

# West Virginia Highlands Conservancy

Frank Young, President  
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November 1, 2002

Ms. Sandra Squire, Executive Secretary  
WV Public Service Commission  
201 Brooks St., P.O. Box 812  
Charleston WV 25323

RE: Case No. 02-1189-E-CN, Ned Power Mt. Storm LLC

## **LETTER OF CONDITIONAL SUPPORT OF WIND POWER**

Dear Ms. Squire:

We write to have our support for wind power and our concerns about this and other similar wind power project applications considered by the Commission.

But first we thank the Commission and Ned Power, LLC, the applicant in this case, for allowing the WV Highlands Conservancy an extension of time in which to consider an intervention.

In regard to wind power applications that come before your Commission, the West Virginia Highlands Conservancy offers the comments contained herein.

The West Virginia Highlands Conservancy is a 35 year old citizen organization whose purposes include the conservation- including both preservation and wise use- of the natural resources of this state and the nation, and especially of the highlands region of West Virginia.

The Highlands Conservancy believes that wind power development is one of several technologies that can possibly provide reasonable alternatives to the many environmental and other societal costs of the mining, transportation and burning of coal to generate electricity. Too, we realize that fossil fuels are a limited resource and that wind power and other "renewable" energy resources may be longer term alternatives to fossil fuels.

However, the Highlands Conservancy insists that your Commission, as the only existing permitting agency for West Virginia wind power generating facilities, needs to develop and implement full, comprehensive and objective siting criteria for wind turbines. Appropriate siting criteria should at least include consideration of visual and noise effects on certain public recreation areas and other recognized special places, consideration of the habitats and populations of rare and endangered species of plants and animals, consideration of the effects of wind power facilities on known flyways for local and migratory birds, and consideration of impacts on stream headwaters by earth disturbances caused by roads and other construction.

Too, the Highlands Conservancy believes that before your Commission issues certificates of convenience and necessity for wind power facilities that it should determine that the construction and operation of these facilities will comport in all respects with the federal Endangered Species Act and Migratory Bird Act.

Further, we believe that your Commission should internalize the relevant expertise to conduct the appropriate ecological studies and reports needed to effect good wind turbine siting recommendations. Such expertise should include the ability to conduct avian assessments, rare and endangered species and wetlands surveys, and sight and sound analyses.

We believe that this internal (or contracted) Commission scientific expertise is necessary because of the need to conduct credible studies and because of the dynamic of wind project developer's budgets available for these assessments vis-a-vis that of citizen environmental organizations.

The Highlands Conservancy has learned that the pool of local ornithologists and endangered species scientists is small; so small that when they are first retained by the wind power industry no one qualified and willing is available for review on behalf of the Commission or citizen environmental organizations.

We believe that the Commission should internalize these scientific studies as perhaps either an attachment to your existing office of Consumer Advocate, or as adjunct capability to your existing engineering section. Or as an alternative to internalizing this scientific expertise, we believe that the Commission should consider having wind power project applicants fund the required studies, but as studies commissioned by the *Public Service Commission*, rather than by the applicant.

Without suggesting any disrespect whatsoever for the applicant in the case herein referenced, we believe that ecological studies and reports performed by either the Commission's internal experts or by independent scientists commissioned by your agency would perhaps have more credibility than would studies and reports commissioned solely by the wind power industry.

The Commission's existing engineering section is an example of publicly recognized internal expertise the Commission already has. We are suggesting that the Commission develop scientific expertise applicable to wind turbine project applications, either internally or contractually.

Further, the Highlands Conservancy believes that both the development of a general commission policy relating to wind turbine siting criteria as well as application of that policy to specific wind power projects should include a process for full public input and fair consideration of that input. The expedited procedural schedule the Commission allows for these wind permit applications provides very limited opportunities for the public to learn about and consider the effects of these wind power project proposals. A lengthened procedural schedule would allow for better public understanding of the project proposals.

Thank you for considering our views in this matter.

Sincerely,

Frank Young, President

WV Highlands Conservancy

(Continued next page)

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RE: Case No. 02-1189-E-C  
Ned Power Mt. Storm LLC

Dear Ms. Squire:

Please accept the attached three (3) page letter to your Commission as comments of the West Virginia Highlands Conservancy in the above referenced case.

For your convenience we have included nine (9) copies of this letter for the convenience of you and your staff.

We have also provided a copy to Mr. Christopher Callis of Jackson Kelly, PLLC, the attorney for the applicant in this case.

Please do not hesitate to contact me if you have any question regarding this letter.

Thank you.

Frank Young, President  
WV Highlands Conservancy

cc- Chris Callis, via U.S. Mail