

NEW WINDMILLS FOR JACK MOUNTAIN?

By Peter Shoenfeld

On November 18, Liberty Gap Wind Force, LLC, a wholly owned subsidiary of US Wind Force, LLC, applied to the WV Public Service Commission (WV PSC) to build a wind farm on Jack Mountain, in southern Pendleton County east of the South Branch River. The application did not include any environmental or viewshed studies. These are being done, but are not yet complete.

The facility will include 50 turbines, distributed linearly along Jack Mountain, extending from the VA state line to the 3400 foot contour, above County Road 25 near Moatstown. The turbines may be slightly larger than those already constructed on Backbone Mountain.

The facility will also include a new 138 KV power line that will extend in a more-or-less straight line from the north end of the turbine string, near Moatstown, to the North Franklin sub-station located at the intersection of US 220, and US 33 W, just north of Franklin.

The Pendleton County Commission has signed an agreement with the developer to obtain the easements needed for the power line, by condemnation if necessary, in exchange for \$450,000. The money is to be used to build a water line servicing the affected area.

The power line agreement already has aroused intense controversy in the affected area.

It is expected that the viewshed issue will engender this also. The Wind Farm was the subject of a long, top-of-front-page article in the December 2 issue of the Pendleton Times. This article relates the developer's story, and also the power line issue. The December 9 issue will include "local concerns, as well as the concerns of conservationist and environmental groups ..." The Highlands Conservancy has provided input.

WV PSC's formal comment period commenced after publication of the required newspaper notices on November 25, and runs for 30 days. Organizations and individuals commenting and requesting "Intervener" status will become Parties of Record. If there are any protests, then a public hearing is required. Interveners may additionally submit "pre-filed testimony," or offer themselves as witnesses, and are then expected to attend the hearing, where they may face questioning by the lawyers and Commissioners. The testimony and hearing record must all be reported and adequately addressed in the Commission's decision document. If not, this can become the basis of appeal. Comments should be addressed to:

Ms. Sandra Squire
Executive Secretary
West Virginia Public Service Commission 201 Brooks St.
Charleston, WV 25301

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and should reference Case No. 04-1886-E-CS-CN, Liberty Gap Wind Generating Facility. The WV PSC requires submission of 12 hard copies of such correspondence. Submissions may be made by fax (but not email) at (304) 340-0325. Interveners are asked to provide copies of all follow-up comments to the other Parties-of-Record. The PSC's web site is <http://www.psc.state.wv.us>. Rule of Practice and Procedure are linked at <http://www.wvsos.com/csr/verify.asp?TitleSeries=150-01>. They do not generally insist on rigorous compliance from individuals and small organizations not represented by attorneys. The PSC's "Web Docket" logs all filings for each case. To order copies of filings call (304) 340-0300 or 1-800-344-5113 (in-state only) for instructions. These are generally provided free to Parties of Record and at cost to others.

The Highlands Conservancy has filed for Intervener status in this case, citing concerns about viewshed and wildlife impacts, but has not thus far taken a position of outright opposition. A local citizens group (Friends of Beautiful Pendleton County, <http://www.hushhushrushrush.com>) has been formed to oppose the power line agreement and the wind farm application.

Other Voices on Wind Power

The Citizens for Responsible Wind Power has asked the West Virginia Public Service Commission to place a moratorium on wind developments in West Virginia until there has been more adequate study and siting regulations are in place. The Public Service Commission has taken no action on this request.

TIME RUNNING OUT FOR WINDMILL BIZ

Time is running out to get new wind turbine projects up and running. In October, 2004, Congress renewed a lucrative tax credit for wind energy projects. In order to get the tax credit, developers must have their projects up and running by the end of 2005. This has put the wind industry at odds with bat research. Recent research shows that wind turbines on forested ridgetops are killing large numbers of bats. While this research might indicate that a deliberate approach is called for, the current availability of the tax credit and its imminent expiration are pushing the industry toward construction as soon as possible.