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STATE OF VERMONT  
DEPT OF PUBLIC SERVICE  
MONTPELIER, VT.  
05620-2601

STATE OF VERMONT  
PUBLIC SERVICE BOARD

2013 DEC 11 P 1:07

Docket No. 8167

Investigation into the potential establishment of )  
standards related to sound levels from the operation of )  
generation, transmission and distribution equipment by )  
entities subject to Public Service Board jurisdiction )

Order entered: 12/9/2013

**ORDER OPENING INVESTIGATION**  
**AND NOTICE OF PREHEARING CONFERENCE**

**I. BACKGROUND**

Subject to certain limited exceptions, entities seeking to construct electric generation or transmission facilities or natural gas transmission facilities in Vermont come under the Public Service Board's ("Board") jurisdiction by virtue of 30 V.S.A. § 248.<sup>1</sup> Before an entity may construct such a facility, the Board must find that the construction of the facility would promote the general good of the state and issue a certificate of public good to that effect.

As part of its determination of whether a project would promote the public good, the Board must evaluate a proposed facility under ten substantive criteria set forth in Section 248(b). Among the issues the Board must examine under the subsection (b) criteria are whether a proposed facility would have an undue adverse effect on aesthetics, air quality and public health and safety.<sup>2</sup> The quantity and quality of sound emissions from proposed facilities have the potential for impacts under each of these categories and the Board has examined such potential impacts in a number of past proceedings involving both electric generation and transmission

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1. See 30 V.S.A. §§ 248(a)(2) & (3). Projects that consist of either the replacement of existing facilities with equivalent facilities in the usual course of business, or electric generation facilities that are operated solely for on-site electricity consumption by the owner of those facilities are exempt from Section 248. *Id.*

2. 30 V.S.A. § 248(b)(5).

facilities. Concerns over sound emissions have also been raised in the context of certain natural gas facilities.

Over the last several years, the number of Section 248 filings made at the Board has increased significantly, in part due to several legislative enactments, in particular those related to the development of renewable energy facilities in Vermont, as well as the evolution of non-utility merchant generation facilities in this state. The related increase in deployment of Section 248 jurisdictional facilities has led to an increase in interest in the amount and types of sounds that such facilities produce and questions about whether and how such sounds might impact the quality of life of those living near enough to the facilities to hear them. In reviewing Section 248 applications the Board has endeavored to impose, where needed, sound limitations on projects that are intended to protect the public health and safety, consistent with the best scientific information available at the time. To a large extent, the Board has employed a standard based upon noise guidelines developed by the World Health Organization.

However, even with these restrictions placed on several recently constructed facilities, the Board has received complaints regarding sounds produced by the operation of some facilities. These complaints have raised questions about whether the limitations that the Board has previously adopted are adequate. As a result, the Board has determined that it is appropriate to commence a general investigation into the issue of appropriate sound standards for facilities that are subject to the Board's jurisdiction under Section 248, as well as for net-metered generation facilities constructed pursuant to 30 V.S.A. § 219a. The investigation will be initiated with a prehearing conference on January 8, 2014, at 1:30 P.M. at the Pavilion Auditorium, in Montpelier, Vermont. Those attending the prehearing conference should arrive prepared to discuss the overall goal for the investigation, the format that the investigation should follow, intervention issues and potential schedules. The Board also encourages interested entities and individuals to file written comments and recommendations on these topics in advance in order to facilitate discussion at the prehearing conference. Those wishing to file advance written comments must do so no later than close of business on December 31, 2013. The Board will create a webpage for this proceeding and will post there all comments received in advance of the

prehearing conference so that individuals and entities that plan on attending can read the comments in preparation for the prehearing conference.

**II. ORDER**

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that:

1. Pursuant to Title 30 of the Vermont Statutes Annotated and the Rules of the Public Service Board, and in particular pursuant to Sections 2(c) and 209(a)(3) of Title 30, an investigation is hereby instituted to consider the development of sound standards applicable to facilities constructed pursuant to 30 V.S.A. §§ 248 and 219a.

2. A prehearing conference will be held, pursuant to 30 V.S.A. § 10(c), before the Board Members, on Wednesday, January 8, 2014, at 1:30 P.M., at the Pavilion Auditorium, located at 109 State Street, in Montpelier, Vermont. All participants shall be prepared to address questions of investigation goals, format, scheduling and intervention at that time.

Dated at Montpelier, Vermont, this 9th day of December, 2013.

<u>s/ James Volz</u>	)	
	)	PUBLIC SERVICE
	)	
<u>s/ John D. Burke</u>	)	BOARD
	)	
	)	OF VERMONT
<u>s/ Margaret Cheney</u>	)	

OFFICE OF THE CLERK

FILED: December 9, 2013

ATTEST: s/ Susan M. Hudson  
Clerk of the Board

*NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)*