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September 25, 2020

Judith Whitney, Clerk
Vermont Public Utility Commission
112 State Street, 4th Floor
Montpelier, VT 05620-2701

Re: Case No. 20-1655-NMP, Petition of Norwich Turnpike Solar, LLC

Dear Ms. Whitney:

This letter is submitted in response to the September 15, 2020 procedural order issued by the Vermont Public Utility Commission (“Commission”), instructing the Applicant, Norwich Turnpike Solar, LLC, to respond to the September 11, 2020 supplemental comments submitted by the Agency of Natural Resources (“ANR”).

The Applicant has reviewed ANR’s revised comments and appreciates the Agency’s recognition of the duplicative nature of the flagging, and its agreement at page 1 of the comments that “if the Applicant believes their stormwater flagging could be installed to also meet the requirements of the 1E/1F/1G flagging, only one line of flagging need be installed.”

The Applicant also appreciates the Agency’s recognition that a thirty day advance submittal of photographs documenting flagging would not be necessary. Unfortunately, the Agency continues to maintain the unsupported position that providing photographs to ANR is necessary to avoid a substantial issue under the applicable Section 248 criteria. The Applicant again respectfully points out that photographs of flagging in a field provide no proof that the flagging is located on the LOD or even on the project site, they would simply show flagging in a field. Requiring an additional submission of unnecessary documentation does not advance a streamlined procedure, as required by 30 VSA 8007. For these reasons, the Applicant respectfully requests the Commission reject ANR’s requested post-construction photo submittal.

Cordially yours,

PAUL FRANK + COLLINS P.C.



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