the evidentiary hearing with the Mammolitis. [Lorraine hearing testimony p. 214]
[Brenda Mammoliti hearing testimony p. 251]

Discussion:

The Mammolitis' objections to the operational impacts of the turbine are well-known, and long-standing. GMP has had ample opportunities to try to better understand and address these concerns. The record over the past two years clearly shows that GMP has made little or no effort to devise an operational plan or mitigation that would address the Mammolitis' concerns, which have been demonstrated to be reasonable. As the Board considers how to resolve these issues, the fact that GMP did not do so on its own volition should be taken into account.

CONCLUSION: POSSIBLE REMEDIES, PROPOSED SOLUTION

If GMP is to mitigate the undue adverse shadow flicker and glare problems created by the Vergennes turbine, it must undertake at least two measures. The turbine would have to be turned off for longer periods of the day and of the year, during the spring and summer, when shadow flicker impacts a much larger part of the Mammolitis' property, as opposed to just the three locations identified in its consultant's study. An accountability system to assure the turbine is being shut off as promised would have to be provided.

Second, the turbine blades would need to be painted with a matte finish or replaced with blades with a matte finish.

Implementing these measures would effectively resolve the shadow flicker problems and would reduce the glare but may not eliminate that problem from the turbine.

The Mammolitis recognize that GMP may find these remedies unsatisfactory. However, the choice to site the turbine where it is located was entirely GMP's. The Mammolitis made every effort to alert GMP to the likelihood of problems with the site before the turbine was installed, and have presented ideas for resolving the situation. GMP has almost entirely ignored this input.

Given the facts presented here – GMP's failure to evaluate the potential impacts of the turbine before deciding to install it or keep its promises to curtail the turbine once impacts were evident, the limited options for reasonable mitigation, and the extreme disruption the turbine causes to the Mammolitis' ability to comfortably live in their home or enjoy their back yard – the Board has no choice but to require GMP to paint or replace the blades with a matte finish and implement longer shut-down times, with accountability measures put into place to ensure that they actually work. If GMP chooses not to undertake these steps, the turbine should be removed.

Dated at Vergennes, VT this 14th day of March, 2014.

Brenda Mammoliti

Brenda Mammoliti
16 High Street
Vergennes, VT

**STATE OF VERMONT
PUBLIC SERVICE BOARD**

Docket No. 8148

Petition of Barton Solar LLC for a certificate of public)
Good, pursuant to 30 V.S.A. 248, authorizing)
Construction and operation of a 1.89 MW AC solar)
Electric generation facility, to be located on Glover)
Road in the town of Barton, Vermont

ANTHONY MENARD'S ADDITIONAL RESPONSES TO BARTON SOLAR, LLC
FIRST ROUND OF DISCOVERY QUESTIONS

Anthony Menard submits these additional responses to Barton Solar's first round of discovery question. These responses replace objections submitted in previous responses.

1. Identify by name, address and telephone number each person who assisted in the preparation of your answers to these interrogatories, requests to produce and requests to admit.

My wife and I were the only parties who provided factual information. Vermonters for a Clean Environment (Annette Smith and Matt Levin) helped us understand the format for the interrogatories. VCE's address is 789 Baker Brook Road, Danby, VT 05739. Its phone number is 802-446-2094.

2. Identify by name, address and telephone number each person that is assisting you with understanding how to participate as a party in this proceeding.

Annette Smith

789 Baker Brook Road

Danby, VT 05739

802-446-2094.

4. What is your educational history, including in your answer the name of the educational institution you attended, dates of attendance, course of study and degree earned?

I have no post-secondary education.

**STATE OF VERMONT
PUBLIC SERVICE BOARD**

Docket No. 8148

Petition of Barton Solar LLC for a certificate of public
Good, pursuant to 30 V.S.A. 248, authorizing)
Construction and operation of a 1.89 MW AC solar)
Electric generation facility, to be located on Glover)
Road in the town of Barton, Vermont

MONICA MENARD'S ADDITIONAL RESPONSES TO BARTON SOLAR, LLC
FIRST ROUND OF DISCOVERY QUESTIONS

Monica Menard submits these additional responses to Barton Solar's first round of
discovery question. These responses replace objections submitted in previous responses.

1. Identify by name, address and telephone number each person who assisted in the preparation of your answers to these interrogatories, requests to produce and requests to admit.

The only parties who provided factual information related to this case are myself and my husband, and those who have filed pre-filed testimony. Vermonters for a Clean Environment (Annette Smith and Matt Levin) assisted me in understanding the format, such as the requirement to list one question and answer per page and printing single-sided. VCE's address is 789 Baker Brook Road, Danby, VT 05739. Its phone number is 802-446-2094.

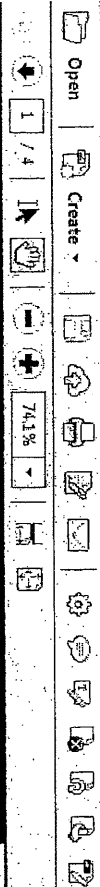
2. Identify by name, address and telephone number each person that is assisting you with understanding how to participate as a party in this proceeding.

Annette Smith

789 Baker Brook Rd.

Danby, VT 05739

802-446-2094



Document Properties

Description Security Fonts Initial View Custom Advanced

File: 8148_MotionforProtectiveOrder417141

Title: Microsoft Word - 8148_MotionforProtectiveOrder_April172014.doc

Author: Annette Smith

Subject:

Keywords:

Additional Metadata...

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Modified: 4/17/2014 2:17:33 PM

Application: Microsoft Word

Advanced

PDF Producer: Mac OS X 10.6.8 Quartz PDFContext

PDF Version: 1.5 (Acrobat 6.x)

Location: C:\Users\Leslie.Box_Sync\Clho\Barton Solar, LL\CL423-14-Barton Solar Project\PS8 Filings\

File Size: 103.47 KB (105,954 Bytes)

Page Size: 8.50 x 11.00 in

Tagged PDF: No

Number of Pages: 4

Fast Web View: Yes

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STATE OF VERMONT PUBLIC SERVICE BOARD

Docket No. 8148

Application of Barton Solar, LLC For a Certificate of Public Good For the installation and operation Of a 1,890 MW solar photovoltaic Electric generation facility located Off Glover Road in the town of Barton, Vermont

MOTION BY MONICA AND ANTHONY MENARD FOR PROTECTIVE ORDER

We, Monica and Anthony Menard, file this Motion for Protective Order pursuant to Board Rule 2.214(A) and VRCR Rule 26(C) in response to Barton Solar's demands for further discovery responses.

Background

On March 28, 2014, Barton Solar filed discovery questions on Intervenor's Monica and Anthony Menard. Monica Menard was asked 108 questions. Anthony Menard was asked 125 questions. We believed then, and believe now, this to be a clearly excessive number of questions.

The Board's Hearing Officer issued an expedited scheduling Order that provided only one week to respond to written discovery questions. As pro se parties we are also working full time jobs and are dealing with health issues; unlike the developer's counsel for whom this project constitutes their form of employment. We believe that the excessive number and

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Document Properties

Description Security Fonts Initial View Custom Advanced

File: 8148_BartonSolar_MonicaMenard_Prefiled_032114

Title:

Author: Annette Smith

Subject:

Keywords:

Additional Metadata...

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 Modified: 10/4/2015 10:09:43 AM
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Advanced

PDF Producer: Microsoft® Office Word 2007
 PDF Version: 1.5 (Acrobat 6.x)
 Location: C:\Users\Leslie\Box Sync\Clio\Belisle, Travis\WCE\Files\MonicaMenard\
 File Size: 331.47 KB (339,423 Bytes)
 Page Size: 8.50 x 11.00 in
 Number of Pages: 14
 Tagged PDF: Yes
 Fast Web View: Yes

Help

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STATE OF VERMONT
 PUBLIC SERVICE BOARD

Ret No. 8148

Application of Barton Solar, LLC
 a Certificate of Public Good
 the installation and operation
 1.890 MW solar photovoltaic
 electric generation facility located
 Glover Road in the town of
 ton, Vermont

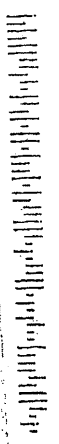
PREFILED TESTIMONY OF MONICA MENARD

March 21, 2014

VCE
789 Butler Brook Rd
Dorset, VT 05739

SEP 08 2015

Leslie Cadwell, Esq.
P.O. Box 827
Castleton, VT 05735



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STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 8561

Investigation pursuant to 30 V.S.A. §§ 30 and)
209 regarding the Construction and Operation of)
a Meteorological Tower located in Swanton,)
Vermont)

MOTION TO INTERVENE OF
CHRISTINE AND DUSTIN LANG

Now come Christine and Dustin Lang and move to intervene in the matter referenced above pursuant to Public Service Board Rule 2.209(B).

1. Christine and Dustin Lang are property owners who have substantial, particularized interests protected by Section 248 and related to criteria of § 30 which are relevant to the outcome of the proceedings in this matter.
2. The owner of the meteorological monitoring tower, Travis Belisle, made written disclosures to Movants that provide evidence regarding
 - §30(c)(1) the extent that the violation harmed or might have harmed the public health, safety, or welfare, the environment, the reliability of utility service, or the other interests of utility customers
 - (2) whether the respondent knew or had reason to know the violation existed and whether the violation was intentional
 - (3) the economic benefit, if any, that could have been anticipated from an intentional or knowing violation
 - (4) the length of time that the violation existed and
 - (7) the respondent's record of compliance

Movants have a substantial interest in the development of the factual record in this case.

Movants' interests may be adversely affected by the outcome of this proceeding.

No other party will adequately protect these interests of the Movants and there are no alternative means by which these interests may be protected.

Intervention is timely and will not unduly delay these proceedings or prejudice the interests of existing parties or of the public.

Discussion

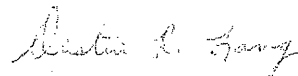
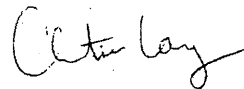
At the pre-hearing conference, Hearing Officer Michael Tousley compared this proceeding to the recent Vermont Gas System (VGS) docket regarding the ongoing duty of VGS to report a substantial change – i.e. a cost increase of 20% or more to the Project as required by law – noting that motions to intervene are not contemplated in these types of cases. Hearing Officer Tousley suggested in the alternative that interested parties could request the opportunity to file an amicus brief.

Movants argue that this proceeding is entirely different. In the VGS case, the issues involved legal requirements for disclosure in a docket that had a record already established. This Docket 8561 does not have any record yet. The PSB's decision regarding possible penalties and sanctions must be based on facts introduced into the record as evidence. An amicus brief would not achieve the necessary introduction of evidence submitted into the record upon which the PSB will make its decision.

The PSB's decision-making will benefit from the evidence that Movants intend to submit. The evidence Movants intend to present is not in the possession of the Department of Public Service or the Agency of Natural Resources and would otherwise not be available for the PSB to consider. The PSB's decision will be based on an inadequate record if Movants are unable to present the evidence in their possession.

Wherefore, Movants pray that they be permitted to participate in this Docket No. 8561 as parties in accordance with PSB Rule 2.209(B).

Dated this 4th day of September, 2015 in Swanton, Vermont.



Christine and Dustin Lang
21 Rocky Ridge Rd.
Saint Albans, Vt. 05478
(802) 528-5242
cmlangvt@gmail.com

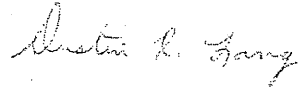
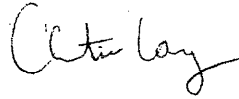
STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 8561

Investigation pursuant to 30 V.S.A. §§ 30 and)
209 regarding the Construction and Operation of)
a Meteorological Tower located in Swanton,)
Vermont)

CERTIFICATE OF SERVICE

I hereby certify that hard copies of the foregoing filing were sent by U.S. Mail on September 4, 2015 to the parties in this docket, listed below.



Christine and Dustin Lang
21 Rocky Ridge Rd.
Saint Albans, Vt. 05478
(802) 528-5242
cmlangvt@gmail.com

SERVICE LIST

Leslie Cadwell, Esq.
P.O. Box 827
Castleton, VT 05735

Geoffrey Commons, Esq.
Vermont Department of Public Service
112 State Street
Montpelier, VT 05620-2601

Jen Duggan, Esq.
Vermont Agency of Natural Resources
1 National Life Drive, Davis 2
Montpelier, VT 05620

STATE OF VERMONT
PUBLIC SERVICE BOARD

DOCKET NUMBER 8585

INVESTIGATION INTO METEOROLOGICAL TOWER AT
700 KIDDER HILL ROAD IN IRASBURG, VERMONT

October 6, 2015
9:30 a.m.

112 State Street
Montpelier, Vermont

Prehearing Conference held before the Vermont
Public Service Board, at the Third Floor Conference Room,
People's United Bank Building, 112 State Street,
Montpelier, Vermont, on October 6, 2015, beginning at 9:30
a.m.

P R E S E N T

HEARING OFFICER: George E. Young
Deputy General Counsel

Monica Stillman
Environmental Analyst

CAPITOL COURT REPORTERS, INC.
P.O. BOX 329
BURLINGTON, VERMONT 05402-0329
(802/800) 863-6067
E-mail: info@capitolcourtreporters.com

A P P E A R A N C E S

GEOFFREY A. COMMONS, ESQUIRE

AARON KISICKI, ESQUIRE

Appearing for the VT Department of Public Service
112 State Street
Montpelier, VT 05620-2601

LESLIE A. CADWELL, LEGAL COUNSELOR AND ADVOCATE, PLC

751 Frisbie Hill Road
Castleton, VT 05735

ROBIN KAY, Chairman of the Selectboard

Irasburg Selectboard
Irasburg, VT

SENATOR ROBERT STARR

1 would be at 2 o'clock in the afternoon. As I said
2 that's tentative. We'll have to wait and see who
3 intervenes, how many parties, as to whether I
4 conclude that makes sense.

5 I think that summarizes what was off the
6 record. Ms. Cadwell, you had a request concerning
7 Ms. Smith.

8 MS. CADWELL: I did and I just want the
9 record to reflect that Annette Smith from Vermonters
10 For a Clean Environment is here, and I had asked Ms.
11 Smith what her role is and I would like to get that
12 on the record.

13 MR. YOUNG: If there's no objection to
14 it, that's fine by me.

15 MS. SMITH: My name is Annette Smith.
16 I'm Executive Director of Vermonters for a Clean
17 Environment and I serve as a consultant to citizens
18 and towns who need help understanding the Public
19 Service Board process.

20 MS. CADWELL: And your role here is as
21 an advisor to the Selectboard?

22 MS. SMITH: I'm a consultant to the
23 Selectboard.

24 MS. CADWELL: On the Public Service
25 Board process in this particular case?

1 MS. SMITH: Yes.

2 MS. CADWELL: Okay. Thank you.

3 MR. YOUNG: So is there anything else we
4 need to do this morning? Hearing nothing, thank you
5 all for your time and we're adjourned.

6 (Whereupon, the proceeding was
7 adjourned at 10:10 a.m.)
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1789 Baker Brook Rd
Danby, VT 05739

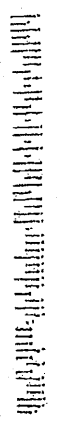
Leslie A. Cadwell
Legal Counselor and Advocate, PLC
PO Box 827
Castleton, VT 05745

OCT 22 2015



POSTNET

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October 20, 2015

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

OCT 22 2015

Re: Docket No. 8585

Dear Ms. Hudson,

Attached please find

1. The Irasburg Select Board Authorization appointing Dr. Robert R. Holland to represent the Town of Irasburg
 2. Notice of Appearance
 3. Certificate of Service
- in the above-referenced matter.

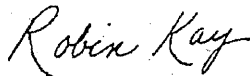
Electronic copies are attached to this email.

The Town of Irasburg acknowledges and appreciates the agreement of the parties accepting the Town as a party in this case. We therefore are not filing a Motion to Intervene.

Hard copies are being mailed to the Service List, as noted on the Certificate of Service. As agreed upon at the pre-hearing conference, the four hard copies to the Board are being mailed on the due date, as the Hearing Officer waived the requirement to have the hard copies at the Board on the date the filing is due.

Thank you.

Sincerely,



Robin Kay, Chair
Select Board
Town of Irasburg
P.O. Box 51
Irasburg, VT 05845
irasburgtc@comcast.net
(802) 754-2242

STATE OF VERMONT
PUBLIC SERVICE BOARD

OCT 22 2015

Docket No. 8585

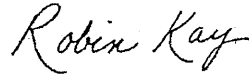
Investigation into Meteorological Tower at)
700 Kidder Hill Road in Irasburg, Vermont)

SELECT BOARD AUTHORIZATION

The Irasburg Select Board appoints Dr. Robert R. Holland, Irasburg Town Moderator,
to represent the town of Irasburg in the above referenced matter.

Dated Irasburg, Vermont this 20th day of October, 2015.

By:



Robin Kay, Chair
Select Board
Town of Irasburg
P.O. Box 51
Irasburg, VT 05845
irasburgtc@comcast.net
(802) 754-2242

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 8585

OCT 22 2015

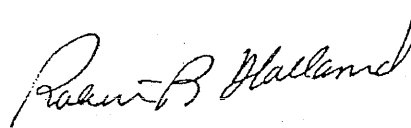
Investigation into Meteorological Tower at)
700 Kidder Hill Road in Irasburg, Vermont)

NOTICE OF APPEARANCE

Please enter the appearance of Dr. Robert R. Holland, *pro se*, in the above referenced matter.

Dated Irasburg, Vermont this 20th day of October, 2015.

By:



Dr. Robert R. Holland
Moderator
Town of Irasburg
PO Box 88 / 4328 Route 14
Irasburg, VT 05845
kcf.rrh@gmail.com
(802) 754 6354

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 8585

OCT 22 2015

Notice of Appearance)
Investigation into Meteorological Tower at)
700 Kidder Hill Road in Irasburg, Vermont)

CERTIFICATE OF SERVICE

I hereby certify that hard copies of the foregoing filing were sent by U.S. Mail on
October 20, 2015 to the parties in this docket, listed below.

Robin Kay

Robin Kay, Chair
Select Board
Town of Irasburg
PO Box 51, Irasburg, VT 05845
irasburgtc@comcast.net
(802) 754-2242

SERVICE LIST

Susan Hudson
Vermont Public Service Board
112 State Street
Montpelier, VT 05620-2701

Jennifer Duggan, General Counsel
Vermont Agency of Natural Resources
1 National Life Drive, Davis 2
Montpelier, VT 05602-3

Geoffrey Commons
Director of Public Advocacy
Aaron Kisicki, Special Counsel
Vermont Department of Public Service
112 State Street
Montpelier, VT 05620-2601

Leslie A. Cadwell
Legal Counselor and Advocate, PLC
PO Box 827
Castleton, VT 05445

Selectmen's Draft Agenda/Minutes
September 28, 2015
6:00 p.m.

Present: Chairman Larry Labor, Robert Guyer, Thomas Bonneville, and TammyLee Morin, Clerk to the Board.

Others Present: David Halquist from VEC, Chris Blais, Jim Mcwain, Joyce Wieselmann, Bruce Barter, William Bilowus, Molly Carey Bilowus, Bob Kern, Candy Moot, Chuck Nichols, Dave Hallquist, Beth Torpey, David Joyce, Peggy Barter, Carol Rehor, Dave Klein, Ed Rehore, Virginia Bergh.

1. Minutes to meeting of September 14, 2015 to review and approve as written.

A motion was made and seconded to approve the minutes as written.

2. To let any guest speak.

Dave Hallquist from VEC came to clarify some questions the Town had on Mr. Blittersdorf's Solar Project. He discussed VEC's interconnect issues with the project re: line upgrade to 3 phase, approximate cost of such etc. He also stated that the VEC preferred to site alternative energy projects closer to the net metered recipient re: Jay Peak. He also talked about the communications between the developer and Mr. William Stenger CEO of Jay Peak Inc. and VEC. He also gave a brief outline of the economic impact on the grid system when the utility is to receive alternative power.

3. Amend/correct minutes of July 13, 2015 as asked by auditor Susan Maginniss. #10 Accounts payable and Payroll amounts need to be reversed. AP was 5,191.56 and PR was 2,441.99.

A motion was made and seconded to approve the correction to the minutes of July 13, 2015.

4. Road sign on Toad Pond Road per request of Derby Elementary School's Principal, Tabled from last meeting of 09-14-15 #5.

Shawn Austin and Mr. Buchanan of Derby Elementary School will decide the best place to put the caution sign on Toad Pond road as requested by Mr. Buchanan.

5. Information from Kriston Mason Re: Solar Plants. (FYI)

Read & Reviewed found very interesting.

6. Town Highway Structures Program for the Board to review and Larry to sign from Shawn Austin.

A motion was made and seconded to approve and sign the Postponement of the Town Highways Structure Program until October of next year.

7. Bob Durgin requesting to get a new heater at the Transfer/Recycling Center?

A motion was made and seconded to approve to buy a new heater for the Transfer/Recycling Station.

8. Orders #150012 to review and sign.

A motion was made and seconded to approve and sign warrant #150012 in the amounts of
Payroll: \$ 7,544.88
Acct. Payable: \$ 8,077.02

Other Business:

Clerk TammyLee Morin requested the Meeting of October 12, 2015 be changed to Tuesday October 13, 2015 due to Columbus Day.

Discussion of changing the web master. Chuck Nichols was asked if he would like to and will reply by next meeting.

E-mail from Danika Frisbie on specific funding requests for the implementation of Universal Recycling, to assist in gaging overall funding needs, this was forwarded to Paul Tomasi 2 weeks ago.

Janet Selby asked where things stood with the school. Larry Labor said that there has been no response back from Turning Points at this time on the lease offer.

The Town has decided to intervene to the Public Service Board and will have the paper work in by 3:00 Wednesday October 30th 2015

There was conversation and concern on whether or not Mr. Blittersdorf has thoughts of putting up Wind Towers and by majority everyone thought that a committee should be formed and really dig into and make ourselves more educated on this kind of project and that the Town Plan should/needs to be changed and that things need to move and was suggested something done before Town meeting.

TammyLee will call the League to see if a vote with Australian ballot could be done.

A residential domestic animal issue - Joe Moeykins the Town Animal Control Officer has interviewed the complainant and that this is an on going complaint. Joe is still working on this problem.

Attorney compensation to Annette Smith who is a 501C3 corporation and is the executive director of Vermonters for Clean Environment. Ms. Smith helped tremendously on the Town's

document that was filed with the PSB (Public Service Board) in opposition to the Application of Seymour Lake Solar, LLC. (Tabled until next meeting of October 13, 2015.)

A motion was made and seconded to adjourn the meeting at 7:55 p.m.

Select Board Draft Agenda/Minutes
October 26, 2015

Present: Larry Labor Chair of the Board, Robert Guyer, Thomas Bonneville and TammyLee Morin, Clerk to the Board.

Others present: Penelope Thomas.

Penny Thomas asked to be put on the agenda re: Thanking the Board.

1. Minutes of the meeting of October 13, 2015 to review and approve as written.

A motion was made and seconded to approve the minutes of 10-13-15 as written.

2. Minutes of the Special Select Board meeting of October 15, 2015 to review and approve as written.

A motion was made and seconded to approve the minutes of 10-15-15 as written.

3. Minutes of the Special Select Board meeting of October 19, 2015 to review and approve as written.

A motion was made and seconded to approve the minutes of 10-19-15 as written.

4. To allow any guests to speak.

Penny Thomas first of all wanted to Thank the Board for all their hard work they are putting into the Green Energy.

Penny then asked where the Town stood in stopping the wind turbines from coming to Town. The Board answered by telling Penny that they are in an interveinal status with the Public Service Board and that the PSB is so backed up they couldn't say how long it would be before we would get a response from them. Penny Thanked the board for answering her questions.

5. Michael Desena has given a sound system to the Town of Morgan minus a microphone. He said we would have to purchase one of those but he would like the Town to have the rest of the system, the family no longer uses it.

A motion was made and seconded to have Robert Guyer bring the system to Mike Routhier's music store to look at and match a microphone to it.

6. A certificate of Fact to change the Grand list from the lister's office to review and sign.

Read and reviewed and signed.

7. A Thank you card from Worth's Seamless Rain Gutters, Inc. for letting them serve the Town.

Read, reviewed and appreciated.

8. Appropriation request from Green Up Vermont in the amount of \$50.00

A motion was made and seconded to raise the amount to \$100.00. Tammy will ask Tammy LaCourse if she will continue as coordinator this year.

9. Resident Complaint Re: Kevin Fries vs. neighbors, Four Wheel Drive Road.

Mr. Fries is concerned about the mess at the neighbor's house, this is a rental property owned by Robert Lund. Steve Matson has been notified and will meet with Mr. Lund to affect a remedy to the situation. There are numerous cars in the driveway and yard and lots of stuff all over the yard, he would like to see it cleaned up.

Zoning Officer Steve Matson will send a letter to Mr. Lund requesting the cleanup and if no response he will proceed with the fines.

10. Orders #15015/16/17 to review, approve and sign.

#15015	
Payroll	\$ 7,289.27
Accounts Payable	\$ 63,463.51
#15016	
Payroll	\$ 848.07
Accounts Payable	\$ 126.76
#15017	
Payroll	\$ 426.24
Accounts Payable	\$ 83.61

A motion was made and seconded to approve orders in the amounts stated above.

Other Business:

Martin Davis was inquiring about the position of his job as custodian at the E. Taylor Hatton School since the construction started in the school for the lease see NFI.

The Board said to let Mr. Davis know to temporarily discontinue cleaning the building until they notify him and to give him NFI contacts for future work. At this point there is no Occupancy date.

A motion was made and seconded to approve for Tom Bonneville to attend a meeting for Solar Wind and siting regulations on October 30, 2015 if he so chooses. Larry and Rob will not be able to attend.

Larry Labor reported the work being done at the school and it's progress. Roland Tetreault has finished the hallway where a leak was. Some boards on the front porch deck are being replaced and painted. Worth's Seamless Gutters have replaced all the gutter front and back.

Nadeau's will be contacted along with D&D to get some communication going between them along with NFI's Dan (the carpenter) so that they are all on Board with each other.

Larry will contact NFI about bids for snow removal and plowing.

Larry Labor brought back up a question that was tabled from the meeting of September 28, 2015 under other business on the Attorney compensation to Annette Smith who is a nonprofit SOle corporation and has helped tremendously on the Town's documents that were filed with the Public Service Board in opposition of Seymour Lake Solar, LLC. Etc

There were 2 (two) \$ 5,000.00 donations from property owners willing to help out with the Green Energy situation.

A motion was made and seconded to approve to pay Ms. Smith \$ 2,500.00 now and keep the rest for any help needed in case of wind towers coming to town and will send a letter stating that the money is a donation for services and to please acknowledge and return. (For our records)

A motion was made and seconded to adjourn the meeting at 7:00 p.m.

Chen, Zachary

From: Treadwell, John
Sent: Wednesday, January 06, 2016 7:47 PM
To: Chen, Zachary
Subject: Unauthorized Practice of Law

Categories: M-Files

Where are we with the ULP complaint I gave you?

John

John Treadwell
Assistant Attorney General
Vermont Attorney General's Office
109 State Street
Montpelier, VT 05609
tel: 802-828-5512
fax: 802-828-2514
e-mail: john.treadwell@vermont.gov

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Chen, Zachary

From: Chen, Zachary
Sent: Thursday, January 07, 2016 9:10 AM
To: Treadwell, John
Subject: RE: Ritchie Berger message re Annette Smith matter

Categories: M-Files

Got it: <http://vtdigger.org/2016/01/05/session-preview-2016-carbon-tax-renewable-siting-focus-of-legislative-energy-initiatives/>

I'll add it to the file.

From: Treadwell, John
Sent: Thursday, January 07, 2016 9:04 AM
To: Chen, Zachary
Subject: RE: Ritchie Berger message re Annette Smith matter

No. But you can probably find it on digger. It must relate to siting wind facilities.

From: Chen, Zachary
Sent: Thursday, January 07, 2016 9:03 AM
To: Treadwell, John <john.treadwell@vermont.gov>
Subject: RE: Ritchie Berger message re Annette Smith matter

Did he forward you the link to the article Annette Smith commented on?

-Zach

From: Treadwell, John
Sent: Wednesday, January 06, 2016 7:48 PM
To: Chen, Zachary
Subject: FW: Ritchie Berger message re Annette Smith matter

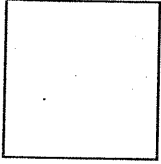
This goes with it ...

From: Ritchie Berger [<mailto:rberger@DINSE.COM>]
Sent: Wednesday, January 06, 2016 5:36 PM
To: Griffin, Bill
Subject: Annette Smith/Unlawful Practice of Law

Hi Bill. In the most recent VtDigger, Ms. Smith wrote a comment that suggests recognition that she has been, in her own words, "practicing law without a license."

That comment follows; I will also forward you the link to the article:

"Annette Smith



23 hours 52 minutes ago

I help people and towns participate in the PSB process. At a certain point I usually apologize to them for the absurdity of it all. And I always have to tell them up front that no matter what they do, they will lose.

Unfortunately, the response to my efforts to provide assistance with the process has led to one developer in particular to pay attorneys, one who works for the Speaker of the House's firm, to file public records requests with towns and serve subpoenas or discovery on citizens I

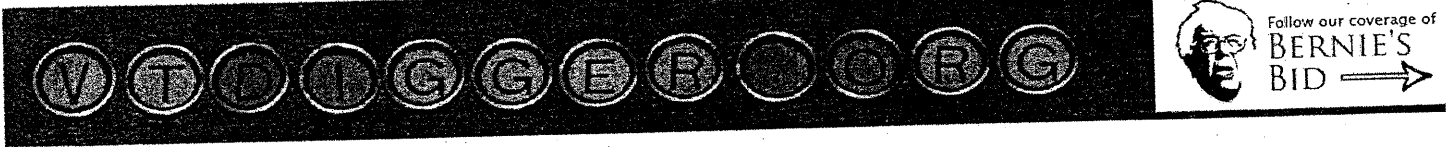
assist. http://vce.org/DB_VCE_AS_CorrespondenceRequests.pdf

Presumably the effort is to build a case against me that I am practicing law without a license. It has been effective in chilling participation, to some extent.

This new position being proposed at a cost of \$100,000 does not solve any problems. It's a steep learning curve to understand how to participate, but knowing how doesn't mean you're going to be heard. I'm developing a website to provide some basics <http://vtpsbsparticipation.net/>, still need to finish adding the templates and samples."

DINSE: R. Berger, Esq.

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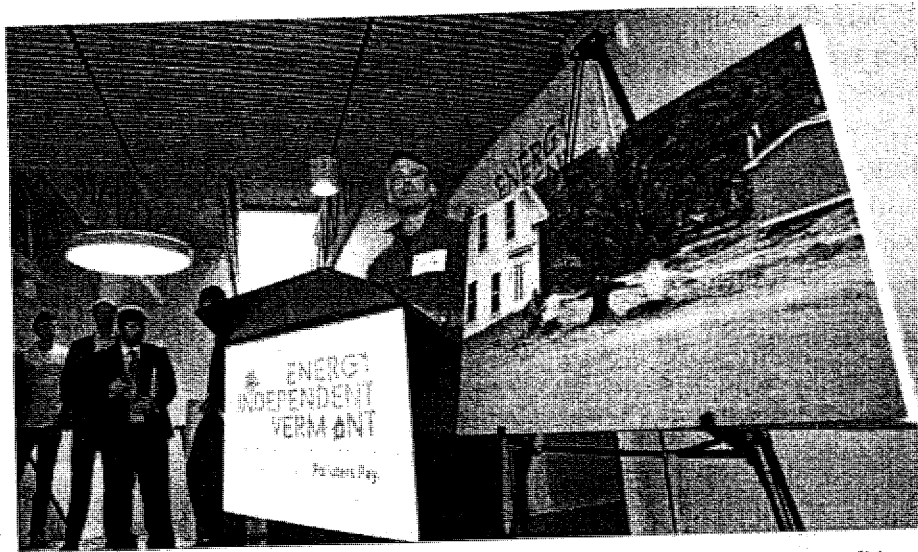


Clara Martin Center

LEARN MORE

SESSION PREVIEW 2016: CARBON TAX, RENEWABLE SITING FOCUS OF LEGISLATIVE ENERGY INITIATIVES

JAN. 5, 2016, 4:10 PM BY MIKE POLHAMUS 40 COMMENTS



Paul Burns, executive director of the Vermont Public Interest Research Group, joined a coalition of Vermont environmental, business, academic and other advocacy groups during a news conference at the Capstone Community Action low-income service agency's headquarters in Barre on Thursday to call for a carbon tax. Photo by John Herrick/VT Digger

The Shumlin administration and lawmakers are setting new criteria for siting renewable energy projects as developers aggressively build out solar and wind projects across the state.

The state and federal government have incentivized renewables as part of an effort to minimize fossil fuel use and limit carbon emissions. To that end, Vermont has set a target of 90 percent renewable energy by 2050.

But some large-scale renewable energy projects have stirred local residents' concerns about property values, aesthetics and land use.

And, in response, the state Senate is proposing tighter environmental criteria for renewable energy projects.

Sen. Chris Bray, D-Addison, said it's important to put the siting issue in perspective. He says that utility poles, wires and substations for the state's electrical grid occupy 58,000 acres in Vermont, while solar power arrays take up about 1,000 acres. (The state has a total of 6 million acres.)

In that context, the emotional reaction to solar siting land use impact, Bray said is "not proportionate."

But Bray, who has drafted his own "placeholder" bill, says citizens and towns need more of a say in the Public Service Board proceedings, and to that end, he proposes that the board hire a public administrative assistant who can help citizens understand complex utility law well enough to participate in the quasi-judicial process.

Another provision of Bray's energy bill would put ratepayers on the hook for infrastructure costs related to better renewable project siting.

As it stands today, developers must pay for all necessary infrastructure improvements, which means to save money they often choose sites closest to existing power lines.

Under Bray's plan, ratepayers would cover the cost of locating renewable sites further from the road. A separate pilot project would offer incentives for "preferred locations," such as quarries, landfills, rooftops and parking lots. The proposal also calls for municipal "solar parks," or designated areas for large installations. Projects outside these locations would receive 3 cents per kilowatt hour less.

The legislation would also require the creation of decommissioning funds for renewable projects that have reached the end of their useful life.

"People like to know we're not leaving a lot of glass and metal out on the landscape," he said.

CHANGE TO EMINENT DOMAIN PROCEEDINGS

The siting bill also makes a key change to eminent domain proceedings spurred by the Vermont Gas Systems pipeline project in Addison County, Bray said.

Bray's bill would prohibit utility companies from using eminent domain to acquire easements when those utilities include non-disclosure agreements in their negotiations with landowners.

In the case of the Vermont Gas pipelines, many landowners who took payment for easements across their land signed non-disclosure agreements preventing them from telling their neighbors and others how much they were offered. Many of those landowners mistakenly believed they had no choice but to sign the agreements, Bray said.

Non-disclosure agreements prevent a free exchange of information that could lead to fair market value prices for utility easements, he said.

The secrecy, he says, ensures that only one party in negotiations for an easement actually knows the going price. In those deals, the landowner typically has less money and experience in these matters than the utility, Bray said. The landowner is "compelled to respond" and forced to become party to the negotiations, he said.

"There are a lot of things that make me think citizens face an un-level playing field when it comes to these type of negotiations," he said. "Making them transparent makes it more level."

Lawmakers will also consider draft legislation that address several other environmental issues, including:

<http://vt.digger.org/2016/01/05/session-preview-2016-carbon-tax-renewable-siting-focus-of-legislative-energy-initiatives/>



Sen. Chris Bray, D-Addison.

Comment on Jan 5, 2016 VT Digger article

Annette Smith

1 day 15 hours ago

I help people and towns participate in the PSB process. At a certain point I usually apologize to them for the absurdity of it all. And I always have to tell them up front that no matter what they do, they will lose.

Unfortunately, the response to my efforts to provide assistance with the process has led to one developer in particular to pay attorneys, one who works for the Speaker of the House's firm, to file public records requests with towns and serve subpoenas or discovery on citizens I assist. http://vce.org/DB_VCE_AS_CorrespondenceRequests.pdf
Presumably the effort is to build a case against me that I am practicing law without a license. It has been effective in chilling participation, to some extent.

This new position being proposed at a cost of \$100,000 does not solve any problems. It's a steep learning curve to understand how to participate, but knowing how doesn't mean you're going to be heard. I'm developing a website to provide some basics <http://vtpsbsparticipation.net/>, still need to finish adding the templates and samples.

The whole PSB process is surreal, and it has been very interesting teaching the average Vermonter or town board member how to do it. It can be done without an attorney, but at the end of the day, why bother? The legislature has created no balance, the PSB is approving everything that comes before them whether people participate pro se or with lawyers, always pointing to the legislature telling them to approve renewables so that's what they are doing.

Even though I'm the only person in the state other than lawyers helping towns and citizens participate at the PSB, the solar siting task force has not asked to hear from me. There is no representative of the public on the task force, which has a majority of members associated with the Shumlin administration and people who work solely for developers. They met today and have another meeting scheduled next Tuesday. VCE video records all the meetings and posts them on one of our youtube channels. Here's the link to the last one <https://youtu.be/-GfP5lHISk> from which you can get to all the others, as well as PSB site visits, public hearings, technical hearings. We have been documenting lots of info and case studies to show how the system works — for developers but not for the public. We've also developed ideas for changing the process.

Chen, Zachary

From: Treadwell, John
Sent: Thursday, January 07, 2016 4:14 PM
To: Chen, Zachary
Subject: FW: Annette Smith matter -- additional information
Attachments: 8585_IrasburgDiscovery_010616.docx

More


From: Griffin, Bill
Sent: Thursday, January 07, 2016 3:24 PM
To: Treadwell, John <john.treadwell@vermont.gov>
Subject: Annette Smith matter -- additional information

From: Ritchie Berger [<mailto:rberger@DINSE.COM>]
Sent: Thursday, January 07, 2016 10:36 AM
To: Griffin, Bill
Subject: Annette Smith/Unlawful Practice of Law

Hi Bill. Would you kindly forward the attachment to the Assistant AG reviewing this matter? If you look at the properties for the Word file you will see that the identified author of those discovery requests, which were served yesterday, is "A. Smith."

Clearly, preparing case specific interrogatories is the practice of law, not merely providing access to generic forms.

Thank you.

 **Ritchie E. Berger, Esq.**
Director
Dinse, Knapp & McAndrew, P.C.
209 Battery Street
P.O. Box 988
Burlington, VT 05402
W: 802-859-7029 | C: 802-578-8877
F: 802-859-8729
rberger@dinse.com | [Bio](#)



Fellow, American College of Trial Lawyers

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Chen, Zachary

From: Chen, Zachary
Sent: Thursday, January 14, 2016 10:16 AM
To: 'tmorganvt@comcast.net'
Subject: RE: Approved minutes of select board meetings?

Thank you! Would you also be able to provide the Oct 13 minutes?

From: tmorganvt@comcast.net [mailto:tmorganvt@comcast.net]
Sent: Thursday, January 14, 2016 9:45 AM
To: Chen, Zachary
Subject: Re: Approved minutes of select board meetings?

From: "Zachary Chen" <Zachary.Chen@vermont.gov>
To: tmorganvt@comcast.net
Sent: Wednesday, January 13, 2016 3:05:53 PM
Subject: Approved minutes of select board meetings?

The relevant dates are 9/28 and 10/26.

Thanks,

Zachary Chen
Assistant Attorney General
Vermont Attorney General's Office
109 State Street
Montpelier, VT 05609
Tel: (802) 828-5512

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Chen, Zachary

From: tmorganvt@comcast.net
Sent: Thursday, January 14, 2016 11:04 AM
To: Chen, Zachary
Subject: Re: Approved minutes of select board meetings?
Attachments: 10-13-15-DA-M.docx

From: "Zachary Chen" <Zachary.Chen@vermont.gov>
To: tmorganvt@comcast.net
Sent: Thursday, January 14, 2016 10:16:19 AM
Subject: RE: Approved minutes of select board meetings?

Thank you! Would you also be able to provide the Oct 13 minutes?

From: tmorganvt@comcast.net [mailto:tmorganvt@comcast.net]
Sent: Thursday, January 14, 2016 9:45 AM
To: Chen, Zachary
Subject: Re: Approved minutes of select board meetings?

From: "Zachary Chen" <Zachary.Chen@vermont.gov>
To: tmorganvt@comcast.net
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The relevant dates are 9/28 and 10/26.

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Zachary Chen
Assistant Attorney General
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communication. Also, please notify immediately via e-mail the sender that you have received the communication in error.

**Selectmen's Draft Agenda/Meeting
October 13, 2015**

Present: Larry Labor, Chair; Thomas Bonneville, Robert Guyer and TammyLee Morin, clerk to the Board.

Penny Thomas will be attending the meeting.

- 1. Minutes to meeting of September 28, 2015 to review and approve as written.**

A motion was made and seconded to approve the minutes of September 28, 2015 as written.

- 2. To let any guest speak.**

N/A Penny Thomas did not show up.

- 3. Certificate of fact to change the grand list of 2015 VSA 324261 to review and sign.**

A motion was made and seconded to sign with changes.

- 4. A copy of the revised Lease agreement to NFI.**

Read and reviewed and Larry will contact Attorney Bill Davies.

- 5. Invitation to the NRRRA Annual Meeting and Luncheon November 18, 2015 at 12:00 noon in Concord NH at the cost of \$25.00 per person.**

Read and reviewed.

- 6. Lake Seymour Solar information to review and discuss.**

Larry Labor has written to Senator Rogers. Table until next meeting of October 26, 2015.

- 7. Orders #150014 to review, approve and sign.**

There were no Orders to be signed. Orders #150013 were reviewed, approved, and signed on October 8th 2015 by Larry Labor and Robert Guyer in the amounts of:

PR - \$6,067.30

AP- \$1,791.88

Other Business:

Vermont Division of Public Safety - FYI

Fire Safety Inspection Report – read & reviewed.

Septic System Tank riser installed and new cover in place – A new riser and cover were put in place. Worth's Seamless Gutters will do gutters on Friday October 16, 2015. Roland Tetreault will Pressure washing and painting will be done after the gutters.

Awaiting 2nd bid on heating system renovations. – Got Quote from Fred's and Nadeau's. A Special Meeting on October 15, 2015 will be held for the purpose of HVAC cost comparisons.

A motion was made and seconded to adjourn the meeting at 7:50 p.m.

Chen, Zachary

From: Annette Smith <vermontce@gmail.com>
Sent: Thursday, January 21, 2016 4:37 PM
To: William Sorrell; Chen, Zachary
Subject: Public Records Request
Attachments: PublicRecordsRequest_PSB_VCE_012116.pdf; ATT00001.htm

Dear Attorney General Sorrell,

Attached please find VCE's public records request.

Thank you.

Annette

Vermonters
for a
Clean Environment

789 Baker Brook Road, Danby VT 05739
(802) 446-2094 www.vce.org vce@vce.org

January 21, 2016

William Sorrell, Attorney General
Office of the Attorney General
109 State Street
Montpelier, VT 05609-1001

Dear Attorney General Sorrell,

Pursuant to Vermont's Public Records Act, V.S.A. Section 315-320, I hereby request copies of all letters, reports, studies and other writings, including electronic mail, telephone logs, and other documentation, issued, produced, recorded, or received by your Agency in regards to documents related to a number of different proceedings before the Public Service Board regarding Annette Smith and/or Vermonters for a Clean Environment.

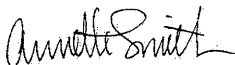
I am addressing this request to you in the belief that you are the custodian of such documents. If you are not, I request that you forward my request to the proper custodian of such documents and inform me of whom that person is.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of any appeal procedures available to me to enforce the enforcement and penalty provisions contained in 1 V.S.A. §§ 319 and 320. If the law does not allow me to have access to some of these records, please so inform me within two business days, as provided by law. If an otherwise public record has a portion that is exempt from disclosure, I request that you block out the exempt portion and release a copy of the rest of the document together with a notation of the specific exemption that applies to the portion withheld.

If some or all of my request is denied, please tell me the title and name of the person responsible for the denial and, as the law requires, please inform me of the appeal procedures available to me and the name of the person to whom the appeal may be made.

Please call 802-446-2094 if you have any questions.

Sincerely,



Annette Smith
Executive Director

8/14/2017

ATT00001.htm

Annette Smith
Executive Director
Vermonters for a Clean Environment
789 Baker Brook Road
Danby, VT 05739
(802)446-2094
www.vce.org

Chen, Zachary

From: Treadwell, John
Sent: Friday, January 22, 2016 1:31 PM
To: Walker, Anne; Young, Susanne
Cc: Swanson, MaryKay; Putney, Renee; Chen, Zachary
Subject: RE: PRESS CALL - Mike Polhamus, VTDigger.org, 802-777-8022

Categories: M-Files

I will deal with this.

John

From: Walker, Anne
Sent: Friday, January 22, 2016 1:30 PM
To: Young, Susanne <susanne.young@vermont.gov>; Treadwell, John <john.treadwell@vermont.gov>
Cc: Swanson, MaryKay <marykay.swanson@vermont.gov>; Putney, Renee <Renee.Putney@vermont.gov>; Chen, Zachary <Zachary.Chen@vermont.gov>
Subject: PRESS CALL - Mike Polhamus, VTDigger.org, 802-777-8022
Importance: High

RE: Criminal investigation of Annette Smith (said he has a "notification" sent by Zach to her)

Deadline: End of business today

Thanks,
Anne

Anne C. Walker

Administrative Secretary
Office of Attorney General | GCAL
109 State Street, 3rd Floor
Montpelier, VT 05609
Phone | 802.828.0241
E-Mail | anne.walker@vermont.gov

Chen, Zachary

From: Walker, Anne
Sent: Friday, January 22, 2016 3:10 PM
To: Young, Susanne; Treadwell, John
Cc: Swanson, MaryKay; Putney, Renee
Subject: PRESS CALL - Kathleen Tomaselli, Rutland Herald

Importance: High

Two numbers: 814-670-9104 (cell for the next 40 minutes) or 802-774-3024

RE: Annette Smith investigation letter

Deadline: end of business today

Thanks,
Anne

Anne C. Walker

Administrative Secretary

Office of Attorney General | GCAL

109 State Street, 3rd Floor

Montpelier, VT 05609

Phone | 802.828.0241

E-Mail | anne.walker@vermont.gov

Chen, Zachary

From: Walker, Anne
Sent: Friday, January 22, 2016 4:03 PM
To: Young, Susanne; Treadwell, John
Cc: Swanson, MaryKay; Putney, Renee; Chen, Zachary
Subject: FW: PRESS CALL - Kathleen Tomaselli, Rutland Herald - called again - she's back in the news room

Importance: High

The number to use is: 802-774-3024

Thanks,
Anne

Anne C. Walker

Administrative Secretary
Office of Attorney General | GCAL
109 State Street, 3rd Floor
Montpelier, VT 05609
Phone | 802.828.0241
E-Mail | anne.walker@vermont.gov

From: Walker, Anne
Sent: Friday, January 22, 2016 3:10 PM
To: Young, Susanne <susanne.young@vermont.gov>; Treadwell, John <john.treadwell@vermont.gov>
Cc: Swanson, MaryKay <marykay.swanson@vermont.gov>; Putney, Renee <Renee.Putney@vermont.gov>
Subject: PRESS CALL - Kathleen Tomaselli, Rutland Herald
Importance: High

Two numbers: 814-670-9104 (cell for the next 40 minutes) or 802-774-3024

RE: Annette Smith investigation letter

Deadline: end of business today

Thanks,
Anne

Anne C. Walker

Administrative Secretary
Office of Attorney General | GCAL
109 State Street, 3rd Floor
Montpelier, VT 05609
Phone | 802.828.0241
E-Mail | anne.walker@vermont.gov

Chen, Zachary

From: Jennifer Cleveland <jenniferherseycleveland@gmail.com>
Sent: Monday, January 25, 2016 4:41 PM
To: Treadwell, John
Subject: Unauthorized practice of law

Hi John,
Nice chatting with you Friday. I'm just checking in to make sure no charges have been filed against Annette Smith before filing my follow-up story.
Thanks for the information you provided!
Jen Cleveland

--

Jennifer Hersey Cleveland
reporter
Orleans County Record
802-754-9474
802-274-2140

Chen, Zachary

From: Gram, David <dgram@ap.org>
Sent: Wednesday, January 27, 2016 1:51 PM
To: Treadwell, John
Subject: Annette Smith

Hi John,

I'm following up on the Annette Smith story.

First, can you confirm or deny that your office is conducting a criminal investigation into her conduct, specifically, allegations that she has been practicing law without a license?

Can you tell me if the documents referred to in the letter Ms. Smith received from your office last week were provided to your office by the law firm Dinse, Knapp & McAndrew?

If you can't answer those questions, perhaps you can (partially 😊) make it up to me by talking in general terms about the crime. Is it a misdemeanor or a felony? What's the penalty? Is the court of first jurisdiction really the Vermont Supreme Court? Is there an appeal process?

Thanks in advance for any help you can provide.

Best,
Dave Gram
AP-Vermont
802-279-3934

Chen, Zachary

From: Gram, David <dgram@ap.org>
Sent: Thursday, January 28, 2016 5:42 PM
To: Treadwell, John; Ring, Wilson; Pane, Lisa Marie
Subject: Public Records Request -- Annette Smith

Hi John,

I would like to make a request under Vermont's Public Records Act, 1 V.S.A, sections 316-20, for any documents in the possession of the Attorney General's Office related to the investigation of Annette Smith of Danby for alleged unauthorized practice of law.

These would include emails, letters, memoranda, and the like. I'm particularly interested in the complaint letter, assuming there is one, detailing the allegations against Annette Smith.

I can pick up paper copies, or you can send them to me as email attachments.

If you decide there are materials I cannot have, I would like a catalog of what they are and the reasons for the denial.

If you have questions, you can reach me at 802-279-3834 (cell) or 802-229-0577 (office.)

Thanks in advance for your help.

Best,
Dave Gram
AP-Vermont

Chen, Zachary

From: Gram, David <dgram@ap.org>
Sent: Friday, January 29, 2016 8:48 AM
To: Treadwell, John
Subject: RE: Public Records Request -- Annette Smith

Thanks, John.

From: Treadwell, John [mailto:john.treadwell@vermont.gov]
Sent: Friday, January 29, 2016 8:48 AM
To: Gram, David; Ring, Wilson; Pane, Lisa Marie
Subject: RE: Public Records Request -- Annette Smith

Dave,

Just confirming that I have received this request and will respond within the statutory timeframe.

John

From: Gram, David [mailto:dgram@ap.org]
Sent: Thursday, January 28, 2016 5:42 PM
To: Treadwell, John <john.treadwell@vermont.gov>; Ring, Wilson <wring@ap.org>; Pane, Lisa Marie <lpane@ap.org>
Subject: Public Records Request -- Annette Smith

Hi John,

I would like to make a request under Vermont's Public Records Act, 1 V.S.A, sections 316-20, for any documents in the possession of the Attorney General's Office related to the investigation of Annette Smith of Danby for alleged unauthorized practice of law.

These would include emails, letters, memoranda, and the like. I'm particularly interested in the complaint letter, assuming there is one, detailing the allegations against Annette Smith.

I can pick up paper copies, or you can send them to me as email attachments.

If you decide there are materials I cannot have, I would like a catalog of what they are and the reasons for the denial.

If you have questions, you can reach me at 802-279-3834 (cell) or 802-229-0577 (office.)

Thanks in advance for your help.

Best,
Dave Gram
AP-Vermont

Chen, Zachary

From: Walker, Anne
Sent: Monday, February 01, 2016 3:32 PM
To: Young, Susanne; Treadwell, John
Cc: Swanson, MaryKay; Putney, Renee
Subject: PRESS CALL - Kathleen Tomaselli, Rutland Herald, 802-774-3024

Re: Annette Smith case

Deadline: 6:00 pm tonight

Thanks,
Anne

Anne C. Walker

Administrative Secretary

Office of Attorney General | GCAL

109 State Street, 3rd Floor

Montpelier, VT 05609

Phone | 802.828.0241

E-Mail | anne.walker@vermont.gov

Chen, Zachary

From: Treadwell, John
Sent: Monday, February 01, 2016 4:04 PM
To: Walker, Anne; Young, Susanne
Cc: Swanson, MaryKay; Putney, Renee
Subject: RE: PRESS CALL - Kathleen Tomaselli, Rutland Herald, 802-774-3024

Got it.

From: Walker, Anne
Sent: Monday, February 01, 2016 3:32 PM
To: Young, Susanne <susanne.young@vermont.gov>; Treadwell, John <john.treadwell@vermont.gov>
Cc: Swanson, MaryKay <marykay.swanson@vermont.gov>; Putney, Renee <Renee.Putney@vermont.gov>
Subject: PRESS CALL - Kathleen Tomaselli, Rutland Herald, 802-774-3024

Re: Annette Smith case

Deadline: 6:00 pm tonight

Thanks,
Anne

Anne C. Walker

Administrative Secretary
Office of Attorney General | GCAL
109 State Street, 3rd Floor
Montpelier, VT 05609
Phone | 802.828.0241
E-Mail | anne.walker@vermont.gov

Chen, Zachary

From: Walker, Anne
Sent: Monday, February 01, 2016 4:24 PM
To: Treadwell, John
Cc: Young, Susanne; Swanson, MaryKay; Putney, Renee
Subject: PRESS CALL - follow up questions from Kathleen Tomaselli at Rutland Herald 802-774-3024

Importance: High

Re: She called back with follow up questions:

- How many complaints does the AGOs get along the lines of the Annette Smith case?
- Are all of them investigated?

She did say she had down that the last one the AGO investigated was in 2000.

Deadline: 6pm tonight

Thanks!

Anne

Anne C. Walker

Administrative Secretary

Office of Attorney General | GCAL

109 State Street, 3rd Floor

Montpelier, VT 05609

Phone | 802.828.0241

E-Mail | anne.walker@vermont.gov

Chen, Zachary

From: Whitney, Judith
Sent: Wednesday, February 03, 2016 8:38 AM
To: Chen, Zachary
Cc: Tierney, June
Subject: Request for Document re CPG No. NM-1646
Attachments: 2943_001.pdf

Dear Mr. Chen – Per your request, enclosed is a copy of the Motion to Intervene filed with the Public Service Board on January 14, 2014, by Vermonters for a Clean Environment regarding CPG No. NM-1646.

Sincerely,

Judith C. Whitney
Acting Clerk of the Board
Vermont Public Service Board
112 State Street
Montpelier, VT 05620-2701
802-828-2358
judith.whitney@vermont.gov

Vermonters
for a
Clean Environment

789 Baker Brook Road
vce@vce.org

Danby, Vermont 05739
802-446-2094

SERVICE BOARD

2014 JAN 14 PM 8 57
HD

January 13, 2014

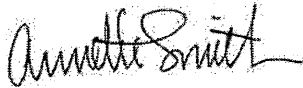
Susan Hudson, Clerk
Vermont Public Service Board
112 State Street
Montpelier, VT 05620-2701

Re: CPG #NM-1646 – Petition to Intervene, Notice of Appearance

Dear Ms. Hudson,

Attached, please find copies of the VCE's Petition to Intervene and Notice of Appearance in the above referenced case. Eight hard copies are being hand-delivered to your office tomorrow. Copies are being sent by electronic mail to the attached service list today.

Sincerely,



Annette Smith
Executive Director

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing filing was sent by electronic mail on January 13, 2014 to the parties to this docket, listed below:

Aaron Kisicki, Esq.
VT Dept. of Public Service
112 State Street
Montpelier, VT 05620-2601

Joslyn Wilschek, Esq.
Primmer Piper Eggleston & Cramer PC
100 E. State Street PO Box 1309
Montpelier, VT 05601-1309

Brenda and Michael Mammoliti
16 High Street
Vergennes, VT



Annette Smith

**STATE OF VERMONT
PUBLIC SERVICE BOARD**

CPG #NM-1646


Application of Green Mountain Power Corporation)
for a Certificate of Public Good for an interconnected)
group net-metered wind turbine.)

NOTICE OF APPEARANCE

On behalf of its members Brenda and Michael Mammoliti, pursuant to PSB Rule
2.201(B)¹, Vermonters for a Clean Environment (VCE), through its Executive Director Annette
Smith, enters its appearance in the above referenced docket.

Dated at Danby, Vermont this 13th day of January, 2014.

By:



David Wright, Treasurer
Vermonters for a Clean Environment
789 Baker Brook Rd.
Danby, VT 05739
802-446-2094
vce@vce.org

¹ "In its discretion, the Board may permit persons who are not attorneys to appear before it as follows: a partnership may be represented by a partner, and a corporation, cooperative or association may be represented by an officer thereof or by an employee designated in writing by an officer thereof. Such permission shall be given in all proceedings unless, because of their factual or legal complexity or because of the number of parties, the Board is of the opinion that there is a substantial possibility that the participation of a pro se representative will unnecessarily prolong such proceeding or will result in inadequate exposition of factual or legal matters."

**STATE OF VERMONT
PUBLIC SERVICE BOARD**

CPG #NM-1646

Application of Green Mountain Power Corporation)
for a Certificate of Public Good for an interconnected)
group net-metered wind turbine.)

VERMONTERS FOR A CLEAN ENVIRONMENT PETITION TO INTERVENE

NOW COME Vermonters for a Clean Environment (VCE), *pro se*, and hereby request to be granted intervenor status in the above-referenced docket.

MEMORANDUM

1. Introduction

VCE recognizes that this petition is unusual and not timely. However, we believe granting it is in the interest of the Board and the parties in the above referenced docket.

2. Demonstrated Interest

VCE's interest in this docket and the issues therein have been well documented. Our members have been before the Board on issues related to impacts from wind turbines, including but not limited to noise, siting, shadow flicker, property values, etc.

We state for the record that the Mammolitis are members of VCE, and support this motion, which is being made on their behalf. We have been working with the Mammolitis through the entire docket, and are familiar with the issues and status of the docket.

3. Demonstrated Need

We request party status so that we can assist our members, the Mammolitis, in their participation in the above-referenced docket. It should be apparent to the Board staff that the

Mammolitis, who are representing themselves *pro se* in this matter, would benefit substantially from assistance.

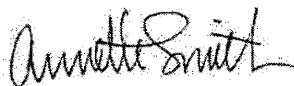
While not directly related to this case, the language in Board Rule 2.201(B) indicates the Board has an interest in ensuring that cases are heard in a fair and expeditious manner. The rule states, the Board considers, “substantial possibility that the participation of a *pro se* representative will unnecessarily prolong such proceeding or will result in inadequate exposition of factual or legal matters.” In this case, we are seeking to prevent unnecessarily prolonging a case, and hindering the ability of the Board to discover important facts. Allowing this intervention will make the case move more smoothly, more quickly, and cover relevant issues more comprehensively.

VCE suggests that granting this petition will also help to adequately protect the Mammolitis’ interests. As the Board’s rule 2.209(B) states, when considering intervention petitions the Board shall consider, “whether the applicant’s interest will be adequately protected by other parties”, and “whether alternative means exist by which the applicant’s interest can be protected”. The Mammolitis would like VCE’s assistance to protect their interests. By granting this petition and recognizing the Notice of Appearance also filed today, the Board will ensure this protection occurs.

4. Conclusion

For the foregoing reasons, we request the Board grant this petition.

Dated at Danby, VT this 13th day of January, 2014.



Annette Smith, Executive Director
Vermonters for a Clean Environment

Chen, Zachary

From: Chen, Zachary
Sent: Friday, February 05, 2016 3:09 PM
To: Treadwell, John
Subject: FW: Annette Smith
Attachments: Letter to Assistant AG Zachary Chen re Annette Smith.pdf

From: Julie Smith [mailto:julie@sleighlaw.com]
Sent: Friday, February 05, 2016 1:36 PM
To: Chen, Zachary <Zachary.Chen@vermont.gov>
Cc: David Sleigh <David.Sleigh@sleighlaw.com>; Kyle Hatt <Kyle.Hatt@sleighlaw.com>; Erin Williams-Ummer <Erin@sleighlaw.com>; Julie Smith <julie@sleighlaw.com>
Subject: Re: Annette Smith

Dear Zachary,

Please find attached a letter in regards to the above matter. A hard copy is also going out via first class mail today.

Thank.

Julie Smith

Office Manager
Sleigh Law PC
PO Box 278
St. Johnsbury, VT 05819
Tel: 802-751-0235
Fax: 802-748-6618
Email: julie@sleighlaw.com

SleighLaw

Aggressive. Advocates.

David C. Sleigh Attorney at Law
Kyle L. Hatt Attorney at Law

Julie Smith Office Manager
Erin Williams Ummer
Case Management Assistant

Email julie@sleighlaw.com
Email erin@sleighlaw.com

February 5, 2016

Zachary Chen
Office of the Attorney General
109 State Street
Montpelier, VT 05609-1001

Re: Annette Smith

Dear Assistant Attorney General Chen,

We represent Annette Smith in connection with the Attorney General's criminal investigation into her political work as Executive Director of Vermonters for a Clean Environment. On Annette's behalf, we request that the Attorney General cease forthwith the investigation referenced in your January 19, 2016 letter and provide assurance that Annette may continue her work with VCE free from the threat of prosecution. We request that the Attorney General confirm in writing that it is no longer investigating Annette and her work with VCE and will not do so in the future because it recognizes as lawful Annette's activities on behalf of individual Vermonters and in support VCE's vision of the public interest.

Even when her work is viewed most expansively, Annette does not practice law. Annette promotes VCE's economic and environmental positions involving Vermont's energy policy. Annette's work is classic political speech.

Annette may help people without lawyers protect their legal interests before Vermont's Public Service Board against opposition well-represented by counsel. That she gives such assistance does not mean that Annette practices law. Annette does not file pleadings with the PSB. Annette does not appear before the PSB or in any court proceedings. Because Annette has done nothing wrong, the Attorney General must end its investigation and forswear the threat of her prosecution.

If the Attorney General refuses to do so, Annette will have no choice but to seek declaratory and injunctive relief in the United States District Court against further efforts to inhibit her lawful advocacy for Vermont's economic growth and environmental health. Annette's prosecution for the unauthorized practice of law would violate her freedom of speech under the First Amendment to the United States Constitution. The very investigation into Annette's work violates her First Amendment rights since the specter of prosecution acts to exclude her from engaging in what Justice Holmes called the "free trade in ideas." *Abrams v. United States*, 250 U.S. 616, 630 (1919).

Annette's prosecution under the Administrative Order prohibiting the unauthorized practice of law would also violate her due-process rights under the Fourteenth Amendment to the United States Constitution. This Order identifies a criminal act but no punishment. The United States Supreme Court has said that a penal law without an adequately defined penalty is void-for-vagueness.

The Attorney General's Office is not the surrogate of the politically frustrated.

Sincerely,

D. C. Sleigh

David C. Sleigh

Chen, Zachary

From: Treadwell, John
Sent: Friday, February 05, 2016 3:56 PM
To: Walker, Anne
Cc: Young, Susanne; Swanson, MaryKay; Putney, Renee; Chen, Zachary
Subject: Re: PRESS CALL - Mike Polhamus, VT Digger, 802-777-8022

I will call him back.

Sent from my iPhone

On Feb 5, 2016, at 3:52 PM, Walker, Anne <Anne.Walker@vermont.gov> wrote:

RE: letter sent today from Annette Smith's attorney to Zach about suing the AGO

Deadline: tonight

Thanks,
Anne

Anne C. Walker

Administrative Secretary

Office of Attorney General | GCAL

109 State Street, 3rd Floor

Montpelier, VT 05609

Phone | 802.828.0241

E-Mail | anne.walker@vermont.gov

Chen, Zachary

From: Terri Hallenbeck <terri@sevendaysvt.com>
Sent: Saturday, February 06, 2016 2:14 PM
To: Treadwell, John
Subject: annette smith investigation

John: You told me earlier Friday you couldn't offer a timeframe for when you might be concluding the investigation of Annette Smith.

Digger quotes your alter-ego Jonathan (that's not really your name, is it?) as saying Friday afternoon, "we expect to reach a conclusion next week."

Do you expect to reach a conclusion next week?

Thanks

Terri

Terri Hallenbeck
Staff Writer
//Seven Days//
terri@sevendaysvt.com
802-999-9994
www.sevendaysvt.com

Chen, Zachary

From: AGO - Press Release
Sent: Monday, February 08, 2016 12:08 PM
To: agopress@list.state.vt.us
Subject: ATTORNEY GENERAL'S OFFICE CLOSES INVESTIGATION INTO THE UNAUTHORIZED PRACTICE OF LAW WITHOUT FURTHER ACTION
Attachments: Annette Smith FINAL 2-8-16.pdf

The Vermont Attorney General's Office has closed its investigation into a complaint about Annette Smith's actions in various proceedings before the Public Service Board (PSB). The Office has closed the investigation without further action....

For a complete listing of all Vermont Attorney General press releases, go to: www.ago.vermont.gov.

Follow the Vermont Attorney General's Office on Twitter: @VTAttorneyGen
"Like" the Vermont Attorney General's Office on Facebook:
www.facebook.com/VermontAttorneyGeneral

Chen, Zachary

From: Treadwell, John
Sent: Monday, February 08, 2016 12:20 PM
To: 'David Sleigh'
Subject: Press Release
Attachments: Annette Smith FINAL 2-8-16.pdf

This was issued about 15 minutes ago.

John

STATE OF VERMONT
OFFICE OF THE ATTORNEY GENERAL
109 STATE STREET
MONTPELIER, VT 05609-1001

FOR IMMEDIATE RELEASE CONTACT: William H. Sorrell
February 8, 2016 Attorney General
 John Treadwell
 Assistant Attorney General
 (802) 828-3173

**ATTORNEY GENERAL'S OFFICE CLOSES INVESTIGATION INTO THE
UNAUTHORIZED PRACTICE OF LAW WITHOUT FURTHER ACTION**

The Vermont Attorney General's Office has closed its investigation into a complaint about Annette Smith's actions in various proceedings before the Public Service Board (PSB). The Office has closed the investigation without further action.

In December 2015 the Office received a complaint regarding Ms. Smith alleging that her conduct in various matters before the PSB constituted the unauthorized practice of law. Specifically, Ms. Smith was accused of regularly "providing legal advice to parties in proceedings before the Public Service Board, as well as helping to draft pleadings for those parties." The complaint also represented that the minutes of an October 26, 2015, Town of Morgan Selectboard meeting characterized a proposed payment to Annette Smith as "attorney compensation."

Pursuant to the rules of the Vermont Supreme Court, the unauthorized practice of law is punishable as criminal contempt of court. The prohibition of the unauthorized practice is intended to protect the public and society, not lawyers. The most recent definition articulated by the Vermont Supreme Court defines the

practice of law as the furnishing “to another advice or service under circumstances which imply the possession and use of legal knowledge and skill.” *In re Welch*, 123 Vt. 180, 182 (1962).

By statute, the PSB is defined as a court of record and has all the powers of a trial court in determining matters within its jurisdiction, including the conduct of parties and interested persons that appear before it. Neither the PSB nor the Vermont Supreme Court have complained to this Office regarding Ms. Smith’s conduct. The complainant has not alleged that any of Ms. Smith’s conduct has harmed any individual.

The allegations regarding Ms. Smith fell in three broad categories – (1) she sought to represent individuals in proceedings before the PSB, (2) she sought or obtained “attorney compensation” from the Town of Morgan, and (3) she consulted with and prepared and filed pleadings for persons in PSB proceedings.

Regarding the first allegation, the record reveals that Ms. Smith sought to intervene in a matter pending at the PSB on behalf of her organization – Vermonters for a Clean Environment. The Vermont Supreme Court has recognized that in certain circumstances non-attorneys may represent organizations in judicial proceedings. *Vermont Agency of Natural Resources v. Upper Valley Regional Landfill*, 159 Vt. 454, 458 (1992). The record reveals that the PSB offered Ms. Smith and her organization the opportunity to file a friend of the court pleading in the matter. Thus, the PSB clearly did not oppose Ms. Smith’s participation as a non-party.

The complainant also alleges that Ms. Smith had sought or obtained “attorney compensation” from the Town of Morgan. Information obtained from the Town as part of this investigation establishes that at no time did Ms. Smith represent herself to be an attorney or seek compensation of any kind from the Town as an attorney or otherwise. Additionally, it does not appear that the Town has, in fact, paid her for services rendered to the Town. This Office concludes that there is no merit to this allegation.

Finally, with respect to the third category of allegations, the Vermont Supreme Court’s definition of the practice of law is not limited to actual appearances before judicial or quasi-judicial tribunals, but has been interpreted to extend to outside activities. This 54-year old definition does not, however, reflect the modern reality of advocacy before the growing number of judicial and quasi-judicial boards and commissions that have been created since its adoption. By way of example, a rule of the Natural Resources Board Act allows a person to be represented by a non-attorney while the PSB allows an organization, but not an individual, to be so represented. Clarification of the scope of the practice of law is needed. Any definition of the practice of law must recognize the diversity of advocacy before different forums at the state and local levels, should not abridge First Amendment rights, and should insure that Vermonters have access to justice.

This Office considers the matter closed.

Chen, Zachary

From: Treadwell, John
Sent: Monday, February 08, 2016 2:31 PM
To: David Sleigh (David.Sleigh@sleighlaw.com); Kyle Hatt (Kyle.Hatt@sleighlaw.com)
Cc: Erin Williams-Ummer (Erin@sleighlaw.com); Julie Smith (julie@sleighlaw.com)
Subject: Annette Smith
Attachments: 2016-02-08 Treadwell to Sleigh.pdf

David,

The attached letter went in the mail to you today.

John

John Treadwell
Assistant Attorney General
Vermont Attorney General's Office
109 State Street
Montpelier, VT 05609
tel: 802-828-5512
fax: 802-828-2154
e-mail: john.treadwell@vermont.gov

Please note my new email address.

PRIVILEGED & CONFIDENTIAL COMMUNICATION: This E-mail may contain sensitive law enforcement and/or privileged information. DO NOT read, copy or disseminate this communication unless you are the intended addressee. This communication may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended recipient (or have received this E-mail in error) please notify the sender immediately and destroy this E-mail. Any unauthorized copying, disclosure or distribution of the material or taking of any action in reliance on the contents of the electronically transmitted materials is prohibited. If you have received this communication in error, please call us (collect) immediately at (802) 828-5512 and ask to speak to the sender of the communication. Also, please notify immediately via e-mail the sender that you have received the communication in error.

WILLIAM H. SORRELL
ATTORNEY GENERAL

SUSANNE R. YOUNG
DEPUTY ATTORNEY GENERAL

WILLIAM E. GRIFFIN
CHIEF ASST. ATTORNEY
GENERAL



STATE OF VERMONT
OFFICE OF THE ATTORNEY GENERAL
109 STATE STREET
MONTPELIER, VT
05609-1001

TEL: (802) 828-3171
FAX: (802) 828-3187
TTY: (802) 828-3665

<http://www.ago.vermont.gov>

February 8, 2016

David C. Sleigh, Esq.
SleighLaw
PO Box 278
364 Railroad Street, Suite E
St. Johnsbury, VT 05819

Re: Unauthorized Practice of Law Complaint against Annette Smith

Dear David:

The Vermont Attorney General's Office has closed its investigation into the complaint that Annette Smith engaged in the unauthorized practice of law before the Public Service Board without taking further action.

I have attached a copy of a press statement that this Office issued regarding this matter.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "John".

John Treadwell
Assistant Attorney General

Enc.

**STATE OF VERMONT
OFFICE OF THE ATTORNEY GENERAL
109 STATE STREET
MONTPELIER, VT 05609-1001**

FOR IMMEDIATE RELEASE CONTACT: William H. Sorrell
February 8, 2016 Attorney General
John Treadwell
Assistant Attorney General
(802) 828-3173

**ATTORNEY GENERAL'S OFFICE CLOSES INVESTIGATION INTO THE
UNAUTHORIZED PRACTICE OF LAW WITHOUT FURTHER ACTION**

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Pursuant to the rules of the Vermont Supreme Court, the unauthorized practice of law is punishable as criminal contempt of court. The prohibition of the unauthorized practice is intended to protect the public and society, not lawyers. The most recent definition articulated by the Vermont Supreme Court defines the

practice of law as the furnishing "to another advice or service under circumstances which imply the possession and use of legal knowledge and skill." *In re Welch*, 123 Vt. 180, 182 (1962).

By statute, the PSB is defined as a court of record and has all the powers of a trial court in determining matters within its jurisdiction, including the conduct of parties and interested persons that appear before it. Neither the PSB nor the Vermont Supreme Court have complained to this Office regarding Ms. Smith's conduct. The complainant has not alleged that any of Ms. Smith's conduct has harmed any individual.

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The complainant also alleges that Ms. Smith had sought or obtained "attorney compensation" from the Town of Morgan. Information obtained from the Town as part of this investigation establishes that at no time did Ms. Smith represent herself to be an attorney or seek compensation of any kind from the Town as an attorney or otherwise. Additionally, it does not appear that the Town has, in fact, paid her for services rendered to the Town. This Office concludes that there is no merit to this allegation.

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This Office considers the matter closed.

COPY

SHEEHEY FURLONG & BEHM
PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

DAVID T. AUSTIN
R. JEFFREY BEHM
DEBRA L. BOUFFARD
IAN P. CARLETON
ARLINE P. DUFFY
MICHAEL G. FURLONG
KEVIN A. LUMPKIN
DIANE M. McCARTHY
OWEN J. McCLAIN
RENEE L. MOBBS
CRAIG S. NOLAN
JAMES W. SPINK
PETER H. ZAMORE

GATEWAY SQUARE
30 MAIN STREET
POST OFFICE BOX 66
BURLINGTON, VERMONT 05402
TELEPHONE (802) 864-9891
FACSIMILE (802) 864-6815
www.sheeheyvt.com

HAND DELIVERED

February 8, 2016

PAUL D. SHEEHEY (1919-2004)

William E. Griffin, Esq.
Chief Assistant Attorney General
Office of Attorney General
109 State Street
Montpelier, VT 05609-1001

FEB - 9

Dear Mr. Griffin:

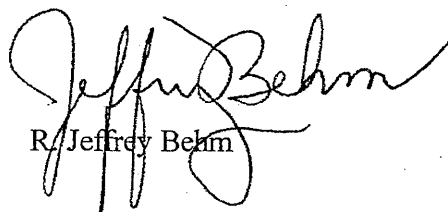
I write on behalf of Green Mountain Power Corporation regarding your Office's pending investigation of Annette Smith for allegedly practicing law without authorization. It appears that your investigation was initiated in response to a written complaint ("Complaint") from a person whose identity your Office is keeping confidential.

Green Mountain Power, as you know, did not make the Complaint. Furthermore, Green Mountain Power does not endorse and does not support the allegations made against Annette Smith in the Complaint. The Complaint refers to Ms. Smith's participation in a Public Service Board proceeding involving a Green Mountain Power case. (Docket No. CPG NM-1646). No authority has been given by Green Mountain Power for any person to act on its behalf in pursuing allegations against Annette Smith based upon her participation in that or any other proceeding.

Please feel free to contact me if you have any questions regarding the above.

Sincerely,

SHEEHEY FURLONG & BEHM P.C.



R. Jeffrey Behm

RJB/srr

cc: John R. Treadwell, Esq.
Zachary J. Chen, Esq.

Chen, Zachary

From: Chen, Zachary
Sent: Wednesday, January 13, 2016 3:31 PM
To: *redacted*
Subject: Public Records

Categories: M-Files

Dear *redacted* :

As I mentioned in a voicemail, just now, I was hoping you could assist me in identifying publicly available records related to the Town of Morgan's involvement in an application by Seymour Lake Solar, LLC to develop a solar facility. Please call me at your convenience.

Sincerely,

Zachary Chen
Assistant Attorney General
Vermont Attorney General's Office
109 State Street
Montpelier, VT 05609
Tel: (802) 828-5512

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Chen, Zachary

From: *redacted*
Sent: Wednesday, January 20, 2016 1:31 PM
To: Chen, Zachary
Subject: Re: My email

Thanks!

On 1/20/2016 1:28 PM, Chen, Zachary wrote:

- > Zachary Chen
- >
- > Assistant Attorney General
- >
- > Vermont Attorney General's Office
- >
- > 109 State Street
- >
- > Montpelier, VT 05609
- >
- > Tel: (802) 828-5512
- >
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- > 828-5512 and ask to speak to the sender of the communication. Also,
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- >

--
redacted

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Chen, Zachary

From: Chen, Zachary
Sent: Wednesday, January 20, 2016 1:28 PM
To: *redacted*
Subject: My email

Categories: M-Files

Zachary Chen
Assistant Attorney General
Vermont Attorney General's Office
109 State Street
Montpelier, VT 05609
Tel: (802) 828-5512

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Chen, Zachary

From: *redacted*
Sent: Wednesday, January 20, 2016 1:31 PM
To: Chen, Zachary
Subject: Re: My email

Categories: M-Files

Thanks!

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- > Zachary Chen
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- > Assistant Attorney General
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--
redacted

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Chen, Zachary

From: Chen, Zachary
Sent: Thursday, January 21, 2016 3:38 PM
To: *redacted*
Subject: RE: Morgan

Categories: M-Files

Hi *redac*
ted

Thanks for touching base. I understand your position. I can't say where things are headed at present, so let's table the matter for now.

Thanks again for all of your help.

-Zach

-----Original Message-----

From: *redacted*
Sent: Thursday, January 21, 2016 10:09 AM
To: Chen, Zachary
Cc: *redacted*
Subject: Morgan

Hi Zachary,

I wanted to touch base with you regarding the documents from the Town of Morgan. The e-mails that I have from Annette Smith are not public records as they pertain to ongoing litigation. If any of the e-mails were obtained by the opposing party, it could put the Town of Morgan at a substantial disadvantage before the Public Service Board. As such, if there is any possibility of documents I provide to you being disclosed to others, I am not in a position to provide you with any e-mails at this time.

Can you please let me know whether the documents would become discoverable or be disclosed to anyone else?

Thanks,
reda
ted
--
redacted

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prohibited. Should you receive this transmission in error, please notify the sender by telephone *redacted* and
return the original transmission to *redacted*

Chen, Zachary

From: *redacted*
Sent: Thursday, February 04, 2016 1:18 PM
To: Treadwell, John
Cc: *redacted*
Subject: Fwd: FW: Records request for Morgan, Vt.

Dear John,

This is the second letter that was sent to the Town. I realize that *r* was not copied on the e-mail that was sent from *redacted* to Justin Barnard, which attached the documents.

I will also be sending an e-mail or two between *redacted* and *redacted*

Please let me know if I can do anything more at this time.

Thank you,
redacted

----- Forwarded Message -----

Subject: FW: Records request for Morgan, Vt.
Date: Fri, 20 Nov 2015 19:26:46 -0500
From: Larry Labor <llabor247@hotmail.com>
To: Sara Davies <saradavies@together.net>

From: jbarnard@DINSE.COM
To: llabor247@hotmail.com
Subject: RE: Records request for Morgan, Vt.
Date: Fri, 20 Nov 2015 22:18:15 +0000

Larry,

Please see the attached letter requesting supplementation. Call if you have any questions.

Regards,

resize test <<http://www.dinse.com/>>

Justin B. Barnard, Esq.

Dinse, Knapp & McAndrew, P.C.
209 Battery Street**

P.O. Box 988

Burlington, VT 05402

W: 802-859-7082 | F: 802-859-8782

jbarnard@dinse.com <<mailto:jbarnard@dinse.com>> | Bio <<http://www.dinse.com/attorneys/justin-b.-barnard.html>>

From: Larry Labor [<mailto:llabor247@hotmail.com>]

Sent: Thursday, November 19, 2015 1:45 PM

To: Justin Barnard

Subject: Records request for Morgan, Vt.

Justin,

Our attorney has been in trial all week therefore communications are slow. Attached is the summary document that should have reached you with prior e-mail attachments.

The town has not received any monies for legal expenses related to the solar project. Two individuals notified the Seymour Lake Association (SLA) that they were willing to provide up to \$5,000.00 each. That information came to the select board via an SLA member.

I have no knowledge of Annette Smith receiving any monies from the two individuals or from SLA.

Respectfully,
Larry

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Chen, Zachary

From: *redacted*
Sent: Thursday, February 04, 2016 1:18 PM
To: Treadwell, John
Subject: Fwd: RE: Town of Morgan Records Request

----- Forwarded Message -----

Subject: RE: Town of Morgan Records Request
Date: Wed, 25 Nov 2015 15:03:37 +0000
From: Justin Barnard <jbarnard@DINSE.COM>
To: 'Sara Davies Coe' <saradavies@together.net>

Sara,

Thank you for the response, and apologies for the delay in getting back to you. If there's no public record identifying the donors and their identities have not been discussed in any Board Meeting, that's a sufficient answer as to that portion of my request.

Thank you,

Justin B. Barnard, Esq.

Dinse, Knapp & McAndrew, P.C.
209 Battery Street
P.O. Box 988
Burlington, VT 05402
W: 802-859-7082 | F: 802-859-8782
jbarnard@dinse.com | Bio

-----Original Message-----

From: Sara Davies Coe [mailto:saradavies@together.net]
Sent: Monday, November 23, 2015 12:59 PM
To: Justin Barnard
Subject: Town of Morgan Records Request

Dear Justin,

I have been contacted by Larry Labor and asked to represent the Town regarding this public records request. I tried calling you, but was told that you are not in the office today. My office is closed on both Thursday and Friday this week.

I also understand that you are requesting information from the Board Members that pertains solely to their knowledge of the names of individuals who may be providing money to Annette Smith. There has been no formal Board action regarding this, nor have the identities of the individuals been provided to the Board Members in their capacity as Board Members, nor have their identities been discussed in any Board Meeting. As such, there is no public record that exists that identifies these two individuals.

Thanks,
Sara

Sara Davies Coe, Esq.
May & Davies
424 Main St.
PO Box 303
Barton, VT 05822
Phone: (802)525-3766
Fax: (802)525-3647

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Chen, Zachary

From: *redacted*
Sent: Thursday, February 04, 2016 1:20 PM
To: Treadwell, John
Cc: *redacted*
Subject: Fwd: Re: Town of Morgan Records Request

Dear John,
I believe this is the last communication I had with Justin, or anyone at Dinse regarding this issue.
Thanks,
reda

----- Forwarded Message -----
Subject: Re: Town of Morgan Records Request
Date: Wed, 25 Nov 2015 13:22:27 -0500
From: Sara Davies Coe <saradavies@together.net>
To: Justin Barnard <jbarnard@DINSE.COM>
CC: Larry Labor <llabor247@hotmail.com>

Dear Justin,

It was a pleasure speaking with you. I understand from our conversation that you are not looking to obtain general e-mails from Annette Smith to a Board Member, but are instead interested in obtaining all documents relating to her representation of the Town of Morgan. As we discussed, she has not been formally retained by the Town to represent it in the issue before the DRB, and there are no documents that exist that are from Annette to a majority of the Selectboard, or from a majority of the Board to Annette. However, I understand that she had been advising community members who are opposed to the project, and that she had been copying one Selectboard Member on some of those e-mails.

Those e-mails did not relate to her representation of the Town, as she just copied one Board member, and the e-mails were between Annette and other individuals. If the documents are considered to be "public records", even though they were not sent to the Board, and were just sent to one Board Member, who did not provide them to the Board, the e-mails are exempt as they pertain to ongoing litigation.

All documents that are in the Town's possession that have not been provided to you are e-mails from Annette Smith. Those e-mails were not sent directly to Larry Labor, although he was copied on them. Those e-mails relate to Annette's thoughts regarding the options that the Town has relating to the matter pending before the Public Service Board and statements regarding the PSB process. As the e-mails pertain to the on-going matter before the Public Service Board, if they are considered to be "Public Records," they are exempt from production at this time due to the fact that they all pertain to the current litigation before the

Public Service Board, pursuant to 1 VSA Section 317 (14).

As Annette Smith is not an attorney to the best of the Town's knowledge, they have not been relying on her to provide them with any legal advice in this matter.

If you wish to appeal this decision, you may do so by filing your appeal with the Selectboard of the Town of Morgan.

Thank you,
Sara

On 11/25/2015 10:03 AM, Justin Barnard wrote:

> Sara,

>

> Thank you for the response, and apologies for the delay in getting back to you. If there's no public record identifying the donors and their identities have not been discussed in any Board Meeting, that's a sufficient answer as to that portion of my request.

>

> Thank you,

>

>

>

> Justin B. Barnard, Esq.

>

> Dinse, Knapp & McAndrew, P.C.

> 209 Battery Street

> P.O. Box 988

> Burlington, VT 05402

> W: 802-859-7082 | F: 802-859-8782

> jbarnard@dinse.com | Bio

>

>

>

>

> -----Original Message-----

> From: Sara Davies Coe [mailto:saradavies@together.net]

> Sent: Monday, November 23, 2015 12:59 PM

> To: Justin Barnard

> Subject: Town of Morgan Records Request

>

> Dear Justin,

>

> I have been contacted by Larry Labor and asked to represent the Town regarding this public records request. I tried calling you, but was told that you are not in the office today. My office is closed on both Thursday and Friday this week.

>

> I also understand that you are requesting information from the Board Members that pertains solely to their knowledge of the names of individuals who may be providing money to Annette Smith. There has been no formal Board action regarding this, nor have the identities of the individuals been provided to the Board Members in their capacity as Board Members, nor have their identities been discussed in any Board Meeting. As such, there is no public record that exists that identifies these two individuals.

>

> Thanks,
> Sara
> --
> Sara Davies Coe, Esq.
> May & Davies
> 424 Main St.
> PO Box 303
> Barton, VT 05822
> Phone: (802)525-3766
> Fax: (802)525-3647

> *****
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> *****
>
>
> -----
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> -----
>

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Chen, Zachary

From: *redacted*
Sent: Thursday, February 04, 2016 1:31 PM
To: Treadwell, John
Subject: Re: FW: Records request for Morgan, Vt.
Attachments: Letter to Larry Labor re PRA Request Follow-Up [11.20.15] (B1469295xA047C).pdf

Yes, sorry. I am not sure why the attachment didn't forward. I saved it and am trying to attach it to this.

I also just note that Annette is posting all documents to her website

<https://vermontersforacleanenvironment.wordpress.com/2016/01/31/i-represent-david-blittersdorf/>

Based upon the footnote of the letter to your office, it is clear that it is Dinse that wrote the letter since it references the response to the public record request they filed with Morgan.

Thanks,

reda

red

On 2/4/2016 1:21 PM, Treadwell, John wrote:

> *redacte*

>

> Thanks for forwarding the emails. Was there supposed to be an

> attachment to this one? (i.e. a Dinse letter of 11/20/15)

>

> John

>

> -----Original Message-----

> From: *redacted*

> Sent: Thursday, February 04, 2016 1:18 PM

> To: Treadwell, John <john.treadwell@vermont.gov>

> Cc: *redacted*

> Subject: Fwd: FW: Records request for Morgan, Vt.

>

> Dear John,

>

> This is the second letter that was sent to the Town. *redacted*

>

> I will also be sending an e-mail or two *redacted*

>

> Please let me know if I can do anything more at this time.

>

> Thank you,

> *reda*

> *red*

>

>

> ----- Forwarded Message -----

> Subject: FW: Records request for Morgan, Vt.

> Date: Fri, 20 Nov 2015 19:26:46 -0500

> From: *redacted*
> To: *redacted*

>
>
> -----

> --
> From: jbarnard@DINSE.COM
> To: llabor247@hotmail.com
> Subject: RE: Records request for Morgan, Vt.
> Date: Fri, 20 Nov 2015 22:18:15 +0000

>
> Larry,
>
> Please see the attached letter requesting supplementation. Call if you have any questions.

>
> Regards,
>
> resize test <<http://www.dinse.com/>>

>
>
>
> *Justin B. Barnard, Esq.*
>
> Dinse, Knapp & McAndrew, P.C.
> 209 Battery Street**
>
> P.O. Box 988
> Burlington, VT 05402
> W: 802-859-7082 | F: 802-859-8782
> jbarnard@dinse.com <<mailto:jbarnard@dinse.com>> | Bio
> <<http://www.dinse.com/attorneys/justin-b.-barnard.html>>

>
> *From:* Larry Labor [<mailto:llabor247@hotmail.com>]
> *Sent:* Thursday, November 19, 2015 1:45 PM
> *To:* Justin Barnard
> *Subject:* Records request for Morgan, Vt.

>
> Justin,
> Our attorney has been in trial all week therefore communications are slow. Attached is the summary document that should have reached you with prior e-mail attachments.

>
> The town has not received any monies for legal expenses related to the
> solar project. Two individuals notified the Seymour Lake Association
> (SLA) that they were willing to provide up to \$5,000.00 each. That information came to the select board via an SLA member.

>
> I have no knowledge of Annette Smith receiving any monies from the two individuals or from SLA.

>
> Respectfully,
> Larry

>
>

> -----
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> -----

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>

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Sara Davies Coe, Esq.
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November 20, 2015

Via Electronic MailLarry Labor, Select Board Chair
Town of Morgan
41 Meade Hill Rd.
Morgan, VT 05853**Re: Vermont Public Records Act Request
Annette Smith / Vermonters for a Clean Environment**

Dear Larry:

Thank you for your November 18, 2015 letter responding to my October 28 Public Records Act Request. While I appreciate the response, it remains deficient under the Public Records Act.

As I explained in an earlier email, the Public Records Act requires that you provide written certification of any records claimed exempt under the Act. Such certification must include (a) identification of the records withheld, (b) the asserted statutory basis for denial, and (c) a statement of "the reasons and supporting facts" for denying the request. 1 V.S.A. § 318(a)(2). Your letter reference emails withheld on the ground that they are purportedly "exempt due to one VSA Section 317 (14) as they pertain to ongoing litigation." This explanation is insufficiently detailed to allow me to evaluate its validity. Among other things, you have not specified what "ongoing litigation" the emails pertain to, and whether the emails constitute legal advice provided by Ms. Smith in connection with the "ongoing litigation."

Please supplement your response to more specifically state the reasons and facts supporting the claimed exemption. Consistent with the Public Records Act, please also inform me of the appeal procedures available (assuming you intend to continue to withhold the emails), including the name of the person to whom an appeal may be made. See 1 V.S.A. § 318(a)(2).

I had also asked you about identity of the individuals referenced in your minutes who had offered \$5,000 donations to "help out with the Green Energy situation." You indicated in response that "[t]wo individuals notified the Seymour Lake Association (SLA) that they were willing to provide up to \$5,000.00 each" and that this "information came to the select board via

LAW OFFICES OF
DINSE, KNAPP & McANDREW, P.C.

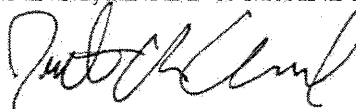
Town of Morgan
November 20, 2015
Page 2

an SLA member." As requested, please confirm whether the Select Board is actually aware of the identity of these individuals and, if so, who they are.

I would appreciate your prompt attention to this matter. Thank you.

Sincerely,

DINSE, KNAPP & McANDREW, P.C.

A handwritten signature in black ink, appearing to read "Justin B. Barnard". The signature is written in a cursive style with a large initial "J".

Justin B. Barnard, Esq.

Chen, Zachary

From: Donna Davidge *redacte*@mindspring.com>
Sent: Sunday, January 24, 2016 11:36 AM
To: Chen, Zachary
Subject: Do something meaningful

Dear young Mr Chen- your irresponsible behavior toward Annette Smith takes away her constitutional rights. The wind industry is evil, deceptive and greedy.

I hope your values grow to the correct side as you mature.

Let her protect innocent victims of this ruthless industry that destroys lives and the environment.

Donna Amrita Davidge/ thank you :)

[Www.donnadavidgeyoga.com](http://www.donnadavidgeyoga.com)

[Www.sewallhouse.com](http://www.sewallhouse.com)

redacted

Simplicity in a complex world

Chen, Zachary

From: *redacted* @sover.net
Sent: Sunday, January 24, 2016 4:18 PM
To: Chen, Zachary
Cc: H. Brooke Paige
Subject: Annette Smith amd VCE Procecutio

Mr. Chen,

Pardon me for interrupting your busy day but could you please answer a couple of questions about you threatened investigation into the public advocacy efforts of Annette Smith and VCE.

First, who has complained to Mr. Sorrell's office concerning Ms. Smith's advocacy ?

Second, if her actions are of concern to Mr. Sorrell shouldn't he be equally concerned with the similar activities of other organizations like VPRIG ?

Third, could you direct me to the amendment to Vermont's constitution that has placed the authority to investigate complaints as to the activities of lawyers (and those charged with practicing law without a license) under the purview of the Attorney General's office ? It was my understanding that this activity was the sole responsibility of the Vermont Supreme Court.

"The Vermont Constitution provides the Vermont Supreme Court with the exclusive authority to discipline attorneys. In 1999, pursuant to its constitutional authority, the Supreme Court adopted Administrative Order No. 9."

Under Order No. 9 the court exercised its constitutional mandate to investigate activities (whether founded or unfounded) into an allegations such as that of "practicing law without a license." A reading of the plain language of the Supreme Court's order assigns this responsibility to the Supreme Court's Professional Responsibility Program coordinated by the Office of Disciplinary Counsel, Beth DeBernardi, Esq., Disciplinary Counsel and no other.

Your assistance in clarifying these questions would be greatly appreciated.

Sincerely,

H. Brooke Paige
Remmington News Service

H. Brooke Paige
redacted
Washington, Vermont 05675

(H) *redacted*
(C) *redacted*
e-mail at: *redacted* @sover.net

Chen, Zachary

From: Don Peterson < *redacted* @gmail.com>
Sent: Sunday, January 24, 2016 6:44 PM
To: Chen, Zachary
Subject: Transparency called for in Annette Smith matter

The public cares about this issue. At very least the idea of an undisclosed party making a complaint about an activist under administrative cover feels pretty low and mean, even for Burlington lawyers. Make the accuser come forward at least.

Don Peterson Lowell vt.

Sent from my iPad

Chen, Zachary

From: Bruce Wilkie *redacted* @hotmail.com>
Sent: Monday, January 25, 2016 7:25 AM
To: Chen, Zachary
Subject: Annette Smith investigation

Dear Mr. Chen:

I am writing to urge you to cease and desist in your investigation (fishing expedition) of Annette Smith of the VCE.

As Vermonters we value activism and dissent. We also value freedom of speech.

It appears that powerful political and industrial interests are behind this witch hunt.

Please visit the article on VT. DIGGER to see what the sentiments of real Vermonters are on this issue.

Stifling dissent and citizen involvement in regulatory issues are hallmarks of the worst of government heavy-handedness.

Please don't add your name to this travesty of justice.

Bruce Wilkie

Chen, Zachary

From: AGO - CAP
Sent: Monday, January 25, 2016 9:56 AM
To: Treadwell, John
Cc: Murnane, Janet
Subject: FW: Question re Criminal Division of AG's office

John,

The below came into the CAP e-mail address.

Best,

Jason

-----Original Message-----

From: Garril Page [mailto:*redacte*@comcast.net]
Sent: Sunday, January 24, 2016 2:55 PM
To: consumer@uvm.edu
Subject: Question re Criminal Division of AG's office

To:
William H. Sorrell, Attorney General
John Treadwell, Chief, Criminal Division
109 State Street
Montpelier VT 05609

re: Investigation of Annette Smith and Vermonters For a Clean Environment

Gentlemen:

As a past landowner and resident of Vermont, a state I have held in high esteem for well over 50 years, I wonder what explains the AG Investigation into Annette Smith and Vermonters for a Clean Environment?

If you have indisputable proof that she has misrepresented herself, stating and claiming credentials she does not possess, then that is wrongful on her part.

However, if she is acting to advocate and represent the best interests of those otherwise unrepresented in Vermont, fulfilling her civic duty to others, it is your office that acts wrongfully in accusing her of criminal acts.

Are you enforcing law or choosing discretionary, quasi-legal, political harassment to intimidate? Is this criminal activity or poor judgement? If dispensing "bad advice" were actionable, it is likely that all governance would cease!

The village practise of caring for the destitute and disabled is one of the finer actions of Vermonters, an example of New England's proud, historic tradition of resisting unjust oppression or coercion by perceived outsiders.

A far less admirable part of today's culture is when elected and appointed officials feel empowered to overstep, abusing the public trust.

Crossing the line between justified criminal investigation and intimidation of local activism is a slippery slope. Beware you do not use political process to subvert enforcement of the law.

Garril Page
San Anselmo CA

Chen, Zachary

From: Dolores Nichols *redacted* comcast.net>
Sent: Monday, January 25, 2016 10:45 AM
To: Chen, Zachary
Subject: seeking information

Dear Mr. Chen;

I am writing to you with a polite, but yet very concerned request that you release the names of the people and/or entities who filed the complaint against Annette Smith. She has strictly been an advocate for the people who are being harassed and abused by the large wind and solar companies.

If Annette Smith is guilty for practicing law without a license, then you will want to investigate every other innocent Vermont citizen as well. I have given our neighbors information after our tires were slashed in our neighborhood, we have also all gotten together to file paper work as well. There are many people who have done their own research and have provided their own findings to all those who oppose the wind turbine project proposals just as Annette has. So if she is found guilty then so are the many others who have done the same as her.

This is just another scare tactic that the State of VT has gotten involved in which is disgusting, especially since I'm assuming our tax dollars are being used to research this ridiculous investigation. Should you also launch an investigation in to the medical advice and testimonies that Mr. Bliddersdorf has given, or has he given the state enough money to keep everyone silent? The state should be standing up for the people of the "middle class", not the richest. This is a sad state that Vermont is in right now and it will lead right to a rebellion for citizens to have their rights and not be attacked with scare tactics by those who have lots of money and must do whatever it takes to keep making more to stay rich. Remember, for the most part officials are elected in and are to represent the majority of the people, not what the 1% want. United we stand as Opposed to Swanton Wind, LLC!

I hope you understand and will comply in providing those names or entities who are wasting the State of Vermont's time and tax payer's money just to attempt to weaken what the citizens of Vermont have a right to be doing, such as doing their own research, making those for renewable energy think a little bit about the average Vermont citizen's concerns, and hold them accountable instead of just leaving an open door way for them to fill their pockets with tons of money. Money is the root of all evil.

Regards,

Dolores and Kevin Nichols

Chen, Zachary

From: Byron Dolan *redacted* @gmail.com>
Sent: Monday, January 25, 2016 4:11 PM
To: Chen, Zachary
Subject: Annette Smith matter

Shame on your office concerning the Annette Smith investigation. Is there any corner of Vermont state government that hasn't been compromised by cronyism?

Byron Dolan
Lowell, Vermont

Chen, Zachary

From: Kathy Parks <*redacted* gmail.com>
Sent: Monday, January 25, 2016 6:31 PM
To: Chen, Zachary
Subject: Annette Smith: Vermonters for a Clean Environment

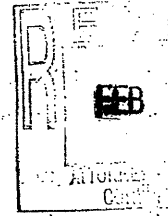
Mr. Chen,

As taxpaying citizen of Vermont for all of my 56 years, I request that you publicly release the names of the people and/or entities who filed the complaint against Annette Smith of Vermonters for a Clean Environment (VCE).

Thank You ... Fred Parks (Essex Junction)

January 25, 2016

William H. Sorrell, Attorney General
109 State Street
Montpelier VT 05609



RE: Investigation of Annette Smith

Dear Mr. Sorrell,

It was recently brought to my attention that an associate of mine is being investigated for alleged unauthorized practice of law before the Public Service Board. I am quite certain if such a broad definition of 'practicing law' is to be defined than no one will be able to pursue anything in life without being an attorney or hiring one.

In both the Welch case that Zachary Chen, the Assistant Attorney General, quoted in his letter to Annette Smith and in the Palini case in which the Welch case referred to, money was exchanged for 'services'. Annette has never represented herself as an attorney and she has not taken money for the help and opinions she shares.

*"Where the rendering of services for another involves the use of legal knowledge or skill on his behalf where **legal advice is required** and is availed of or rendered in connection with such services these services necessarily constitute or include the practice of law." — In Re Welch*

*"None the less, the respondent, through an intermediary, was practicing law in furnishing legal assistance and **advice for compensation**." — In Re Palini*

Now the problem with this situation is the broad definition in which Mr. Chen is trying to establish as legal advice and when legal advice should be required. To begin with, advice by its very definition is classified an opinion or recommendation offered as a guide to action, conduct, etc. Reasonable people by their very essence talk, elicit advice, offer insight, share information and help others. Now consider how every aspect of our lives down to the food we eat and to the clothes we wear: Everything is governed by external laws and paperwork. Therefore it could be concluded that all speech and actions are legal in nature. Most, if not all people, would be found guilty of unauthorized practice of law.

Take for example going into a hospital emergency room. Patients are advised by the clerks to sign legally binding life altering medical documents in lieu of an attorney. Many doctor clinics and nursing homes have started to advise patients on filling out living wills. Many medical providers also help interpret and fill out papers for birth certificates, social security numbers and

HIPAA documentation. It is not limited to the medical field either. It applies to schools, daycares, homes, insurance companies, employment, etc.

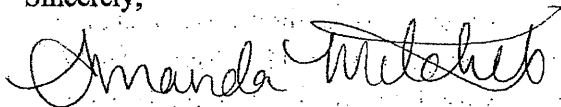
One other thing to think on is the term: 'power of attorney'. Practicing as an attorney is more than just giving advice or interpreting law. It is not just about filling out forms either, but having a formal mutually accepted agreement granting the power of self-representation to another in which the person granting the power is held accountable for the actions of the other. An attorney's power is not something that can just 'legally' be absorbed through contact or mere words and any advice taken should not constitute a contract or eliminate self-representation. A person is still representing self-interests when he/she decides to act on advice, even if it is not in the best interest of the person.

It is interesting to note that your office has chosen to investigate Annette Smith for openly helping others in a regulatory setting. Those same people she helps are people who are hopelessly facing those with greater resources and understanding in these events. If the Attorney General's office believes these proceedings are in need of formal legal representation on all sides, this seems that a formal judge should reside over such proceedings in a judicial court and not a public service board with no formal legal training. And since the definition of 'practicing law' is so broad, how would it be legal for the Board Members to interpret and apply law without a license? It quite appears that the intent of this Public Service Board is a way to circumvent any real legal proceedings and allow business interest to trump any public opposition.

I believe the public will be very interested in receiving information from you regarding who furnished such documents and suggested criminal activity, what possible motives they may have and why the Attorney General has taken such an interest in Annette Smith. Maybe once you are finished vetting Annette Smith for any suggested indiscretion, you might consider looking into ways to help her and those she offers hope to.

May justice reign in this matter.

Sincerely,



Amanda Mitchell

Chen, Zachary

From: Treadwell, John
Sent: Tuesday, February 09, 2016 8:08 AM
To: Swanson, MaryKay
Subject: Re: CONFIDENTIAL: Attorney General's Investigation of Annette Smith

Categories: M-Files

I'll deal with this.

Sent from my iPhone

On Feb 9, 2016, at 8:01 AM, Swanson, MaryKay <marykay.swanson@vermont.gov> wrote:

Not sure if you ever contacted this man, but he wants to know if we'll be investigating Mary Booth.
Thanks
MK

From: Josh Schlossberg [mailto: *redacted* _gmail.com]
Sent: Monday, February 08, 2016 9:52 PM
To: Swanson, MaryKay <marykay.swanson@vermont.gov>
Cc: AGO - Info <AGO.Info@vermont.gov>
Subject: Re: CONFIDENTIAL: Attorney General's Investigation of Annette Smith

Thanks for this, however I have called to your attention an individual who has done the same things Ms. Smith has done. Will you be opening an investigation for this person?

Josh

On Mon, Feb 8, 2016 at 11:41 AM, Swanson, MaryKay <marykay.swanson@vermont.gov> wrote:

Your email was forwarded to the Chief of our Criminal Division when received.
Today a press release was issued - it is under Breaking News on our website <http://www.ago.vermont.gov/>
If you need anything further, please let me know.
MK Swanson

Mary-Kay Swanson
Executive Assistant
Office of the Attorney General
109 State Street
Montpelier, VT 05609
[802-828-3173](tel:802-828-3173)

Please Note New Email address: marykay.swanson@vermont.gov

-----Original Message-----

From: Josh Schlossberg [mailto:*redacted* gmail.com]

Sent: Monday, February 08, 2016 1:26 PM

To: AGO - Info <AGO.Info@vermont.gov>

Subject: Re: CONFIDENTIAL: Attorney General's Investigation of Annette Smith

Greetings,

I am following up to see if you received this email.

Thanks,

Josh Schlossberg

On Jan 30, 2016, at 2:25 PM, Josh Schlossberg *redacted* [@gmail.com](mailto: @gmail.com)> wrote:

> Mr. William Sorrell and State of Vermont Office of the Attorney General:

>

>

> My name is Josh Schlossberg. I have lived in Vermont for a total of
> twelve years, though I am temporarily residing in Colorado. It has
> come to my attention that the Vermont Attorney General's office is
> investigating Annette Smith, director of Vermonters for a Clean
> Environment, for allegedly practicing law without a license by
> assisting citizens in their interactions with the Public Service Board.

>

>

>

> I have noticed this investigation has triggered a great deal of
> controversy. Concerns have been voiced that this investigation is
> politically motivated, as Ms. Smith has vocally challenged Vermont
> state policies that have sped the development of industrial scale wind energy.
> Further, much of the political power structure in Vermont, including
> the Governor's office, and many of his campaign donors, along with a
> large proportion of state legislators, are strong supporters of wind power.

>

>

>

> In my mind, these accusations of political motivation behind the
> investigation of Ms. Smith might hold some water if Ms. Smith was the
> only person being investigated for assisting citizens to interface
> with the Public Service Board. Is the Attorney General's office
> investigating anyone else at this time?

>

>

>

> For instance, a Google search finds that, Mary S. Booth, director of
> Partnership for Policy Integrity, an advocacy and lobbying group based
> in Pelham, Massachusetts, had advised citizens in North Springfield,
> Vermont in their dealings with the Public Service Board in regards to

> a biomass energy facility in 2013.
>
>
>
> A February 14, 2014 press release
> <<http://www.pfpi.net/vermont-biomass-power-plant-denied-approval-on-basis-of-greenhouse-gas-emissions>> on the Partnership for Policy
> Integrity website announcing the PSB's decision to deny the facility a
> Certificate of Public Good, reads:
>
>
>
> "This is an important decision for the state of Vermont, and
> nationally', said Mary Booth, Director of the Partnership for Policy
> Integrity, an organization that helped the citizen opponents, the
> North Springfield Action Group, contest the facility in front of the PSB."
>
>
>
> As stated in the January 19, 2016 letter from the Attorney General's
> office to Ms. Smith: "the practice of law in Vermont is not limited to
> appearances in court, and includes actions such as preparing filings."
>
>
>
> By her own admission, Ms. Booth has stated that she has assisted
> citizens in their effort to oppose the facility before the PSB, the very act Ms.
> Smith is being investigated for.
>
>
>
> This evidence leads me to ask whether Ms. Booth is currently under
> investigation from the Attorney General's office? If not, does the
> Attorney General's office intend to investigate her, or will Ms. Smith
> remain the only person under investigation?
>
>
>
> *I would like these communications to remain strictly confidential,
> however I am willing to speak to you further about the topic,
> providing my identity be kept private. *
>
>
> I hope to hear back from the Attorney General's office upon the
> receipt of this email.
>
>
>
> Sincerely,
>
>

>
> Josh Schlossberg
>
>
> *redacted*
>
> Denver, Colorado 80212
>
>
>
> *redacted*
>
> *redacted* [@gmail.com](mailto:redacted@gmail.com)

--

"The things we admire in men, kindness and generosity, openness, honesty, understanding and feeling are the concomitants of failure in our system. And those traits we detest, sharpness, greed, acquisitiveness, meanness, egotism and self-interest are the traits of success. And while men admire the quality of the first they love the produce of the second."

-John Steinbeck, *Cannery Row*, 1945

Chen, Zachary

From: Treadwell, John
Sent: Tuesday, February 09, 2016 8:59 AM
To: *redacted* gmail.com'
Subject: RE: CONFIDENTIAL: Attorney General's Investigation of Annette Smith
Attachments: Annette Smith FINAL 2-8-16.pdf

Categories: M-Files

Dear Mr. Schlossberg,

Thank you for your emails regarding the unauthorized practice of law in Vermont. With respect to the Annette Smith matter, the Vermont Attorney General's Office followed the process that it has used on multiple occasions over the past decade to investigate allegations of the unauthorized practice of law.

I have attached a copy of a press release that this office issued yesterday regarding the Annette Smith matter. One of the allegations was that Ms. Smith "consulted with and prepared and filed pleadings for persons in PSB proceedings." Regarding this allegation, this office noted:

the Vermont Supreme Court's definition of the practice of law is not limited to actual appearances before judicial or quasi-judicial tribunals, but has been interpreted to extend to outside activities. This 54-year old definition does not, however, reflect the modern reality of advocacy before the growing number of judicial and quasi-judicial boards and commissions that have been created since its adoption. By way of example, a rule of the Natural Resources Board allows a person to be represented by a non-attorney while the PSB allows an organization, but not an individual, to be so represented. Clarification of the scope of the practice of law is needed. Any definition of the practice of law must recognize the diversity of advocacy before different forums at the state and local levels, should not abridge First Amendment rights, and should insure that Vermonters have access to justice.

It appears that your allegation regarding Ms. Booth is of a similar variety. This office declines to open an investigation. However, you may wish to contact the Public Service Board – the tribunal before which you allege that Ms. Booth may have engaged in unauthorized practice.

I would also note that Vermont's Public Records Act generally requires that records produced or acquired during agency business are public records unless a specific statutory exemption applies. In the context of criminal complaints only the identities of private citizens who are victims or witnesses MUST be kept confidential. 1 VSA § 317(c)(5)(D). All other names are potentially subject to disclosure. Thus, I cannot agree that your communications are confidential.

Please do not hesitate to contact me if you have additional questions.

John

John Treadwell
Assistant Attorney General
Vermont Attorney General's Office
109 State Street
Montpelier, VT 05609
tel: 802-828-5512

fax: 802-828-2154

e-mail: john.treadwell@vermont.gov

Please note my new email address.

PRIVILEGED & CONFIDENTIAL COMMUNICATION: This E-mail may contain sensitive law enforcement and/or privileged information. DO NOT read, copy or disseminate this communication unless you are the intended addressee. This communication may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended recipient (or have received this E-mail in error) please notify the sender immediately and destroy this E-mail. Any unauthorized copying, disclosure or distribution of the material or taking of any action in reliance on the contents of the electronically transmitted materials is prohibited. If you have received this communication in error, please call us (collect) immediately at (802) 828-5512 and ask to speak to the sender of the communication. Also, please notify immediately via e-mail the sender that you have received the communication in error.

From: Josh Schlossberg [[mailto: redacted gmail.com](mailto:redacted@gmail.com)]

Sent: Saturday, January 30, 2016 4:26 PM

To: AGO - Info <AGO.Info@vermont.gov>

Subject: CONFIDENTIAL: Attorney General's Investigation of Annette Smith

Mr. William Sorrell and State of Vermont Office of the Attorney General:

My name is Josh Schlossberg. I have lived in Vermont for a total of twelve years, though I am temporarily residing in Colorado. It has come to my attention that the Vermont Attorney General's office is investigating Annette Smith, director of Vermonters for a Clean Environment, for allegedly practicing law without a license by assisting citizens in their interactions with the Public Service Board.

I have noticed this investigation has triggered a great deal of controversy. Concerns have been voiced that this investigation is politically motivated, as Ms. Smith has vocally challenged Vermont state policies that have sped the development of industrial scale wind energy. Further, much of the political power structure in Vermont, including the Governor's office, and many of his campaign donors, along with a large proportion of state legislators, are strong supporters of wind power.

In my mind, these accusations of political motivation behind the investigation of Ms. Smith might hold some water if Ms. Smith was the only person being investigated for assisting citizens to interface with the Public Service Board. Is the Attorney General's office investigating anyone else at this time?

For instance, a Google search finds that, Mary S. Booth, director of Partnership for Policy Integrity, an advocacy and lobbying group based in Pelham, Massachusetts, had advised citizens in North Springfield, Vermont in their dealings with the Public Service Board in regards to a biomass energy facility in 2013.

A February 14, 2014 press release on the Partnership for Policy Integrity website announcing the PSB's decision to deny the facility a Certificate of Public Good, reads:

“This is an important decision for the state of Vermont, and nationally’, said Mary Booth, Director of the Partnership for Policy Integrity, an organization that helped the citizen opponents, the North Springfield Action Group, contest the facility in front of the PSB.”

As stated in the January 19, 2016 letter from the Attorney General's office to Ms. Smith: “the practice of law in Vermont is not limited to appearances in court, and includes actions such as preparing filings.”

By her own admission, Ms. Booth has stated that she has assisted citizens in their effort to oppose the facility before the PSB, the very act Ms. Smith is being investigated for.

This evidence leads me to ask whether Ms. Booth is currently under investigation from the Attorney General's office? If not, does the Attorney General's office intend to investigate her, or will Ms. Smith remain the only person under investigation?

I would like these communications to remain strictly confidential, however I am willing to speak to you further about the topic, providing my identity be kept private.

I hope to hear back from the Attorney General's office upon the receipt of this email.

Sincerely,

Josh Schlossberg

redacted

Denver, Colorado 80212

redacted

redacted @gmail.com

**STATE OF VERMONT
OFFICE OF THE ATTORNEY GENERAL
109 STATE STREET
MONTPELIER, VT 05609-1001**

FOR IMMEDIATE RELEASE CONTACT: William H. Sorrell
February 8, 2016 Attorney General
John Treadwell
Assistant Attorney General
(802) 828-3173

**ATTORNEY GENERAL'S OFFICE CLOSES INVESTIGATION INTO THE
UNAUTHORIZED PRACTICE OF LAW WITHOUT FURTHER ACTION**

The Vermont Attorney General's Office has closed its investigation into a complaint about Annette Smith's actions in various proceedings before the Public Service Board (PSB). The Office has closed the investigation without further action.

In December 2015 the Office received a complaint regarding Ms. Smith alleging that her conduct in various matters before the PSB constituted the unauthorized practice of law. Specifically, Ms. Smith was accused of regularly "providing legal advice to parties in proceedings before the Public Service Board, as well as helping to draft pleadings for those parties." The complaint also represented that the minutes of an October 26, 2015, Town of Morgan Selectboard meeting characterized a proposed payment to Annette Smith as "attorney compensation."

Pursuant to the rules of the Vermont Supreme Court, the unauthorized practice of law is punishable as criminal contempt of court. The prohibition of the unauthorized practice is intended to protect the public and society, not lawyers. The most recent definition articulated by the Vermont Supreme Court defines the

practice of law as the furnishing “to another advice or service under circumstances which imply the possession and use of legal knowledge and skill.” *In re Welch*, 123 Vt. 180, 182 (1962).

By statute, the PSB is defined as a court of record and has all the powers of a trial court in determining matters within its jurisdiction, including the conduct of parties and interested persons that appear before it. Neither the PSB nor the Vermont Supreme Court have complained to this Office regarding Ms. Smith’s conduct. The complainant has not alleged that any of Ms. Smith’s conduct has harmed any individual.

The allegations regarding Ms. Smith fell in three broad categories – (1) she sought to represent individuals in proceedings before the PSB, (2) she sought or obtained “attorney compensation” from the Town of Morgan, and (3) she consulted with and prepared and filed pleadings for persons in PSB proceedings.

Regarding the first allegation, the record reveals that Ms. Smith sought to intervene in a matter pending at the PSB on behalf of her organization – Vermonters for a Clean Environment. The Vermont Supreme Court has recognized that in certain circumstances non-attorneys may represent organizations in judicial proceedings. *Vermont Agency of Natural Resources v. Upper Valley Regional Landfill*, 159 Vt. 454, 458 (1992). The record reveals that the PSB offered Ms. Smith and her organization the opportunity to file a friend of the court pleading in the matter. Thus, the PSB clearly did not oppose Ms. Smith’s participation as a non-party.

The complainant also alleges that Ms. Smith had sought or obtained “attorney compensation” from the Town of Morgan. Information obtained from the Town as part of this investigation establishes that at no time did Ms. Smith represent herself to be an attorney or seek compensation of any kind from the Town as an attorney or otherwise. Additionally, it does not appear that the Town has, in fact, paid her for services rendered to the Town. This Office concludes that there is no merit to this allegation.

Finally, with respect to the third category of allegations, the Vermont Supreme Court’s definition of the practice of law is not limited to actual appearances before judicial or quasi-judicial tribunals, but has been interpreted to extend to outside activities. This 54-year old definition does not, however, reflect the modern reality of advocacy before the growing number of judicial and quasi-judicial boards and commissions that have been created since its adoption. By way of example, a rule of the Natural Resources Board Act allows a person to be represented by a non-attorney while the PSB allows an organization, but not an individual, to be so represented. Clarification of the scope of the practice of law is needed. Any definition of the practice of law must recognize the diversity of advocacy before different forums at the state and local levels, should not abridge First Amendment rights, and should insure that Vermonters have access to justice.

This Office considers the matter closed.

Chen, Zachary

From: Judy Wood < *redacted* gmail.com>
Sent: Wednesday, February 10, 2016 9:14 AM
To: Chen, Zachary; Annette Smith
Subject: Annette Smith Investigation

Dear Sir,

THIS INVESTIGATION MUST BE DROPPED!

It has very clearly been initiated by corporate interests as part of their ongoing attempts to steam-roll Vermont citizens in order to profit from unfettered development of their wind and solar projects.

Ms. Smith provided invaluable information to our group of Granville residents in our attempt to stop a commercial solar array proposed for a beautiful, strictly rural neighborhood here.

In my dealings with her, Ms. Smith made it crystal clear that she is not a lawyer.

This investigation is not democracy but rather corporatocracy in action.

Drop the investigation and help restore our ailing democracy.

Sincerely,

Judy Wood

redacted

Granville, VT 05747

Chen, Zachary

From: *redacted*
Sent: Wednesday, January 20, 2016 1:33 PM
To: Chen, Zachary
Subject: Fwd: FW: VCE Solar Update 9/20/15 - Vermont Solar Siting Task Force Video
Attachments: OffshoreWind-AP-600x350.jpg; ATT00002.htm; 20110728_solarFarm-610x343.jpg; ATT00004.htm; NGLunderville.jpg; ATT00005.htm; Morgan Solar 9-10-15.jpeg; ATT00007.htm; Morgan solar copy.jpeg; ATT00009.htm; image001.png; ATT00011.htm; image001.png; ATT00013.htm; image002.png; ATT00015.htm; image003.png; ATT00017.htm; PastedGraphic-1.pdf; ATT00018.htm; PastedGraphic-2.pdf; ATT00019.htm

Some of the e-mails are like these, and seem to be to a mailing list that *redact* found himself on. The ones that are to the mailing list (*vce@vce.org*) seem to be similar to these. These are the ones that will clutter up your mailbox quickly, so if you don't need these ones, just let me know.

Thanks,
reda
red

----- Forwarded Message -----

Subject: FW: VCE Solar Update 9/20/15 - Vermont Solar Siting Task Force Video
Date: Tue, 3 Nov 2015 10:38:07 -0500
From: *redacted*
To: *redacted*

From: *vce@vce.org*
Date: Sun, 20 Sep 2015 23:01:26 -0400
Subject: VCE Solar Update 9/20/15 - Vermont Solar Siting Task Force Video
To: *vce@vce.org*

Lots of solar news since the last update 914. Be sure to read this one (text below) "Report: Green energy drives jobs" which has the latest from Gov. Shumlin about the role of towns, and the PSB process.

Two Charlotte PSB solar items this week.

One is a site visit on Tuesday at 1:30 p.m. at the constructed large project on Hinesburg Road.
On Thursday there is a prehearing conference on a 500 kW solar array proposed for Charlotte at 9:30

<http://psb.vermont.gov/sites/psb/files/orders/2015/2015-09/NMP%206314%20Order%20Opening%20Investigation.pdf>

CPG #NMP-6314 Prehearing Conference

In Re: Application of Vermont AllSun Solar XII, LLC for a certificate of public good for an interconnected 500 kW group net-metered photovoltaic electric power system in Charlotte, Vermont
Before Thomas Knauer, Hearing Officer
Location: Public Service Board Hearing Room, Third Floor, People's United Bank Building, 112 State Street, Montpelier, Vermont
Event Date and Time:
Thursday, September 24, 2015: 9:30 am

Public hearing on a 2.2 MW solar array in Richmond at 7 pm. Presumably there is also a site visit earlier in the day, ask psb.clerk@vermont.gov <<mailto:psb.clerk@vermont.gov>>.

#8564 Public Hearing

In Re: Petition of GMPSolar - Richmond, LLC, for a certificate of public good, pursuant to 30 V.S.A. § 248, authorizing the installation and operation of a 2.0 MW solar electric generation facility off of Governor Peck Highway in Richmond, Vermont, to be known as the "GMPSolar Richmond Project" --- (Order of Notice

<<http://psb.vermont.gov/sites/psb/files/document/8564%20Order%20of%20Notice%20Public%20Hearing.pdf>>

Section 248 Project Information --- Petition, Prefiled Testimony & Exhibits

<<http://psb.vermont.gov/8564PetitionPrefiledTestimonyAndExhibits>>

Before Lynn Fabrizio, Esq., Hearing Officer
Location: Second Floor Conference Room at the Richmond Town Center, 203 Bridge Street, Richmond, Vermont
Event Date and Time:
Thursday, September 24, 2015: 7:00 pm

VIDEO of Solar Siting Task Force Meeting #2

https://youtu.be/9_r5uI0Wxks

<http://solartaskforce.vermont.gov/announcements-meetings>

Meeting #2

September 17, 2015

10 a.m. to 12 p.m., Giga Conference Room, 3rd Floor, VT Public Service Dept., 112 State St., Montpelier

Press Release

<http://solartaskforce.vermont.gov/sites/solarsiting/files/documents/press_releases/SSTF%20Media%20Release%20091515.pdf>

Agenda

<http://solartaskforce.vermont.gov/sites/solarsiting/files/documents/meeting_agendas/2015-09-17%20Agenda%20SolarTaskForce.pdf>

Draft Guidelines for Siting Solar Energy Projects in Vermont from David Raphael of LandWorks

<http://solartaskforce.vermont.gov/sites/solarsiting/files/documents/meeting_materials/Solar%20Siting%20Guidelines.pdf>

State Goals and Analysis of Future Solar Development

<http://solartaskforce.vermont.gov/sites/solarsiting/files/documents/meeting_materials/ASH%20for%20solar%20siting%20TF%2020150917.pdf>

by

Dr. Asa Hopkins of DPS and BCRC Solar Potential Map

<http://solartaskforce.vermont.gov/sites/solarsiting/files/documents/meeting_materials/BCRC_Solar_Within1Mile%20-%20Compressed.pdf>

Elizabeth went to the site visit and public hearing. There was no public at the site visit, it appears to be a good site. There were a few members of the public at the public hearing but nobody signed up to speak. There is a 5 minute video, where chairman Volz opened and closed the hearing. It is the first solar project I am aware of where the full PSB ran the hearing.

#8562 Intervention Deadline

In Re: Petition of GMPSolar - Williston, LLC for a certificate of public good, pursuant to 30 V.S.A. §§ 219a, 229, and 248, authorizing the installation and operation of a 4.69 MW net-metered solar electric generation facility near Mountain View Road in Williston, Vermont, to be known as the "GMPSolar Williston Project"

Intervention Deadline

Event Date and Time:

Wednesday, September 23, 2015: 7:45 am - 4:30 pm

The first public showing of one of these energy planning maps was at the solar siting task force on Thursday morning (see Asa's presentation above) and then in Manchester on Thursday evening. We learned that the solar maps do not exclude forested areas, so it is a constructive comment to suggest they add that layer. And it would be good to ask what percentage of the load Chittenden County must do, and how they are expected to meet that load, and see what the answer is. I hope some of you can go to these upcoming energy planning forums and weigh in. None of their maps include structures, there is no consideration for the human factor.
<http://www.vnews.com/home/18661780-95/sunday-forum-help-draft-a-regional-energy-plan>

Sunday, September 20, 2015

Help Draft a Regional Energy Plan

To the Editor:

As recent headlines in the Valley News will attest, the siting of renewable energy projects is an important issue in the Upper Valley. The Two Rivers-Ottawaquechee Regional Commission (TRORC) has been working with the Vermont Public Service Department and the Vermont Energy Investment Corp. on a new regional energy planning initiative.

The goal of the regional energy plan is to advance the state's energy and climate goals while being consistent with local and regional needs and concerns, and to provide specificity to enable progress to be made in the region toward those goals.

To help develop the regional energy plan, TRORC will organize a series of public forums seeking input from municipalities and other stakeholders. The first public forums will focus on a discussion of potential renewable-energy-generation site mapping.

Follow-up public meetings will help identify specific education and outreach efforts; the most effective implementation programs and activities; and local policies that can be implemented to help reach regional energy goals.

The first regional energy plan public meetings, focusing on renewable energy siting, are scheduled for Tuesday, Sept. 22, from 6 to 8 p.m. at the Bethel Town Hall, 318 Main St., Bethel; and Monday, Sept. 28, at the Bradford Academy, 172 North Main St., Bradford. You are invited to help shape energy planning in the 30-town TRORC region. For more information, please contact me at dgish@trorc.org <<mailto:dgish@trorc.org>>.

Dee Gish

Finance manager

Two Rivers-Ottawaquechee Regional Commission

<http://www.rutlandherald.com/article/20150920/OPINION06/709209943>

Opinion

<<http://www.rutlandherald.com/apps/pbcs.dll/section?Category=OPINION>>

| Perspective

<<http://www.rutlandherald.com/apps/pbcs.dll/section?Category=OPINION06>>

In energy rush, farmland needs protection

By Roger Allbee

Commentary | September 20, 2015

Vermont's environmental heritage has been defined over time, and today is being tested or challenged by goals to have the state have 90 percent of its energy from renewable sources by 2050. A special recent report on VTDigger.org <<http://VTDigger.org>>, "Tax breaks drive Vermont's solar gold rush," indicates that solar developers have their eyes on Vermont due to these additional tax breaks or incentives. Can this expansion of solar, and even wind on our ridgelines, be compatible with articulated

environmental and land use goals of the past?

It is reasonable or necessary to step back and better define how these energy goals can be compatible with existing and past policies pertaining to the environment and land use. A brief review of history is in order.

In 1847, Vermont Congressman Perkins Marsh gave a speech to the Rutland Agricultural Society on agricultural conditions in New England and the need for better resource management and active efforts for restoring the land. The early settlers to Vermont had stripped the forests leading to severe erosion and loss of soils and water degradation. Marsh's ideas were said to be radical at the time but in the end led, many argue, to the establishment of the conservation movement in the United States.

Since then there have been numerous efforts to better define our state's commitment to the wise use of our land and water resources. In 1927, the Vermont Commission of Country Life looked at and studied every facet of Vermont life. One of the recommendations was that the state take over, as rapidly as possible, the summits of the principal mountains for park and forestry purposes. Also, it was stated that in the larger development of recreational resources, which may be expected, "care should be taken to avoid features that disfigure the landscape and are an offense to good taste." Recreation or tourism was then seen as the most promising opportunity for business growth into the future.

The 1960s growth of ski areas and connected recreational housing came into conflict with some of the articulated goals of the 1927 report relative to activities that disfigure the environment. In 1969, Republican Gov. Deane Davis appointed Arthur Gibb of Weybridge to chair the Governor's Commission on Environmental Control. Many public hearings were held, and the commission's work resulted in the passage of Act 250, Vermont's pioneering land use law. This law has procedures in place to protect our state's most productive soils.

Over time and since the passage of this pioneering land use law, various studies and programs have been created to address Vermont's commitment to its wise use of land and water resources. In the late 1970s Gov. Richard Snelling and the Vermont Legislature passed the current use tax program as a way to better preserve farm and forest land in the state. In 1986, "a coalition of affordable housing, conservation and historic preservation advocates concerned with the rapid change in the character of the Vermont landscape approached the state legislature with a plan to form a unique quasi-state agency. The Vermont Housing and Conservation Board was established by the Legislature in 1987, with the "dual goals of creating affordable housing for Vermonters, and conserving and protecting Vermont's agricultural land, forestland, historic properties, important natural areas, and recreational lands that are of primary importance to the economic vitality and quality of life in the state." More recently, the 2012 legislative session brought with it a renewed commitment to Vermonters' values (over 97 percent of Vermonters value the working landscape, according to studies), by passing the Working Landscape Initiative.

Today our land use policies relative to renewable energy siting of solar and wind are in conflict, as the Public Service Board arguably does not take into consideration issues specifically related to land use, as does the Act 250 process, which is time tested. Our prime and productive farmland is in very limited supply in Vermont. We are seeing a renaissance of agriculture in our state, with many new farms and products from the land. Yes, Vermont's open space and productive agricultural land are a prized asset that defines our state and its people, just as it has over many decades. A rational policy approach is needed that includes Act 250, as power siting today is much different than in the past when it dealt with fixed generation facilities like hydro, coal and wood-burning generation, and nuclear power. It is time for the Legislature and policy leaders to rectify this imbalance.

/Roger Allbee is a former Vermont secretary of agriculture and chairman

of Working Lands Coalition of the Vermont Council on Rural Development, which led to the creation of the Working Lands Program. He was a contributing author to the book "The Vermont Difference, Perspectives from the Green Mountain State" by the Vermont Historical Society and the Woodstock Foundation. /

<http://www.vermontbiz.com/news/september/governor-shumlin-model-getting-energy-right>

Governor Shumlin: A model for getting energy right

Sun, 09/20/2015 - 4:19am --

by Governor Peter Shumlin It is all too easy for those of us who care about protecting our environment, combating climate change, and preserving a sustainable planet for our kids and grandkids to lose hope that we can win the fight. At the national level, powerful fossil fuel interests and their climate-denier allies in Congress prevent meaningful action and work to preserve the status quo. Here in Vermont, however, we are showing that progress can be made and that there is a model for energy that is good for our economy and our environment.

This week I joined with energy efficiency and clean energy businesses to release a new report on the state of clean energy in Vermont. The good news: We have over 16,200 clean energy jobs in Vermont, up about 1,000 jobs from last year, and employers expect to add another 1,000 jobs in the next six months. This fast-growing sector of our economy is one reason that Vermont has the third lowest unemployment rate in America.

Our steady focus on energy efficiency also continues to pay dividends. Investments over the last 15 years to retrofit our homes and businesses have reduced the amount of electricity we were projected to use by 13 percent. That has led to a reduction in our annual electric costs of more than \$50 million. And this doesn't take into account the tens of millions of dollars we have saved by deferring costly transmission projects and reducing our share of regional transmission costs.

We have made extraordinary progress on solar, cutting the price of solar power by more than 60 percent since 2010. As the solar industry has matured, we have prudently trimmed incentives and grant programs. Even still, we have increased the amount of solar energy in Vermont by more than ten times since I became Governor.

Vermont has also been able to avoid the electric rate shocks that are happening in many of our neighboring states, thanks in large part to our dedication to long-term, stably priced contracts for renewable energy. When we purchase local hydro, or power from Hydro-Quebec, or lock in a good deal for solar or wind energy we do not just reduce carbon emissions. We also reduce our exposure to volatile energy markets and

help protect ratepayers.

Electric ratepayers in our neighboring states have routinely seen double-digit rate increases in the past several years, and this year the price for wholesale electricity in New England is the most expensive in the nation. Vermont bucks that trend. Our largest utility, Green Mountain Power, has reduced electric rates three of the past four years. Year-over-Year data comparing 2015 to 2014 shows Vermont's electric rates for residential, commercial, and industrial customers have all come down, while every other state in our region experienced rate increases. Our electric rates are now second lowest overall in our six state region. Those who say we are not competitive with our neighbors should keep these facts in mind.

It is not just that our utilities are helping keep rates stable for customers. They are also partners in helping develop a new model for energy. Legislation I signed in June creates new opportunities for utilities to provide on-bill financing for customers to invest in energy saving upgrades for our homes and businesses. The new model for energy is this: instead of paying for more power generated out there somewhere, we are going to help Vermonters weatherize their homes, install solar on the roof, and cold-climate heat pumps to reduce their oil and propane use. From Montpelier to Rutland, I have visited homes where this is being done. Oil bills are down 60 to 80 percent, homes are more comfortable, and overall energy costs are more affordable. Bill McKibben recently wrote an article in the New Yorker stating that our program shows "innovative, energy-saving and energy-producing technology is now cheap enough for everyday use."

With all of our progress, I remember back to when many of us were fighting to close Vermont Yankee and invest instead in a renewable energy future. Back then the gloom and doom crowd was saying closing the plant would raise our electric rates, thereby hurting our economy. Turns out they were wrong. Our largest utility has lowered electric rates in three of the past four years even though they stopped purchasing power from Yankee in 2012 and our state's economy is strong. In Vermont we have a new model for energy that is working for our economy and our environment. We know we have more to do, but as we look at a Congress that is paralyzed, and at dinosaur utilities in some parts of the country that can't innovate, we should be proud of the work we have accomplished together in Vermont.

Vermont's Solar Surge Energizes Debate | Vermont Public Radio
September 19, 2015
<http://digital.vpr.net/post/vermonts-solar-surge-energizes-debate>

Balmer: Solar Siting

By RANDALL BALMER <<http://digital.vpr.net/people/randall-balmer>> /•/
<http://digital.vpr.net/post/balmer-solar-siting>

<http://watchdog.org/238316/green-mogul-blasts-nimby-concerns/>

Green mogul opposed wind farm off Martha's Vineyard, blasts objectors in Vermont

By Bruce Parker <<http://watchdog.org/author/bparker/>> / September 16, 2015 / 13 Comments

<http://watchdog.org/238316/green-mogul-blasts-nimby-concerns/#disqus_thread>

<<http://watchdog.wpengine.netdna-cdn.com/wp-content/blogs.dir/1/files/2015/01/OffshoreWind-AP.jpg>>

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AP file photo

NIMBY: Thomas Melone, CEO of New York-based Allco Renewable Energy, opposed Cape Wind over concerns it would hurt the view from his home in Martha's Vineyard. Melone's company has been critical of so-called NIMBY concerns in Vermont.

A green energy mogul who protested an offshore wind farm near his summer home on Martha's Vineyard is criticizing Vermonters who oppose his company's four-megawatt combined solar farm proposed in Bennington.

In 2010, Thomas Melone, CEO of Allco Renewable Energy, petitioned to block Cape Wind, a large offshore wind farm sited in federal waters in Nantucket Sound.

In an appeal to the Massachusetts Department of Public Utilities, Melone protested the proposed construction of 130 ocean wind turbines on the basis the renewable energy project would affect his viewscapes and hurt the value of his \$15 million beachfront property in Edgartown, Massachusetts.

While the Massachusetts Supreme Judicial Court rejected his "Not in my back yard"-based complaints in May 2012 <<http://archive.capenews.net/communities/region/news/1842>>, Melone and Allco have issued scathing criticisms toward Vermonters who say Allco's Chelsea Solar farm planned for Bennington's Apple Hill area will greatly disrupt noise, wind and visual aesthetics for local residents and visitors to the nearby welcome center.

Libby Harris, an intervenor and resident of Apple Hill, has urged the Vermont Public Service Board to deny Allco a certificate of public good <http://watchdog.wpengine.netdna-cdn.com/wp-content/blogs.dir/1/files/2015/09/8454_Harris_Brief_091015.pdf> on the basis that clear-cutting acres of forest for the solar project will boost highway noise and destroy the natural wind buffer that protects homes in the area.

Harris also claims removing the forest will disrupt wildlife and remove trees that absorb CO2, in addition to harming the visual beauty of the area.

*RELATED: Vermont woman challenges NYC investor in effort to block Bennington solar farm

<<http://watchdog.org/237764/libby-harris-challenges-solar-farm/>>*

Despite Melone's efforts to keep renewable energy away from his home in Martha's Vineyard, Allco appears to have little sympathy for Harris' objections.

In an Aug. 6 post-hearing brief

<<http://watchdog.wpengine.netdna-cdn.com/wp-content/blogs.dir/1/files/2015/09/post-hearing-brief-FINAL-with-cert.pdf>>

filed

with the Vermont Public Service Board, Allco's Michael Melone, son of Thomas Melone, wrote that impending climate change disaster supersedes the concerns of intervenors in Vermont.

"The Chelsea Project will advance the goals of fighting the devastating (sic) impacts from climate change. Whatever the unsubstantiated and private concerns of Libby Harris may be, they pale in comparison to the benefits provided by the Project, and the urgent need for action on climate change," the brief states.

To stress the urgency of an impending climate disaster, Michael Melone writes, "President Barack Obama has rightly called climate change the greatest threat to national security," and he adds that researchers claim "the effects of climate change, pollution and deforestation have caused the Earth to enter the beginning of a new extinction phase where humans could be among the first casualties."

In an Aug. 12 petitioner's reply brief

<<http://watchdog.wpengine.netdna-cdn.com/wp-content/blogs.dir/1/files/2015/09/Petitioners-Reply-Brief-FINAL-with-Cert-of-Service.pdf>>,

Michael Melone disparages Harris as a "lone wolf" objector and dismisses her worries as "NIMBY concerns."

According to Harris, such dismissive statements are characteristic of the way Allco deals with residents concerned by the firm's solar farms.

"The solar company bought the land directly across from my house. From the beginning they have used so much subterfuge to be seemingly fine with what they're doing, and yet every step of the way they have used their power and deep pockets to bully us," Harris told Vermont Watchdog.

A retired school teacher, Harris claims she became an intervenor because it's the only affordable way local residents can voice their objections.

"I decided to become an intervenor because I'm an abutter (to the site). This has become my personal mission to do what I can because I don't

have all that money to go to Superior Court," she said.

While Harris said intervening at the PSB is more affordable than paying the more than \$10,000 she would need to fight Allco in court, she claims the company has treated her poorly for her role as intervenor.

"They told me in a conference call that since they owned the land directly across from me, if I didn't withdraw my intervenor status they would remove every single one of the six acres of apple trees on that land that I look out on."

Michael Melone did not return Watchdog's request for comment.

"None of us are against going to renewables," Harris said. "But I think the Public Service Board, being three appointed people, has been rubber stamping these wind and solar projects all over the state. It's already done a great deal of harm in ruining the natural habitat."

/Contact Bruce Parker at bparker@watchdog.org/

<http://www.newsandcitizen.com/news-and-citizen/lamoille-news/solarfacilityplannedformorrisville>

Solar Facility Planned for Morrisville

posted Sep 18, 2015, 5:51 AM by Staff News & Citizen
*by Andrew Martin *

Morristown could soon be the home of a new solar facility. David Blittersdorf, the CEO of AllEarth Renewables, has filed an application with the Vermont Public Service Board for a Certificate of Public Good that if approved would allow him to construct a 150 kW solar facility on Walton Road in Morristown.

The project that Blittersdorf has planned in Morristown is known as Walker Hill Solar and it would be constructed on land owned by Leo and Bonita Lefevre.

"The landowner contacted us interested in participating in solar net metering and augmenting his income," AllEarth Renewable Chief Strategy Officer Andrew Savage explained on why the site was chosen, "The site is an open, mowed field with good southern exposure."

Plans for the project call for a 150 kW AC group net-metered solar generation facility to be installed on a two-acre section of a larger 43-acre lot located at the address 1806-2182 Walton Road. The facility will consist of 30 AllEarth Renewable solar trackers as well as underground electrical connections and an equipment panel. The facility will tie back in with the local electrical grid via a utility pole located on Walton Road. According to Savage the facility is not being constructed to allow for any future expansion or additional trackers.

As part of the agreement to build the facility on privately owned

land AllEarth Renewables will have a land lease agreement with the Lefevres for the two-acre portion of the parcel where the solar trackers will be located.

Moving forward the project will be reviewed and considered by the Vermont Public Service Board following the completion of the 30-day public comment period. That period is quickly drawing to a close, and once it has the board will decide whether or not to issue a Certificate of Public Good for the project or not. If the project application is approved by the board then construction will begin soon after according to Savage.

“We will plan to commence construction as soon as the permitting process concludes, and the project is allowed to proceed,” Savage explained. He added that the actual installation of the trackers should proceed quickly and take no more than two weeks. Plans call for the facility to actually begin producing power in 2016.

<http://www.newsandcitizen.com/news-and-citizen/lamoille-news/hydeparksolarreceivesfunding>

Hyde Park Solar Receives Funding

posted Sep 18, 2015, 5:52 AM by Staff News & Citizen
*by Andrew Martin *

The project to build a municipal solar facility in Hyde Park has received a big boost. The Vermont Economic Development Authority recently reserved \$3.5 million in Clean Energy Renewable Bonds (CREBs) for the Hyde Park project, known as Hyde Park Solar, Waterhouse Project, which would see a solar facility built in the town. Voters approved the application for the zero-interest CREBs by a four to one margin earlier this spring, and municipal and town officials will now go about completing the process necessary to secure the \$3.5 million in zero-interest bonds that has been set aside for the project.

According to Carol Robertson, the General Manager for the Village of Hyde Park, her utility now has less than 170 days to finalize the process that will secure the CREBs for their project. She also explained that local officials expect that the solar project will cost roughly \$3 million but that the utility applied for the \$3.5 million figure, because they expected to receive only a portion of the funds they applied for.

Hyde Park Solar, Waterhouse Project is planned to be a 1 megawatt solar energy generating facility that will be interconnected with the Hyde Park Electric system. According to Robertson the facility will likely be located at 1124 Silver Ridge Road in Hyde Park, a lot just behind the House of Troy. The Village of Hyde Park has a lease option on that site on behalf of Hyde Park Electric.

“This site was analyzed along with multiple properties that met critical solar site standards and could tie with the Hyde Park Electric

system,” Robertson stated in an email interview with the News & Citizen, “It ranked #1 by the project manager, Encore Redevelopment, so we included it with our CREBs application.”

“Provided that it meets all necessary approvals and receives required permits, the Village will lease this property,” she continued. The CREBs that have been set aside for the project are payable from the net revenues that are derived from the operations of the Hyde Park Electric Department. The zero-interest CREBs will be paid back using those net revenues over a period of 30 years if the project is completed.

The goal of creating the municipal solar facility will be to protect Hyde Park from market volatility via the long-term stably priced renewable power resource the utility will control. The facility will also eliminate the need to pay transmission costs for the power generated there while also helping to meet the renewable resource portfolio requirements that all utilities in Vermont will soon have to meet.

Moving forward, Robertson explained that the project is now in Phase 2. As part of that phase a public information hearing will be held sometime in October. Along with town and village officials in attendance representatives from Encore Redevelopment will also be present to answer any technical questions about the solar facility.

“We held a similar meeting on April 21 and the room was full,” Robertson explained, “Then, on May 6, Village voters approved the CREBs to pay for the project...There is a lot of interest in local, community-owned solar and we expect a crowd again...”

“We hope to see all of Hyde Park and friends of Hyde Park at the meeting,” she added.

Along with the special informational meeting in October a Special Village Meeting and Australian Ballot vote will also be taking place sometime in the near future, likely December, in order to give final approval to the project as it moves forward. Robertson believes that the project will already have approval by the Public Service Board at that time.

“Once we receive more information from the PSB and our project developer, Encore Redevelopment, these meetings and the final vote will be warned,” Robertson explained with regards to both upcoming meetings and the vote. She added that during the Special Village Meeting the Australian Ballot item will be voted on only by eligible voters from the Village of Hyde Park. Only Hyde Park Village voters will be allowed to vote since it is the village that owns and operates Hyde Park Electric.

There will be an opportunity to cast absentee ballots and details will be published with the warning,” Robertson continued, “It is important to remember that the CREBs vote depends entirely on the regulatory and voter approvals no later than February 2, 2016.”

Robertson added that if for some reason Hyde Park does not complete all the necessary requirements to receive the CREBs set aside for the Hyde Park Solar project than other funding sources will be pursued.

“With the approval of our CREBs application, we are moving quickly to meet their deadlines in order to secure the bonds,” Robertson stated, “With bond approval, financial and site analysis complete, we now enter Phase 2, which will involve project design and permitting.”

Robertson went on to add that Phase 3 of the project will be

construction, which will begin next year with requests for proposals for the construction materials, labor, and service components.

“This project began in 2014 when Village voters unanimously approved Article #13, which gave us the authority to begin a Community Resiliency Program,” Robertson added, “Hyde Park Solar, Waterhouse Project will be the first accomplishment....Hyde Park should be congratulated for being both progressive and practical.”

<http://vtdigger.org/2015/09/18/robert-holland-vermont-renewable-energy-program-increases-states-carbon-footprint/>

ROBERT HOLLAND: VERMONT RENEWABLE ENERGY PROGRAM INCREASES STATE'S CARBON FOOTPRINT

COMMENTARY <<http://vtdigger.org/author/opinion/>> SEP. 18 2015, 7:00 PM

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<<http://vtdigger.org/2015/09/18/robert-holland-vermont-renewable-energy-program-increases-states-carbon-footprint/#respond>>

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/Editor's note: This commentary is by Dr. Robert R. Holland, of Irasburg. He is one of the protesters known as the Lowell Six who were arrested and convicted of trespassing at the Lowell Mountain wind site in 2011./

In 2005 the Vermont Legislature passed renewable energy legislation establishing the SPEED program. SPEED was repealed in 2015 with

legislation initially called RESET. The name RESET has been dropped as leaders thought that the name implied that SPEED had been a mistake that required correcting. SPEED was a mistake and Vermont will be living with its legacy for at least 20 years.

While other states established renewable energy programs that decreased their carbon footprints, SPEED increased Vermont's — by about 236,000 metric tons of CO2 per year. A similar annual burden will continue until SPEED projects like the Lowell, Sheffield and Georgia wind projects are decommissioned.

Since such a profound mistake was made and nobody has apologized to Vermonters, it seems prudent to perform an "autopsy" to see how Vermonters were tricked into believing that a renewable energy program would decrease their carbon footprint.

There are two basic concepts of electrical engineering that our governor, legislators, secretaries, Public Service Board and Public Service Department seemingly did not understand that set SPEED up to fail from its inception.

How do you count renewable energy? Renewable energy is not counted by measuring the output of your wind and solar projects. Renewable energy is measured by counting the renewable energy certificates that an entity owns. Due to the complexity of the electrical grid, it is difficult to associate electrical power with its precise source and its associated emissions. To simplify this complexity utilities agreed to separate electricity from its emissions. A renewable energy project generates both electricity and renewable energy certificates (RECs). A business generating renewable energy can sell both. A REC is valued at \$55-\$60 per MWh. A typical wholesale price for non-renewable energy in New England is \$32 per MWh. According to Federal Trade Commission guidelines, only the owner of RECs can claim its energy as renewable, no matter how the energy was generated. If both the seller and buyer of a REC make a renewable energy claim it's called "double" counting and is at least unethical, and arguably criminal.

How do you attribute carbon emissions? If an entity holds a REC for each MWh sold, the entity has zero emissions. For those MWh sold without a REC, the entity assumes responsibility for a proportionate share of total emissions for the regional grid. A renewable generator who sells its RECs effectively assumes the emissions of the buyer.

With a command of these two concepts anyone could have predicted in 2005 that SPEED would increase Vermont's carbon footprint as all the RECs generated by SPEED projects are sold to out-of-state utilities to satisfy their state's renewable energy requirements. With the sale of the RECs Vermont forfeits the right to call the energy renewable and all SPEED-generated energy assumes the average regional emission rate, increasing Vermont's carbon footprint.

Consider the following exchange between Public Service Board Chair James

Volz and a witness for Green Mountain Power regarding the word “renewable” in testimony before the PSB on Feb. 4, 2011, page 187. The initial topic of the testimony is a report that the PSB is required to write in 2017 on the achievements of the SPEED program.

GMP: ... the rub will come when Vermont assesses how we do on achieving SPEED goals. And a report or similar document is issued that describes what renewable sources does Vermont have. That would be a moment at which this concern (double counting) might arise.

CHAIRMAN VOLZ: So if we didn't ever do that report, and just make that assessment, then we could avoid that problem perhaps. That may be a legal question, I don't know.

GMP: I had not thought about it that way, sir.

CHAIRMAN VOLZ: We could encourage all the renewables we want, put in place programs to encourage renewables, allow the RECs to be sold, but as long as we don't make a claim somewhere publicly that we have a certain amount of renewables then, or that we have met a specific goal, then we might be able to avoid the problem.

GMP: I think that's fair, and you understand the dynamic. ... But I think you have it right.

CHAIRMAN VOLZ: Okay. Thank you.

Now consider how Green Mountain Power and the Vermont Electric Cooperative “sold” the Lowell Wind project to Vermonters.

At the same time that SPEED projects were being constructed Hydro-Quebec had excess hydro power equivalent to 10 times the output of GMP's Lowell project until 2023 that is currently being sold for 3.5 cents per kwh with no addition to the buyers' carbon footprint.

“Kingdom Community Wind means clean renewable energy built in Vermont for Vermonters.”

“We have always believed that this wind resource would provide a clean, cost-effective energy resource for Vermonters, and this upgrade is helping us achieve that goal.”

“This project [KCW] is an important part of Green Mountain Power's strategy to provide its customers with long-term, stably priced renewable energy.”

In none of these conversations do the Public Service Board, Green Mountain Power, nor Vermont Electric Cooperative demonstrate an understanding of the FTC standard for the use of “renewable energy.” Vermont's new renewable energy legislation also does not define renewable energy consistent with FTC guidelines. None of the parties demonstrate an ability to clearly communicate to Vermont's citizens.

Vermont utilities currently receive about \$50 million annually from the sale of RECs, this represents about 6 percent of the cost of electricity. At the same time that SPEED projects were being constructed Hydro-Quebec had excess hydro power equivalent to 10 times the output of GMP's Lowell project until 2023 that is currently being sold for 3.5 cents per kwh with no addition to the buyers' carbon footprint. As a citizen I wonder who made the decision not to buy this cost-effective renewable energy. VEC buys GMP wind power for 12 cents per kwh and sells the associated REC for about 5.5 cents kwh increasing our collective carbon footprint.

As Vermont's new renewable energy program is trotted out again with the Blittersdorf-proposed 5 megawatt wind project in Irasburg, be watchful for the deceptive use of language. According to 9 V.S.A. § 2453 "... deceptive acts .. in commerce ... are unlawful." While no longer allowing double counting, current policy still allows RECs to be sold out of state increasing our carbon footprint.

<http://www.rutlandherald.com/article/20150918/OPINION02/709189951/1018/OPINION>

Opinion

<<http://www.rutlandherald.com/apps/pbcs.dll/section?Category=OPINION>>

| Letters

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Solar collectors are blue plague

September 18, 2015

Re: "Report: Green energy drives Vt. jobs," Sept. 15. The thought of the blue plague of solar collectors overspreading Vermont's green vistas reminds me of an American officer's quote from the Vietnam War: "It became necessary to destroy the town (in order) to save it."

RICHARD L. BROWN

Rutland

<http://vtdigger.org/2015/09/17/solar-task-force-learns-space-demands-of-vermonts-future-energy-needs/>

HIGH SPACE DEMANDS FOR VERMONT'S FUTURE SOLAR FARMS IF ENERGY STAYS LOCAL

MIKE POLHAMUS <<http://vtdigger.org/author/mike-polhamus/>> SEP. 17 2015,
9:05 PM 31 COMMENTS

<<http://vtdigger.org/2015/09/17/solar-task-force-learns-space-demands-of-vermonts-future-energy-needs/#comments>>

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South Burlington's new twenty-five acre solar farm promises to generate a reported 2.2 megawatts of electricity for the state, enough to power roughly 450 homes. VTD/Eric Blokland

Vermont would need an additional 200 to 350 acres of photovoltaic cells each year to meet anticipated power demands in Vermont by 2050, according to future scenarios presented to state leaders Thursday.

The proposed scenarios could meet the legal requirements for power generation by the year 2050, but they are meant to be considered as possible developments, rather than understood as plans or goals, state experts told members of the Solar Siting Task Force.

At the second meeting of the task force, a legislative study committee charged with helping write a law to guide where solar farms can be built, Asa Hopkins, Director of the Planning and Energy Resources Division of the state's Public Service Department, presented the challenges in meeting the state's long-term energy goals.

Renewable energy sources account for about 16 percent of Vermonters' total energy consumption. The 2050 goal is to raise that to 90 percent. All of the energy-production scenarios Hopkins presented were based on the assumption that Vermonters want most of their energy produced in state.

"This 90 percent goal reflects a strong desire among Vermonters to be energy secure and energy independent, to ensure stable prices, and as much as possible to rely on sources indigenous to Vermont," Hopkins said.

"We don't have local fossil fuel resources, or nuclear fuel resources, and so the resources indigenous to Vermont are renewables," he said.

“We’re trying to do our part to try to mitigate climate change, and meet the state’s greenhouse reduction goals ... moving to a more efficient and renewable energy mix helps keep more money local, resulting in a state economic benefit,” he said.

The figures make up an important piece of the state’s new Comprehensive Energy Plan, which officials anticipate releasing to the public within weeks.

The plan raises the state’s 16 percent renewable energy use to 25 percent by 2025, Hopkins said.

The state is using current technology to develop models for energy-production projections decades into the future, Hopkins said. Current projections show that 150 kilowatts of power is generated for every acre of solar panels, Hopkins said.

If the state used solar cells to deliver the majority of future power needs, an additional 8,000 to 13,000 acres of panels would need to be built over the next 35 years.

Policymakers intend to put their “thumb on the scale” and encourage solar developers to install panels on structures, several task force members said. There are at present roughly 3,650 acres of commercial building area in the state, Hopkins said.

Demand for power in Vermont is expected to be 9 terawatt-hours per year in 2050, Hopkins said. That projection assumes dramatic reductions in power requirements as the result of improved efficiency and conservation measures, Hopkins said.

The state of Vermont currently uses between 5 and 6 terawatt-hours per year.

Members of the Solar Siting Task Force say they’re in an “exploratory phase” now, prior to developing and delivering recommendations to the Legislature by mid-January.

The nascent task force had some detractors during a half-hour public comment period following Hopkins’ presentation and another by landscape architect and planner David Raphael.

Kathleen Nelson disputed the group’s credibility. The task force, she said, does not include a single public advocate and is stacked with industry representatives.

“This task force is devoted to promoting the industry,” she said.

Montpelier resident Ben Eastwood said communities might benefit from community solar arrays as an alternative to large installations put in place by out-of-state corporations.

Vermonters in general support the state's renewable energy goals, Gabrielle Stebbins, the executive director of Renewable Energy Vermont and a task force member.

"The majority of Vermonters, when you poll them, they still poll very much in support of conservation, and renewables, and having local energy, just like they support local foods," she said.

Noelle MacKay, commissioner of the Department of Housing and Community Development, said task force members are still trying to pin down what issues confront the group.

"I think we're still in the exploratory phase," she said.

The group's goals still need to be precisely articulated, she said. They must also determine how to arrive at those goals, how to meet the concerns of members of the public, and how to meet the needs of developers.

"I think this issue is really complex," MacKay said. "There are a lot of different pieces.

"The Legislature put this committee together, and assigned who's on it," she said. "The people who are there will do their best to find the facts, to understand the issues, and make some thoughtful recommendations to the Legislature this year."

<http://www.wcax.com/story/30055272/uvm-plans-to-go-solar>

UVM plans to go solar

/Posted: Sep 17, 2015 12:31 PM EDT//Updated: Sep 17, 2015 7:02 PM EDT/
By Eliza Larson
CONNECT <<http://www.wcax.com/story/30055272/uvm-plans-to-go-solar#>>

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BURLINGTON, Vt. -

The University of Vermont announced plans to become more solar-friendly,

but it's looking to providers to help decide where to put the panels.

In order to brighten UVM, the school is turning toward the sun. UVM is considering a number of expansions that will affect how it powers its campus. In a partnership with the Burlington Electric Department, the school is looking at several projects to bring more solar power on campus.

"Instead of picking any one project, we put the whole campus up for an RFP. Ask solar developers where we should build solar on campus," said Neale Lunderville, Burlington Electric Department general manager.

Lunderville says solar developers are using a map of the campus to generate ideas for potential solar panel locations.

"The University of Vermont has a long history of being a very environmentally conscious, green university. And by working together with a green utility like Burlington Electric, we're finding ways they can both create local power, create some revenue streams for them which they may not have had before and contribute to the overall fabric of that environmental consciousness that they have," said Lunderville.

Lunderville says proposals must include plans to build solar panels on campus buildings or solar canopies over parking lots. They want to avoid the campus green spaces, a tactic he thinks will not detract from the campus' beauty. Some students agree.

"I don't think it's bad at all. I think it kind of - it would be beneficial to the school. Obviously it's already a super green school with all the recycling and all the alternative energy, but I think it would just improve it," said Hannah Kenney, UVM freshman.

Other students think building a more solar-friendly campus emphasizes UVM's effort to be environmentally conscious.

"I'd feel more comfortable with a lot more solar panels around, you know. Renewable energy is definitely the future," said Tripp Pace, UVM junior.

"The school supports being environmentally friendly and it really just brings it up and helps more," said Nichole Brady, UVM freshman.

Lunderville says BED will work with the university to decide which proposals are best suited for the school. It could be more than one, but in the end, it's the university that decides where to attract the sun.

Proposals must be received by BED no later than Nov. 15 of this year.

<http://www.rutlandherald.com/article/20150915/NEWS03/709159923/1004/NEWS03>

Report: Green energy drives jobs

By Neal P. Goswami <<mailto:neal.goswami@rutlandherald.com>>

MONTPELIER — Gov. Peter Shumlin is touting a report commissioned by the Vermont Department of Public Service that shows rapid job growth in the clean energy industry.

So-called green energy jobs — from solar, wind and other renewable energy sources — have spiked in the past few years, Shumlin said Monday.

“The clean energy industry grew by 6.2 percent this year. It now supports 16,231 jobs. That’s up 1,000 jobs from a year ago,” the governor said at Building Energy, a Williston construction firm specializing in energy efficiency. “We expect to add an additional 1,000 jobs in the next six months.”

The second annual report found that the green energy sector in Vermont has grown by 9.8 percent since 2013 and now includes 2,519 businesses. More than 80 percent of those businesses have 10 or fewer employees, and about 66 percent have fewer than five employees.

“The choices that we’re making about energy, moving from dirty oil and coal to renewables, getting energy efficiency right, is creating jobs for Vermonters. It’s working for our economy,” Shumlin said. “It’s also reducing rates for Vermonters and putting money in their pockets.”

State officials said they were unsure how many of the more than 16,000 jobs in the clean energy sector are directly with energy businesses. The total includes ancillary jobs, including professional services like accounting, that derive some business from that sector.

“Anything where someone feels they are either partially or fully contributing to the clean energy economy is included,” Public Service Commissioner Christopher Recchia said.

Still, the number of jobs within the clean energy industry is on the rise and projected to grow about 6 percent next year, he said.

The renewable energy boom, particularly in solar, has allowed the state to reduce incentives for solar production. Recchia said the state was providing incentives worth more than \$2 per kilowatt-hour for solar production several years ago to encourage its growth. Last year the incentive was dropped to 20 cents and was eliminated this year altogether, he said.

“We’re no longer providing incentives for solar, and it’s not because we don’t like solar — it’s because we were successful. The businesses have grown, they have matured, and they were successful,” Recchia said.

The popularity of solar energy has some people concerned that installations are becoming too large and too prevalent. Ranger Solar, a New York-based company, is proposing at least four 20-megawatt solar farms in Barton, Highgate, Ludlow and Sheldon. The projects would double

the solar output in Vermont, and each would require hundreds of acres.

Shumlin said Monday he has concerns the Ranger Solar proposal may be too big, too fast. "So, we all have to work together to figure out how we get this right. At the same time, we can't let it slow down the efforts that we're making right now, the success that we're having," he said.

The governor also said the state cannot "move fast enough to get off oil and coal and move toward renewables." He said Vermonters will naturally disagree over the appropriate size and scope of solar projects.

"There is going to be a vigorous debate in Vermont as we move from generation out there somewhere to solar, wind and other forms of energy that are generated right before our eyes. It's no different, I would suspect, than probably the debate that went on in general stores and Main Streets when the last governor from Putney, George D. Aiken, had to run power lines to the last mile of every community," he said. "I bet you there were plenty of people who thought those power lines were ugly and didn't understand why they were cutting the trees down ... and replacing them with power lines."

Shumlin said the debate is healthy, and the state must figure out "what is too big and make sure that we do this in a way that's in keeping with Vermont's extraordinary natural beauty."

"We can do that. I'm convinced of it," he said. "Where I get concerned is when the public loses faith in the process that we have in place that not only invites that debate but helps to resolve that debate."

That process, through the Public Service Board, works and should be maintained, Shumlin said. Local communities have their concerns considered as the board vets projects, he said. But some residents and municipalities have expressed frustration in recent years when projects they oppose get the green light from the PSB.

"I think that if local municipalities had veto power over energy projects, over telecommunication projects — any of the questions where, 'Is it in the public good for everybody?' — you would have absolutely no progress in Vermont going forward," Shumlin said. "The board considers their opinions, but the board also has to ask under Vermont law, 'What does this mean for the rest of Vermont?' That is the standard that we should stick to."

<http://vtdigger.org/2015/09/20/uvm-aims-to-add-a-megawatt-of-solar/>

UVM AIMS TO ADD A MEGAWATT OF SOLAR

ERIN MANSFIELD <<http://vtdigger.org/author/erin-mansfield/>> SEP. 20
2015, 11:00 AM 2 COMMENTS
<<http://vtdigger.org/2015/09/20/uvm-aims-to-add-a-megawatt-of-solar/#comments>>

The University of Vermont announced Thursday it would work with the city of Burlington to build solar panels on rooftops and over parking lots.

The goal is to build 1 megawatt of solar — about half the size of the largest commercial solar farms in the state — among different projects. Burlington already has about 1.8 megawatts of solar among 81 different projects.

The Burlington Electric Department is part owned by the city government. The utility is asking for proposals from developers willing to build the solar projects. The proposals are due by Nov. 15, and the department

will follow up on the proposals they like.

Neale Lunderville

Neale Lunderville, the general manager for the Burlington Electric Department, said UVM is the utility's biggest customer. The idea for the university to do more solar projects came up during conversations about how the university could further its mission to protect the environment, Lunderville said.

He said the Burlington Electric Department would most likely buy any power produced from the panels, whether through the state's net-metering law, which applies to projects of 500 kilowatts or less, or through a long-term contract between the university and the electric department.

"In Burlington, unlike a lot of communities, we don't have a lot of green space that would be OK to turn into a solar array, so we need to be creative in Burlington," he said. "We're looking for rooftop and solar canopies for parking areas as ways to utilize our built environment in a more robust fashion."

"We're not using up the green spaces we have left here," Lunderville said. "With the price of solar coming down, some of these solar canopies for parking lots, the prices are becoming more affordable. We're hoping that we'll get some interesting proposals back from people."

Bob Vaughan, UVM's director of capital planning and management, said the project is still in the exploration phase. The university already has more than 100 kilowatts

<<http://vtdigger.org/2012/08/30/uvm-installs134-solar-panels-at-its-spear-street-farm/>>of

solar among different parts of campus, he said. This project would increase the university's capacity tenfold.

Any tax benefits

<<http://vtdigger.org/fullimagestory/solar-is-everywhere/>>, including the 30 percent federal Business Investment Tax Credit that expires at the end of 2016, would go to the developer because the university is a nonprofit, Vaughan said. It's too early to say whether the renewable energy credits would be sold, but all parties are in agreement on preserving green space.

"The idea that anybody would want to propose anything like on our main green or on our open green space on our campus is not attractive to begin with," Vaughan said. "We value our green space just as much as any other place on campus."

Burlington Mayor Miro Weinberger said he supports the project as a way to combat climate change. He said solar would also help the utility manage peak loads during summer, when the sun is shining and Burlingtonians are running their air conditioners.

"We really want to see Burlington supporting and driving that leadership (toward renewable energy)," Weinberger said. "I don't think there's a whole lot of examples of city-owned utilities out there pushing that kind of transformation.

"I think most Vermonters think that climate change is one of the major societal challenges of our time, and we need to move away from fossil fuel-based energy systems, and renewable energy is increasingly becoming a viable alternative," he said.

<http://vtdigger.org/2015/09/17/uvm-burlington-electric-to-partner-on-solar-projects/>

UVM, BURLINGTON ELECTRIC TO PARTNER ON SOLAR PROJECTS

PRESS RELEASE <<http://vtdigger.org/author/press-release/>> SEP. 17 2015,
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News Release — UVM, BED
September 17, 2015

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Jeff Wakefield, University of Vermont, 802.578.8830

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/Mayor Weinberger and President Sullivan Announce UVM-City Solar
Partnership, Release RFP /
BED to Facilitate Solar on UVM Properties

Burlington, VT – Mayor Miro Weinberger and University of Vermont (UVM) President Tom Sullivan today announced a partnership between UVM and the City of Burlington to develop solar energy projects on UVM campus properties to capitalize on opportunities to make Burlington an even greener community. UVM and the City released a request for proposals (RFP) from solar generation providers that encourages a wide variety of projects, including roof-top installations and solar canopies over parking areas. The goal of the partnership is the generation of one megawatt of electricity. Burlington Electric Department (BED) will manage the RFP process, and proposals are due to BED by November 15, 2015.

"Today's announcement serves as another example of both the City's ongoing commitment to powering our community with renewable energy and collaborating with UVM to make Burlington stronger," said Mayor Weinberger. "Burlington's future will shine more brightly as we build non-polluting, locally-sourced, renewable power."

Burlington currently is home to 81 solar photovoltaic projects, generating 1.8 megawatts of power for the City. The UVM additions to Burlington's renewable energy sources would help ensure the availability of low-cost, locally-generated power during times of high use, such as hot summer days when demand for energy is greatest. Consequently, peak energy production and usage will coincide, offsetting costs and reducing reliance on more expensive energy sources.

UVM President Sullivan stated: "UVM welcomes this community partnership with the City of Burlington and appreciates BED's accomplishments as a national leader in energy innovation. This partnership provides us with the opportunity to demonstrate our commitment to Burlington's renewability, sustainability, and efficiency efforts and to being better stewards of our environment."

BED General Manager Neale Lunderville stated: "BED is thrilled to partner with our largest customer to grow our City's solar portfolio. Community partnerships like this one present opportunities to carry out the Mayor's vision of adding solar generation and other renewable, sustainable energy sources to power our City."

Solar power systems have the advantage of integrating low maintenance, non-moving mechanical parts, which provide quiet operation. Even more important, constant sunlight is not required for solar to be viable; new storage technology allows for power to be generated, stored, and used when needed.

Burlington has had past success using a similar RFP process to grow community solar installations on City-owned facilities. In December 2012, the City released an RFP that has led to new solar installations, including a 500 kW array on the parking garage rooftop of Burlington International Airport and a 150 kW rooftop array at BED headquarters. Other projects remain under consideration.

<http://www.vnews.com/news/newsletter/18622190-95/strafford-weighs-solar-project>

Strafford Weighs Solar Project

By Rob Wolfe
Valley News Staff Writer
Thursday, September 17, 2015
(Published in print: Thursday, September 17, 2015)

South Strafford — As developers seek approval to build a major solar array at the former Elizabeth Mine site, disagreement over its financing illustrates statewide trade-offs Vermonters have made to get renewable energy sources up and running.

In order to subsidize the added cost of building on contaminated land near the mine, Green Mountain Power plans to sell the energy credits from the 5-megawatt facility out of state — a practice that the

Selectboard opposes.

More than 50 residents, as well as legislators, state officials, energy experts, utility representatives, developers and town leaders, convened Tuesday night at Barrett Memorial Hall to discuss the matter.

“If we’ve got to pay a few more dollars on our electric bill, I would do that to (use the energy locally) and get it right,” Selectboard Chairman John Freitag said at the meeting, his remarks frequently interrupted by applause from residents.

After the Selectboard voted to send the Public Service Board a letter supporting the project, Freitag said, he and his colleagues learned that much of the credit for the energy would go out of state rather than toward Vermont’s requirements for renewables. Selectboard members then voted to condition their support on 100 percent of that solar energy supporting in-state goals.

The developers — Strafford resident Dori Wolfe of Wolfe Energy and Massachusetts-based Brightfields Development — do not necessarily need Selectboard approval to move forward; however, the consideration may carry weight in their petition to the Public Service Board under Section 248, the regulatory process that covers energy projects in Vermont.

Public Service Department Commissioner Chris Recchia said the out-of-state sales were necessary to finance the ongoing buildup of Vermont’s renewable infrastructure.

“This is renewable power that is going into the grid that’s helping to transform Vermont, and there’s a price for that,” he said.

Without this financing strategy, he later said, the price to accommodate such statewide development would have been an extra \$50 million on Vermont’s collective electric bill, or about a 6 percent increase in cost.

Recchia asked the Selectboard to support the project unconditionally, and let the issue of where the power is sold “sort itself out over time” as the Elizabeth Mine site becomes more profitable and begins to power Vermont.

“We’re getting there,” he said. “Work with us.”

Though Wolfe came to the forum with representatives from Brightfields and Green Mountain Power, they largely left the defending of the project to Recchia.

Freitag and another Selectboard member in attendance, Toni Pippy, appeared unswayed at the meeting’s end, though they said the board would take the proponents’ reasoning under consideration.

Looming over these discussions is the question of how Vermont will meet a series of upcoming energy deadlines. Under state law, according to the

Public Service Department's website, "Starting in 2017, 55 percent of each retail electric utility's annual sales must be met by renewables, increasing by 4 percent every third year until 2032, when 75 percent of sales must be met by renewables."

And by 2050, the department's "Comprehensive Energy Plan" calls for the state to meet 90 percent of its electric, heating and transportation energy needs using renewables.

With those goals in mind, much of Tuesday night's debate concerned the accounting system that tracks the flow of green energy.

When a solar array, for example, produces 1 megawatt-hour of electricity, it also produces one renewable energy certificate, or REC. Because electricity produced here flows onto the same interconnected New England grid, the consumption of RECs is how the market tracks the use of renewable energy. Consuming one REC — or "retiring" it, as industry experts would say — is equivalent to using 1 MWh of green power.

The main point of discord has been whether or not Vermont should sell its certificates elsewhere, where they may fetch a higher price. Proponents of the practice argue it secures more money for Vermont's energy infrastructure and helps other states meet their goals, while opponents say it discourages development elsewhere and uses Vermont's prime sites for projects that do not further the state's own energy plan.

Vermont Law School Professor Kevin Jones explained this system to the public in a detailed half-hour presentation, during which he warned that "unbundling" RECs from the energy they represent could lead consumers to believe they are buying green energy when their carbon footprints instead will grow.

"It's something that our legislators should be concerned about, it's something the (Public Service Department) should be concerned about, it's something the general public should be concerned about," Jones said.

Using proper accounting practices, Jones said, one's carbon footprint without RECs must be calculated using the "residual mix" of the New England grid's non-renewable power, which mostly is fossil fuel.

The Byzantine structure of energy accounting proved confusing to many listeners Tuesday night, and in one instance, as Jones explained a concept for a second or third time, a solar contractor sitting in the audience jumped in to explain. People began speaking over one another. Above the general uproar, the phrase "colony of Massachusetts" could be heard.

For his part, Brightfields' Executive Vice President Ronald Kelly said the selling of RECs would not prevent other New Englanders from building their own renewable infrastructure — at least in Massachusetts.

In the Bay State, according to Kelly, solar credits must come from

in-state facilities. Out-of-state solar power, while it may count toward non-specific renewable energy goals, does not replace in-state solar, he said.

“If Elizabeth Mine is built, it’s not going to prevent Massachusetts from building its own 5-MW plant,” Kelly told the crowd, “and that I can assure you.”

Lawmakers such as state Rep. Jim Masland, D-Thetford, viewed RECs differently than did Jones.

In the eyes of Masland, who oversaw some of the state’s early renewable-energy legislation in 2005, RECs always were meant to be sold to finance green development.

Masland said he and other legislators had been “well aware” that the RECs could be sold out of state; in fact, he said, the intention 10 years ago was to enable them to be sold to Massachusetts and Connecticut.

“At that time we were ahead of them in developing renewable energy, and we were aware that we would be taking advantage of their need to buy RECs,” Masland said. “So we did that.”

“To ask that the RECs be retired immediately from this makes this project just not possible,” Recchia told audience members.

“We’re paying substantially more — you all will be paying substantially more — than for a green-field project of this size,” he added, “and the RECs are helping to finance that.”

Those on both sides appeared to agree that the Elizabeth Mine site, a contaminated area that underwent a \$50 million cleanup sponsored by the Environmental Protection Agency’s Superfund program, was ideal for a large solar array. The Superfund designation restricts the allowable uses for those 1,400 acres and, according to Wolfe, the project must be completed by 2016 before a 30 percent federal tax credit runs out.

Projects of this nature — but not quite the same scale — already are appearing in nearby Vermont towns.

In Strafford itself, easily visible from Route 132 is an 110-kilowatt array at the Strafford Saddlery which, thanks to a state grant, may retire all of its RECs, according to Wolfe.

In Norwich, members of the town Energy Committee have proposed a 150-kW array in the roughly 3-acre field enclosed by Route 10A and the Interstate 91 on-ramp. The project, which likely would be built and financed by a private installer, earned the support of the town’s Selectboard in July, although its energy would not go toward the town’s needs.

In South Royalton, Vermont Law School announced on Tuesday a 500-kW

solar project that officials there anticipate will meet more than half of the school's needs.

Tunbridge Solar, a private company, will build and own the 4-acre array on Gee Hill Road, and VLS will buy energy credits from the facility, according to a Tuesday news release from the school. This project, too, appears to respond to concerns over siting, as the panels will rest 4 feet above the ground to make way for grazing sheep.

The discussion of solar siting in Vermont will continue today in Montpelier, where Recchia is scheduled to share remarks with the Public Service Department's Solar Siting Task Force.

<http://www.rutlandherald.com/article/20150917/OPINION01/709179955>

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A solar state

September 17, 2015

Now that Rutland has achieved the distinction of becoming the solar capital of New England, Vermonters should establish the goal of making Vermont the nation's solar state.

It may be a counterintuitive notion — one of the cloudiest states becoming a more productive solar state than, say, Arizona. But then it was not immediately evident that Rutland was a great candidate for its solar achievements.

One of the challenges that Green Mountain Power faced when it announced its bid to take over Central Vermont Public Service was to assuage the sensitivities of the Rutland community, which had long been the corporate headquarters of CVPS. One of its initiatives was to establish an Energy Innovation Center downtown and to promote downtown development. Another was to establish the goal of making Rutland produce more solar power per capita than any city in the region.

Now it has done that. But as Mayor Christopher Louras noted, this accomplishment is not so much about the kilowatts produced as it is about the collaborations and the new directions that GMP has fostered.

The effect of the work by GMP and others has been to stimulate the economy statewide. A report from the Public Service Department released earlier in the week said that the clean energy industry now supports more than 16,000 jobs, creating 1,000 jobs in the last year alone. The industry grew by 6.2 percent in the last year, according to the report.

These numbers include more than the actual energy companies and their workers. It includes workers supported by the industry, such as accountants, public relations specialists, subcontractors. The wide

spin-off effect of the energy industry underscores its importance to the economy. Similar spin-offs occur in other sectors. Ski areas, for example, support restaurants. The construction of houses boosts business for furniture stores.

Skeptics of the clean energy boom point to the fact that the industry benefits from tax incentives. But that is the point of tax incentives — to ignite businesses that serve a recognized and larger social good. The good of clean energy is that it replaces other forms of energy and begins the economic transformation needed to combat climate change. That is a necessity that must never be minimized or ignored.

The role of GMP, meanwhile, has been an unusual one. In other parts of the country (Arizona, for example), utilities are pushing to limit the development of solar power (even though the solar power available to Arizona could power the nation). That's because they don't want their share of the energy market reduced — they see solar as a threat to them.

In contrast, GMP views the large utilities as dinosaurs that will soon be replaced by a different model of energy production. The term is "distributed power," which means power generated from small sources distributed throughout the landscape, rather than produced at a large, central generator and sent over wires far and wide. That means large solar arrays, but more and more it also means solar panels on the roof of your home or of your neighborhood school or church or shopping plaza. With this model of energy production, the power from the grid would serve as backup to locally produced power.

What has to happen now is for the state to team up with GMP and other utilities to make Vermont the solar state. It's cloudy in winter, but except on the darkest days there are photons to be harvested. For those without suitable rooftops, there are community arrays to be developed. Gov. Peter Shumlin has been a major booster of solar development, and whoever follows him in office after next year's election needs to recognize the potential for the state to serve as a clean energy pioneer. GMP appears to be committed to a role showing the nation's utilities that there is another way to do business. Vermont can join that effort.

<http://www.rutlandherald.com/apps/pbcs.dll/article?AID=/20150916/NEWS02/709169867>

Complaint heard about weedy Springfield solar field
By Susan Smallheer <<mailto:susan.smallheer@rutlandherald.com>>
Staff Writer | September 16, 2015

SPRINGFIELD — The Select Board agreed to put pressure on the developer of the North Springfield solar facility at the corner of routes 10 and 106 to tidy up the overgrown and weedy site.

Resident John Graves complained to the board Monday night about the project by Dennis McPadden, saying it was in a prominent spot entering

Springfield and gave a bad first impression.

"That is a real eyesore with the weeds growing," Graves said, adding that a resident wouldn't be allowed to let their lawn get that overgrown and weedy. "This place needs to be cleaned up," he said.

"Can you tell them to straighten that up? It's like they don't care," Graves said.

Select Board Chairman Kristi Morris said "maybe their properties could be better maintained," and added that the town would try to use its influence to have the solar facility "mowed and kept as orderly."

Graves said he was perplexed why the state didn't give the towns any say over the building and maintenance of the solar projects.

"Why doesn't the state give the towns any authority to question these people?" he said.

Morris said that the town had recently signed a contract with McPadden to receive solar-generated electricity, but from a different solar facility in North Springfield.

"We can contact Mr. McPadden. If we are purchasing power from him, we don't want our property looking like that," Morris said.

The other McPadden solar array, a joint project with Green Peak Solar, is off Cemetery Road in North Springfield.

But Graves' biggest concern was more than the high weeds growing up between the rows of solar panels. The town is virtually powerless, he said, on a key issue.

He said he supported solar and wind generation, but towns needed to have some control.

Also, Graves raised concern about the loss of farmland to the solar projects, and pointed to a proposal in nearby Ludlow where 125 acres of current hayfields could be converted to solar panels by a New York City developer, Ranger Solar LLC.

"I disagree with the use of agricultural land. We really don't have enough of it anyway," Graves said.

While the solar developer does need land, he said, he shouldn't use land being used by farmers.

"Why don't the communities have a say?" he said.

The Select Board said it wasn't a town issue, but a decision by the Legislature to give that authority to the Public Service Board, which has the control over the development of all power generation facilities

in the state.

“I have to say I agree with you, John,” said Selectman Peter MacGillivray, adding that despite common perception, the town doesn’t have the authority to force people to maintain their properties so it doesn’t adversely affect the value of neighbors’ properties.

<http://timesargus.com/article/20150916/OPINION02/709169937>

Opinion <<http://timesargus.com/apps/pbcs.dll/section?Category=OPINION>>
| Letters <<http://timesargus.com/apps/pbcs.dll/section?Category=OPINION02>>
Hurting the cause
September 16, 2015

I would like to comment on a recent article covering Rep. Tony Klein's comments about solar if I may. I am a longtime renewable energy advocate. I've been advocating for renewables, especially solar, since the mid-1990s and am largely responsible for the policies that put into place over \$500 million in wind development and \$50 million or so of solar in New Mexico over the previous decade.

I have been following renewable energy development in Vermont very closely for the past eight years. I have to say that I believe Klein's comments in your article are entirely disingenuous and misleading. Rep. Klein has profoundly undermined the integrity of renewable energy in Vermont with his callous disregard for the environmental impacts of wind power in this particular region (which I think is completely nuts for a long list of technical reasons), and also his advocacy of a fraudulent renewable energy credit trading policy (now finally overturned) and finally now also with his general disregard for the details of solar siting.

There is enormous solar capacity in Vermont, and a huge amount of this crucial type of generation could be sited here in a very sensitive way. But Mr. Klein is basically just creating a free-for-all for developers and takes a "shove it down their throats" attitude toward siting. This is gradually but surely undermining public support for renewables, and it is only a matter of time before he will have totally destroyed majority public support for renewables.

I don't believe his comments should be aired at length without being

countered by the rising tide of Vermonters who now consider his "advocacy" of renewables to be a shameful sham.

Ben Luce

Lyndon

The writer is a professor at Lyndon State College.

<http://www.burlingtonfreepress.com/story/news/politics/2015/09/16/lobbying--clean-energy-montpelier/32517255/>

Tens of thousands spent on energy lobbying

Paris Achen

<<http://www.burlingtonfreepress.com/staff/10042438/paris-achen/>>, Free Press Staff Writer 7:22 p.m. EDT September 16, 2015

Advocates and industry spent tens of thousands of dollars to push renewable energy bill in Montpelier.

(Photo: GLENN RUSSELL/FREE PRESS)

STORY HIGHLIGHTS

- * Renewable energy
- * Lobbyist disclosures

COMMENTEMAILMORE

Advocates and industry spent tens of thousands of dollars to push a bill that established Vermont's first renewable energy standard, according to lobbyist disclosures filed with the Vermont Secretary of State.

Act 56 was designed to reduce greenhouse gases and to avoid an electricity rate hike associated with the state's ability to sell renewable energy credits to other states. The program is dubbed RESET (Renewable Energy Standard and Energy Transformation).

According to lobbyist disclosures due Tuesday, environmental advocacy groups and utility companies spent considerable cash promoting the bill, H. 40.

Vermont Public Interest Research Group alone paid its advocates more than \$50,000 between April 1 and the end of the legislative session, May 16. Not all of that amount was earmarked for lobbying for the energy bill, but it is a "reasonable guess" that VPIRG's advocates spent the most time on that bill, said Executive Director Paul Burns.

"This was a big priority for VPIRG this session," Burns said of the

energy bill.

Green Mountain Power spent nearly \$50,000 on lobbying efforts during the same period, though it was unclear how much of that went toward the energy bill. Vermont Natural Resources Council spent \$10,430. Other supporters included Iberdrola Renewables, reporting \$5,100, AllEarth Renewables reporting \$3,300, and Conservation Law Foundation, reporting \$2,587.

"Clean energy development in the state has been a major priority for decades, and the importance has only grown as we have seen the need to grapple with climate change," Burns said. "In past sessions, we were working on other clean energy bills. This was the session clearly was the one that the Legislature was going to do a renewable energy standard. It wasn't VPIRG that came up with the concept, but if it was going to happen, it was going to happen now, and we needed to be a part of it."

Their investment paid off. The bill passed 121 to 24 in the House and 22 to 6 in the Senate.

In contrast, Vermonters for a Clean Environment spent just \$600 about two-thirds of which was spent opposing the energy bill, said executive director Annette Smith. Another opponent of the bill - Energize Vermont - reported zero spending as of April 1.

Mark Whitworth, an Energize Vermont board member, said he lobbied for changes to the bill that would have placed more restrictions on sitings of renewable energy projects but chose not to take a salary. Whitworth wanted to give municipalities more power in decision making and to set standards for protecting natural resources during sitings.

"There were a couple of times when some standards might made it into the bill on the Senate side," Whitworth said. "Whenever there was a threat that might constrain energy developers, these groups went into action together to twist arms," he said, referring to VPIRG and VNRC.

"Vermonters for a Clean Environment or Energize Vermont are the kind of organizations that have been fighting against clean energy for years now, and this was one vehicles for clean energy that were basically opposed to," Burns responded.

Under Act 56, electrical companies must own renewable energy credits or provide renewable electricity equivalent to 55 percent of the companies' total electricity sales by Jan. 1, 2017. That would go up to 75 percent in 2032. At least a portion of the credits must stem from renewable energy generated within the state.

Another facet of the bill requires electricity companies to provide programs that would encourage customers to reduce their consumption of fossil fuels.

<http://vtdigger.org/2015/09/16/500-kw-solar-project-underway-at-vermont-law-school/>

500-KW SOLAR PROJECT UNDERWAY AT VERMONT LAW SCHOOL

PRESS RELEASE <<http://vtdigger.org/author/press-release/>> SEP. 16 2015,
11:35 AM LEAVE A COMMENT
<<http://vtdigger.org/2015/09/16/500-kw-solar-project-underway-at-vermont-law-school/#respond>>

News Release — Vermont Law School
Sept. 15, 2015

Contact:

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SOUTH ROYALTON, Vt., Sept. 15, 2015—A 500-kilowatt solar photovoltaic project under construction on Gee Hill Road in South Royalton will meet over half of Vermont Law School's current electric energy requirement while reducing its carbon footprint, President and Dean Marc Mihaly announced today. VLS, guided by the school's Energy Clinic and Sustainability Committee, selected Tunbridge Solar to install the solar project.

"This new solar farm brings to fruition a goal we set years ago as part of the American College & University Presidents' Climate Commitment," Mihaly said. "The Vermont Law School community is proud to be a model of sustainability for higher education institutions across the country. I credit our Energy Clinic at the Institute for Energy and the Environment for this achievement and congratulate the faculty and students involved in the solar project."

Professor Kevin Jones, deputy director of the Institute for Energy and the Environment, has worked on the solar project with student clinicians since last fall and selected Tunbridge Solar after evaluating seven

proposals from a competitive solicitation on the school's behalf in December 2014. Per the agreement, Tunbridge Solar will build and own the 4-acre project, and VLS will buy all net-metering and renewable energy credits. Further, VLS will retire all renewable energy credits in order to ensure that the solar energy from the project reduces the campus' and Vermont's carbon footprint.

The project will be constructed with the same top-rated SolarWorld panels used on the two arrays on the VLS campus. SolarWorld is the largest U.S. solar manufacturer.

"The solar project will enable us to lower our greenhouse gas emissions, to reduce our—and Vermont's—carbon footprint," Jones said. "It's a win for our sustainability efforts at VLS and a win for the greater community. Our student clinicians have gained invaluable experience working on the project, and we're supporting the local economy by working with a local company that hires local contractors."

Aaron Kelly '16 of Tunbridge Solar worked to site the project to complement the agrarian landscape and allow sheep to graze under the array.

"The solar panels will be elevated four feet above the ground to enable sheep to graze beneath the array while it's producing renewable energy," said Kelly, who is working toward a Master of Energy Regulation and Law (MERL) at VLS. "We have taken a thoughtful approach to designing this project, and we are proud to be working with a number of talented and experienced local contractors to bring this new solar array into reality."

For more information about the solar project or the Energy Clinic at VLS, call Kevin Jones at 802-831-1054 or email energyclinic@vermontlaw.edu <<mailto:energyclinic@vermontlaw.edu>>.

The Institute for Energy and the Environment at Vermont Law School provides accessible resources on contemporary energy law and policy and is modeled on the fundamentals of a successful public policy consulting firm. The IEE distributes scholarly, technical, and practical publications; provides forums and conferences for professional education and issue development; and serves as a center for graduate research on energy issues, with environmental awareness. IEE research associates are selected from students in the energy and environmental programs at Vermont Law School, top-ranked in the nation for environmental law. For more information about the Institute for Energy and the Environment, email jthomas@vermontlaw.edu <<mailto:jthomas@vermontlaw.edu>> or call 802-831-1151.

http://www.benningtonbanner.com/localnews/ci_28818376/nearly-entire-water-board-resigns-pownal

Nearly entire water board resigns in Pownal

Former chairman cites acrimony over solar and finances for leaving

By Edward Damon

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on Twitter

POSTED: 09/15/2015 06:04:59 PM EDT0 COMMENTS

<http://www.benningtonbanner.com/localnews/ci_28818376/nearly-entire-water-board-resigns-pownal#disqus_thread>

POWNAL — Four members of a local water system's board, including the chairman, have all resigned.

Ray Bub, chairman for Pownal Fire District No. 2's Prudential Board, said he and others have resigned in light of acrimony over a proposed solar array and accusations from residents that the board mismanaged the district's finances.

"We're just disgusted at being blamed for something we're trying to do that's good for the water system," Bub said in an interview Tuesday.

Bub pointed to the Aug. 17 meeting where residents interrupted a presentation from a solar developer and called for a vote on the issue.

"We don't want to work for that kind of attitude," Bub said.

"Let them take over and see how they do," he added, alluding to opponents telling the press that residents are willing to serve on the board for free.

Bub and members Doug Roberts and Alex DeSamsonow submitted letters of resignation at Monday's meeting at the Solomon Wright Public Library. Brian Quinn submitted his letter on Aug. 20. Member Walt Moreau, who owns and rents out a home within the district boundaries, resigned Aug. 5 after it was discovered that, under the bylaws, a member must reside on the district full-time.

The district's bylaws state the Selectboard now must appoint temporary members to the board, according to Bub, and new members will be nominated by residents at the district's annual meeting in November.

"We are looking forward to a new volunteer board coming in and getting the water district back on track with input from all the residents," read a statement issued by residents Tuesday. "We encourage transparency, good governance and community involvement in the future water board."

The board had proposed a 150-kilowatt array on a 5.4-acre field that's home to the district's well head and pump house, located on Route 346 about a quarter of a mile north of Main Street.

Members said the project by Green Lantern Group, LLC of Waterbury would save the district some \$3,600 a year and prevent their raising water rates, currently \$115 per quarter.

But opponents were worried the solar panels could contaminate the water supply and lower property values. They also took issue with members having their water bills forgiven and a stipend of \$30 for each meeting attended, which they say added up to over \$20,000 over several years.

The project was struck down last month by a vote of 12-31.

But Bub said there was no science to back up opponents claims. The type of solar panels with the most heavy metals, such as gallium and cadmium, wouldn't be well suited for Vermont's climate. And water in the aquifer is some 70 feet below ground, he said, protected by clay beds.

Bub also noted train tracks, an abandoned factory and a paved road are all above the same aquifer, as well as some opponent's houses.

"The now former members of the board drink the water themselves," Bub said. "They never would have proposed this if there was any danger to the water supply."

But residents remain unconvinced.

"Residents prefer to err on the side of caution when it comes to their drinking water," they said in the statement. "They did not want to become the 20 year experiment."

<http://vtdigger.org/2015/09/15/gmp-declares-victory-on-merger-promise-to-make-rutland-city-a-solar-capital-2/>

GMP DECLARES VICTORY ON MERGER PROMISE TO MAKE RUTLAND CITY A SOLAR CAPITAL

ERIN MANSFIELD <<http://vtdigger.org/author/erin-mansfield/>> SEP. 15 2015, 8:47 PM LEAVE A COMMENT

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Rutland Mayor Christopher Louras accepts a declaration of his city as the Solar Capital of New England from Mary Powell, president and CEO of Green Mountain Power. Photo by Erin Mansfield/VTDigger

RUTLAND — Green Mountain Power announced Tuesday that the company has surpassed its mission to make this city the Solar Capital of New England.

Rutland, with a population of about 16,000, now has 7.87 megawatts of solar among 38 projects in the city. They range from less than 1 kilowatt to 2,500 kilowatts and serve more than 100 people and businesses.

The city has soared past its 2012 goal to build 6.25 megawatts of solar by 2017. The state's largest utility says the new figure means the city has the most solar power per capita in New England.

Green Mountain Power made the announcement at an event at a solar-powered home. Attendees included U.S. Rep. Peter Welch, D-Vt., Gov. Peter Shumlin, local aldermen, state representatives and dozens of people who work in the energy industry.

"There are metrics that have been established, and those metrics have been met," Rutland Mayor Chris Louras said of the solar city designation <<http://vtdigger.org/2015/09/02/christopher-louras-rutland-taking-leadership-in-vermonts-climate-economy/>>.

Louras said he values solar in part because it makes the city more resilient in the event of a natural disaster.

In September 2014, the city finished the project that was a partnership with Green Mountain Power and groSolar. The groups built a 2.5-megawatt project on a former landfill <<http://vtdigger.org/2014/08/13/old-rutland-landfill-site-new-solar-microgrid/>>
on

Gleason Road, just behind the Rutland High School football field.

The array has 7,700 panels and batteries that can store 4 megawatts of energy that's not being used. In the event of an emergency, the city can use the battery-stored energy to power Rutland High, which served as an emergency shelter during Tropical Storm Irene.

Mary Powell, the president and chief executive officer of Green Mountain Power, said the solar projects that brought Rutland over the goal were built through collaboration among government, community organizations and Green Mountain Power.

"I would say none of [this achievement] is attributable to the three-phase power that runs down Route 7," Powell said, calling her company obsessed with its customers. "I think this is really a Vermont-driven culture."

The push to make Rutland the state's solar city was also a proposed economic development tool submitted as part of the 2012 merger agreement when Green Mountain Power absorbed Central Vermont Public Service, or CVPS, in Rutland Town.

The utility wrote in a 2012 plan

<http://www.greenmountainpower.com/upload/photos/369Rutland_Solar_City_Implementation_Plan.pdf> that

it would recruit solar developers, but also "encourage developers to open local offices here, hire local labor, and make long-term commitments to Rutland's downtown area."

"Individual contributions to the redevelopment effort will cumulatively help revitalize the local economy, contribute new and sustainable jobs, and begin the re-occupation of existing commercial spaces that have been vacant for too long," the plan said.

The downtown area's street-level offices surpassed 90 percent occupancy in 2014, and won acclaim for two locally owned women's clothing stores. Business offices now include solar developers such as SunCommon, SameSun, groSolar, and NRG Energy, a Fortune 500 company.

"Businesses are basically taking advantage of the resurgence and enthusiasm about Rutland and coupling that with saving on energy costs," said Tom Donohue, chief executive officer of the Rutland Regional Chamber of Commerce. "It's more about the solar product right now and more about the industry."

Most of the energy being produced as part of the 7.87-megawatt total

<<http://rutlandvtbusiness.com/locating-in-rutland/solar-array-sites/>> comes from nonresidential projects, including Green Mountain Power, city-owned projects and panels that serve large institutions, such as the College of St. Joseph and the Rutland Regional Medical Center

<<http://vtdigger.org/2013/02/21/rutland-regional-medical-center-to-host-150-kilowatt-green-mountain-power-solar-farm/>>.

There are a handful of residential roof-mounted arrays, including the home of Robert and Janet McClallen, who hosted Tuesday's news conference. Residential customers also benefit from the West Rutland-based NeighborWorks of Western Vermont, which performs \$100 energy audits that often end with homeowners weatherizing and installing

solar.

For people who could not install solar on their roofs for affordability or structural reasons, NRG Energy built the first group net-metered solar array in the country in Rutland in 2014. The 150-kilowatt array now serves 50 customers, including Louras, who save \$5 per month on their Green Mountain Power electric bills.

<http://www.burlingtonfreepress.com/story/news/2015/09/15/vermont-city-claims-title-solar-capital-new-england/72343428/>

Rutland claims 'solar capital of New England' title

WILSON RING 8:16 p.m. EDT September 15, 2015

(Photo: Wilson Ring/AP)

COMMENTEMAILMORE

RUTLAND The city of Rutland is assuming the mantle as the "solar capital of New England."

Officials with Green Mountain Power, Vermont's biggest utility, have been working for years to change the way the city of 16,500 produces and uses electricity.

They announced the new designation Tuesday, saying a survey they conducted found that the city produces more electricity per capita from the sun than any other in New England. It follows the recent completion of the 2.5-megawatt Stafford Hill solar project atop an old landfill near the high school.

The 7,722 solar panels brought the city's total solar power capacity to just under 7.8 megawatts. There are 51 homes, businesses and other projects currently generating clean energy in the city. The energy produced is enough to provide 1,600 average homes with electricity for a year.

"Ideally we want to stay ahead and we want to stay ahead through innovation," GMP President Mary Powell said outside a home covered with solar panels. "We want to stay ahead by thinking about how do we continue to work collaboratively to push solar."

Vermont has seen a surge in solar power in the last few years as the state works to increase its reliance on renewable sources of energy, such as solar and wind. In some communities, proposals for solar arrays have been met with strong opposition for reasons including costs and aesthetics.

In addition to generating power locally in Rutland, GMP is working with landowners to reduce electricity consumption by helping them insulate their homes and businesses and using alternative heating and cooling technologies that reduce the use of traditional fossil fuels.

The \$10 million Stafford Hill solar project uses battery storage so that it can power the emergency shelter at the high school. It is part of a broader project to create what Powell called a "micro grid" so that when power is disrupted during storms or other events, there will still be electricity available locally.

Rutland Mayor Christopher Louras said what makes his city unique is its focus on local generation and not traditional power poles and transmission lines, which he called a 19th-century model.

"That's not what we're doing here," Louras said. "This is a 21st-century model."

http://www.reformer.com/latestnews/ci_28812789/cement-plant-solar-gets-cpg

Cement Plant Solar gets CPG

Company gets CPG from PSB

By Domenic Poli

dpoli@reformer.com <<mailto:dpoli@reformer.com>> @dpoli_reformer on Twitter

POSTED: 09/14/2015 09:50:00 PM EDT 0 COMMENTS

<http://www.reformer.com/latestnews/ci_28812789/cement-plant-solar-gets-cpg#disqus_thread>|

UPDATED: 5 DAYS AGO

JAMAICA — A limited liability company was issued a certificate of public good for its proposed 498-kilowatt group net metering solar electric generation facility off Route 100 in Jamaica.

Net metering involves multiple places using the solar electricity from solar panels located in a designated spot and splitting the bill to save money.

Cement Plant Solar LLC's intended project will promote the general good of the state, according the Vermont Public Service Board on Sept. 4. The PSB listed certain conditions to go along with its certificate of public good. The project will produce power for the facilities of William E. Dailey Precast LLC.

According to the PSB, Cement Plant Solar has designated Robert and Charles Grant as the group administrators responsible for all communication. Meters will be added to the group or removed from it only under agreement between Cement Plant Solar and group members.

According to the PSB, the project will span roughly 4 acres on an approximately 10-acre parcel that has historically been used for concrete and logging operations. The project is expected to consist of solar panels ground-mounted "on a rack system, inverters, two new utility poles, overhead and underground utilities, and transformers." It will also involve extending an existing gravel road, a concrete equipment pad and shed, and perimeter fencing.

The PSB stated the project's operation and maintenance must be consistent with the plans and evidence submitted to the PSB. The Board must approve any substantial change to the project. Cement Plant Solar, the petitioner, will be required to limit construction of the facility to between 7 a.m. and 7 p.m. Monday through Friday, and between 8 a.m. and 5 p.m. on Saturdays. No construction will be allowed on Sundays or state or federal holidays. Cement Plant Solar also must obtain all necessary permits and approvals before site preparation or construction begins. The net-metering system's installation must be completed within one year.

According to the PSB, the project will not have any negative effect on aesthetics, historic sites or "rare and irreplaceable natural areas." It will be set back more than 50 feet from existing property boundaries and more than 100 feet from Route 100.

<http://www.marketwatch.com/story/kyocera-suncommon-and-kendall-sustainable-infrastructure-introduce-innovative-community-solar-array-program-in-vermont-2015-09-15>

PRESS RELEASE <<http://www.marketwatch.com/search?mp=2007&rs=true>>

KYOCERA, SunCommon and Kendall Sustainable Infrastructure Introduce Innovative Community Solar Array Program in Vermont

Published: Sept 15, 2015 11:05 a.m. ET

<<http://www.marketwatch.com/story/kyocera-suncommon-and-kendall-sustainable-infrastructure-introduce-innovative-community-solar-array-program-in-vermont-2015-09-15/print>>

Program expands solar power access to a wider audience

SCOTTSDALE, Ariz., Sep 15, 2015 (BUSINESS WIRE) -- Kyocera Solar, Inc. <<http://cts.businesswire.com/ct/CT?id=smartlink&url=http://www.kyocerasolar.com/&esheet=51180865&newsitemid=20150915005844&lan=en-US&anchor=Kyocera+Solar%2c+Inc.&index=1&md5=4901adc6f7111a8ab0c98186c22158dc>> announced

today a partnership for an innovative Community Solar Array (CSA) Program in Vermont that offers a cost-effective way to participate in solar. Approximately 50 projects averaging 200kW each will enable consumers to virtually purchase about 13 megawatts of solar power without installing individual rooftop systems.

The CSA Program is a group effort coordinated by Kendall Sustainable Infrastructure

<<http://cts.businesswire.com/ct/CT?id=smartlink&url=http://kendallinvestments.com/strategies/ksi/&esheet=51180865&newsitemid=20150915005844&lan=en-US&anchor=Kendall+Sustainable+Infrastructure&index=2&md5=a438dd764f59c326b7a9f9d06b5bc047>>

(KSI),

an impact investment firm and principal sponsor; Kyocera, a leading solar manufacturer providing solar panels and additional capital;

andSunCommon

<<http://cts.businesswire.com/ct/CT?id=smartlink&url=http://suncommon.com&esheet=51180865&newsitemid=20150915005844&lan=en-US&anchor=SunCommon&index=3&md5=25961153eeb5403d899056798262a208>>

Vermont's largest residential solar company heading project development, EPC and ongoing support.

Under the new CSA Program, landowners within an electrical service territory can arrange to dedicate a portion of their property to generating clean energy — a new “cash crop” helping farmers and Vermont landowners stay on their land. Each acre of solar panels generates enough electricity to power about 30 homes.

Participants enroll to virtually purchase power generated by solar arrays within their service territories. Solar power is fed into the grid, and participants purchase an amount of grid power equal to that generated by the arrays. The partnership expects to construct 50 CSAs, with nearly a dozen online or expected to be operational by year-end and the remainder in 2016.

“This Community Solar Array Program offers a tremendous opportunity for Vermonters to benefit from solar energy, even if their rooftops don't provide ideal conditions,” said Hitoshi Atari, President, Kyocera Solar, Inc. “With our partners, we're able to implement best practices, including integration of residential solar, flexible participation terms and deep community engagement.”

“With the help of Vermont's supportive solar policies, we can offer Community Solar with no up-front purchase cost,” said SunCommon co-president Duane Peterson. “CSA participants simply sign up for the program for a monthly payment that's actually less than their former power bill. It turns out that doing the right thing while saving money is a popular offering.”

“This pioneering program combines mature aspects of the power and solar industries with innovation, and is the right opportunity to put our impact investors' capital to work building clean energy,” said John Chaimanis, Managing Director of Kendall Sustainable Infrastructure. “SunCommon has put together an excellent program in Vermont and is a detail oriented community partner; combined with world-class solar power equipment and sophisticated financing, our capital is making a direct impact both for Vermont ratepayers and the global climate.”

For more information, click here

<http://cts.businesswire.com/ct/CT?id=smartlink&url=http://americas.kyocera.com/press-releases/press-releases_20150914.htm&esheet=51180865&newsitemid=20150915005844&lan=en-US&anchor=here&index=4&md5=93df636faf0b9e6538dd568851c905a5>

About the Program Participants

Kyocera Corporation

<<http://cts.businesswire.com/ct/CT?id=smartlink&url=http://global.kyocera.com/&esheet=51180865&newsitemid=20150915005844&lan=en-US&anchor=Kyocera+Corporation&index=5&md5=137668ab25d6d862dbafc15e4ba05530>>of

Kyoto, Japan, recorded consolidated sales of \$12.7 billion in the fiscal year ended March 31, 2015. The company has a 40-year tradition of innovation in solar energy research, development and manufacturing, with a U.S. customer base served by *Kyocera Solar, Inc.*

<<http://cts.businesswire.com/ct/CT?id=smartlink&url=http://www.kyocerasolar.com/&esheet=51180865&newsitemid=20150915005844&lan=en-US&anchor=Kyocera+Solar%2c+Inc.&index=6&md5=62fb221b96646bcbb18a7437647f62fe>> of
Scottsdale, AZ.

SunCommon

<<http://cts.businesswire.com/ct/CT?id=smartlink&url=http://www.suncommon.com&esheet=51180865&newsitemid=20150915005844&lan=en-US&anchor=SunCommon&index=7&md5=c026437180408f52ae23c90afe994118>>is

a Vermont Benefit Corporation founded on the belief that everyone deserves a healthy environment and safer world – and that clean energy is where it starts. Now the state’s largest residential solar business, SunCommon is a Certified BCorp committed to the triple bottom line of people, planet and profit.

Kendall Sustainable Infrastructure, LLC

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is an investment firm affiliated with Kendall Investments focused on building, financing and owning sustainable infrastructure projects and renewable energy assets. The firm works closely with investors, developers, product suppliers and other parties to build world-class renewable energy facilities that have positive, long-term financial, social and environmental impacts.

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Solar And EVs Seem Like A Match Made In Heaven, But The Devil Is In The Details

in E-Features

<http://solarindustrymag.com/e107_plugins/content/content.php?cat.2626>

By Nora Caley on Wednesday 16 September 2015

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Vol. 2 | Issue 57 | September 17, 2015

It seems like a perfect combination: solar power and electric vehicles (EVs). Simply set up some charging stations that are powered by solar panels, and the EV driver can enjoy an emissions-free recharge. After all, solar costs are decreasing, and EVs are gaining in popularity, so why not combine the two?

Several charging station providers and solar companies say it is indeed possible to have solar supply at least some of the electricity to power plug-in vehicles, but there are a number of hurdles to a wide rollout of solar-powered EV charging stations.

"It's a perfect matchup when you consider all the developments with battery storage and you consider where PV is going as those costs come down and the performances go up," says Robert P. Boisvert, executive vice president of GOe3 LLC.

Scottsdale, Ariz.-based GOe3 is building a network of EV charging stations on interstate highways. The focus is on connecting cities and eliminating owners' range anxiety - the fear of not being able to reach a charging station before the batteries run dry.

"EV drivers are charging at home 70 percent of the time," Boisvert says. "The real need is on interstates. You are not going to care if there is a charging station two blocks from your house."

Not every EV site is suitable for solar. The company has plans to build 1,000 charging stations over the next five years. Of these, 10% of them might be solar.

"Each site requires its own analysis," Boisvert says. "It depends on the location, how much sun they get, peak demand charges. Most of what we focus on are sites that have relatively high power requirements, so solar makes sense."

The interstate locations will likely be travel center locations or places of interest. The chargers will be DC fast-charging stations, as opposed to the Level 2 stations that take longer. The DC fast-charging stations would not need separate inverters.

"Instead of having to buy another inverter for solar arrays, we can use the one inherent in our charging stations," he explains.

So far, GOe3 has built seven charging stations. None are solar, but solar might be in the works for a planned location in Arizona.

Solar can make sense in some charging stations in the future, says Josh Castonguay, director of generation and innovation for Green Mountain Power in Vermont. "I think you will definitely see charging incorporated with solar, no question, in certain locations," he says.

The more ambitious your solar EV charging requirements are, the more space will be needed.

"If you're trying to cover a little bit of charging, you need a few panels," Castonguay says. "If you want to cover all your charging, you would need to include batteries, as well - for at night - or limit the charging only to solar hours."

Also, the space would have to be a good solar site - one that is not shaded. One complication is that EV chargers are often near commercial buildings, which cast long shadows. Nevertheless, there could be opportunities for combining solar and EV charging. Providing solar EV charging during peak demand hours could take a lot of pressure off the grid.

Green Mountain Power recently announced a partnership with NRG EVgo to build 12 Freedom Stations in Vermont. The first one opened in Rutland, Vt., this year. The station can provide approximately 80% of a battery charge in 25 minutes when using the DC fast-charging option. The Freedom Chargers will also have Level 2 capabilities that provide up to 24 miles of charge per hour.

So far, these are not solar, but that could happen in the future, Castonguay says. "Ideally, we will see locations with rooftop solar installing a charger, as well, along with an energy storage capability," he says.

In San Diego, Envision Solar announced http://solarindustrymag.com/e107_plugins/content/content.php?content.15591 in

August that it agreed to a partnership with ChargePoint, which operates an EV charging network in the U.S. and Canada. Both companies will offer ChargePoint chargers on Envision Solar's solar-powered EV charging products. The partners say the combination will enable EV owners to drive on sunshine.

Pete Antos-Ketcham Joins Energize Vermont as Executive Director

Antos-Ketcham Brings 22 Years of Natural Resource Management to the Statewide Non-profit

<<http://energizevermont.us1.list-manage.com/track/click?u=40084d4d56aa6021153649ac1&id=04811713d8&e=bdab6878c6>>Huntington,

VT – Energize Vermont is pleased to announce that Pete Antos-Ketcham, formerly of the Green Mountain Club (GMC), has joined the organization as its new Executive Director. Antos-Ketcham succeeds Mark Whitworth.

While Executive Director, Whitworth led many of the organization's initiatives including lobbying for effective climate change policies, environmental preservation, and sensible deployment of renewables. Whitworth will continue to carry out policy analysis for Energize Vermont and will serve on its Board of Directors.

Pete Antos-Ketcham comes to Energize Vermont with over 22 years in natural resource and non-profit management. Antos-Ketcham is leaving his position as GMC's Director of Land and Facilities Management. While at GMC, he oversaw the construction of the club's new Visitor Center in Waterbury Center, Vermont. The Visitor Center consumes no fossil fuels and employs appropriately-scaled renewables to produce more electricity than it uses. It demonstrates an approach to an energy future that doesn't require massive energy sprawl.

Antos-Ketcham said, "I look forward to continuing the great work Mark has done. He has been a clear voice advocating responses to climate change that respect our communities and preserve our natural resources.

"People are worried about climate change and they are concerned that Vermont's climate change response has gone very wrong. They wonder what has happened to the traditional guardians of Vermont's natural resources heritage. Why are the conservation groups not promoting real conservation? Why aren't natural resource groups protecting our natural resources? Why is no one representing the real interests of the public?

"Energize Vermont offers an alternative for the many people who are disturbed by the conduct of these old-line organizations. Energize Vermont has no industry moguls on its board and has not compromised its mission in exchange for large donations.

"Our first priority in responding to climate change has to be the

preservation of our irreplaceable wildlife habitat. Industrializing our mountains, forests, wetlands, and agricultural lands may be profitable for a few, but it is jeopardizing the ability of countless species to adapt to a changing climate. Energy developers are destroying our environment and our cultural heritage for meager amounts of intermittent electricity. I will advocate sensible energy policies that bring our communities together—policies that emphasize conservation, efficiency, and thoughtful siting of Vermont-scale renewables.”

Outgoing Executive Director, Mark Whitworth said, “We look forward to Pete’s leadership of Energize Vermont. His many years of experience with the Green Mountain Club, his advocacy for effective climate change response, and his passion for preserving Vermont’s landscape, make him ideally suited to Energize Vermont’s mission to promote common-sense renewable energy solutions.”

Board member and former Executive Director Lukas Snelling said, “We couldn’t be happier with the appointment of Antos-Ketcham to lead the organization. Pete comes to us with deep experience in natural resource management and is greatly respected in the environmental community for the work he has done. Pete will continue the organization’s growth and work with his fellow Vermonters toward an energy future that emphasizes sustainability, conservation, adaptation, and resilience.”

Pete Antos-Ketcham is a resident of Starksboro, where he lives with his wife and two children. He graduated from UVM with a B.S. in Environmental Studies. He has served six years on the ATC (Appalachian Trail Conservancy) Stewardship Council, the Board of Directors for the RMC (Randolph Mountain Club) and as an Emergency Medical Technician for Stowe Rescue, Stowe Mountain Rescue and Huntington First Response.

/Energize Vermont is a non-profit education and advocacy organization that promotes renewable energy solutions that are in harmony with the irreplaceable character of Vermont, and that contribute to the well-being of all her people. This mission is achieved by researching, collecting, and analyzing information from all sources; and disseminating it to the public, community leaders, legislators, media, and regulators for the purpose of ensuring informed decisions for long-term stewardship of our communities./

For more information about Energize Vermont and the organization’s mission, visit energizevermont.org
<<http://energizevermont.us1.list-manage1.com/track/click?u=40084d4d56aa6021153649ac1&id=1e29dc3e95&e=bdab6878c6>>.

Annette Smith
Executive Director
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N.Y. Firm Pitches Huge Solar Project

Proposes Array In Randolph Ctr.

By M. D. Drysdale

At the Randolph Selectboard meeting Tuesday night, developers gave their formal notice of intent that their firm, Ranger Solar, is planning a 100-acre solar farm on the East Bethel Road in Randolph Center.

The proposed development would produce 20 megawatts of power, far more than any other solar installation currently in Vermont; the company intends to build several more.

At 20 megawatts, the Randolph Center solar array would be roughly 10 times the size of the solar farm visible from Interstate 89 in Sharon, which was the largest solar installation in Vermont when it was built.

It would cost about \$29 million to build, they estimated.

Ranger Solar employees Aaron Sverdlow and C.J. Walsh said they would file a petition in October with the Public Service Board for a permit for the installation. Because this is an energy installation, it is not covered by Act 250 but by a separate review by the PSB under Act 248.

Ranger Solar, a New York State corporation, has "an agreement" with the prime landowner, Sverdlow said, but is still working on details. It is likely that multiple owners will be involved, he said.

Location of Site

The proposed site is two miles south from Randolph Center Village on the right, just before Crocker Road diverges to the left, in the vicinity of an electric transformer station.

At that point, a large south-facing field runs parallel to the road, and another large sloped field, farther from the road, faces east.

Sverdlow said it is likely that some forested land will also be used.

Asked by Selectboard Chair Larry Richburg if there would be an impact on prime agricultural soils, he explained that solar installations are considered to be "temporary."

"At the end of the lease period we are to remove the project and restore the land to its original condition," he said.

Town Manager Mel Adams asked about the potential taxes that the town might expect to rake in from the completed project.

Tax Bonus?

Sverdlow noted the \$29 million investment, and in a brochure, the company predicted that "over the

See SOLAR page A-11

Opponents Weigh In On New Exit 4 Plan

By Katie Jickling

Four organizations and state agencies met the September 14 deadline to file feedback on Jesse Sammis' revised plan for a mixed-use development at Exit 4.

The groups charge that the revised plan is not clearly presented, fails to meet requirements for on- and off-site mitigation for primary agricultural soils, and does not comply with regional and town plans, among other complaints.

Sammis submitted a more compact project design on August 17, in response to feedback on the proposal from the Act 250 commission reviewing the plan. According to his filings, the plan now leaves undeveloped 58% of the 132 acres of primary farmland, as compared to 49% in the original proposal. All told, the proposed development will cover 101 of the 172-acre property along the I-89 interchange.

See EVIDENCE page A-2

SOLAR

(continued from Page A-1)

life of the project" more than \$3 million would be paid in property taxes to the town.

The power, he said, would be sold to Vermont utilities, but under questioning from the small audience, he noted that the environmental credits are likely to be sold out of state, which some believe is a questionable practice.

Richburg seemed a bit dubious because of the size of the project. "A 100-acre solar farm seems a little out of scale for Vermont," he said. "My biggest concern is, will it be hidden away enough so it won't be an eyesore?"

Sverdlow responded that the

PSB has requirements for aesthetics, and the project can be somewhat screened from view.

After their presentation, Sverdlow and Walsh were followed outside by a few attendees who were worried about the project and stayed to discuss and answer questions.

Statewide Trend

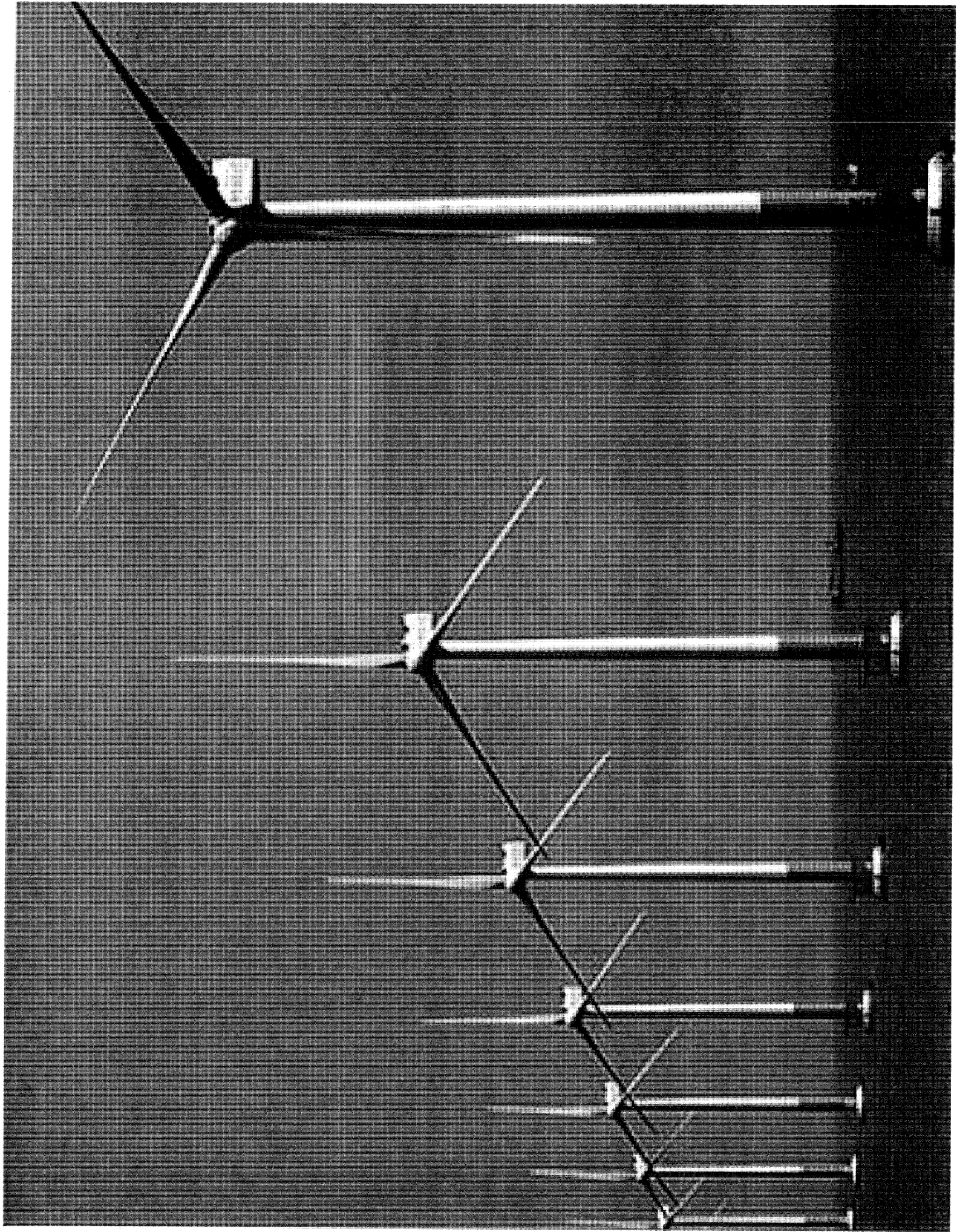
A report this week from the Department of Public Service, headed by Commissioner Chris Recchia of Randolph, showed that job growth in the "clean energy industry" now supports 16,341 jobs, up from 1000 a year ago. The industry includes 2519 businesses, most with fewer than five employees.

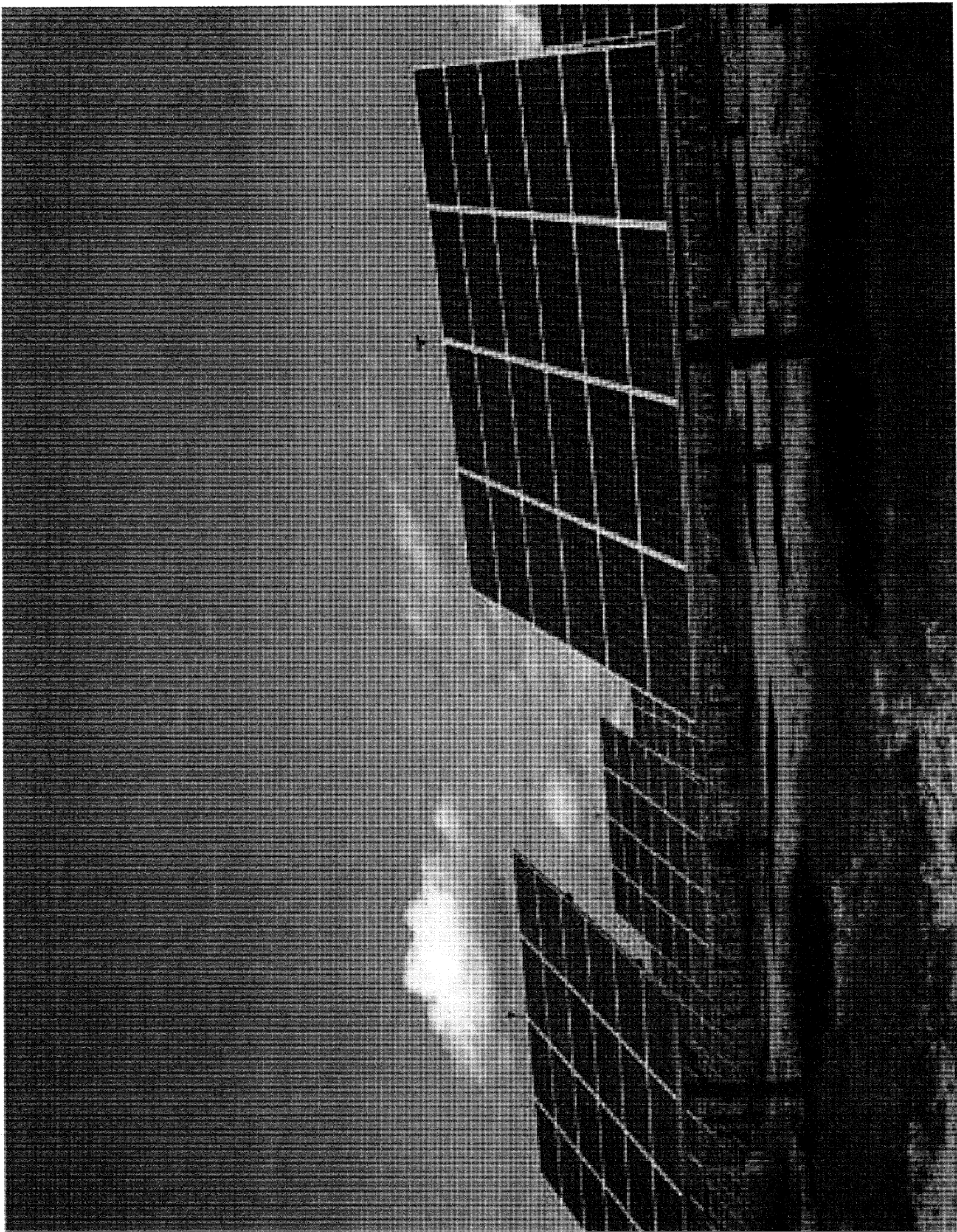
(The projected Randolph display would create 79 construction jobs, but only 3-4 jobs when in operation, it is estimated.)

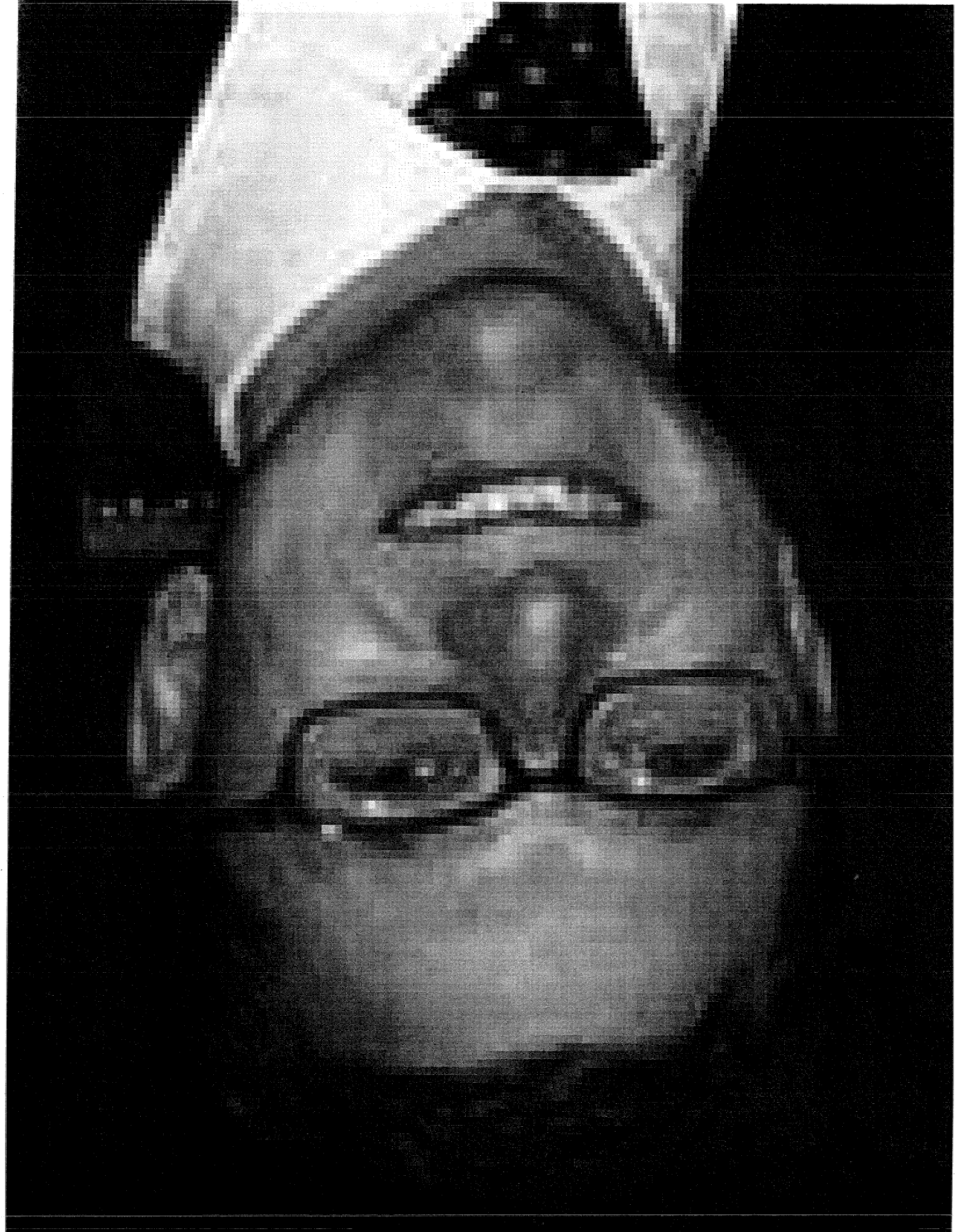
Growth in the industry is so strong that Recchia told the Times Argus that the state no longer has to pay incentives to the industry for building installations.

Ranger Solar, created only six months ago, is proposing at least four 20-megawatt farms in Vermont.

According to the company's brochure, the increased scale of solar developments is largely responsible for sharply decreased costs per watt of power generated. Prices have fallen from \$8 in 2005 to less than \$3 now.







BITTERSDORF SEEKS CPG FOR SOLAR ARRAY TO POWER JAY PEAK

MORGAN

BY JENNIFER HERSEY CLEVELAND

Staff Writer

he has not yet filed with the Public Service Board (PSB).

Bittersdorf plans to build the Morgan solar project immediately after getting PSB approval, but will not connect to the grid until after Jan. 1, to accommodate VEC's 2015 net-metering program cap.

The project would benefit VEC's distribution system, according to the application, by acting as a load reducer during peak periods in the summer months.

Jay Peak would retain the net-metering credits, while Bittersdorf would retain the environmental attributes of the renewable energy credits.

MORGAN — A landowner and developer of renewable energy projects is seeking a certificate of public good to build a 500-kilowatt, net-metered solar array off the Valley Road.

The project will produce power solely for Jay Peak, Inc., through the Vermont Electric Cooperative's (VEC) distribution lines.

Seymour Lake Solar registered agent David Bittersdorf, owner of AllEarth Renewables, has also proposed a two-turbine industrial-sized wind development on Kidder Hill in Iraburg, although

gest traffic during the eight to 12 weeks it will take to build it.

Less than an acre of earth would be disturbed, and the total new impervious surface would be under 1,500 square feet. The trackers would be spaced far enough apart to allow revegetation of the ground beneath and the height and lack of fence would allow the movement of wildlife to continue.

A wetland and its 50-foot buffer would be protected by flagging tape and left untouched, according to the application.

Communications and electric wiring will be installed underground and will require a half-mile distribution line upgrade from single to three phase, a one-pole line extension to the property, and three pole-mounted transformers for interconnection.

Bittersdorf promises that the array will not make discernible noise, nor will its construction cause to operate.

Solar

Continued from Page A1

Bittersdorf indicated that he connected with several neighbors about the project, promising one he could continue to hunt, snow-mobility and ATV on the land.

The project would have no adverse affect on aesthetics or mapped scenic roads, according to just the bottoms of some of the trackers would be intermittently visible.

Bittersdorf promises to restore the site at the time the project ceases to operate.

See Solar, Page A8

Morgan Questions Proposed Solar Project

by LAURA CARPENTER
Express Staff Writer

Residents and town leaders had some questions and concerns regarding a proposed solar project in Morgan. Developer David Blittersdorf has filed an application to the Public Service Board for a Certificate of Public Good to install a 500-kilowatt solar project on Valley Road on 57 acres of land. The project would take up about five-and-a-half acres, Morgan Select Board Chairman Larry Labor said. The power from the project would go into Vermont Electric Cooperative's lines and is supposed to go to Jay Peak. Labor and a few in attendance Monday evening commented that Blittersdorf recently purchased more than 200 acres in town and are wondering what else he has planned. Resident Candy Foot also raised the notion of "project creep," a term used to

describe continuous and uncontrolled growth.

The project is less than a half a mile from Lake Seymour. Labor and others are wondering if that much impervious surface area is going to cause significant runoff to the lake and affect it in a negatively. There is a brook near the project area that flows into the lake.

Other concerns are how the project would affect the grass-land birds that nest in the fields, other wildlife, and aesthetics. The project would be visible from the lake, boats, and lake houses Labor said.

Labor said that the project is moving along quickly. He just received a packet from the Public Service Board (PSB) notifying the town of the plans, and he had about 21 days to respond or to intervene if the town chooses to do so. Labor expressed concerns over how rapidly energy projects are permitted because they are "fast-tracked" by the PSB.

Labor requested a couple of more days to move if the town decides to intervene. The town is holding an informational meeting Monday, September 21 at 6 p.m. at the Middle school building. Labor hopes that Blittersdorf will attend and answer questions and address concerns. After questions are answered the selectmen will ask for a hand vote to determine if the town wants to intervene or not.

"The Town has not formed a position. We will attend an informational meeting," Labor said.

"I have concerns about this," Moot said in an informal meeting after the meeting. Her concerns were that the project was on the fast track, about wildlife, aesthetics, and runoff. "I have nothing against solar, but does it make sense to have it so close to the lake when tourism is what keeps this town alive?" Moot wondered.

No transmission capacity, Hallquist says

by Joseph Gresser

MORGAN — Selectmen here will soon learn more about a 500-kilowatt (kw) solar project planned for an open field off Valley Road about two miles from the town offices. An informational meeting is to be held at 6 p.m. on Monday, September 21, at the Morgan school to discuss plans for Seymour Lake Solar.

According to a petition filed with the state Public Service Board (PSB) on September 2, which lists its registered agent as David Blittersdorf, Seymour Lake Solar hopes to receive a Certificate of Public Good for a 500-kilowatt array on land owned by Mr. Blittersdorf.

The petition says the project will be connected to the grid using the Vermont Electric Cooperative's (VEC) lines.

That was a surprise to David Hallquist, VEC's general manager, who said Tuesday that Mr. Blittersdorf hasn't spoken with the cooperative about his plans in Morgan or his plans to build two wind turbines in Irasburg.

"We don't have the capacity," Mr. Hallquist said, adding that Mr. Blittersdorf's plans were likely to come to a quick end when he finds out what it will cost to connect his projects to the grid.

Speaking from California where he and Mr. Blittersdorf were attending a conference, Andrew Savage, Mr. Blittersdorf's spokesman, said he was surprised to hear that VEC officials are so certain the projects are not possible.

"It sounds like he has information we don't," he said.

Usually an interconnect study is conducted after a project is proposed, and that determines whether it can go forward, Mr. Savage said.

He expressed confidence that, once the study is carried out, a way will be found for the projects to go forward.

Despite Mr. Hallquist's statement, the application says that VEC has reviewed the project and concluded it will have no adverse impact on the safety and reliability of the distribution system if proper modifications are made by Mr. Blittersdorf.

If the project is permitted, it will operate as a group project under the state's net metering program. Because VEC has reached its cap for accepting net metered connections in 2015, the new array would not be connected until after January 1, 2016, the application says.

All the net metering credits will go to the account of Jay Peak, to reduce its power costs, the petition says.

Unusually Illegal-Solar project eyes Barton

by Joseph Gresser

BARTON — Renewable energy is one of the goals of Vermont law, but there can be too much of a good thing, according to Vermont Electric Cooperative (VEC) General Manager David Hallquist.

An out-of-state developer wants to build six 20-megawatt solar projects, including ones in Highgate and Barton, he said in a recent interview.

Each would be more than ten times bigger than the 1.89-megawatt Barton Solar project located on Route 16. That solar array takes up about 25 acres, and the bigger ones will need around

300 acres, Mr. Hallquist said.

Ranger Solar of Yarmouth, Maine, is the company Mr. Hallquist said plans to put up the projects.

When contacted last week Aaron Svedlow, that company's director of environmental permitting, would say only that Ranger Solar is looking into building a project in the Barton area and will probably go ahead with it.

He declined to say how big the project will be, but did say his company only builds industrial scale solar projects with megawatts of capacity.

Mr. Svedlow said a company representative will meet with

(Continued on page twenty-six.)

Projects are not needed

one.)
a few weeks to outline their
is already had such a meeting
highlight and outlined a 20-
ject of the type described by
company said the project will

mean 79 construction jobs, and three and a half permanent jobs for operators of the facility.
According to a handout from the company, the solar array will result in \$3-million in tax revenues over the life of the project.

Kerrick Johnson, vice-president of communications for the Vermont Electric Power Company, which operates the lines that would carry the power produced by the projects, declined to comment on Ranger's activities. His company is bound by nondisclosure agreements, he explained.

Mr. Hallquist said VEC was asked to sign such an agreement but refused. That has left him free to talk about, and oppose, the projects, he said.

"These projects follow the old model of large power plants," he said.

The new model of electricity supply calls for distributed generation, with smaller generation facilities located close to power users.

The old model is very inefficient, Mr. Hallquist said.

He said that everyone in the state will be against the solar arrays proposed by Ranger for that reason.

So far the company has not filed a request

with the state Public Service Board Certificate of Public Good it was beginning construction, according to secretary, Susan Hudson.

In its presentation to the Hallquist officials said they expect notice of an application this month.

There are strong signs that have gone beyond just words, the project hoping to tie into the New England electric grid must stand in line space. The line, or queue, is a New England website that lists to be allowed to hook into the grid. England is the operator of the grid.

As of September 1 the ISO-Interconnection Request Queue megawatt solar projects listed in Windsor, Orange, Orleans and Orleans.

The one slated for Orleans to connect to the grid via a 46kV line.

The projects are not needed, developers hope to take advantage of federal law to overcome regulatory hurdles. The law, called the Energy Policy Act of 2005, is called (Continued on page twenty-seven.)

OPENING

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Ratepayers would pay 70 percent of new lines

(Continued from page twenty-six.)

Regulatory Policies Act (PURPA), was enacted during the energy crisis of the Jimmy Carter administration, and was intended to promote the use of small scale hydro power, Mr. Hallquist said.

PURPA calls for companies to buy power from such producers, known in the law as qualifying facilities, or QFs. The QFs sign contracts with utilities that guarantee they will receive payment equivalent to the "avoided cost" of producing that power. That means a QF can sign a contract that guarantees it will be paid the amount it would cost the utility to produce or buy the power it generates.

In most states the utility that the QF ties into is required to buy all the power it produces. Vermont, though, has many small municipal utilities that could be swamped if a big generator connected to its lines, said Bob Amelang, a retired power engineering consultant who worked for Central Vermont Public Service (CVPS) and Green Mountain Power (GMP), among other firms.

As a result, Vermont rules require that such power is bought by all the utilities in the state in proportion to the amount of power each sells annually, he said.

Being required to buy large amounts of power from a PURPA qualifying facility will force Vermont utilities to take power from the new solar projects and back off contracts with Hydro Quebec and even Lowell Community Wind, Mr. Hallquist said.

"It gets even more strange," he said. "It caught us all off guard."

Under a Federal Energy Regulatory Commission (FERC) rule known as FERC 1000, Ranger Solar will only have to pay 30 percent of the cost of new transmission lines that will have to be constructed in order to move the new power, he said.

The rest of the expense would be borne by ISO New England, which manages the electric

met with VELCO officials who pointed out the difficulties the project would impose on utilities.

"They said it's not our problem," Mr. Hallquist said.

Power lines dedicated to moving solar power are substantially less efficient than those transmitting power from less intermittent sources, he said.

Those transmitting energy from a mix of sources are about 50 percent efficient, but a line transmitting only solar power has an efficiency of around 15 percent, Mr. Hallquist said.

"This is the opposite of what Vermont wants us to do with Act 56," he said. "It's an unexpected outcome of public policy."

Mr. Amelang said solar power presents another difficulty for the grid. Large amounts of intermittent power make it difficult for ISO-New England to keep demand and generation balanced, he said. Grid operators are skilled in predicting the normal ebb and flow of use and can anticipate events like a surge in usage around the time most people wake and get ready to face the day.

Solar power can be unpredictable, even though efforts are being made to improve the ability to foresee clouds that can block the sun, its fuel. Because demand and generation must always be in balance, the result is that more generators need to be kept at the ready to pick up in case the solar arrays stop producing suddenly, Mr. Amelang said.

Mr. Hallquist said the state Public Service Board (PSB), which has the power to grant or deny the Certificates of Public Good needed before a utility can build such a project, may not

be able to stop it.

"The PSB has to take into account not only state but federal laws in making its decisions," he said.

While utilities and VELCO hope the PSB will put a stop to Ranger Solar's plans, Mr. Hallquist said they can't rely on hope.

"We need to get PURPA off the books," he said.

Mr. Amelang was somewhat more optimistic. Although contracts are often signed that rely on predictions of what the cost will be far into the future, the state can determine that the avoided cost be calculated on an annual basis.

That, he said, would make the project far more risky for bondholders, and may make financing the project difficult.

Even so, the sale of renewable energy credits to utilities in southern New England, or the proceeds that might come if a cap-and-trade system is instituted to regulate carbon emissions, might make up for that, Mr. Amelang said.

Although each of the six projects Ranger Solar already has in the works is about five times bigger than the largest solar array in the state, Mr. Hallquist said they may not be the biggest array planned by the company. His company, he said, was told by Ranger employees that it hopes to build a 100-megawatt array on 2,000 acres in Franklin County.

INVITATION TO BID

SNOW REMOVAL SERVICES LOWELL GRADED SCHOOL

The Board of School Directors of Lowell Graded School is accepting bids for Snow Removal Services. Services to include: plowing of driveway, parking lot, and perimeter of the building, plus shoveling all exits and the front sidewalk. Also, hourly rate for extra shoveling necessitated when snow from roof blocks exits.

Bids should be for the 2015-2016 ONLY for 2015, '16, 2016, '17 & 2017, '18 seasons.

Bid specifications and submittal consist solely of the 3 page document entitled Snow Removal Services Contract Bid. Specifications are in small Graded School.

Notice

Residents of Barton Village

The Barton Town Clerk's Office will be open on 9/23/15 from 7:30 a.m.-5 p.m. for the purpose of taking applications for the checklist for the Barton Village vote that is to occur on 9/29/15.

NIMBY: Thomas Melone, CEO of New York-based Allco Renewable Energy, opposed Cape Wind over concerns it would hurt the view from his home in Martha's Vineyard. Melone's company has been critical of so-called NIMBY concerns in Vermont.

A green energy mogul who protested an offshore wind farm near his summer home on Martha's Vineyard is criticizing Vermonters who oppose his company's four-megawatt combined solar farm proposed in Bennington.

In 2010, Thomas Melone, CEO of Allco Renewable Energy, petitioned to block Cape Wind, a large offshore wind farm sited in federal waters in Nantucket Sound.

In an appeal to the Massachusetts Department of Public Utilities, Melone protested the proposed construction of 130 ocean wind turbines on the basis the renewable energy project would affect his viewsapes and hurt the value of his \$15 million beachfront property in Edgartown, Massachusetts.

While the Massachusetts Supreme Judicial Court rejected his "Not in my back yard"-based complaints in May 2012, Melone and Allco have issued scathing criticisms toward Vermonters who say Allco's Chelsea Solar farm planned for Bennington's Apple Hill area will greatly disrupt noise, wind and visual aesthetics for local residents and visitors to the nearby welcome center.

Libby Harris, an intervenor and resident of Apple Hill, has urged the Vermont Public Service Board to deny Allco a certificate of public good on the basis that clear-cutting acres of forest for the solar project will boost highway noise and destroy the natural wind buffer that protects homes in the area.

Harris also claims removing the forest will disrupt wildlife and remove trees that absorb CO2, in addition to harming the visual beauty of the area.

RELATED: Vermont woman challenges NYC investor in effort to block Bennington solar farm

Despite Melone's efforts to keep renewable energy away from his home in Martha's Vineyard, Allco appears to have little sympathy for Harris' objections.

In an Aug. 6 post-hearing brief filed with the Vermont Public Service Board, Allco's Michael Melone, son of Thomas Melone, wrote that impending climate change disaster supersedes the concerns of intervenors in Vermont.

"The Chelsea Project will advance the goals of fighting the devastating (sic) impacts from climate change. Whatever the unsubstantiated and private concerns of Libby Harris may be, they pale in comparison to the benefits provided by the Project, and the urgent need for action on climate change," the brief states.

To stress the urgency of an impending climate disaster, Michael Melone writes, “President Barack Obama has rightly called climate change the greatest threat to national security,” and he adds that researchers claim “the effects of climate change, pollution and deforestation have caused the Earth to enter the beginning of a new extinction phase where humans could be among the first casualties.”

In an Aug. 12 petitioner’s reply brief, Michael Melone disparages Harris as a “lone wolf” objector and dismisses her worries as “NIMBY concerns.”

According to Harris, such dismissive statements are characteristic of the way Allco deals with residents concerned by the firm’s solar farms.

“The solar company bought the land directly across from my house. From the beginning they have used so much subterfuge to be seemingly fine with what they’re doing, and yet every step of the way they have used their power and deep pockets to bully us,” Harris told Vermont Watchdog.

A retired school teacher, Harris claims she became an intervenor because it’s the only affordable way local residents can voice their objections.

“I decided to become an intervenor because I’m an abutter (to the site). This has become my personal mission to do what I can because I don’t have all that money to go to Superior Court,” she said.

While Harris said intervening at the PSB is more affordable than paying the more than \$10,000 she would need to fight Allco in court, she claims the company has treated her poorly for her role as intervenor.

“They told me in a conference call that since they owned the land directly across from me, if I didn’t withdraw my intervenor status they would remove every single one of the six acres of apple trees on that land that I look out on.”

Michael Melone did not return Watchdog’s request for comment.

“None of us are against going to renewables,” Harris said. “But I think the Public Service Board, being three appointed people, has been rubber stamping these wind and solar projects all over the state. It’s already done a great deal of harm in ruining the natural habitat.”

Contact Bruce Parker at bparker@watchdog.org

<http://www.newsandcitizen.com/news-and-citizen/lamoille-news/solarfacilityplannedformorrisville>

Solar Facility Planned for Morrisville

posted Sep 18, 2015, 5:51 AM by Staff News & Citizen

by Andrew Martin

Morristown could soon be the home of a new solar facility. David Blittersdorf, the CEO of AllEarth Renewables, has filed an application with the Vermont Public Service Board for a Certificate of Public Good that if approved would allow him to construct a 150 kW solar facility on Walton Road in Morristown.

The project that Blittersdorf has planned in Morristown is known as Walker Hill Solar and it would be constructed on land owned by Leo and Bonita Lefevre.

"The landowner contacted us interested in participating in solar net metering and augmenting his income," AllEarth Renewable Chief Strategy Officer Andrew Savage explained on why the site was chosen, "The site is an open, mowed field with good southern exposure."

Plans for the project call for a 150 kW AC group net-metered solar generation facility to be installed on a two-acre section of a larger 43-acre lot located at the address 1806-2182 Walton Road. The facility will consist of 30 AllEarth Renewable solar trackers as well as underground electrical connections and an equipment panel. The facility will tie back in with the local electrical grid via a utility pole located on Walton Road. According to Savage the facility is not being constructed to allow for any future expansion or additional trackers.

As part of the agreement to build the facility on privately owned land AllEarth Renewables will have a land lease agreement with the Lefevres for the two-acre portion of the parcel where the solar trackers will be located.

Moving forward the project will be reviewed and considered by the Vermont Public Service Board following the completion of the 30-day public comment period. That period is quickly drawing to a close, and once it has the board will decide whether or not to issue a Certificate of Public Good for the project or not. If the project application is approved by the board then construction will begin soon after according to Savage.

"We will plan to commence construction as soon as the permitting process concludes, and the project is allowed to proceed," Savage explained. He added that the actual installation of the trackers should proceed quickly and take no more than two weeks. Plans call for the facility to actually begin producing power in 2016.

<http://www.newsandcitizen.com/news-and-citizen/lamoille-news/hydeparksolarreceivesfunding>

Hyde Park Solar Receives Funding

posted Sep 18, 2015, 5:52 AM by Staff News & Citizen

by Andrew Martin

The project to build a municipal solar facility in Hyde Park has received a big boost. The Vermont Economic Development Authority recently reserved \$3.5 million in Clean Energy Renewable Bonds (CREBs) for the Hyde Park project, known as Hyde Park Solar, Waterhouse Project, which would see a solar facility built in the town. Voters approved the application for the zero-interest CREBs by a four to one margin earlier this spring, and municipal and town officials will now go about completing the process necessary to secure the \$3.5 million in zero-interest bonds that has been set aside for the project.

According to Carol Robertson, the General Manager for the Village of Hyde Park, her utility now has less than 170 days to finalize the process that will secure the CREBs for their project. She also explained that local officials expect that the solar project will cost roughly \$3 million but that the utility applied for the \$3.5 million figure, because they expected to receive only a portion of the funds they applied for.

Hyde Park Solar, Waterhouse Project is planned to be a 1 megawatt solar energy generating facility that will be interconnected with the Hyde Park Electric system. According to

Robertson the facility will likely be located at 1124 Silver Ridge Road in Hyde Park, a lot just behind the House of Troy. The Village of Hyde Park has a lease option on that site on behalf of Hyde Park Electric.

"This site was analyzed along with multiple properties that met critical solar site standards and could tie with the Hyde Park Electric system," Robertson stated in an email interview with the News & Citizen, "it ranked #1 by the project manager, Encore Redevelopment, so we included it with our CREBs application."

"Provided that it meets all necessary approvals and receives required permits, the Village will lease this property," she continued. The CREBs that have been set aside for the project are payable from the net revenues that are derived from the operations of the Hyde Park Electric Department. The zero-interest CREBs will be paid back using those net revenues over a period of 30 years if the project is completed.

The goal of creating the municipal solar facility will be to protect Hyde Park from market volatility via the long-term stably priced renewable power resource the utility will control. The facility will also eliminate the need to pay transmission costs for the power generated there while also helping to meet the renewable resource portfolio requirements that all utilities in Vermont will soon have to meet.

Moving forward, Robertson explained that the project is now in Phase 2. As part of that phase a public information hearing will be held sometime in October. Along with town and village officials in attendance representatives from Encore Redevelopment will also be present to answer any technical questions about the solar facility.

"We held a similar meeting on April 21 and the room was full," Robertson explained, "Then, on May 6, Village voters approved the CREBs to pay for the project... There is a lot of interest in local, community-owned solar and we expect a crowd again..."

"We hope to see all of Hyde Park and friends of Hyde Park at the meeting," she added.

Along with the special informational meeting in October a Special Village Meeting and Australian Ballot vote will also be taking place sometime in the near future, likely December, in order to give final approval to the project as it moves forward. Robertson believes that the project will already have approval by the Public Service Board at that time.

"Once we receive more information from the PSB and our project developer, Encore Redevelopment, these meetings and the final vote will be warned," Robertson explained with regards to both upcoming meetings and the vote. She added that during the Special Village Meeting the Australian Ballot item will be voted on only by eligible voters from the Village of Hyde Park. Only Hyde Park Village voters will be allowed to vote since it is the village that owns and operates Hyde Park Electric.

There will be an opportunity to cast absentee ballots and details will be published with the warning," Robertson continued, "It is important to remember that the CREBs vote depends entirely on the regulatory and voter approvals no later than February 2, 2016."

Robertson added that if for some reason Hyde Park does not complete all the necessary requirements to receive the CREBs set aside for the Hyde Park Solar project than other funding sources will be pursued.

"With the approval of our CREBs application, we are moving quickly to meet their deadlines in order to secure the bonds," Robertson stated, "With bond approval, financial and site analysis complete, we now enter Phase 2, which will involve project design and permitting."

Robertson went on to add that Phase 3 of the project will be construction, which will begin next year with requests for proposals for the construction materials, labor, and service components.

"This project began in 2014 when Village voters unanimously approved Article #13, which gave us the authority to begin a Community Resiliency Program," Robertson added, "Hyde Park Solar, Waterhouse Project will be the first accomplishment.... Hyde Park should be congratulated for being both progressive and practical."

<http://vtdigger.org/2015/09/18/robert-holland-vermont-renewable-energy-program-increases-states-carbon-footprint/>

ROBERT HOLLAND: VERMONT RENEWABLE ENERGY PROGRAM INCREASES STATE'S CARBON FOOTPRINT

COMMENTARY

SEP. 18 2015, 7:00 PM

[LEAVE A COMMENT](#)

Editor's note: This commentary is by Dr. Robert R. Holland, of Irasburg. He is one of the protesters known as the Lowell Six who were arrested and convicted of trespassing at the Lowell Mountain wind site in 2011.

In 2005 the Vermont Legislature passed renewable energy legislation establishing the SPEED program. SPEED was repealed in 2015 with legislation initially called RESET. The name RESET has been dropped as leaders thought that the name implied that SPEED had been a mistake that required correcting. SPEED was a mistake and Vermont will be living with its legacy for at least 20 years.

While other states established renewable energy programs that decreased their carbon footprints, SPEED increased Vermont's — by about 236,000 metric tons of CO₂ per year. A similar annual burden will continue until SPEED projects like the Lowell, Sheffield and Georgia wind projects are decommissioned.

Since such a profound mistake was made and nobody has apologized to Vermonters, it seems prudent to perform an "autopsy" to see how Vermonters were tricked into believing that a renewable energy program would decrease their carbon footprint.

There are two basic concepts of electrical engineering that our governor, legislators, secretaries, Public Service Board and Public Service Department seemingly did not understand that set SPEED up to fail from its inception.

How do you count renewable energy? Renewable energy is not counted by measuring the output of your wind and solar projects. Renewable energy is measured by counting the renewable energy certificates that an entity owns. Due to the complexity of the electrical grid, it is difficult to associate electrical power with its precise source and its associated emissions. To simplify this complexity utilities agreed to separate electricity from its emissions. A renewable energy project generates both

electricity and renewable energy certificates (RECs). A business generating renewable energy can sell both. A REC is valued at \$55-\$60 per MWh. A typical wholesale price for non-renewable energy in New England is \$32 per MWh. According to Federal Trade Commission guidelines, only the owner of RECs can claim its energy as renewable, no matter how the energy was generated. If both the seller and buyer of a REC make a renewable energy claim it's called "double" counting and is at least unethical, and arguably criminal.

How do you attribute carbon emissions? If an entity holds a REC for each MWh sold, the entity has zero emissions. For those MWh sold without a REC, the entity assumes responsibility for a proportionate share of total emissions for the regional grid. A renewable generator who sells its RECs effectively assumes the emissions of the buyer.

With a command of these two concepts anyone could have predicted in 2005 that SPEED would increase Vermont's carbon footprint as all the RECs generated by SPEED projects are sold to out-of-state utilities to satisfy their state's renewable energy requirements. With the sale of the RECs Vermont forfeits the right to call the energy renewable and all SPEED-generated energy assumes the average regional emission rate, increasing Vermont's carbon footprint.

Consider the following exchange between Public Service Board Chair James Volz and a witness for Green Mountain Power regarding the word "renewable" in testimony before the PSB on Feb. 4, 2011, page 187. The initial topic of the testimony is a report that the PSB is required to write in 2017 on the achievements of the SPEED program.

GMP: ... the rub will come when Vermont assesses how we do on achieving SPEED goals. And a report or similar document is issued that describes what renewable sources does Vermont have. That would be a moment at which this concern (double counting) might arise.

CHAIRMAN VOLZ: So if we didn't ever do that report, and just make that assessment, then we could avoid that problem perhaps. That may be a legal question, I don't know.

GMP: I had not thought about it that way, sir.

CHAIRMAN VOLZ: We could encourage all the renewables we want, put in place programs to encourage renewables, allow the RECs to be sold, but as long as we don't make a claim somewhere publicly that we have a certain amount of renewables then, or that we have met a specific goal, then we might be able to avoid the problem.

GMP: I think that's fair, and you understand the dynamic. ... But I think you have it right.

CHAIRMAN VOLZ: Okay. Thank you.

Now consider how Green Mountain Power and the Vermont Electric Cooperative "sold" the Lowell Wind project to Vermonters.

At the same time that SPEED projects were being constructed Hydro-Quebec had excess hydro power equivalent to 10 times the output of GMP's Lowell project until 2023 that is currently being sold for 3.5 cents per kwh with no addition to the buyers' carbon footprint.

"Kingdom Community Wind means clean renewable energy built in Vermont for Vermonters."

"We have always believed that this wind resource would provide a clean, cost-effective energy resource for Vermonters, and this upgrade is helping us achieve that goal."

"This project [KCW] is an important part of Green Mountain Power's strategy to provide its customers with long-term, stably priced renewable energy."

In none of these conversations do the Public Service Board, Green Mountain Power, nor Vermont Electric Cooperative demonstrate an understanding of the FTC standard for the use of "renewable energy." Vermont's new renewable energy legislation also does not define renewable energy consistent with FTC guidelines. None of the parties demonstrate an ability to clearly communicate to Vermont's citizens.

Vermont utilities currently receive about \$50 million annually from the sale of RECs, this represents about 6 percent of the cost of electricity. At the same time that SPEED projects were being constructed Hydro-Quebec had excess hydro power equivalent to 10 times the output of GMP's Lowell project until 2023 that is currently being sold for 3.5 cents per kwh with no addition to the buyers' carbon footprint. As a citizen I wonder who made the decision not to buy this cost-effective renewable energy. VEC buys GMP wind power for 12 cents per kwh and sells the associated REC for about 5.5 cents kwh increasing our collective carbon footprint.

As Vermont's new renewable energy program is trotted out again with the Blittersdorf-proposed 5 megawatt wind project in Irasburg, be watchful for the deceptive use of language. According to 9 V.S.A. § 2453 "... deceptive acts .. in commerce ... are unlawful." While no longer allowing double counting, current policy still allows RECs to be sold out of state increasing our carbon footprint.

<http://www.rutlandherald.com/article/20150918/OPINION02/709189951/1018/OPINION>

Opinion | Letters

Solar collectors are blue plague

September 18, 2015

Re: "Report: Green energy drives Vt. jobs," Sept. 15. The thought of the blue plague of solar collectors overspreading Vermont's green vistas reminds me of an American officer's quote from the Vietnam War: "It became necessary to destroy the town (in order) to save it."

RICHARD L. BROWN

Rutland

<http://vtdigger.org/2015/09/17/solar-task-force-learns-space-demands-of-vermonts-future-energy-needs/>

HIGH SPACE DEMANDS FOR VERMONT'S FUTURE SOLAR FARMS IF ENERGY STAYS LOCAL

MIKE POLHAMUS

SEP. 17 2015, 9:05 PM

31 COMMENTS

South Burlington's new twenty-five acre solar farm promises to generate a reported 2.2 megawatts of electricity for the state, enough to power roughly 450 homes. VTD/Eric Blokland

Vermont would need an additional 200 to 350 acres of photovoltaic cells each year to meet anticipated power demands in Vermont by 2050, according to future scenarios presented to state leaders Thursday.

The proposed scenarios could meet the legal requirements for power generation by the year 2050, but they are meant to be considered as possible developments, rather than understood as plans or goals, state experts told members of the Solar Siting Task Force.

At the second meeting of the task force, a legislative study committee charged with helping write a law to guide where solar farms can be built, Asa Hopkins, Director of the Planning and Energy Resources Division of the state's Public Service Department, presented the challenges in meeting the state's long-term energy goals.

Renewable energy sources account for about 16 percent of Vermonters' total energy consumption. The 2050 goal is to raise that to 90 percent. All of the energy-production scenarios Hopkins presented were based on the assumption that Vermonters want most of their energy produced in state.

"This 90 percent goal reflects a strong desire among Vermonters to be energy secure and energy independent, to ensure stable prices, and as much as possible to rely on sources indigenous to Vermont," Hopkins said.

"We don't have local fossil fuel resources, or nuclear fuel resources, and so the resources indigenous to Vermont are renewables," he said.

"We're trying to do our part to try to mitigate climate change, and meet the state's greenhouse reduction goals ... moving to a more efficient and renewable energy mix helps keep more money local, resulting in a state economic benefit," he said.

The figures make up an important piece of the state's new Comprehensive Energy Plan, which officials anticipate releasing to the public within weeks.

The plan raises the state's 16 percent renewable energy use to 25 percent by 2025, Hopkins said.

The state is using current technology to develop models for energy-production projections decades into the future, Hopkins said. Current projections show that 150 kilowatts of power is generated for every acre of solar panels, Hopkins said.

If the state used solar cells to deliver the majority of future power needs, an additional 8,000 to 13,000 acres of panels would need to be built over the next 35 years.

Policymakers intend to put their “thumb on the scale” and encourage solar developers to install panels on structures, several task force members said. There are at present roughly 3,650 acres of commercial building area in the state, Hopkins said.

Demand for power in Vermont is expected to be 9 terawatt-hours per year in 2050, Hopkins said. That projection assumes dramatic reductions in power requirements as the result of improved efficiency and conservation measures, Hopkins said.

The state of Vermont currently uses between 5 and 6 terawatt-hours per year.

Members of the Solar Siting Task Force say they’re in an “exploratory phase” now, prior to developing and delivering recommendations to the Legislature by mid-January.

The nascent task force had some detractors during a half-hour public comment period following Hopkins’ presentation and another by landscape architect and planner David Raphael.

Kathleen Nelson disputed the group’s credibility. The task force, she said, does not include a single public advocate and is stacked with industry representatives.

“This task force is devoted to promoting the industry,” she said.

Montpelier resident Ben Eastwood said communities might benefit from community solar arrays as an alternative to large installations put in place by out-of-state corporations.

Vermonters in general support the state’s renewable energy goals, Gabrielle Stebbins, the executive director of Renewable Energy Vermont and a task force member.

“The majority of Vermonters, when you poll them, they still poll very much in support of conservation, and renewables, and having local energy, just like they support local foods,” she said.

Noelle MacKay, commissioner of the Department of Housing and Community Development, said task force members are still trying to pin down what issues confront the group.

"I think we're still in the exploratory phase," she said.

The group's goals still need to be precisely articulated, she said. They must also determine how to arrive at those goals, how to meet the concerns of members of the public, and how to meet the needs of developers.

"I think this issue is really complex," MacKay said. "There are a lot of different pieces.

"The Legislature put this committee together, and assigned who's on it," she said. "The people who are there will do their best to find the facts, to understand the issues, and make some thoughtful recommendations to the Legislature this year."

<http://www.wcax.com/story/30055272/uvm-plans-to-go-solar>

UVM plans to go solar

Posted: Sep 17, 2015 12:31 PM EDT

Updated: Sep 17, 2015 7:02 PM EDT

By Eliza Larson **CONNECT**

BURLINGTON, Vt. - The University of Vermont announced plans to become more solar-friendly, but it's looking to providers to help decide where to put the panels.

In order to brighten UVM, the school is turning toward the sun. UVM is considering a number of expansions that will affect how it powers its campus. In a partnership with the Burlington Electric Department, the school is looking at several projects to bring more solar power on campus.

"Instead of picking any one project, we put the whole campus up for an RFP. Ask solar developers where we should build solar on campus," said Neale Lunderville, Burlington Electric Department general manager.

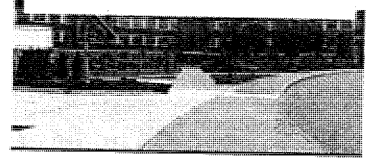
Lunderville says solar developers are using a map of the campus to generate ideas for potential solar panel locations.

"The University of Vermont has a long history of being a very environmentally conscious, green university. And by working together with a green utility like Burlington Electric, we're finding ways they can both create local power, create some revenue streams for them which they may not have had before and



contribute to the overall fabric of that environmental consciousness that they have," said Lunderville.

Lunderville says proposals must include plans to build solar panels on campus buildings or solar canopies over parking lots. They want to avoid the campus green spaces, a tactic he thinks will not detract from the campus' beauty. Some students agree.



"I don't think it's bad at all. I think it kind of - it would be beneficial to the school. Obviously it's already a super green school with all the recycling and all the alternative energy, but I think it would just improve it," said Hannah Kenney, UVM freshman.

Other students think building a more solar-friendly campus emphasizes UVM's effort to be environmentally conscious.

"I'd feel more comfortable with a lot more solar panels around, you know. Renewable energy is definitely the future," said Tripp Pace, UVM junior.

"The school supports being environmentally friendly and it really just brings it up and helps more," said Nichole Brady, UVM freshman.

Lunderville says BED will work with the university to decide which proposals are best suited for the school. It could be more than one, but in the end, it's the university that decides where to attract the sun.

Proposals must be received by BED no later than Nov. 15 of this year.

<http://www.rutlandherald.com/article/20150915/NEWS03/709159923/1004/NEWS03>

Report: Green energy drives jobs

By Neal P. Goswami

VERMONT PRESS BUREAU | September 15, 2015

MONTPELIER — Gov. Peter Shumlin is touting a report commissioned by the Vermont Department of Public Service that shows rapid job growth in the clean energy industry.

So-called green energy jobs — from solar, wind and other renewable energy sources — have spiked in the past few years, Shumlin said Monday.

"The clean energy industry grew by 6.2 percent this year. It now supports 16,231 jobs. That's up 1,000 jobs from a year ago," the governor said at Building Energy, a Williston construction firm specializing in energy efficiency. "We

expect to add an additional 1,000 jobs in the next six months.”

The second annual report found that the green energy sector in Vermont has grown by 9.8 percent since 2013 and now includes 2,519 businesses. More than 80 percent of those businesses have 10 or fewer employees, and about 66 percent have fewer than five employees.

“The choices that we’re making about energy, moving from dirty oil and coal to renewables, getting energy efficiency right, is creating jobs for Vermonters. It’s working for our economy,” Shumlin said. “It’s also reducing rates for Vermonters and putting money in their pockets.”

State officials said they were unsure how many of the more than 16,000 jobs in the clean energy sector are directly with energy businesses. The total includes ancillary jobs, including professional services like accounting, that derive some business from that sector.

“Anything where someone feels they are either partially or fully contributing to the clean energy economy is included,” Public Service Commissioner Christopher Recchia said.

Still, the number of jobs within the clean energy industry is on the rise and projected to grow about 6 percent next year, he said.

The renewable energy boom, particularly in solar, has allowed the state to reduce incentives for solar production. Recchia said the state was providing incentives worth more than \$2 per kilowatt-hour for solar production several years ago to encourage its growth. Last year the incentive was dropped to 20 cents and was eliminated this year altogether, he said.

“We’re no longer providing incentives for solar, and it’s not because we don’t like solar — it’s because we were successful. The businesses have grown, they have matured, and they were successful,” Recchia said.

The popularity of solar energy has some people concerned that installations are becoming too large and too prevalent. Ranger Solar, a New York-based company, is proposing at least four 20-megawatt solar farms in Barton, Highgate, Ludlow and Sheldon. The projects would double the solar output in Vermont, and each would require hundreds of acres.

Shumlin said Monday he has concerns the Ranger Solar proposal may be too big, too fast. "So, we all have to work together to figure out how we get this right. At the same time, we can't let it slow down the efforts that we're making right now, the success that we're having," he said.

The governor also said the state cannot "move fast enough to get off oil and coal and move toward renewables." He said Vermonters will naturally disagree over the appropriate size and scope of solar projects.

"There is going to be a vigorous debate in Vermont as we move from generation out there somewhere to solar, wind and other forms of energy that are generated right before our eyes. It's no different, I would suspect, than probably the debate that went on in general stores and Main Streets when the last governor from Putney, George D. Aiken, had to run power lines to the last mile of every community," he said. "I bet you there were plenty of people who thought those power lines were ugly and didn't understand why they were cutting the trees down ... and replacing them with power lines."

Shumlin said the debate is healthy, and the state must figure out "what is too big and make sure that we do this in a way that's in keeping with Vermont's extraordinary natural beauty."

"We can do that. I'm convinced of it," he said. "Where I get concerned is when the public loses faith in the process that we have in place that not only invites that debate but helps to resolve that debate."

That process, through the Public Service Board, works and should be maintained, Shumlin said. Local communities have their concerns considered as the board vets projects, he said. But some residents and municipalities have expressed frustration in recent years when projects they oppose get the green light from the PSB.

“I think that if local municipalities had veto power over energy projects, over telecommunication projects — any of the questions where, ‘Is it in the public good for everybody?’ — you would have absolutely no progress in Vermont going forward,” Shumlin said. “The board considers their opinions, but the board also has to ask under Vermont law, ‘What does this mean for the rest of Vermont?’ That is the standard that we should stick to.”

<http://vtdigger.org/2015/09/20/uvm-aims-to-add-a-megawatt-of-solar/>

UVM AIMS TO ADD A MEGAWATT OF SOLAR

ERIN MANSFIELD

SEP. 20 2015, 11:00 AM

2 COMMENTS

The University of Vermont announced Thursday it would work with the city of Burlington to build solar panels on rooftops and over parking lots.

The goal is to build 1 megawatt of solar — about half the size of the largest commercial solar farms in the state — among different projects. Burlington already has about 1.8 megawatts of solar among 81 different projects.

The Burlington Electric Department is part owned by the city government. The utility is asking for proposals from developers willing to build the solar projects. The proposals are due by Nov. 15, and the department will follow up on the proposals they like.

8/9/2017

ATT00009.htm

Neale Lunderville, the general manager for the Burlington Electric Department, said UVM is the utility's biggest customer. The idea for the university to do more solar projects came up during conversations about how the university could further its mission to protect the environment, Lunderville said.

Neale Lunderville

He said the Burlington Electric Department would most likely buy any power produced from the panels, whether through the state's net-metering law, which applies to projects of 500 kilowatts or less, or through a long-term contract between the university and the electric department.

"In Burlington, unlike a lot of communities, we don't have a lot of green space that would be OK to turn into a solar array, so we need to be creative in Burlington," he said. "We're looking for rooftop and solar canopies for parking areas as ways to utilize our built environment in a more robust fashion."

"We're not using up the green spaces we have left here," Lunderville said. "With the price of solar coming down, some of these solar canopies for parking lots, the prices are becoming more affordable. We're hoping that we'll get some interesting proposals back from people."

Bob Vaughan, UVM's director of capital planning and management, said the project is still in the exploration phase. The university already has more than 100 kilowatts of solar among different parts of campus, he said. This project would increase the university's capacity tenfold.

Any tax benefits, including the 30 percent federal Business Investment Tax Credit that expires at the end of 2016, would go to the developer because the university is a nonprofit, Vaughan said. It's too early to say whether the renewable energy credits would be sold, but all parties are in agreement on preserving green space.

"The idea that anybody would want to propose anything like on our main green or on our open green space on our campus is not attractive to begin with," Vaughan said. "We value our green space just as much as any other place on campus."

Burlington Mayor Miro Weinberger said he supports the project as a way to combat climate change. He said solar would also help the utility manage peak loads during summer, when the sun is shining and Burlingtonians are running their air conditioners.

"We really want to see Burlington supporting and driving that leadership (toward renewable energy)," Weinberger said. "I don't think there's a whole lot of examples of city-owned utilities out there pushing that kind of transformation."

"I think most Vermonters think that climate change is one of the major societal challenges of our time, and we need to move away from fossil fuel-based energy systems, and renewable energy is increasingly becoming a viable alternative," he said.

<http://vtdigger.org/2015/09/17/uvm-burlington-electric-to-partner-on-solar-projects/>

UVM, BURLINGTON ELECTRIC TO PARTNER ON SOLAR PROJECTS

PRESS RELEASE

SEP. 17 2015, 8:57 PM

LEAVE A COMMENT

News Release — UVM, BED

September 17, 2015

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*Mayor Weinberger and President Sullivan Announce UVM-City Solar Partnership, Release RFP
BED to Facilitate Solar on UVM Properties*

Burlington, VT – Mayor Miro Weinberger and University of Vermont (UVM) President Tom Sullivan today announced a partnership between UVM and the City of Burlington to develop solar energy projects on UVM campus properties to capitalize on opportunities to make Burlington an even greener community. UVM and the City released a request for proposals (RFP) from solar generation providers that encourages a wide variety of projects, including roof-top installations and solar canopies over parking areas. The goal of the partnership is the generation of one megawatt of electricity. Burlington Electric Department (BED) will manage the RFP process, and proposals are due to BED by November 15, 2015.

“Today’s announcement serves as another example of both the City’s ongoing commitment to powering our community with renewable energy and collaborating with UVM to make Burlington stronger,” said Mayor Weinberger. “Burlington’s future will shine more brightly as we build non-polluting, locally-sourced, renewable power.”

Burlington currently is home to 81 solar photovoltaic projects, generating 1.8 megawatts of power for the City. The UVM additions to Burlington’s renewable energy sources would help ensure the availability of low-cost, locally-generated power during times of high use, such as hot summer days when demand for energy is greatest. Consequently, peak energy production and usage will coincide, offsetting costs and reducing reliance on more expensive energy sources.

UVM President Sullivan stated: “UVM welcomes this community partnership with the City of Burlington and appreciates BED’s accomplishments as a national leader in energy innovation. This partnership provides us with the opportunity to demonstrate our commitment to Burlington’s renewability, sustainability, and efficiency efforts and to being better stewards of our environment.”

BED General Manager Neale Lunderville stated: “BED is thrilled to partner with our largest customer to grow our City’s solar portfolio. Community partnerships like this one present opportunities to carry out the Mayor’s vision of adding solar generation and other renewable, sustainable energy sources to power our City.”

Solar power systems have the advantage of integrating low maintenance, non-moving mechanical parts, which provide quiet operation. Even more important, constant sunlight is not required for solar to be viable; new storage technology allows for power to be generated, stored, and used when needed.

Burlington has had past success using a similar RFP process to grow community solar installations on City-owned facilities. In December 2012, the City released an RFP that has led to new solar installations, including a 500 kW array on the parking garage rooftop of Burlington International Airport and a 150 kW rooftop array at BED headquarters. Other projects remain under consideration.

<http://www.vnews.com/news/newsletter/18622190-95/strafford-weighs-solar-project>

Strafford Weighs Solar Project

By Rob Wolfe

Valley News Staff Writer

Thursday, September 17, 2015

(Published in print: Thursday, September 17, 2015)

South Strafford — As developers seek approval to build a major solar array at the former Elizabeth Mine site, disagreement over its financing illustrates statewide trade-offs Vermonters have made to get renewable energy sources up and running.

In order to subsidize the added cost of building on contaminated land near the mine, Green Mountain Power plans to sell the energy credits from the 5-megawatt facility out of state — a practice that the Selectboard opposes.

More than 50 residents, as well as legislators, state officials, energy experts, utility representatives, developers and town leaders, convened Tuesday night at Barrett Memorial Hall to discuss the matter.

“If we’ve got to pay a few more dollars on our electric bill, I would do that to (use the energy locally) and get it right,” Selectboard Chairman John Freitag said at the meeting, his remarks frequently interrupted by applause from residents.

After the Selectboard voted to send the Public Service Board a letter supporting the project, Freitag said, he and his colleagues learned that much of the credit for the energy would go out of state rather than toward Vermont’s requirements for renewables. Selectboard members then voted to condition their support on 100 percent of that solar energy supporting in-state goals.

The developers — Strafford resident Dori Wolfe of Wolfe Energy and Massachusetts-based Brightfields Development — do not necessarily need Selectboard approval to move forward; however, the consideration may carry weight in their petition to the Public Service Board under Section 248, the regulatory process that covers energy projects in Vermont.

Public Service Department Commissioner Chris Recchia said the out-of-state sales were necessary to finance the ongoing buildup of Vermont’s renewable infrastructure.

“This is renewable power that is going into the grid that’s helping to transform Vermont, and there’s a price for that,” he said.

Without this financing strategy, he later said, the price to accommodate such statewide development would have been an extra \$50 million on Vermont’s collective electric bill, or about a 6 percent increase in cost.

Recchia asked the Selectboard to support the project unconditionally, and let the issue of where the power is sold “sort itself out over time” as the Elizabeth Mine site becomes more profitable and begins to power Vermont.

“We’re getting there,” he said. “Work with us.”

Though Wolfe came to the forum with representatives from Brightfields and Green Mountain Power, they largely left the defending of the project to Recchia.

Freitag and another Selectboard member in attendance, Toni Pippy, appeared unswayed at the meeting’s end, though they said the board would take the proponents’ reasoning under consideration.

Looming over these discussions is the question of how Vermont will meet a series of upcoming energy deadlines. Under state law, according to the Public Service Department’s website, “Starting in 2017, 55 percent of each retail electric utility’s annual sales must be met by renewables, increasing by 4 percent every third year until 2032, when 75 percent of sales must be met by renewables.”

And by 2050, the department’s “Comprehensive Energy Plan” calls for the state to meet 90 percent of its electric, heating and transportation energy needs using renewables.

With those goals in mind, much of Tuesday night’s debate concerned the accounting system that tracks the flow of green energy.

When a solar array, for example, produces 1 megawatt-hour of electricity, it also produces one renewable energy certificate, or REC. Because electricity produced here flows onto the same interconnected New England grid, the consumption of RECs is how the market tracks the use of renewable energy. Consuming one REC — or “retiring” it, as industry experts would say — is equivalent to using 1 MWh of green power.

The main point of discord has been whether or not Vermont should sell its certificates elsewhere, where they may fetch a higher price. Proponents of the practice argue it secures more money for Vermont’s energy infrastructure and helps other states meet their goals, while opponents say it discourages development elsewhere and uses Vermont’s prime sites for projects that do not further the state’s own energy plan.

Vermont Law School Professor Kevin Jones explained this system to the public in a detailed half-hour presentation, during which he warned that “unbundling” RECs from the energy they represent could lead consumers to believe they are buying green energy when their carbon footprints instead will grow.

“It’s something that our legislators should be concerned about, it’s something the (Public Service Department) should be concerned about, it’s something the general public should be concerned about,” Jones said.

Using proper accounting practices, Jones said, one’s carbon footprint without RECs must be calculated using the “residual mix” of the New England grid’s non-renewable power, which mostly is fossil fuel.

The Byzantine structure of energy accounting proved confusing to many listeners Tuesday night, and in one instance, as Jones explained a concept for a second or third time, a solar contractor sitting in the audience jumped in to explain. People began speaking over one another. Above the general uproar, the phrase "colony of Massachusetts" could be heard.

For his part, Brightfields' Executive Vice President Ronald Kelly said the selling of RECs would not prevent other New Englanders from building their own renewable infrastructure — at least in Massachusetts.

In the Bay State, according to Kelly, solar credits must come from in-state facilities. Out-of-state solar power, while it may count toward non-specific renewable energy goals, does not replace in-state solar, he said.

"If Elizabeth Mine is built, it's not going to prevent Massachusetts from building its own 5-MW plant," Kelly told the crowd, "and that I can assure you."

Lawmakers such as state Rep. Jim Masland, D-Thetford, viewed RECs differently than did Jones.

In the eyes of Masland, who oversaw some of the state's early renewable-energy legislation in 2005, RECs always were meant to be sold to finance green development.

Masland said he and other legislators had been "well aware" that the RECs could be sold out of state; in fact, he said, the intention 10 years ago was to enable them to be sold to Massachusetts and Connecticut.

"At that time we were ahead of them in developing renewable energy, and we were aware that we would be taking advantage of their need to buy RECs," Masland said. "So we did that."

"To ask that the RECs be retired immediately from this makes this project just not possible," Recchia told audience members.

"We're paying substantially more — you all will be paying substantially more — than for a green-field project of this size," he added, "and the RECs are helping to finance that."

Those on both sides appeared to agree that the Elizabeth Mine site, a contaminated area that underwent a \$50 million cleanup sponsored by the Environmental Protection Agency's Superfund program, was ideal for a large solar array. The Superfund designation restricts the allowable uses for those 1,400 acres and, according to Wolfe, the project must be completed by 2016 before a 30 percent federal tax credit runs out.

Projects of this nature — but not quite the same scale — already are appearing in nearby Vermont towns.

In Strafford itself, easily visible from Route 132 is an 110-kilowatt array at the Strafford Saddlery which, thanks to a state grant, may retire all of its RECs, according to Wolfe.

In Norwich, members of the town Energy Committee have proposed a 150-kW array in the roughly 3-acre field enclosed by Route 10A and the Interstate 91 on-ramp. The project, which likely would be built and financed by a private installer, earned the support of the town's Selectboard in July, although its energy would not go toward the town's needs.

In South Royalton, Vermont Law School announced on Tuesday a 500-kW solar project that officials there anticipate will meet more than half of the school's needs.

Tunbridge Solar, a private company, will build and own the 4-acre array on Gee Hill Road, and VLS will buy energy credits from the facility, according to a Tuesday news release from the school. This project, too, appears to respond to concerns over siting, as the panels will rest 4 feet above the ground to make way for grazing sheep.

The discussion of solar siting in Vermont will continue today in Montpelier, where Recchia is scheduled to share remarks with the Public Service Department's Solar Siting Task Force.

<http://www.rutlandherald.com/article/20150917/OPINION01/709179955>

Opinion | Editorials

A solar state

September 17, 2015

Now that Rutland has achieved the distinction of becoming the solar capital of New England, Vermonters should establish the goal of making Vermont the nation's solar state.

It may be a counterintuitive notion — one of the cloudiest states becoming a more productive solar state than, say, Arizona. But then it was not immediately evident that Rutland was a great candidate for its solar achievements.

One of the challenges that Green Mountain Power faced when it announced its bid to take over Central Vermont Public Service was to assuage the sensitivities of the Rutland community, which had long been the corporate headquarters of CVPS. One of its initiatives was to establish an Energy Innovation Center downtown and to promote downtown development. Another was to establish the goal of making Rutland produce more solar power per capita than any city in the region.

Now it has done that. But as Mayor Christopher Louras noted, this accomplishment is not so much about the kilowatts produced as it is about the collaborations and the new directions that GMP has fostered.

The effect of the work by GMP and others has been to stimulate the economy statewide. A report from the Public Service Department released earlier in the week said that the clean energy industry now supports more than 16,000 jobs, creating 1,000 jobs in the last year alone. The industry grew by 6.2 percent in the last year, according to the report.

These numbers include more than the actual energy companies and their workers. It includes workers supported by the industry, such as accountants, public relations specialists, subcontractors. The wide spin-off effect of the energy industry underscores its importance to the economy. Similar spin-offs occur in other sectors. Ski areas, for example, support restaurants. The construction of houses boosts business for furniture stores.

Skeptics of the clean energy boom point to the fact that the industry benefits from tax incentives. But that is the point of tax incentives — to ignite businesses that serve a recognized and larger social good. The good of clean energy is that it replaces other forms of energy and begins the economic transformation needed to combat climate change. That is a necessity that must never be minimized or ignored.

The role of GMP, meanwhile, has been an unusual one. In other parts of the country (Arizona, for example), utilities are pushing to limit the development of solar power (even though the solar power available to Arizona could power the nation). That's because they don't want their share of the energy market reduced — they see solar as a threat to them.

In contrast, GMP views the large utilities as dinosaurs that will soon be replaced by a different model of energy production. The term is “distributed power,” which means power generated from small sources distributed throughout the landscape, rather than produced at a large, central generator and sent over wires far and wide. That means large solar arrays, but more and more it also means solar panels on the roof of your home or of your neighborhood school or church or shopping plaza. With this model of energy production, the power from the grid would serve as backup to locally produced power.

What has to happen now is for the state to team up with GMP and other utilities to make Vermont the solar state. It’s cloudy in winter, but except on the darkest days there are photons to be harvested. For those without suitable rooftops, there are community arrays to be developed. Gov. Peter Shumlin has been a major booster of solar development, and whoever follows him in office after next year’s election needs to recognize the potential for the state to serve as a clean energy pioneer. GMP appears to be committed to a role showing the nation’s utilities that there is another way to do business. Vermont can join that effort.

Complaint heard about weedy Springfield solar field

By Susan Smallheer
Staff Writer | September 16, 2015



SPRINGFIELD — The Select Board agreed to put pressure on the developer of the North Springfield solar facility at the corner of routes 10 and 106 to tidy up the overgrown and weedy site.

Resident John Graves complained to the board Monday night about the project by Dennis McPadden, saying it was in a prominent spot entering Springfield and gave a bad first impression.

“That is a real eyesore with the weeds growing,” Graves said, adding that a resident wouldn’t be allowed to let their lawn get that overgrown and weedy. “This place needs to be cleaned up,” he said.

“Can you tell them to straighten that up? It’s like they don’t care,” Graves said.

Select Board Chairman Kristi Morris said “maybe their properties could be better maintained,” and added that the town would try to use its influence to have the solar facility “mowed and kept as orderly.”

Graves said he was perplexed why the state didn't give the towns any say over the building and maintenance of the solar projects.

"Why doesn't the state give the towns any authority to question these people?" he said.

Morris said that the town had recently signed a contract with McPadden to receive solar-generated electricity, but from a different solar facility in North Springfield.

"We can contact Mr. McPadden. If we are purchasing power from him, we don't want our property looking like that," Morris said.

The other McPadden solar array, a joint project with Green Peak Solar, is off Cemetery Road in North Springfield.

But Graves' biggest concern was more than the high weeds growing up between the rows of solar panels. The town is virtually powerless, he said, on a key issue.

He said he supported solar and wind generation, but towns needed to have some control.

Also, Graves raised concern about the loss of farmland to the solar projects, and pointed to a proposal in nearby Ludlow where 125 acres of current hayfields could be converted to solar panels by a New York City developer, Ranger Solar LLC.

"I disagree with the use of agricultural land. We really don't have enough of it anyway," Graves said.

While the solar developer does need land, he said, he shouldn't use land being used by farmers.

"Why don't the communities have a say?" he said.

The Select Board said it wasn't a town issue, but a decision by the Legislature to give that authority to the Public Service Board, which has the control over the development of all power generation facilities in the state.

"I have to say I agree with you, John," said Selectman Peter MacGillivray, adding that despite common perception, the town doesn't have the authority to force people to maintain their properties so it doesn't adversely affect the value of neighbors' properties.

<http://timesargus.com/article/20150916/OPINION02/709169937>

Opinion | Letters

Hurting the cause

September 16, 2015

I would like to comment on a recent article covering Rep. Tony Klein's comments about solar if I may. I am a longtime renewable energy advocate. I've been advocating for renewables, especially solar, since the mid-1990s and am largely responsible for the policies that put into place over \$500 million in wind development and \$50 million or so of solar in New Mexico over the previous decade.

I have been following renewable energy development in Vermont very closely for the past eight years. I have to say that I believe Klein's comments in your article are entirely disingenuous and misleading. Rep. Klein has profoundly undermined the integrity of renewable energy in Vermont with his callous disregard for the environmental impacts of wind power in this particular region (which I think is completely nuts for a long list of technical reasons), and also his advocacy of a fraudulent renewable energy credit trading policy (now finally overturned) and finally now also with his general disregard for the details of solar siting.

There is enormous solar capacity in Vermont, and a huge amount of this crucial type of generation could be sited here in a very sensitive way. But Mr. Klein is basically just creating a free-for-all for developers and takes a "shove it down their throats" attitude toward siting. This is gradually but surely undermining public support for renewables, and it is only a matter of time before he will have totally destroyed majority public support for renewables.

I don't believe his comments should be aired at length without being countered by the rising tide of Vermonters who now consider his "advocacy" of renewables to be a shameful sham.

Ben Luce

Lyndon

The writer is a professor at Lyndon State College.

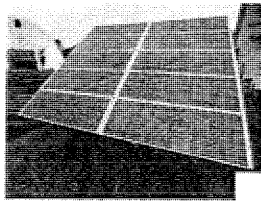
<http://www.burlingtonfreecpress.com/story/news/politics/2015/09/16/lobbying--clean-energy-montpelier/32517255/>

Tens of thousands spent on energy lobbying



Paris Achen, Free Press Staff Writer 7:22 p.m. EDT September 16, 2015

Advocates and industry spent tens of thousands of dollars to push renewable energy bill in Montpelier.



(Photo: GLENN RUSSELL/FREE PRESS)

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Advocates and industry spent tens of thousands of dollars to push a bill that established Vermont's first renewable energy standard, according to lobbyist disclosures filed with the Vermont Secretary of State.

Act 56 was designed to reduce greenhouse gases and to avoid an electricity rate hike associated with the state's ability to sell renewable energy credits to other states. The program is dubbed RESET (Renewable Energy Standard and Energy Transformation).

STORY HIGHLIGHTS

Renewable energy

Lobbyist disclosures

According to lobbyist disclosures due Tuesday, environmental advocacy groups and utility

companies spent considerable cash promoting the bill, H. 40.

Vermont Public Interest Research Group alone paid its advocates more than \$50,000 between April 1 and the end of the legislative session, May 16. Not all of that amount was earmarked for lobbying for the energy bill, but it is a "reasonable guess" that VPIRG's advocates spent the most time on that bill, said Executive Director Paul Burns.

"This was a big priority for VPIRG this session," Burns said of the energy bill.

Green Mountain Power spent nearly \$50,000 on lobbying efforts during the same period, though it was unclear how much of that went toward the energy bill. Vermont Natural Resources Council spent \$10,430. Other supporters included Iberdrola Renewables, reporting \$5,100, AllEarth Renewables reporting \$3,300, and Conservation Law Foundation, reporting \$2,587.

"Clean energy development in the state has been a major priority for decades, and the importance has only grown as we have seen the need to grapple with climate change," Burns said. "In past sessions, we were working on other clean energy bills. This was the session clearly was the one that the Legislature was going to do a renewable energy standard. It wasn't VPIRG that came up with the concept, but if it was going to happen, it was going to happen now, and we needed to be a part of it."

Their investment paid off. The bill passed 121 to 24 in the House and 22 to 6 in the Senate.

In contrast, Vermonters for a Clean Environment spent just \$600 about two-thirds of which was spent opposing the energy bill, said executive director Annette Smith. Another opponent of the bill - Energize Vermont - reported zero spending as of April 1.

Mark Whitworth, an Energize Vermont board member, said he lobbied for changes to the bill that would have placed more restrictions on sitings of renewable energy projects but chose not to take a salary. Whitworth wanted to give municipalities more

power in decision making and to set standards for protecting natural resources during sitings.

"There were a couple of times when some standards might made it into the bill on the Senate side," Whitworth said. "Whenever there was a threat that might constrain energy developers, these groups went into action together to twist arms," he said, referring to VPIRG and VNRC.

"Vermonters for a Clean Environment or Energize Vermont are the kind of organizations that have been fighting against clean energy for years now, and this was one vehicles for clean energy that were basically opposed to," Burns responded.

Under Act 56, electrical companies must own renewable energy credits or provide renewable electricity equivalent to 55 percent of the companies' total electricity sales by Jan. 1, 2017. That would go up to 75 percent in 2032. At least a portion of the credits must stem from renewable energy generated within the state.

Another facet of the bill requires electricity companies to provide programs that would encourage customers to reduce their consumption of fossil fuels.

<http://vtdigger.org/2015/09/16/500-kw-solar-project-underway-at-vermont-law-school/>

500-KW SOLAR PROJECT UNDERWAY AT VERMONT LAW SCHOOL

PRESS RELEASE

SEP. 16 2015, 11:35 AM

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News Release — Vermont Law School

Sept. 15, 2015

Contact:

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SOUTH ROYALTON, Vt., Sept. 15, 2015—A 500-kilowatt solar photovoltaic project under construction on Gee Hill Road in South Royalton will meet over half of Vermont Law School's current electric energy requirement while reducing its carbon footprint, President and Dean Marc Mihaly announced today. VLS, guided by the school's Energy Clinic and Sustainability Committee, selected Tunbridge Solar to install the solar project.

"This new solar farm brings to fruition a goal we set years ago as part of the American College & University Presidents' Climate Commitment," Mihaly said. "The Vermont Law School community is proud to be a model of sustainability for higher education institutions across the country. I credit our Energy Clinic at the Institute for Energy and the Environment for this achievement and congratulate the faculty and students involved in the solar project."

Professor Kevin Jones, deputy director of the Institute for Energy and the Environment, has worked on the solar project with student clinicians since last fall and selected Tunbridge Solar after evaluating seven proposals from a competitive solicitation on the school's behalf in December 2014. Per the agreement, Tunbridge Solar will build and own the 4-acre project, and VLS will buy all net-metering and renewable energy credits. Further, VLS will retire all renewable energy credits in order to ensure that the solar energy from the project reduces the campus' and Vermont's carbon footprint.

The project will be constructed with the same top-rated SolarWorld panels used on the two arrays on the VLS campus. SolarWorld is the largest U.S. solar manufacturer.

"The solar project will enable us to lower our greenhouse gas emissions, to reduce our—and Vermont's—carbon footprint," Jones said. "It's a win for our sustainability efforts at VLS and a win for the greater community. Our student clinicians have gained

invaluable experience working on the project, and we're supporting the local economy by working with a local company that hires local contractors."

Aaron Kelly '16 of Tunbridge Solar worked to site the project to complement the agrarian landscape and allow sheep to graze under the array.

"The solar panels will be elevated four feet above the ground to enable sheep to graze beneath the array while it's producing renewable energy," said Kelly, who is working toward a Master of Energy Regulation and Law (MERL) at VLS. "We have taken a thoughtful approach to designing this project, and we are proud to be working with a number of talented and experienced local contractors to bring this new solar array into reality."

For more information about the solar project or the Energy Clinic at VLS, call Kevin Jones at 802-831-1054 or email energyclinic@vermontlaw.edu.

The Institute for Energy and the Environment at Vermont Law School provides accessible resources on contemporary energy law and policy and is modeled on the fundamentals of a successful public policy consulting firm. The IEE distributes scholarly, technical, and practical publications; provides forums and conferences for professional education and issue development; and serves as a center for graduate research on energy issues, with environmental awareness. IEE research associates are selected from students in the energy and environmental programs at Vermont Law School, top-ranked in the nation for environmental law. For more information about the Institute for Energy and the Environment, email jthomas@vermontlaw.edu or call 802-831-1151.

http://www.benningtonbanner.com/localnews/ci_28818376/nearly-entire-water-board-resigns-pownal

Nearly entire water board resigns in Pownal

Former chairman cites acrimony over solar and finances for leaving

By Edward Damon

edamon@berkshireagle.com @BE_EDamon on Twitter

POSTED: 09/15/2015 06:04:59 PM EDT

0 COMMENTS

POWNAL — Four members of a local water system's board, including the chairman, have all resigned.

Ray Bub, chairman for Pownal Fire District No. 2's Prudential Board, said he and others have resigned in light of acrimony over a proposed solar array and accusations from residents that the board mismanaged the district's finances.

"We're just disgusted at being blamed for something we're trying to do that's good for the water system," Bub said in an interview Tuesday.

Bub pointed to the Aug. 17 meeting where residents interrupted a presentation from a solar developer and called for a vote on the issue.

"We don't want to work for that kind of attitude," Bub said.

"Let them take over and see how they do," he added, alluding to opponents telling the press that residents are willing to serve on the board for free.

Bub and members Doug Roberts and Alex DeSamsonow submitted letters of resignation at Monday's meeting at the Solomon Wright Public Library. Brian Quinn submitted his letter on Aug. 20. Member Walt Moreau, who owns and rents out a home within the district boundaries, resigned Aug. 5 after it was discovered that, under the bylaws, a member must reside on the district full-time.

The district's bylaws state the Selectboard now must appoint temporary members to the board, according to Bub, and new members will be nominated by residents at the district's annual meeting in November.

"We are looking forward to a new volunteer board coming in and getting the water district back on track with input from all the residents," read a statement issued by residents Tuesday. "We encourage transparency, good governance and community involvement in the future water board."

The board had proposed a 150-kilowatt array on a 5.4-acre field that's home to the district's well head and pump house, located on Route 346 about a quarter of a mile north of Main Street.

Members said the project by Green Lantern Group, LLC of Waterbury would save the district some \$3,600 a year and prevent their raising water rates, currently \$115 per quarter.

But opponents were worried the solar panels could contaminate the water supply and lower property values. They also took issue with members having their water bills forgiven and a stipend of \$30 for each meeting attended, which they say added up to over \$20,000 over several years.

The project was struck down last month by a vote of 12-31.

But Bub said there was no science to back up opponents claims. The type of solar panels with the most heavy metals, such as gallium and cadmium, wouldn't be well suited for Vermont's climate. And water in the aquifer is some 70 feet below ground, he said, protected by clay beds.

Bub also noted train tracks, an abandoned factory and a paved road are all above the same aquifer, as well as some opponent's houses.

"The now former members of the board drink the water themselves," Bub said. "They never would have proposed this if there was any danger to the water supply."

But residents remain unconvinced.

"Residents prefer to err on the side of caution when it comes to their drinking water," they said in the statement. "They did not want to become the 20 year experiment."

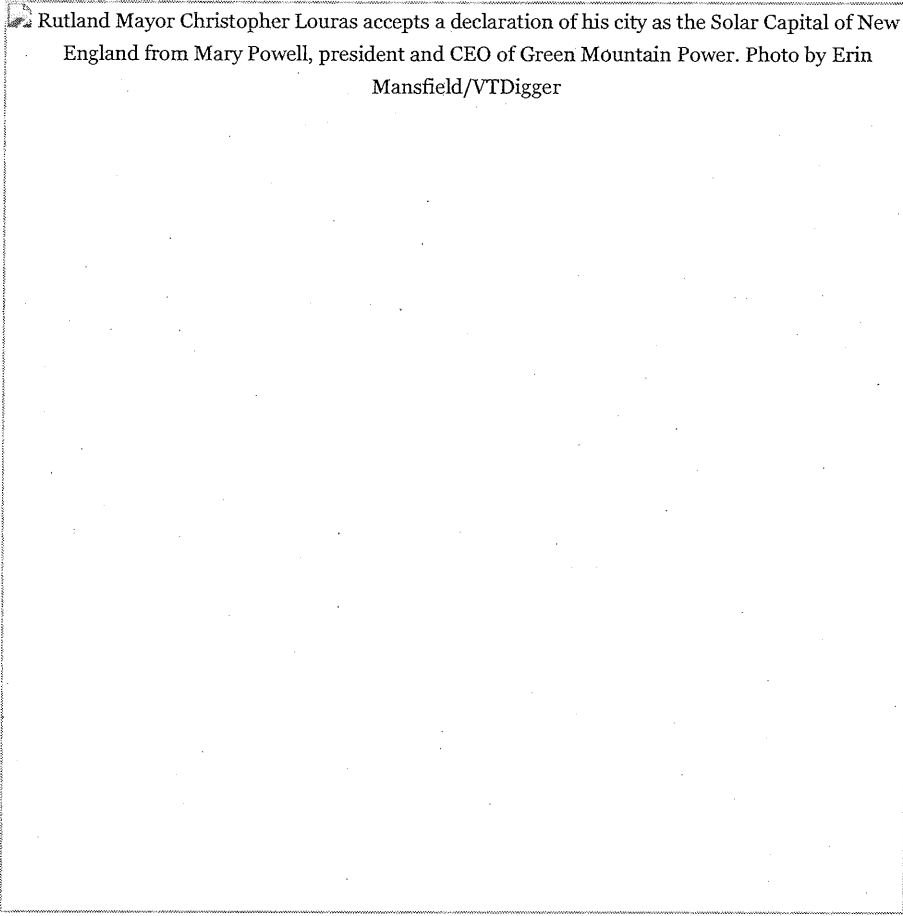
<http://vtdigger.org/2015/09/15/gmp-declares-victory-on-merger-promise-to-make-rutland-city-a-solar-capital-2/>

GMP DECLARES VICTORY ON MERGER PROMISE TO MAKE RUTLAND CITY A SOLAR CAPITAL

ERIN MANSFIELD

SEP. 15 2015, 8:47 PM

[LEAVE A COMMENT](#)

Rutland Mayor Christopher Louras accepts a declaration of his city as the Solar Capital of New England from Mary Powell, president and CEO of Green Mountain Power. Photo by Erin Mansfield/VTDigger

Rutland Mayor Christopher Louras accepts a declaration of his city as the Solar Capital of New England from Mary Powell, president and CEO of Green Mountain Power. Photo by Erin Mansfield/VTDigger

RUTLAND — Green Mountain Power announced Tuesday that the company has surpassed its mission to make this city the Solar Capital of New England.

Rutland, with a population of about 16,000, now has 7.87 megawatts of solar among 38 projects in the city. They range from less than 1 kilowatt to 2,500 kilowatts and serve more than 100 people and businesses.

The city has soared past its 2012 goal to build 6.25 megawatts of solar by 2017. The state's largest utility says the new figure means the city has the most solar power per capita in New England.

Green Mountain Power made the announcement at an event at a solar-powered home. Attendees included U.S. Rep. Peter Welch, D-Vt., Gov. Peter Shumlin, local aldermen, state representatives and dozens of people who work in the energy industry.

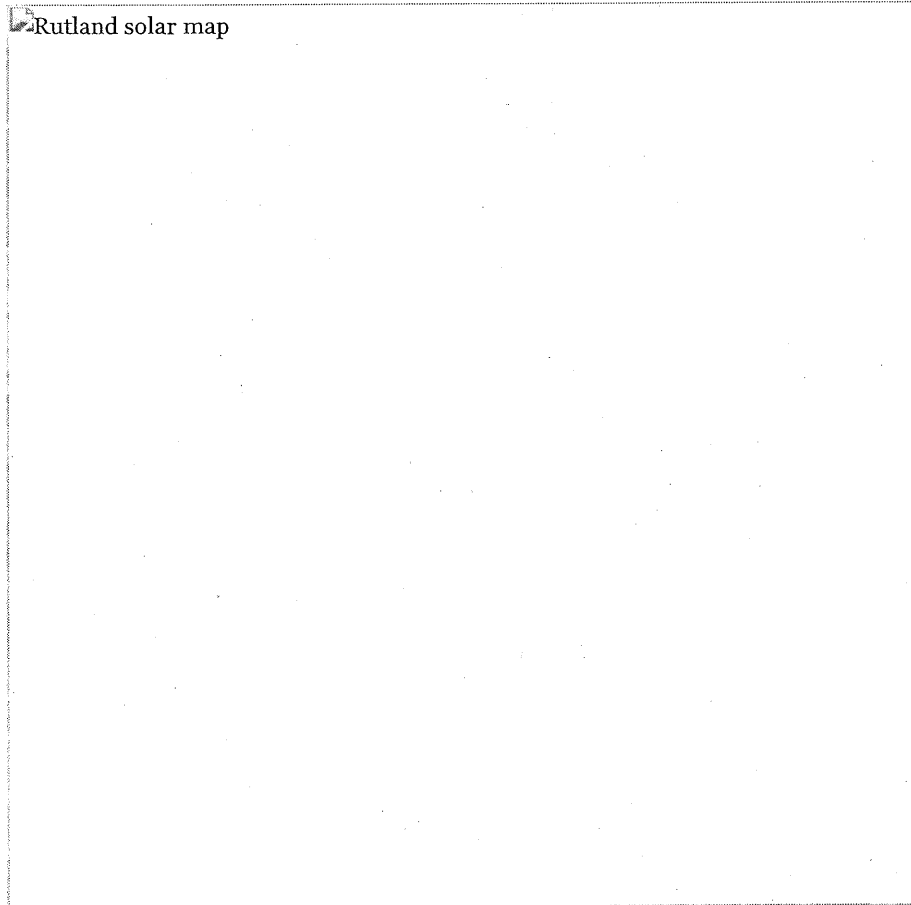
"There are metrics that have been established, and those metrics have been met," Rutland Mayor Chris Louras said of the solar city designation. Louras said he values solar in part because it makes the city more resilient in the event of a natural disaster.

In September 2014, the city finished the project that was a partnership with Green Mountain Power and groSolar. The groups built a 2.5-megawatt project on a former landfill on Gleason Road, just behind the Rutland High School football field.

The array has 7,700 panels and batteries that can store 4 megawatts of energy that's not being used. In the event of an emergency, the city can use the battery-stored energy to power Rutland High, which served as an emergency shelter during Tropical Storm Irene.

Mary Powell, the president and chief executive officer of Green Mountain Power, said the solar projects that brought Rutland over the goal were built through collaboration among government, community organizations and Green Mountain Power.

“I would say none of [this achievement] is attributable to the three-phase power that runs down Route 7,” Powell said, calling her company obsessed with its customers. “I think this is really a Vermont-driven culture.”



The push to make Rutland the state’s solar city was also a proposed economic development tool submitted as part of the 2012 merger agreement when Green Mountain Power absorbed Central Vermont Public Service, or CVPS, in Rutland Town.

The utility wrote in a 2012 plan that it would recruit solar developers, but also “encourage developers to open local offices here, hire local labor, and make long-term commitments to Rutland’s downtown area.”

“Individual contributions to the redevelopment effort will cumulatively help revitalize the local economy, contribute new and sustainable jobs, and begin the re-occupation of existing commercial spaces that have been vacant for too long,” the plan said.

The downtown area’s street-level offices surpassed 90 percent occupancy in 2014,

and won acclaim for two locally owned women’s clothing stores. Business offices now include solar developers such as SunCommon, SameSun, groSolar, and NRG Energy, a Fortune 500 company.

“Businesses are basically taking advantage of the resurgence and enthusiasm about Rutland and coupling that with saving on energy costs,” said Tom Donohue, chief executive officer of the Rutland Regional Chamber of Commerce. “It’s more about the solar product right now and more about the industry.”

Most of the energy being produced as part of the 7.87-megawatt total comes from nonresidential projects, including Green Mountain Power, city-owned projects and panels that serve large institutions, such as the College of St. Joseph and the Rutland Regional Medical Center.

There are a handful of residential roof-mounted arrays, including the home of Robert and Janet McClallen, who hosted Tuesday’s news conference. Residential customers also benefit from the West Rutland-based NeighborWorks of Western Vermont, which performs \$100 energy audits that often end with homeowners weatherizing and installing solar.

For people who could not install solar on their roofs for affordability or structural reasons, NRG Energy built the first group net-metered solar array in the country in Rutland in 2014. The 150-kilowatt array now serves 50 customers, including Louras, who save