

**STATE OF VERMONT  
PUBLIC UTILITY COMMISSION**

Investigation pursuant to 30 V.S.A. §§ 30 and 209 )      Case No. 20-1611-INV  
into whether the petitioner initiated site )  
preparation at Apple Hill in Bennington, Vermont, )  
for electric generation in violation of 30 V.S.A. § )  
248(a)(2) )

**RESPONSE OF THE VERMONT AGENCY OF NATURAL RESOURCES TO  
MOTION TO STAY PROCEEDINGS**

On April 16, 2021, Otter Creek Solar (the “Developer”)<sup>1</sup> filed a motion requesting that the Vermont Public Utility Commission (“Commission”) stay the penalty phase of this proceeding pending the outcome of an appeal filed by the Developer on April 2, 2021.

The Vermont Agency of Natural Resources (“Agency”) disagrees with the Developer’s contention that the pending appeal divests the Commission of jurisdiction over the penalty phase. However, the Agency does not object to a stay of the penalty phase at this time.

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<sup>1</sup> It is not clear to the Agency why the motion was filed by Otter Creek Solar, as previous filings made by the Developer in this case were by Allco Renewable Energy Limited or Apple Hill Solar LLC. The Commission has indicated Allco is the respondent in this investigation. *See* Order of 4/1/21 at fn. 5. In any event, the Agency will treat the motion as having been filed by the “Developer” as the related Allco entities are collectively referred to in the 4/2/21 Order which has been appealed. *Id.* at 5.

Dated April 16, 2021, at Waterbury, Vermont.

Respectfully submitted,  
State of Vermont  
Agency of Natural Resources

A handwritten signature in blue ink, consisting of a large, stylized initial 'D' followed by a long horizontal stroke.

By:

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