

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
Albany on May 13, 2010

COMMISSIONERS PRESENT:

Garry A. Brown, Chairman
Patricia L. Acampora
Maureen F. Harris
Robert E. Curry, Jr.
James L. Larocca

CASE 10-E-0149 - In the Matter of the Investigation of the
March 6, 2009 Turbine Failure at a Noble
Environmental Power, LLC Windpark.

ORDER TO SHOW CAUSE

(Issued and Effective May 13, 2010)

BY THE COMMISSION:

INTRODUCTION

On the Morning of March 6, 2009, contractors working at the Noble Altona Windpark located in Clinton County, New York, were changing the settings on a bank of relays. The procedure resulted in the unintended loss of electric power at the facility, which consists of 65 turbines manufactured by General Electric (GE). The turbines are designed to automatically go into a "safe" mode upon loss of electric power and most of the turbines on the affected circuit (circuit #3) did so in response to the March 6 event. The two remaining units, designated as Turbines 42 and 59, did not move into safe mode. The rotor and blades of Turbine 42 spun at approximately three times the operational design speed, and blades apparently contacted the tower structure, which ultimately collapsed. Oil in the nacelle of the turbine caught fire and the unit was heavily damaged. The blades on turbine 59 also spun freely, resulting in damage to one of the composite blades. Personnel

at the site restored electric power to circuit #3 and succeeded in placing Turbine 59 into safe mode before it sustained any additional damage.

Noble Environmental Power, LLC (Noble), the parent of Noble Altona Windpark LLC (Noble Altona) has 612 megawatts (MW) of wind projects in operation in New York, and up to 216 MW under development. The firm is the single largest wind energy developer in the State.

Anyone proposing a wind project with a generating capacity above 80 MW is required, pursuant to §68 of the Public Service Law (PSL), to petition for and receive a Certificate of Public Convenience and Necessity (Certificate) from the Public Service Commission before the facility may be constructed or operated. Noble Altona filed such a petition with the Commission on February 21, 2006, and the Certificate was issued on November 9, 2006.¹ The Order that granted the Certificate included a number of requirements and conditions. It also explained how the Commission would regulate Noble Altona as an electric corporation providing wholesale electric service. Among other things, the Commission reminded Noble Altona that it remains subject to the PSL with respect to matters such as enforcement, investigation, safety, reliability, and system improvement.²

¹ Case 06-E-0216, Petition of Noble Altona Windpark, LLC for a Certificate of Public Convenience and Necessity and an Order Providing for Lightened Regulation, Order Granting a Certificate of Public Convenience and Necessity and Providing for Lightened Regulation (issued November 9, 2006).

² Orders with similar provisions were issued to Noble's other affiliates that proposed to construct and operate wind projects in New York.

DISCUSSION AND CONCLUSION

Given our jurisdiction in the matter, a staff team was established to investigate the March 6 incident.³ The investigation team's Final Report on the March 6, 2009 incident is being made public in this case and is available on the Department's web site. The report concludes that jumper wires, installed after the final certification acceptance tests for Turbines 42 and 59, prevented the turbines from going into safe mode, resulting in damage to Turbine 59 and the collapse of Turbine 42. The report also contains findings that Noble Altona may not have properly implemented appropriate quality assurance/quality control procedures, and manufacturer's recommendations for facility maintenance.

In light of the information provided in the investigation report, and given our supervisory responsibility over electric corporations operating generating facilities, we will direct Noble to show cause why it should not be required to demonstrate, through a third-party certification or otherwise, that its affiliated electric corporations are providing safe wholesale electric service, instrumentalities and facilities, in compliance with PSL §65(1), and that all Quality Assurance/Quality Control program measures and manufacturer's recommendations for inspection and maintenance of turbines, towers and related facilities have been implemented for the facilities they are operating. We will also take this opportunity to advise those electric corporations proposing wind facilities that we plan to include a certificate condition requiring such companies to demonstrate, prior to facility operation, through a third-party certification or otherwise, that the emergency control system will safely shut down the wind

³ The team included an electrical engineer, an attorney, and the individual who supervised the review and certification of the facility.

turbine upon loss of power and that the control system meets manufacturer's specifications for the facility. We also expect to include a certificate condition requiring compliance with manufacturer's recommendations for inspection and maintenance of turbines, towers and related facilities.

The Commission orders:

1. Noble Environmental Power, LLC is directed to show cause, within 30 days after the issuance of this order, why it should not be required to demonstrate, through a third-party certification or otherwise, that its affiliated electric corporations operating in New York are providing safe wholesale electric service, instrumentalities and facilities, and that all Quality Assurance/Quality Control program measures and manufacturer's recommendations for inspection and maintenance of turbines, towers and related facilities have been implemented for the facilities they are operating in New York State.
2. The Secretary, at her sole discretion, may extend the deadline set forth in this order.
3. This proceeding is continued.

By the Commission,

JACLYN A. BRILLING
Secretary