

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 21-3732-PET

Petition of Vermont Transco LLC, and Vermont Electric Power Company, Inc. for a certificate of public good, pursuant to 30 V.S.A. § 248, authorizing replacement of the Florence substation in Pittsford, Vermont	
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Order entered: 03/21/2022

CERTIFICATE OF PUBLIC GOOD (“CPG”) ISSUED
PURSUANT TO 30 V.S.A. SECTION 248

IT IS HEREBY CERTIFIED that the Vermont Public Utility Commission (“Commission”) this day found and adjudged that the site preparation, construction, operation, and maintenance of a replacement substation at 8040 Whipple Hollow Road in Pittsford, Vermont (the “Project”) by Vermont Transco LLC and Vermont Electric Power Company, Inc. (collectively the “CPG Holder” or “VELCO”), in accordance with the evidence and plans submitted in this proceeding, will promote the general good of the State, subject to the following conditions:

1. Site preparation, construction, operation, and maintenance of the Project shall be in accordance with the plans and evidence submitted in this proceeding. Any material deviation from these plans or a substantial change to the Project must be approved by the Commission. Failure to obtain advance approval from the Commission for a material deviation from the approved plans or a substantial change to the Project may result in the assessment of a penalty pursuant to 30 V.S.A. §§ 30 and 247.

2. Before beginning site preparation, construction, operation, or maintenance of the portions of the Project that are subject to necessary permits and approvals, the CPG Holder shall obtain those necessary permits and approvals. However, the CPG Holder may proceed with site preparation and construction without having first obtained the required Wastewater Permit and the Division of Fire Safety Permit. In addition, prior to receiving all state and federal permits, VELCO shall be able to cut the five potential roost trees, identified in condition 16, upon receipt of the CPG and upon receipt of any necessary approvals related to potential roost trees from the US Army Corps of Engineers. Site preparation, construction, operation, and maintenance of the

Project shall be in accordance with such permits and approvals, and with all other applicable regulations, including those of the Vermont Agency of Natural Resources (“ANR”).

3. The CPG Holder shall restrict construction activities and related deliveries to the hours between 7:00 A.M. and 7:00 P.M. Monday through Friday and between 8:00 A.M. and 5:00 P.M. on Saturdays. No construction activities shall occur on Sundays or state or federal holidays with the exception of Bennington Battle Day. These restrictions do not apply where construction activities must be performed during required outages needed to maintain system reliability, and work related to filling the power transformer with oil.

4. The CPG Holder shall restrict rock crushing activities at the Project site to the hours between 8:00 A.M. and 5:00 P.M. Monday through Friday. No rock crushing activities at the Project site shall occur on weekends or state or federal holidays with the exception of Bennington Battle Day. The CPG Holder may also elect to have the rock crushed offsite.

5. Before beginning site preparation, the CPG Holder shall file with the Commission, the parties, and the Town of Pittsford a letter stating that it has fulfilled all pre-site preparation CPG conditions, and that it intends to commence site preparation for the Project. However, the CPG Holder may remove the five potential bat roosting trees identified in Jacob Reed’s prefiled testimony at page 21, and exhibit JR-3, at page 29, and described further in Conditions 17-18, below, before filing this letter.

6. Before operating the Project, the CPG Holder shall file with the Commission, the parties, and the Town of Pittsford a letter confirming that it has fulfilled all pre-operation CPG conditions and that it intends to commence operation of the Project.

7. The CPG Holder shall pay all invoices (if any) from any State agency that (a) are related to this proceeding and (b) are not still under review by the Commission.

8. This Certificate of Public Good shall not be transferred without prior approval of the Commission.

9. The CPG Holder shall adhere to the Spill Prevention, Control and Countermeasure Plan (“SPCC Plan”) to prevent a discharge of oil into navigable waters. The CPG Holder shall update its SPCC Plan to reflect the Project upgrades as applicable, or within six months of completing the upgrades.

10. The passive secondary containment system shall be designed to contain 110% of the volume from the largest piece of oil containing equipment plus the amount of precipitation from a 25-year, 24-hour storm event.

11. Remediation of the mineral oil contamination in the subsoils shall be conducted in accordance with the Toxic Substance Control Act, and in accordance with Vermont Department of Environmental Conservation, Waste Management and Prevention Division approved cleanup plan as part of the Project construction phase.

12. The CPG Holder shall retain a licensed asbestos abatement professional in connection with the removal of asbestos containing materials contained in the foundation supports. Removal of asbestos containing materials shall be conducted in accordance with the applicable Vermont Department of Health and Environmental Protection Agency rules and regulations.

13. Utility pole removal and placement activities shall be performed in accordance with the Penta best management practices.

14. The CPG Holder shall obtain a Vermont State Wetlands permit from the Vermont Department of Environmental Conservation Wetlands Program, before commencement of Project site preparation or construction, and shall comply at all times with a Vermont Wetland Permit.

15. The CPG Holder shall obtain a Vermont Construction Stormwater Discharge Permit from the Vermont Department of Environmental Conservation Stormwater Program, before commencement of Project site preparation or construction, and shall comply at all times with a Construction Stormwater Discharge Permit.

16. The CPG Holder shall follow its Non-native and Invasive Species (“NNIS”) Monitoring and Control Plan, which is identified in the evidentiary record as exhibit JR-4. In addition, the CPG Holder will perform all Project work in accordance with the VELCO Environmental Guidance Manual (exhibit JR-5).

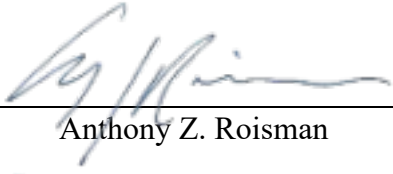
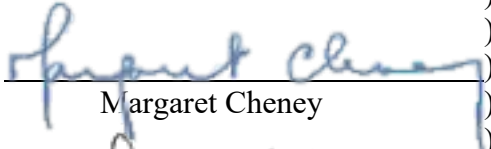
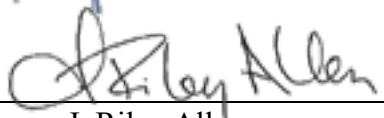
17. The cutting or clearing of the five potential Indiana bat roost trees on the Project site identified in Jacob Reed’s prefiled testimony at page 21, and Exhibit JR-3 at page 29, is prohibited between April 1 through October 31 unless the CPG Holder complies with one of the following options: 1) the CPG Holder shall engage a qualified consultant to conduct an emergence survey to determine if bats are using the identified potential roost trees. The CPG

Holder shall seek review from the Vermont Agency of Natural Resources, Department of Fish and Wildlife (“Department”) in accordance with the Department’s guidelines (“Potential Roost Tree Survey Methods for Endangered Bats” - Vermont Fish and Wildlife Department, August 2021). In the event, that the presence of bats is identified through the emergence survey, then the CPG Holder shall notify and engage in a consultation with the Department and the United States Fish and Wildlife Service (“USFWS”); or 2) as an alternative to conducting an emergence survey, the CPG Holder may implement agreed-upon acoustic bat deterrent measures upon consultation and receipt of approval from the USFWS pursuant to the Endangered Species Act of 1973.

18. The CPG Holder may remove the five potential roost trees identified in Jacob Reed’s prefiled testimony at page 21, and exhibit JR-3, at page 29, before the receipt of all state and federal permits. The CPG Holder shall be allowed to cut and fell the trees but must leave the stumps in place with no stumping or grubbing permitted.

19. The CPG Holder shall obtain a Flood Hazard Area and River Corridor Permit from the Vermont Department of Environmental Conservation, before commencement of Project site preparation or construction, and shall comply at all times with Flood Hazard Area and River Corridor Permit.

Dated at Montpelier, Vermont, this 21st day of March, 2022.

 _____))	PUBLIC UTILITY COMMISSION OF VERMONT
Anthony Z. Roisman)	
_____))	
 _____))	PUBLIC UTILITY COMMISSION OF VERMONT
Margaret Cheney)	
_____))	
 _____))	PUBLIC UTILITY COMMISSION OF VERMONT
J. Riley Allen)	
_____))	

OFFICE OF THE CLERK

March 21, 2022

Filed:

Attest:



Clerk of the Commission

Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Commission (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: puc.clerk@vermont.gov)

PUC Case No. 21-3732-PET - SERVICE LIST

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