STATE OF VERMONT
DEPARTMENT OF PUBLIC SERVICE

RE: THE RUTLAND REGIONAL PLANNING COMMISSION'S REQUEST FOR A DETERMINATION OF ENERGY COMPLIANCE PURSUANT TO 24 V.S.A. SECTION 4352

August 14, 2018
6:00 p.m.
-----
67 Merchants Row
Rutland, Vermont

Public hearing held before the Department of Public Service, at the Rutland Regional Planning Commission, 67 Merchants Row, Rutland, Vermont, on August 14, 2018, beginning at 6:05 p.m.

P R E S E N T

Vermont Department of Public Service

Riley Allen, Deputy Commissioner
Dan Potter, Energy Policy and Program Analyst
Sheila Grace, Special Counsel

COURT REPORTER: Deborah J. Slinn, RPR, CSR

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

(COMMENCING AT APPROXIMATELY 6:05 p.m.)

DEPUTY COMMISSIONER ALLEN: Good evening. Thanks for being here. This is a public hearing regarding the Rutland Regional Planning Commission's request for a determination of energy compliance pursuant to Title 24 V.S.A. Section 4352.

My name is Riley Allen. I'm the Deputy Commissioner of the Department of Public Service. With me is Dan Potter, an energy and policy program analyst. And Sheila Grace, who is with the public advocacy. I will start by offering some context for tonight's hearing.

Act 174 created a new energy planning process in Vermont for regional planning commissions and municipalities. Pursuant to this process, the Regional Planning Commission has the option of submitting its duly adopted plan to the Commissioner of Department of Public Service, for affirmative determination of compliance with the statutory standards of Section 4352.

When a regional plan has received an affirmative compliance determination under

that section, the Public Utility Commission is required to afford substantial deference in Section 248 proceedings, the land conservation measures and specific policies contained in such a plan, when reviewing any proposed electric generation facility in the region covered by the plan.

The purpose of this hearing is to gather input from you, the public, regarding the request for determination from the Department, that the regional plan complies with the energy plan requirements set forth in statute.

If the Department finds the plan complies, the land conservation measures and specific policies contained in the plan will receive substantial deference during any Public Utility Commission siting review of any proposed electric generation facility within member towns of the Rutland Regional Planning Commission.

We've got Ed Bove --

MR. BOVE: Bove.

DEPUTY COMMISSIONER ALLEN: -- the executive director of the Regional Planning

Commission, to begin this hearing with a brief overview of the plan; after which, we invite members of the public to provide input and offer questions.

Please sign up if you haven't already. If you are going to speak, I'll run through those in order. I also encourage you to submit written comments to the Department via the e-mail address psd.planningstandards@vermont.gov. If anyone needs that e-mail address again, just let us know.

Also, one last formality -- tonight's hearing is being transcribed by a court reporter. So when you come forth to speak, please spell out your name.

With that, I will turn it over to Ed to lead it.

MR. BOVE: Thank you for being here tonight. There's a lot of pizza and we're billing it to Dan's office. So please eat and take some with you.

So welcome to Rutland. And again, thanks for being here for the hearing. This is an exciting day for us because we've been

working on this plan for what seems like an eternity -- years -- doing it. So what we've -- you have the plan in front of you. We've also created this little cheat sheet of the things I am going to run through right now, which is a quick overview of some highlights of the plan rather than trying to go through it in total detail.

So, I will run through those with you right now, and then you can probably turn it over to anyone with comments or questions from the Department.

So the highlights -- we had an energy committee formed, really for the purpose of creating this document. Eleven meetings on it over two years. Two public hearings in May and June of this year. And the plan was adopted June 19th as part of a regional plan adoption, which we did in its entirety, also incorporating some of Act 171, which is the habitat blocks in the habitat connectors language.

Thirty-seven members of the public participated in the committee meetings and the hearings. And last year, we created a

policy in our RRPC bylaws, to set the stage for when municipalities would bring these plans before us and how the RRPC would approve them -- again, hoping that we received the affirmative determination.

Five main goals. Maintaining the land use and development patterns supported by other chapters of the regional plan in 4302.

Number two, collaboration with VEIC to create an energy model identifying targets for energy conservation and renewable energy generation. The specific target of 285 megawatts of renewable energy in the region. Regional resource maps, prioritizing locations for the development of future generation facilities.

And the biggest one that we do on the day-to-day level is energy guidance to our 27 municipalities in the region.

So to meet those goals, some takeaways for us is that here at the region, we definitely embody the compact centers surrounded by rural countryside and working lands, and we prefer both rural-residential, again combined with mixed-use centers.

We have a lot of broadband down here. Some of our towns have incredible broadband space. So we will plan on using that for connections to promote telecommuting, and again, reduce some of the strain on the transportation sector, and to ensure VEIC's models, the conservation factor, as well as fuel-switching targets, are not forgotten.

So the plan itself outlines 33 specific actions, and there is also an implementation table that is part of the plan, which implements the energy chapter as well as the other chapters that are in the plan.

Mapping, we've mapped the resource areas, but, however, we've -- deferring to municipalities for more specific localized maps. It's incredibly difficult to do that on a regional scale. And by not having a regional map of preferred areas, you will see from the plan, we put that into text form of preferred sites of where to and where to not site some of the generation facilities.

And the reasoning, again, is because it's incredibly difficult at the regional scale, to map that, but also it gives our

committee, the regional committee, which reviews Section 248 applications, the ability to decide per project on a case-by-case basis, rather than locking it into a map.

We've also, in the mapping, followed the consensus of many of our towns, that development should be limited in natural resource and mountainous areas -- protecting those -- because those areas are also protected from other development, other commercial and residential development in the region. So it's not just energy generation that's targeted, it's really everything in those areas, we want to avoid.

And finally, some other guidance to municipalities is in the region, especially here, there is a very strong localized push to keep localized control. So we try to work from bottom up rather than top down, whenever we can.

Macro and micro scale limitations to implement the plan, knowing that we can't change federal policy and we also can't control technology and what's ten years down the road. And helping to take the lead in

outreach on fossil fuel suppliers and helping them transition to more renewable fuels.

DEPUTY COMMISSIONER ALLEN: Okay. Thank you very much, Mr. Bove. So with that, I will just open it up for comments. I just, if I could, just ask a couple of questions.

So you're offering specific strategies to achieve the energy goals, and you have identified at least a target of 285 megawatts renewable energy. I assume that's predominantly solar?

MR. BOVE: Yes, and it's -- yeah.

DEPUTY COMMISSIONER ALLEN: So how did you arrive at the energy and capacity targets that you said, at a high level?

MR. BOVE: Well, first of all, I want to -- David Mills and Annette Smith are on the energy committee. Barbara Noyes Pulling, staff here. So she also can chime in on some of these answers. So it's not just me.

How did we arrive at the 285 figure?

DEPUTY COMMISSIONER ALLEN: Yes.

MR. BOVE: I think we were given that from you.

MR. MILLS: Wasn't it the lead modeling?

MR. BOVE: Yes.

MR. MILLS: The lead modeling is what gave us that figure.

DEPUTY COMMISSIONER ALLEN: Okay.

MR. BOVE: We provided some guidance. The regional planning commissions choose to adopt it or not. I think that's probably where that figure came from.

MS. NOYES PULLING: And we did play with the numbers a little bit as far as which type of generation it would be. So we skewed it more. There was one number overall, and we skewed it to solar --

DEPUTY COMMISSIONER ALLEN: Okay.

MS. NOYES PULLING: -- and mostly ground mounted and roof mounted, as opposed to industrial scale.

DEPUTY COMMISSIONER ALLEN: I'm assuming that the number you have probably given was the energy number, that 387,000 megawatt-hours.

MR. POTTER: And the worksheet that we provided included some conversion factors based on different capacity factors for renewable generation facilities.

DEPUTY COMMISSIONER ALLEN: Now, I see you made reference to electric charging stations, and it looks like providing charging stations at prominent locations in municipal parking lots.

Did the plan give much consideration of ideal or appropriate locations beyond municipal parking lots?

MR. BOVE: We identified impervious surfaces throughout the plan, as a preferred area, which I think we broadly left open. So it could be a parking lot, a rooftop. It could be, you know, a sure pack, you know, that's starting to disturb.

MS. NOYES PULLING: And I think we looked at, more or less, the low hanging fruit, and looked at municipal and maybe state-owned properties for charging stations, park-and-rides and places like that, as a starter --

DEPUTY COMMISSIONER ALLEN: Okay.

MS. NOYES PULLING: -- location.

DEPUTY COMMISSIONER ALLEN: Okay. So I will turn it over to David Mills.

MR. MILLS: At this point, I'm good.

DEPUTY COMMISSIONER ALLEN: Okay. Laura MacLachlan?

MS. MacLACHLAN: Hi. So I guess a comment that I want to make -- one, I work for an organization that is a partner, that could support your energy plan. That's why I'm here.

So I work for the Vermont Energy Education Program, and I work with K to twelve schools around the region. And as an example, one of the projects that we're working on is helping to map where those renewable resource energies are.

Like we work with students to actually collaborate with the dashboard, and actually helping find out where those renewable resources are in their local communities. Great project for kids.

But I also have a question, and that is, why did you decide to do a limited focus on small wind?

MR. BOVE: I think --

MS. SMITH: Would you like me to answer that?

MR. BOVE: Sure.

MS. SMITH: The Rutland region has limited industrial wind resources. The best areas are Green Mountain National Forest, a large area in Ira that has also already been proposed for a wind project, and conserved and State owned.

And so this region has actually seen 100 megawatts of proposed wind development that created a great deal of controversy because of the really unique natural resources we have.

Wherein the Taconic Mountains and the Green Mountains -- and so many of Green Mountains are already in the forest, the national forest. And when we looked at the maps, once you add in all of the relevant constraints, there's practically nothing left.

And because of the education that a lot of commissioners have had surrounding the issues that have happened elsewhere -- for instance, the noise -- it's not really possible in this region to site big wind on ridge lines, for all those reasons.

So it was a very, you know, thorough

discussion in terms of looking at what's happened here. We are kind of unique in having had two industrial wind projects proposed. One involved seven towns; one involved four towns, including Pittsford, where David is from.

Extremely disruptive and contentious, both of which were defeated. And one of the big reasons is the natural resource issues and the other is the noise, and seeing what's happened elsewhere.

So people are good with small wind, and for a variety of reasons that just are not appropriate sites for big wind, either because of the wildlife and ecosystem issues, or because of the population around these mountains.

MS. MacLACHLAN: So I actually asked why there isn't more small wind proposals actually in the plan. So the plan is very heavy on solar, which is not -- in order to support the solar, you need to actually have some sort of storage capacities because they are not -- solar isn't available 24/7.

So small wind can be an answer because

it doesn't have to be placed on ridge lines and things like that. So I guess that was one of my questions.

MS. SMITH: I don't think there's any bias against small wind.

MR. BOVE: No, I think it's encouraged.

MS. MacLACHLAN: It's got a very small piece of the pie, but --

MR. BOVE: I think it was hard to quantify on those charts, how much that could contribute.

MS. SMITH: We actually wanted to do a map showing small wind sites, and we couldn't figure out how to do it.

MR. BOVE: Right.

MS. MacLACHLAN: It's definitely a localized, but -- and so that answers my question because I wasn't sure if you were closing the door to small wind and limiting it, or making it an opportunity.

Because small wind is a great partner with solar, or can be a great partner. And the technology with small wind has actually gotten really incredible and, you know, creates a lot of energy, so --

MS. NOYES PULLING: I would like to add something. We view this plan as a start, as something to get going with, and that we'll be revisiting at least every eight years.

So as the technology changes for wind or solar, whatever, and we need to adjust the numbers, the proportion of the target -- we see that as happening a number of times down the road because things are changing, whether it's politics or technology.

MS. MacLACHLAN: Great, thank you.

DEPUTY COMMISSIONER ALLEN: Okay.

Annette, did you want to offer any comments?

MS. SMITH: I think the only thing I would like to point out to you is that this plan -- and I'm not sure what page it's on -- contains data on the -- I think it's just electricity, but the consumption by town. And I'm not sure that that's something that you have seen in other plans.

What page is that on, Barbara?

MS. NOYES PULLING: Eight and nine.

MS. SMITH: But it's a very interesting graphic, and I think something that's very

worthwhile in the context of energy planning. It also highlights some of the challenges that we face as a region, where we are close to Killington ski area, which is a major user, and to Omya and Pittsford, which is a major user, and to GE in Rutland Town.

And so we have some very large consumers of electricity in the region, and then we have towns that use very little. So I just wanted to point that out to you, that I'm not sure that you are seeing that in other towns. But I appreciate that we were able to get the data to put it in, because this is the kind of information that is very helpful in trying to figure out how to do energy planning.

DEPUTY COMMISSIONER ALLEN: Yeah, that is interesting. I assume you just approached your local utility to get this information, or how do you come by this information?

MS. NOYES PULLING: All of the RPCs, through some sort of arrangement with Efficiency Vermont. And we'll be able to get it every year from now on --

DEPUTY COMMISSIONER ALLEN: Right.

MS. NOYES PULLING: -- as I understand.

DEPUTY COMMISSIONER ALLEN: Yeah.

MS. NOYES PULLING: They have been very helpful and very easy to work with.

MS. SMITH: So, for instance, my town has the largest underground marble quarry in the world, and it's served by one transmission line.

And as we look at our town in a sort of prescribed amount -- and this is a consideration that's happened in other towns -- is Pittsford responsible for all the power for Omya? Is Killington responsible for all of the power for Killington ski area? Or is Danby responsible for putting up enough renewables to serve that quarry?

So, it's a good take-off point to understand the details of industrial, commercial and residential uses in the region.

DEPUTY COMMISSIONER ALLEN: Okay. Thanks for highlighting that.

MR. MILLS: I think to add to that, what we decided in this plan was, rather that making Danby or Pittsford make up that, that we divided it between all the towns and

shared it between all the towns rather than giving one specific town that used a lot -- having to, you know, make the whole thing solar panels, we spread it around.

DEPUTY COMMISSIONER ALLEN: Thanks.

MS. SMITH: The other challenge that we face as part of this planning process, is understanding the grid issues and the capacity on the grid.

So again, as an example, my town has a very small amount of three-phase power, all right next to Route 7. And it's a town that has mountainous terrain. The majority of the town is not next to Route 7 --

DEPUTY COMMISSIONER ALLEN: Right.

MS. SMITH: -- and there is no three-phase power. So these are the kind of issues that we need more help from utilities in understanding how to do integration.

DEPUTY COMMISSIONER ALLEN: Well, I mean, just on that, you know, Green Mountain Power actually has some pretty good mapping resources available online. They do actually provide access to the location of all their three-phase --

MS. SMITH: Right. So what do towns do like Shrewsbury, too, like Danby, that have practically no three-phase?

And my understanding is that it's not absolutely necessary for some solar projects and some other projects. But it's those details that -- we can look at the GMP map for the broad brush, but --

DEPUTY COMMISSIONER ALLEN: Right.

MS. SMITH: -- the details are what concern us. And we have seen a lot of solar in this region. We've reviewed so many applications over the last few years, we've become pretty good at looking at siting issues.

And we're moving on to costs and grid capacity, and if you put a project here, a big project, is it going to force -- is it going to use up the grid capacity so that local homeowners can't get metered, for instance.

DEPUTY COMMISSIONER ALLEN: Right.

MS. SMITH: These are the kinds of questions we are now asking the developers, when they come in with their proposals.

DEPUTY COMMISSIONER ALLEN: I appreciate the sensitivity to the grid. It is a challenge, and I know that you know about the kinds of challenges we face in the SHEI area that's in the north.

But you can also go online and see the solar map that Green Mountain Power has. It shows where at the distribution system level, some of the challenges are kind of rising to the top and are going to force some solutions.

And there are probably a number of solution pathways, but -- in being mindful of the infrastructure as these things go, perhaps thinking through the regulatory mechanisms that can be applied, and the informational planning mechanisms that can be employed to make better use of our great resources.

It's important. And I think very few people are very aware of that issue. I think it's going to become a challenge, and will become more apparent as we go forward and face the pressures.

Okay. Any other comments? Yes,

David.

MR. MILLS: Ed says I can't keep my mouth shut. It's along this line and it really doesn't have to do with this plan, but you are talking about, you know, the grid and using up the grid.

The other thing is, how much land is being used up. As a farmer, this is what I am sensitive to. And I understand you have to have setbacks. But I look at some of these solar things and you have taken a perfectly good ten-acre meadow and you've plunked five acres of solar in the center of it, and the rest of it's useless.

To me, somewhere along the way, you've got to stop wasting so much land and be able to use the majority of the space. Otherwise -- because people get sick of this one popping up here and that one popping up there. And if you could go from having to build ten fields down to even six fields or seven fields, I think it would help. It would help.

So I guess what I'm saying is, you know, if somebody is building a solar project and

the neighbor doesn't mind if the solar goes right up to their fence line, have provisions so that can happen.

And also, you know, roadside setbacks. I understand if it's along the interstate and people are driving 80 miles an hour and they go off the road, you've got to have a setback. But if you are on a one-lane dirt road that's a 20-mile an hour road, maybe allow it to be moved closer.

Just some things -- and I don't even know if you are the right people to be talking to, but just some things maybe the State could do to save some of our working land.

DEPUTY COMMISSIONER ALLEN: So just to underscore or clarify, one of the points I interpreted you to be making is you would like to see fewer larger projects.

MR. MILLS: No, no, no. I would rather see more larger projects.

DEPUTY COMMISSIONER ALLEN: I mean fewer projects --

MR. MILLS: Fewer projects, but --

DEPUTY COMMISSIONER ALLEN: Yeah.

MR. MILLS: And not necessarily -- now you are turning my words a little bit. Not necessarily larger projects, but use -- if you've got a ten-acre meadow, use the whole meadow. Don't just use five acres in the center of it, use the whole thing.

Because as a farmer, yes, somebody may cut that five acres around the outside a couple of times and then it's, like, well, this isn't worth it and then it's gone.

Whereas if you, you know, used eight or nine acres of that, that saves you four acres of another field. I don't know if you understand what I'm --

MS. GRACE: I absolutely understand what you are saying. I just thought that was one of the things that people really wanted, was setbacks.

MR. MILLS: Well, no. And I understand some people do. But in other cases, you know, if I'm putting in a solar project and my neighbor doesn't care if it's right to the fence line, then, you know, have a form that he can sign that says, hey, we are good with it and build it to that. That's all I'm

saying.

I understand there's people -- you've got two sides. You've got those of us that don't like waste, and then you've got others that don't want to see the things. And they're competing interests.

MR. BOVE: It's more about the screening than the setback?

MR. MILLS: Well, I mean, I look at -- Markowskis on my road. They put in last year. And there's -- I don't know -- there's got to be 100, 150 feet from the road, that's now -- it was perfectly good meadow, that now it's waste land.

They've planted trees and whatever, which is fine. But, you know, plant 50 acres of trees and use the other hundred feet for solar panel. It seems like there's just an awful lot of waste.

MS. SMITH: Which makes me think also about -- one of our frustrations is that we have so many parking lots, certainly at the mall. We have Home Depot.

MR. BOVE: That's what I was just thinking.

MS. SMITH: We have all this built landscape and we're just watching more car dealerships go in. And we asked the developers, why don't you do things on the built landscape. Oh, it's more expensive.

I also would like to highlight what Ed called out here in terms of our broadband access. At my house, I have 900 million bps up and download speed, where you guys in Montpelier might have a hundred.

That system has been built out -- and I don't know how many Rutland County towns and some in Windham County, but it's an extraordinary fiber optic network for those of us who have it.

So, while there is this idea that people are going to live in village centers and stop commuting, I stay home for weeks at a time. I, you know, milk my cow and don't grow a big garden and, you know, it's a game changer for this region and it is somewhat unique, and should be the envy of everyone else in terms of trying to get such high speed fiber optic all around the state.

DEPUTY COMMISSIONER ALLEN: Okay.

MR. BOVE: We need to do a better job promoting that, the economic development groups in the region, because it's huge.

MS. SMITH: Danby, Tinmouth, Middletown Springs --

MR. BOVE: Middletown Springs which has no cell service.

MS. SMITH: -- has this high speed fiberoptic.

DEPUTY COMMISSIONER ALLEN: Okay. Well, I'm hearing that increasingly. That's something to stay tuned because I think it will become a bigger issue going forward.

MS. SMITH: It's awesome. It really is amazing.

DEPUTY COMMISSIONER ALLEN: Okay, good. Any concluding thoughts by anyone? Okay. With that, I think I'll just end this. And thank you all for coming out and sharing your thoughts and questions.

MR. BOVE: Thank you.

DEPUTY COMMISSIONER ALLEN: And thank you, Ed, for running us through the plan.

(WHEREUPON, the Public Hearing was concluded at approximately 6:35 p.m.)

CERTIFICATE

I, Deborah J. Slinn, Certified Shorthand Reporter, certify:

That the foregoing proceedings were reported stenographically by me at the time and place herein set forth;

That the foregoing is a true and correct transcript of my shorthand notes so taken;

That I am not a relative or employee of any of the parties nor financially interested in the action;

The certification of this transcript does not apply to any reproduction of the same by any means unless under the direct control and/or direction of the certifying reporter.

_____

Deborah J. Slinn

My commission expires February 10, 2019.