

**STATE OF VERMONT  
PUBLIC SERVICE BOARD**

Petition of Beaver Wood Energy Fair Haven, )  
LLC for a Certificate of Public Good, pursuant )  
to 30 V.S.A. § 248, to install and operate a )  
Biomass Energy Facility and an integrated wood )  
pellet manufacturing facility located north of )  
Route 4 in Fair Haven, Vermont, to be known as )  
the "Fair Haven Biomass Project" )

Docket No. 7679

Petition of Beaver Wood Energy Pownal, LLC )  
for a Certificate of Public Good, pursuant to 30 )  
V.S.A. § 248, to install and operate a Biomass )  
Energy Facility and an integrated wood pellet )  
manufacturing facility located north of the old )  
Green Mountain Racetrack in Pownal, Vermont, )  
to be known as the "Pownal Biomass Project" )

Docket No. 7678

**MOTION TO STAY**

NOW COME Beaver Wood Energy Pownal, LLC and Beaver Wood Energy Fair Haven, LLC (collectively "BWE"), and respectfully submit this Motion to Stay.

The timing of BWE's initial filings in these Dockets was driven by BWE's request to begin preliminary site work prior to December 31, 2010 in order to qualify for a federal tax grant. In late October/early November, 2010 when BWE had to make the filings in order to have any chance of meeting the December 31 deadline, certain items that would have normally been submitted in conjunction with the filing were not complete, most notably the Feasibility Studies and air permit applications for the two

Projects. Now that the artificial timeline imposed by the federal tax grant program has been mooted, BWE requests that the Board stay both dockets.

#### **Fair Haven**

BWE is in possession of the Fair Haven Feasibility Study and expects to file the air permit application for the Project no later than January 15<sup>th</sup>, at which time all dispersion modeling will be complete. BWE has completed the necessary fieldwork along the proposed route of the transmission line. Accordingly, BWE proposes that Docket No. 7679 be stayed until February 1, 2011 at which time BWE will make a supplemental filing containing additional information with respect to the environmental impacts along the transmission corridor, impacts to transmission infrastructure, and air quality. In addition BWE would update the Board on the status of its various pending permit applications. As the Board knows, there are motions pending before the Board relating to the relative completeness of BWE's initial filing. A stay would defer consideration of these matters until such time as BWE supplements the record, resulting in administrative and judicial efficiencies.

#### **Pownal**

BWE is not yet in possession of the Pownal Feasibility Study but expects to receive it soon. BWE anticipates filing the air permit application for the Project no later than January 15<sup>th</sup>, at which time all dispersion modeling will be complete. BWE has not yet completed the necessary fieldwork along the proposed route of the transmission line and such work cannot be resumed until next spring at the earliest. Accordingly, BWE proposes that Docket No. 7678 be stayed until April 15, 2011 at which time BWE will make a supplemental filing containing additional information with respect to the

environmental impacts along transmission corridor, impacts to transmission infrastructure, and air quality. In addition BWE would update the Board on the status of its various pending permit applications. If the weather does not permit the timely completion of the transmission corridor fieldwork, BWE will so inform the Board as far in advance of April 15, 2011 as possible and suggest an alternative date for the resumption of the proceeding. As the Board knows, there are motions pending before the Board relating to the relative completeness of BWE's initial filing. In addition, some of the Motions to Intervene are premised in part on the possibility that the transmission line could impact certain properties. A stay would defer consideration of these matters until such time as BWE supplements the record, resulting in administrative and judicial efficiencies.

For all the forgoing reasons, BWE respectfully requests that Docket 7679 be stayed until February 1, 2011 and Docket 7678 be stayed until April 15, 2011.

Dated at Rutland, Vermont this 15th day of December, 2010.

KENLAN, SCHWIEBERT, FACEY & GOSS, P.C.

By   
Hans G. Huessy, Esq.  
Attorneys for Beaver Wood Energy Pownal, LLC  
and Beaver Wood Energy Fair Haven, LLC