

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 21-0241-NMP

Application of Putney Green Acres, LLC for a)
certificate of public good, pursuant to 30 V.S.A.)
§§ 248 and 8010, authorizing the installation and)
operation of a 500-kW (AC) net-metered solar)
electric generation facility in Putney, Vermont)

Case No. 21-0651-NMP

Application of Putney Blood Farm LLC for a)
certificate of public good, pursuant to 30 V.S.A.)
§§ 248 and 8010, authorizing the installation and)
operation of a 150-kW (AC) net-metered solar)
electric generation facility in Putney, Vermont)

PUTNEY GREEN ACRES SOLAR, LLC AND
PUTNEY BLOOD FARM SOLAR, LLC
RESPONSE TO SINGLE PLANT INQUIRY

Applicants in the above-captioned matters, Putney Green Acres Solar, LLC and Putney Blood Farm Solar, LLC, submit this response to the Public Utility Commission's (PUC) February 9, 2021 order inquiring whether the Applicants' proposed solar net metering projects are a single "plant" within the meaning of 30 V.S.A. § 8002(18) and therefore ineligible to participate in Vermont's net-metering program.¹ This response includes an affidavit from Martha Staskus and three exhibits: Exhibit PBFS-MS-10, the

¹ The order directed Norwich Technologies to file the additional information, Order 2/9/2021 at 2, but Norwich Technologies is not a party to this proceeding. Applicants Putney Green Acres Solar, LLC and Putney Blood Farm Solar, LLC understand the order to be directed to them and have complied by filing this submission, a supporting affidavit, and additional exhibits.

Green Mountain Power Feasibility Study for the Putney Blood Farm Solar Project, Exhibit PGAS-MS-11, a site plan that shows both solar projects on one sheet, and Exhibit PGAS-MS-12, an email from the host landowner's lawyer to Norwich Technologies regarding sale of its properties in Putney. Applicants are filing the requested information, but respectfully disagree that the information is relevant to whether the proposed two solar arrays are independent technical facilities and separate plants per 30 V.S.A. § 8002(18).

Applicants both seek certificates of public good (CPGs) for solar arrays that will net-meter for the benefit of certain retail electric customers who are eligible to participate in the net-metering program. There are no net-metering agreements executed at this time. Net-metering is the only way for retail electric customers to generate their own electricity from solar power while maintaining connection to the local distribution grid. The net-metering program limits the capacity of electric generation facilities, the locations where they can be sited, and the amount of net-metering capacity from which any single customer may benefit. Therefore, solar arrays developed and constructed to meet the demand for self-generation by retail electric customers through the only lawful means – net metering – may not exceed 500 kW in (AC) capacity. Customers wanting to net-meter solar arrays over 150 kW in AC capacity must locate them on a “preferred site” or they cannot participate in the net-metering program at all.

In the instant cases, Putney Green Acres Solar proposes a 500 kW (AC) solar array on a parcel that is approximately 20± acres and Putney Blood Farm Solar proposes a 150 kW (AC) solar array on a parcel that is approximately 2± acres. The parcels are separated by all four lanes of Interstate 91. Both projects are on preferred sites: Putney Green Acres Solar through a Vermont Agency of Natural Resources sanitary landfill certification and Putney Blood Farm Solar through a brownfield certification also from the Agency of Natural Resources. See Exhibits PGAS-MS-5 and PBFS-MS-5. Each solar array will have independent interconnection points with Green Mountain Power and access to each array will be from preexisting gravel driveways serving each parcel independently. One parcel has been cleared for significant archeological resources through a prior Act 250 proceeding while the Vermont Division of Historic Preservation and Putney Blood Farm Solar have executed a Memorandum of Understanding to ensure all archeological work performed on the Blood Farm Site complies with the Department of Environmental Conservation's Investigation and Remediation of Contaminated Properties Rule. See Exhibit PBFS-MS-9.

Applicants' proposed solar arrays are independent technical facilities and are not one plant. Section 8002(18) defines a "plant" as:

(18) "Plant" means an independent technical facility that generates electricity from renewable energy. A group of facilities, such as wind turbines, shall be considered one plant if the group is part of the same project and uses common equipment and infrastructure such as roads, control facilities, and connections to the electric grid. Common ownership, contiguity in time of construction, and

proximity of facilities to each other shall be relevant to determining whether a group of facilities is part of the same project.

30 V.S.A. § 8002(18).² The statute clarifies what an “independent technical facility” is *not* by establishing two qualifying criteria for a multi-facility installation, like wind turbines, to be considered a single “plant.”

First, the facility must be part of the same project as the other facilities. Using the wind turbine example in the statute, when a group of wind turbines (the facilities) are part of the same project, then they are a “single plant” if the second criterion in the statute is met. The second criterion qualifying a “group of facilities” as a single plant is if the group uses “common equipment and infrastructure such as roads, control facilities, and connections to the electric grid.” 30 V.S.A. § 8002(18). The statutory definition focuses on the *technical* design of proposed electric generation facilities not how the proposed facilities came to be the subject of a CPG application before the Commission.

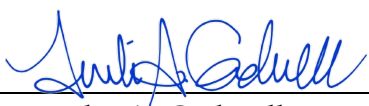
In the instant cases, the applications and supporting materials filed with the PUC establish that Applicants are proposing to construct two independent technical facilities, not one. Applicants each propose a solar array, which is a group of solar panels connected electrically and then combined to interconnect at a single point with

² The PUC defines a “plant” slightly differently in its net-metering rule. The February 9, 2021 order directed the Applicants to provide supplemental information addressing the issue of “single plant” pursuant to 30 V.S.A. § 8002(18)” and did not ask Applicants to address any differences between the PUC definition of “plant” in Rule 5.103 and the text of the statute.

the Green Mountain Power electric distribution network. The interconnection points for each project are shown on the site plans that were filed in support of the two applications. See Exhibit PGAS-MS-2 and Exhibit PBFS-MS-2. The land on which each solar array will be installed is physically separated by four lanes of an interstate highway (I-91). Each solar array will be accessed from separate preexisting gravel driveways/access roads that were used by the host landowner when it was operating a paper company in Putney. There is no shared infrastructure or other facilities that the two solar arrays will use in common. The projects' upstream ownership and the timing of pre-permitting and pre-construction activities integral to the development process, like community outreach, execution of site control, evaluating natural resource constraints, and drawing up site plans, cannot transform separate technical facilities into a single plant.

In consideration of the foregoing, the PUC should complete its review of the Applicants' CPG requests and issue CPGs for the Putney Green Acres Solar Project and Putney Blood Farm Solar Project because they are independent technical facilities and satisfy the criteria applicable to net-metering systems on preferred sites with a capacity of 150 kW and over.

Respectfully submitted,

By: 

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