

State claims wind farm trump card

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The state's Energy Facility Siting Board made a series of key rulings yesterday on the wind farm proposed for Nantucket Sound, including reasserting that it has more authority than the Cape Cod Commission over parts of the project.

"The bottom line is they defined the scope of the proceedings," said siting board spokesman Timothy Shevlin. The siting board is hearing a petition by Cape Wind Associates that would give the panel almost complete authority over parts of the project that fall under state jurisdiction.

While transmission lines to connect the project to the electrical grid cross through state waters and onto land that falls within the state's purview, the wind farm itself would be built in federal waters.

The siting board is responsible for ensuring a reliable energy supply in the state at the lowest possible cost and minimum impact on the environment.

In October, the Cape Cod Commission denied Cape Wind's plan to build transmission lines from Yarmouth to the 25-square-mile site of its proposed 130-turbine wind farm in the Sound.

Cape Wind appealed that decision to the siting board, which has previously ruled in favor of the project.

The company also asked the siting board to issue a so-called composite certificate that would effectively encompass at least eight remaining permits required for the project to proceed. In its 11-page decision yesterday on a series of motions made by Cape Wind, its proponents, advocates and the Cape Cod Commission, the siting board reaffirmed that it has higher authority than the commission over the transmission lines.

"It comports with a lot of other decisions to date about the proper role for state agencies' review in terms of jurisdiction," said Cape Wind spokesman Mark Rodgers. "And certainly we think it's clear that the siting board has the authority granted by the Massachusetts Legislature that in fact supersedes that of the (commission) on this issue."

Cape Wind's principal opponent, the Alliance to Protect Nantucket Sound, disagreed with the findings of the siting board, said the organization's spokeswoman, Audra Parker. In any case, the decision was a preliminary finding and one of many decisions that must be made before Cape Wind can proceed with its plans, Parker said.

"It's not a done deal," she said.

But the finding is important for the project regardless of its detractors' beliefs, said Matthew Pawa, an attorney for Clean Power Now, a group that supports the project.

"It means that once again the frivolous legal challenges of the opponents have been rejected," Pawa said. "It allows us to get on with a hearing on the merits and a conclusion on the transmission lines once and for all."

The siting board must still rule on Cape Wind's petition in its entirety and whether it will include the various other permits as Cape Wind has asked.

The board has released a schedule for that process that concludes with hearings sometime in the middle of October. A final decision is expected sometime thereafter.