

State of Vermont
Department of Public Service
112 State Street
Montpelier, VT 05620-2601
<http://publicservice.vermont.gov>

[phone] 802-828-2811
[fax] 802-828-2342
[tdd] 800-734-8390

January 1, 2019

Office of Legislative Council
State of Vermont General Assembly
115 State Street
Montpelier, VT 05633-5301

RE: Certificate of Public Good; Complaint Protocol Report and Recommendations

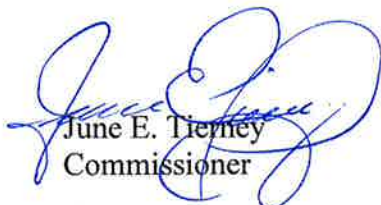
Dear Senators and Representatives,

The Department of Public Service hereby files its third annual report for complaints concerning the alleged failure of a company to comply with the terms and conditions of a certificate of public good issued by the Public Utility Commission, as established in 30 VSA § 248 Sec. 5c.

The Department's Consumer Affairs and Public Information (CAPI) division investigates and reports on complaints about the alleged failure of holders of a certificate of public good (CPG) to abide by its terms and conditions. Quarterly reports will consolidate complaints of a similar nature involving the same company and provide some information about the Department's progress with its investigation and response to complainants. Complaint information received by other agencies and the Public Utility Commission are sent to CAPI for consolidation into its reporting. The quarterly statistical reports for CPG complaints are included in the annual report and are also available online at: <http://publicservice.vermont.gov/cpg-complaint-protocol>.

The Department gratefully acknowledges collegial support and training that the Agency of Natural Resources provided to CAPI staff in 2018 about investigatory techniques.

Sincerely,



June E. Tierney
Commissioner

JET/cmf





**Complaints about Alleged Violations of the Terms
and Conditions of Certificates of Public Good**

Annual Report for the Year Ending December 31, 2018

Submitted to:

Vermont General Assembly

**Consumer Affairs and Public Information Division
Vermont Department of Public Service
January 15, 2019**

Contents

Introduction.....2

Complaints Researched by Consumer Affairs and Public Information at the Vermont Department of Public Service for the period January 1, 2018 through December 31, 2018.....2

Administrative Citations.....4

 Draft Administrative Citations4

 Final Administrative Citations.....4

For more information contact Consumer Affairs and Public Information, Vermont Department of Public Service, 112 State St., Montpelier, VT 05620-2601, 802-828-4051, PSD.consumer@vermont.gov

Introduction

In response to Act 130 in 2016, 30 V.S.A. §§ 248, 248a, Annotation, *Department of Public Service; Certificate of Public Good; Complaint Protocol* (2015, No. 130 (Adj. Sess.)) § 5c the Consumer Affairs and Public Information division (CAPI) of the Vermont Department of Public Service (Department) drafted a protocol to address complaints about the alleged failure of holders of a Certificate of Public Good (CPG) to abide by the terms and conditions of their CPG. The protocol was implemented on September 1, 2016. At that time, the Public Utility Commission (PUC) began referring complaints about potential CPG violations to CAPI and including direction in Commission orders to CPG holders to follow the complaint protocol. The Vermont General Assembly later expanded the Department's investigative authority to include administrative citations, effective July 1, 2017.

CAPI collects data about and reports on complaints about the alleged failure of holders of a Certificate of Public Good (CPG) to abide by its terms and conditions. The public may make complaints by email, in writing, by phone or in person to the Department. Alternatively, a CPG holder may self-report a potential violation or a complaint it received directly from the public. Another agency that receives a complaint may collect basic details and forward that information to the Department for investigation. No complainant is required to contact a company or CPG holder prior to filing a complaint with the Department.

CAPI investigates complaints and works toward an informal resolution between the complainant and the CPG holder. If an informal resolution cannot be reached, and following an investigation, the Department has reason to believe the CPG holder has violated sections 246, 248, 248a, or 8010, the Department will follow the statutory process for issuing an administrative citation.

The quarterly statistical reports for CPG complaints are available online at:
<http://publicservice.vermont.gov/cpg-complaint-protocol>

Complaints Researched by Consumer Affairs and Public Information at the Vermont Department of Public Service for the period January 1, 2018 through December 31, 2018

CAPI received twenty-two new complaints about CPGs in 2018. Sixteen of these complaints were about solar installations. Four complaints related to wind and two complaints were about wireless cell towers.

Twenty cases were opened and closed in 2018, and nine cases that were opened in 2017 were closed in 2018. Two cases remain open at the close of 2018. Fifteen complaints were determined to be about something other than the terms and conditions of the CPG and were addressed in other ways. In seven instances, CAPI had sufficient reason to believe no violation of the terms and conditions of the CPG had occurred and closed the case accordingly. Remediation was recommended in two instances. In one instance, CAPI had reason to believe that further investigation may be necessary to determine whether a violation may have occurred and advised the complainant of the process to file a complaint with the Public Utility Commission.

Figure 1 Complaint Data for January through March 2018

CPG Complaints Opened in Q1 2018 by CAPI					
Energy type	Project town	Description	Investigated by CAPI?	Status	Potential violation?
Solar	Westminster	Tree placement	Yes	Active	
Solar	Gilman	Self reported clearing	Yes	Active	Yes
Solar	Barre	Screening	Yes	Active	
Wind	Searsburg	Turbine noise	Yes	Resolved	No
Wind	Searsburg	Turbine noise	Yes	Resolved	No
CPG Complaints Closed in Q1 2018 by CAPI					
Energy type	Project town	Description	Investigated by CAPI?	Violation	
Natural gas	Monkton	Blasting damage	Yes	No	
Wireless	Coventry	Radio frequency	Yes	No	
Solar	Rutland	Notification failure	Yes	No	
Solar	Rutland	Site maintenance	Yes	No	
Solar	Shoreham	Screening/wetlands	Yes	No	
CPG Complaints Reported by other Agencies in Q1 2018					
Energy type	Project town	Description	Investigated by CAPI?	Status	
Wind	Lowell	F.A.A. lighting	No	Active	

Figure 2 Complaint Data for April through June 2018

CPG Complaints Opened in Q2 2018 by CAPI					
Energy type	Project town	Description	Investigated by CAPI?	Status	Potential violation?
Solar	Guilford	Notice	Yes	Resolved	
Solar	South Strafford	Noise	Yes	Resolved	No
Solar	Weathersfield	Screening	Yes	Active	
Wind	Vergennes	Shadow Flicker	No	Referred	
Solar	Middlebury	Construction Requirements	Yes	Resolved	No
Solar	Shelburne	Self reported no CPG	Yes	Resolved	
CPG Complaints Closed in Q2 2018 by CAPI					
Energy type	Project town	Description	Investigated by CAPI?	Violation	
Solar	Putney	Planting	Yes	No	
Wind	Searsburg	Blasting Damage	Yes	No	

Figure 3 Complaint Data for July through September 2018

CPG Complaints Opened in Q3 2018 by CAPI					
Energy type	Project town	Description	Investigated by CAPI?	Status	Potential violation?
Solar	Charlotte	Setback	Yes	Resolved	
CPG Complaints Closed in Q3 2018 by CAPI					
Energy type	Project town	Description	Investigated by CAPI?	Violation	
Solar	Shelburne	Self reported no CPG	Yes	Yes	

Figure 4 Complaint Data for October through December 2018

CPG Complaints Opened in Q4 2018 by CAPI					
Energy type	Project town	Description	Investigated by CAPI?	Status	Potential violation?
Solar	Sudbury	Screening	No	In abeyance	
Solar	Dummerston	Setback	Yes	Resolved	No
Wind	Georgia	Road Maintenance	No	Resolved/withdrawn	
CPG Complaints Closed in Q4 2018 by CAPI					
Energy type	Project town	Description	Investigated by CAPI?	Violation	
Solar	Sudbury	Screening	No		
Solar	Dummerston	Setback	Yes	No	
Wind	Georgia	Road Maintenance	No	No	
Solar	Guilford	Notice	Yes	No	
Solar	South Strafford	Noise	Yes	No	

Administrative Citations

Draft Administrative Citations

One draft administrative citation was issued in 2018. The CPG holder self-reported the violation.

Final Administrative Citations

One final administrative citation was issued in 2018 to a CPG holder. The CPG holder violated Condition 3 (construction, operation, and maintenance of the project shall be in accordance with the plans and evidence as submitted in this proceeding) of their CPG for a solar electric generation project located at a closed landfill in the Village of Gilman (Lunenburg) on the Vermont/New Hampshire border.