

## **PUBLIC SERVICE COMMISSION REJECTS REQUEST FOR WIND FARM MORATORIUM**

The West Virginia Public Service Commission has rejected a request by Citizens for Responsible Wind Power for a moratorium on all wind farm development pending a study of the impact that their development will have upon West Virginia.

In making its decision, the Public Service Commission emphasized two factors. First, it said that each request for a certificate of convenience and necessity to construct a wind farm provides “the opportunity for opponents and proponents of the proposed project to present their respective positions. All existing and pertinent evidence should come to the Commission’s attention during the course of the proceeding.” The Commission was reluctant to grant a blanket moratorium when such applications should, in its view, be considered individually.

As a part of its ruling, the Commission noted that “a blanket moratorium would deem all wind power projects as contrary to the public interest before the facts on each are fully known.

” Second, the PSC expressed some concern over the property rights of those companies who already held certificates. It held that it could not deprive those companies of their property rights by granting a moratorium unless it gave the holders of those certificates an opportunity for a hearing on the issue as it applied to their specific projects.

The Public Service Commission noted that the West Virginia Legislature had given it the authority to develop siting criteria for wind farms and to approve or reject siting proposals as being either contrary to or consistent with the public interest. Had the Legislature wanted a moratorium, the Commission reasoned, it could have so instructed the Commission. The Commission considered it unlikely that the Legislature would have authorized it to make site specific decisions had it intended it to impose a blanket moratorium.

Congressmen Nick Joe Rahall, II, and Alan B. Mollohan had both supported a moratorium “on all wind farm development (including currently permitted projects) in West Virginia pending further study on the impacts these massive developments will have on our state.”