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April 9, 2007

By Hand

Hon. Joel H. Peck, Clerk
State Corporation Commission
Document Control Center
Tyler Building - First Floor
Richmond, Virginia 23219

**Application of
Highland New Wind Development, LLC,
Case No. PUE-2005-00101**

Dear Mr. Peck:

Enclosed please find an original and 15 copies of Highland New Wind Development, LLC's Petition for Reconsideration requesting a more compact schedule for the remanded hearing.

Sincerely yours,

Richard D. Gary

RDG/tms
Attachment

cc: Hon. Theodore V. Morrison, Jr.
Hon. Mark C. Christie
Hon. Judith Williams Jagdmann
William H. Chambliss, Esq.
Wayne N. Smith, Esq.
Parties of Record
John W. Flora, Esq.
Brian Brake, Esq.
Charlotte P. McAfee, Esq.

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

APPLICATION OF)	
HIGHLAND NEW WIND DEVELOPMENT, LLC)	
)	
For Approval to Construct, Own and)	CASE NO. PUE-2005-00101
Operate an Electric Generation)	
Facility in Highland County, Virginia)	
Pursuant to §§ 56-46.1 and 56-580 D)	
of the Code of Virginia)	

PETITION FOR RECONSIDERATION

Highland New Wind Development, LLC (“Highland Wind” or “Applicant”) is concerned by the Commission’s Order Remanding for Further Proceedings (“Order”) issued on April 6, 2007. The Application’s underlying Project is a 39 MW non-polluting wind-powered electric generation facility in the remote portion of Highland County that has already been approved by the Highland County Board of Supervisors. Virginia’s Energy Plan directly encourages the construction of wind energy projects. Va. Code §§ 67-100 et seq. The Commission’s Regulations contemplate expedited treatment of a proposal to obtain a Certificate of Public Convenience and Necessity (“CPCN”) for an electric generation facility of 50 MW or less. 20 VAC 5-302-25. And yet, despite this Application having been filed on November 7, 2005, the process before the Commission goes on and on.

Notwithstanding the existing record consisting of 1828 pages of testimony, briefs from all parties, and exceptions to the Hearing Examiner’s Report, the Commission’s remanded proceeding is not scheduled for hearing until July 19, 2007, some 15 weeks from the date of the Order. The McBride family, Virginia entrepreneurs --who are trying to develop the Project on their remote private property, already have spent \$1,500,000 to reach this stage and now will need to incur significant additional costs for witnesses, consultants and attorneys to re-plow the

ground already substantially and effectively covered in the hearing. (See Hearing Examiner's Report that requires over 60 pages to recite the facts already in the record.)

The record is replete with suggested monitoring and mitigation plans (individually a "Plan") from the parties. Highland Wind submitted a comprehensive proposed Plan as Exhibit A to its Brief. The Nature Conservancy submitted a proposed Plan on pages 17-20 of its Brief. The Department of Game and Inland Fisheries ("DGIF") witness Reynolds submitted with his testimony (Ex. 27) the letter of DGIF's Raymond T. Fernald to Mr. Ernst F. Aschenbach of the Department of Environmental Quality, dated February 24, 2006, that contains DGIF's suggested Plan at pages 18-20.¹

The Applicant is most concerned that if the schedule for the remanded hearing is not modified, it conservatively will add at least 6 months to an already-elongated schedule and possibly jeopardize the construction of Virginia's first pollution-free electric generation facility. Given the extensive record already developed on the Plan, Highland Wind believes that a more compact schedule should be set for this remanded proceeding. This compact schedule should be acceptable to the parties and the Staff because these issues of monitoring and mitigation have been significantly discussed previously in this proceeding. The suggested schedule would be as follows:

Simultaneous filing of testimony by all parties and Staff: May 1, 2007

Hearing: May 8, 2007

In addition, Highland Wind urges the Commission to request, if not order, DGIF's formal participation in this remanded proceeding, including the filing of testimony and appearance of a


¹ Highland Citizens, who complained in their Exceptions about a deprivation of "due process" (Exceptions, p. 4) if they could not participate in the development of the Plan, chose not to submit a proposed Plan at any point in this proceeding.

witness.² DGIF should be fully involved in the remanded proceeding if its viewpoint is to be considered. Informal participation through correspondence should not be tolerated by the Commission.

WHEREFORE, Highland Wind urges the Commission to reconsider its Order and a) modify its proposed schedule as recommended above and b) request or order DGIF to participate formally in this proceeding.

Respectfully submitted,
HIGHLAND NEW WIND DEVELOPMENT, LLC

Dated: April 9, 2007

By: 
Counsel

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Counsel for Applicant

² The testimony of Witness Richard Reynolds, a DGIF employee, was sponsored by The Nature Conservancy in the previous hearings.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of this Petition for Reconsideration was served by hand-delivery or mailed, first-class postage prepaid on this 9th day of April, 2007 to:

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