

Commission on Wind Energy Regulatory Policy

July 12, 2004

WHEREAS, Vermonters rely on a dependable and affordable supply of electricity for their homes, farms and businesses; and

WHEREAS, Vermont receives 80% of its electricity from generating sources that emit zero greenhouse gases, a greater percentage than any other New England state; and

WHEREAS, Vermont Yankee and the Hydro-Quebec Joint Owners Agreement provide two-thirds of the state's power needs and both of these sources may no longer be available at some point in the next decade; and

WHEREAS, in 2003 the General Assembly passed Act 69 to encourage conservation and the development of renewable energy sources; and

WHEREAS, wind power technology has evolved to the extent that the cost of generation is making this renewable source of electrical energy more cost competitive; and

WHEREAS, there are proposals in the planning stage for commercial, merchant power supply wind farms for in-state as well as out-of-state customers; and

WHEREAS, these projects are proposed to be located on Vermont ridgelines; and

WHEREAS, 30 V.S.A. § 219a governs the review and approval of small net-metered projects, including wind power, located on the customer's premises; and

WHEREAS, 30 V.S.A. § 248 governs all other wind power projects; and

WHEREAS, historically utility projects have been proposed by monopoly utilities under 30 V.S.A. § 248 with final approval by the Public Service Board, a quasi-judicial body and all other commercial development has been the purview of local zoning, planning and the Act 250 process at the regional and state level; and

WHEREAS, large-scale wind power projects located on ridgelines were not a viable or foreseen technology when 30 V.S.A. § 248 was enacted in 1969; and

WHEREAS, Vermont's rural and rugged beauty is defined by its ridgelines and Act 250's founding, in part, was the result of wide-ranging concern about unfettered ridgeline development.

NOW THEREFORE, I, James H. Douglas, by virtue of the power vested in me as Governor, do hereby establish the Commission on Wind Energy Regulatory Policy and designate its membership and duties as follows:

The Commission on Wind Energy Regulatory Policy shall provide guidance and recommendations on whether the current regulatory approval process as prescribed in 30 V.S.A. § 248 provides a review process appropriate to commercial, merchant power supply wind farms and, if not, to recommend regulatory or other appropriate changes to the regulatory process. In addressing these questions the Commission shall:

1. gain an understanding of the history of the regulatory process, the state of the utility industry today, Vermont's current energy portfolio, how wind projects fit into that portfolio and what wind projects are currently under consideration; and
2. solicit input from project developers, utility regulators, utility managers, interested organizations and the general public; and
3. visit existing and proposed wind developments.

The Commission shall present its report and recommendations to the Governor on or before December 15, 2004.

The Commission shall be composed of seven members appointed by the Governor and shall be advisory to the Governor. The Governor shall appoint the chair. Administrative support shall be provided by the Department of Public Service. Members may receive reimbursement of expenses in attending meetings and may receive a per diem pursuant to 32 V.S.A. § 1010.

This Executive Order shall take effect upon signing and expire on December 31, 2004, unless otherwise extended by the Governor.

Witness my name hereunto subscribed and the Great Seal of the State of Vermont hereunto affixed at Montpelier, this 12th day of July, 2004, A.D.

James H. Douglas, Governor

By the Governor:

Parker M. Riehle, Secretary of Civil and Military Affairs

EXECUTIVE ORDER NO. 04-04