

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Petition of Apple Hill Solar LLC for a	)	
certificate of public good, pursuant to	)	
30 V.S.A. § 248, authorizing the installation	)	Docket 8454
and operation of a 2.0 MW solar electric	)	
generation facility at 1133 Willow Road in	)	
Bennington, Vermont	)	
	)	
	)	
Petition of Chelsea Solar LLC, pursuant to	)	
30 V.S.A. § 248, for a certificate of public	)	
good authorizing the installation and	)	Case No. 17-5024-PET
operation of the “Willow Road Project,”	)	
a 2.0 MW solar electric generation facility	)	
on Willow Road in Bennington, Vermont	)	

DEPARTMENT OF PUBLIC SERVICE COMMENTS

On June 19, 2020, Vermonters for a Clean Environment (“VCE”) filed a comment with the Public Utility Commission (“Commission”) in the above-referenced cases notifying the Commission that site clearing was occurring at the proposed Apple Hill and Willow Road solar project sites. The Department of Public Service (“Department”) submits these comments in response to the Commission’s June 19, 2020 request that parties respond to VCE’s comment.¹

Section 248(a)(2) of Title 30 prohibits site preparation for or construction of an electric generation facility unless the Commission first finds that the proposed facility will promote the general good of the state and issues a certificate to that effect.² Here, the Commission denied petitioner a Certificate of Public Good (“CPG”) to construct and operate both the Apple Hill and

¹ Email from Judith C. Whitney, Clerk of the Commission, *PUC Case Nos. 8454 - Apple Hill Solar Project; and 17-5024-PET- Chelsea Solar Willow Road Project*, 6/19/2020.

² 30 V.S.A. § 248(a)(2).

Willow Road solar projects.³ The Willow Road solar project is no longer under the Commission's purview because it is currently on appeal before the Vermont Supreme Court.⁴ However, because there is a motion for reconsideration before the Commission for the Apple Hill solar project,⁵ it remains under the Commission's jurisdiction pursuant to 30 V.S.A. § 209. The Commission therefore has the authority and discretion to examine potential violations of Title 30. In this case, based on the Agency of Natural Resources Environmental Enforcement Officer's initial findings regarding the site clearing activity, cause appears to exist meriting further investigation into whether petitioner initiated preparing the Apple Hill site for electric generation in violation of 30 V.S.A. § 248(a)(2).

Dated at Winooski, Vermont, this 24th day of June, 2020.

Vermont Department of Public Service

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³ See *Petition of Apple Hill Solar LLC*, Docket 8454, Order of 5/7/2020; *Petition of Chelsea Solar LLC*, Case No. 17-5024-PET, Order of 6/12/2019.

⁴ *In re Petition of Chelsea Solar LLC*, Vt. Docket No. 2019-226.

⁵ *Petition of Apple Hill Solar LLC*, Docket 8454, Motion for Hearing and Motion to Alter and Amend and for Reconsideration, 6/4/2020.