

Pendleton wind project hits snag

By Jim Balow
Staff writer

A proposed \$100 million wind energy project in Pendleton County faces two potential roadblocks – one from the county commission, one from state regulators. After a tumultuous meeting Tuesday at which county residents protested a November deal under which county commissioners could obtain power line easements by eminent domain, commissioners agreed to cancel their contract with Liberty Gap Wind Force LLC. They plan to do so in a special meeting today.

Commissioner Joe Bodkin Jr. said the commissioners signed a termination agreement Wednesday – the same day they were sued for allegedly violating open meetings laws in connection with their role in signing the original contract. "It's been rescinded, as of yesterday morning," Bodkin said Thursday. "We saw a lot of difficulties."

Bodkin said the cancellation agreement was signed and faxed by the president of US Wind Force, parent of Liberty Gap, through a conference call. "We're just having a meeting tomorrow to confirm it." Lawyer Zelene Harman, who filed the suit, said she would withdraw it if and when the commission cancels its eminent domain contract.

Jim Cookman, spokesman for Liberty Gap, confirmed the contract will be canceled. "It puts us back at square one. "We still desire very much to move forward with the project," he said. "We continue to desire to work with county officials, to understand their wants and needs in being a good corporate citizen.

"This is all about the transmission line. To some it's about the project itself, but to me it's the eminent domain issue and the expediency." He heard the concerned citizens loud and clear. "We need to negotiate with the property owners to find a way to transport the electrons to the grid." County officials will no longer negotiate for easements, he said. "It will be us, US Wind Force."

Meanwhile, staff of the state Public Service Commission has recommended the PSC move slowly in deciding whether to grant a required state permit for the project. Liberty Gap officials had asked for expedited treatment for their request to build up to 50 electricity-generating wind turbines on Jack Mountain, about 10 miles south of Franklin. The company said in order to complete the project by the end of 2005 to qualify for needed federal production tax credits, it would need PSC approval no later than March 1, 2005.

Instead, in a joint memo written Tuesday, PSC staff recommends the PSC take 270 days or roughly nine months to consider the application. That would delay a decision until about mid-August, and probably make it difficult for the company to build the project by the end of 2005.

In the memo explaining the reasons for denying the company's request, PSC staff attorney Leslie Anderson writes, "First and foremost, the Legal Division notes that this application did not contain the detailed information needed before the staff can fully conduct its investigation."

Also Tuesday, Anderson sent Liberty Gap officials a list of detailed questions from PSC staff – items not included in the original Nov. 18 application. It includes requests for a project schedule, site analysis information, detailed maps, layout and construction data, financial data including the expected effect of the production tax credits, environmental data, and noise and cultural impacts.

Some of the requested information is similar to requirements in a set of proposed siting rules for wind power projects the PSC has drafted but not yet adopted, Anderson said. "We've taken into consideration things we've learned from past cases," she said.

Anderson gave Liberty Gap until Dec. 27 to answer the staff requests. In her staff memo, she notes, "If Liberty Gap is unable to supply most of the information requested in a timely manner, then staff may file a motion requesting that these applications filed by Liberty Gap be dismissed until such time as Liberty Gap has sufficient time to refile the applications. "The commission should not be short-changed simply because the applicant was not fully prepared when making its initial filing."

Cookman said the company will deal with the PSC rulings as best it can. "We're not going to go away. We have every intent to comply." The slower timetable may delay completion of the project, he said. "It becomes a 2006 or 2007 project, but we'll deal with it in a proper business and legal manner."

In Pendleton County, Bodkin said commissioners decided to change their position after their meeting Tuesday morning. "We had a lot of people come in and protest."

Mike Roberts, a lawyer from Moyers, said he was among the 90 or so people who attended that meeting. "Of course they moved out of the commission room into the courtroom," he said. "If that meeting were held today, there would not be a venue in the county large enough to hold everyone.

"Other than the principals involved, only one other person was in favor," of the project. "Everyone else was opposed, for various reasons. A lot of people felt eminent domain was improper, to benefit a private enterprise. "There are many good things about wind energy, but you wouldn't put it on the mall in Washington, you wouldn't put it in Jackson Hole, Wyoming, which has lots of wind, or in Yellowstone National Park. You shouldn't put it in Pendleton County."

Bodkin acknowledged county officials kept word of the project quiet. "I think we did keep it a little low key. That was probably the wrong approach, in hindsight. We were just trying to get some industry into the county, some revenue. "All we were trying to do was get the transmission line right of way. We didn't see a lot of problem."

Roberts said he and his wife, Paulette, first learned about the project after the weekly Pendleton Times printed a story last week about the project, after the county commission had signed its contract with Liberty Gap. "We've been sick for about a week," Paulette Roberts said. "People are upset about the project but outraged about the process."

Robbie Sites, who organized a community group called Friends of Beautiful Pendleton County, said a public meeting is scheduled at 7 p.m. Monday in the Pendleton County High School gymnasium. The group's Web site is <http://www.hushhushrush.com> .

US Wind Force has a brochure about the project on its Web page, <http://www.uswindforce.com> . Go to Projects, then Liberty Gap, and click on "brochure." Some of the economic benefits promised in the brochure will become outdated once the county commission cancels its contract, Cookman said.

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