STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 21-0401-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 Solar, 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	

Order entered:

PROPOSAL FOR DECISION RECOMMENDING DENIAL OF APPLICATIONS

I. INTRODUCTION

On January 27, 2021, in Case No. 21-0401-NMP, Putney Green Acres, LLC[1] filed an application with the Vermont Public Utility Commission ("Commission") for a certificate of public good ("CPG") to construct and operate a 500-kW solar net-metering system in Putney, Vermont (the proposed "Green Acres" facility). The proposed Green Acres facility would be located on 2.4 acres of a 22.2-acre former paper sludge dump site south of Interstate 91 that is accessed from River Road South. The application includes the prefiled testimony of Martha Staskus, who is the chief development officer of Norwich Technologies, Inc. ("Norwich"), in which Ms. Staskus testified that Norwich created Putney Green Acres Solar, LLC as a limited liability corporation to own and operate the proposed Green Acres facility.

On February 1, 2021, in Case No. 21-0651-NMP, Putney Blood Farm Solar, LLC[2] filed an application with the Commission for a CPG to construct and operate a 150-kW solar net-

[1] Putney Green Acres Solar, LLC, Vermont Business Registration Number 0373557 is listed as the name of the applicant in the petition in Case No. 21-0401-NMP.

[2] Putney Blood Farm Solar, LLC, Vermont Business Registration Number 0377281 is listed as the name of the applicant in the petition in Case No. 21-0651-NMP.

metering system in Putney, Vermont (the proposed "Blood Farm" facility). The proposed Blood Farm facility would be located north of Interstate 91 on a 0.7-acre portion of a 22.2-acre former paper sludge dump site accessed from River Road South. Ms. Staskus also filed prefiled testimony in Case No. 21-0651-NMP, similarly stating that Norwich created Putney Blood Farm Solar, LLC as a limited liability corporation to own and operate the proposed Blood Farm facility.

In this proposal for decision, I recommend that the Commission determine that the proposed Green Acres facility and the proposed Blood Farm facility constitute a single plant, pursuant to 30 V.S.A. § 8002(18). Accordingly, I also recommend that the Commission deny the net-metering applications for the two facilities without prejudice to Norwich's ability to (a) refile a single application under 30 V.S.A. § 248 for a 650 kW solar plant that is not net-metered, or (b) withdraw the application for either the proposed Green Acres facility or the proposed Blood Farm facility, and proceed with a single facility below the 500-kW limitation on net-metered projects but not subject to the change in net-metering rates effective on February 2, 2021.[3]

II. PROCEDURAL HISTORY

On January 27, 2021, Putney Green Acres Solar, LLC filed an application for the proposed Green Acres facility with the Commission.

On January 29, 2021, I determined that the application for the Green Acres facility was complete and set a date of March 1, 2021, for filing public comments, notices of intervention, motions to intervene, and requests for hearing.

On February 1, 2021, Putney Blood Farm Solar, LLC filed an application for the proposed Blood Farm facility with the Commission.

On February 5, 2021, I determined that the application for the proposed Blood Farm facility was complete and set a date of March 5, 2021, for filing public comments, notices of intervention, motions to intervene, and requests for hearing.

On February 9, 2021, I issued a procedural order directing Norwich to provide supplemental information, in the form of testimony or affidavit, addressing whether the proposed Green Acres facility and the proposed Blood Farm facility constitute a "single plant" pursuant to

[3] *In re: biennial update of the net-metering program*, Case No. 20-0097-INV, Order of 11/12/20 at 42-43.

30 V.S.A. § 8002(18). I also directed Norwich to file a common site plan for the two proposed facilities.

On March 5, 2021, Putney Green Acres Solar, LLC and Putney Blood Farm Solar, LLC, (the "Applicants") each filed similar responses to my request for supplemental single-plant information (the "Applicants' Response").

No other comments on the applications for the proposed Green Acres and Blood Farm facilities addressed the single-plant issue.

No party has requested an evidentiary hearing. This proposal for decision only recommends findings related to the single-plant issue. Therefore, to the extent that they are relevant to the single-plant issue and form the basis for any recommended finding in this proposal for decision, the following prefiled testimony, exhibits, and documents filed by Putney Green Acres Solar, LLC and Putney Blood Farm Solar, LLC are admitted: the prefiled testimony of Ms. Staskus of 1/27/21, affidavit of 3/5/21, and exhibits PGAS-MS-2, 5, 6, 7, 11, and 12 filed in Case No. 21-0401-NMP; and the prefiled testimony of Ms. Staskus of 1/29/21, affidavit of 3/5/21, and exhibits PBFS-MS-5, 6, 10, and PGAS-MS-11 and 12 filed in Case No. 21-0651-NMP.

Pursuant to 3 V.S.A. § 810(4), I take administrative notice of a judicially cognizable fact available from the Vermont Assessor's website, http://www.vermontassessor.net/wwhat-is-a-parcel, defining a "SPAN" (School Property Account Number) as a unique number for each municipal grand list parcel in the State of Vermont. I also take administrative notice of judicially cognizable facts available from the Vermont Agency of Natural Resources' ("ANR") Department of Environmental Conservation website, https://dec.vermont.gov/waste-management/contaminated-sites/brownfields/BRELLA, defining the brownfields program in the State of Vermont.[4]

[4] 3 V.S.A. § 810(4) states:

> Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the agency's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The agency's experience, technical competence, and specialized knowledge may be utilized in the evaluation of the evidence.

See Amended Petition of Entergy Nuclear Vermont Yankee, LLC, and Entergy Nuclear Operations, Inc., for amendment of their Certificate of Public Good and other approvals required under 30 V.SA. § 231(a) for authority

III. FINDINGS

Based upon the applications for the proposed Green Acres and Blood Farm facilities and the accompanying record in this proceeding, I have determined that this matter is ready for decision. Based on the evidence of record filed in Case Nos. 21-0401-NMP and 21-0651-NMP, and the information about which I took administrative notice, I report the following findings related to the single-plant issue to the Commission in accordance with 30 V.S.A. § 8(c).

The Proposed Green Acres Facility

1. The proposed Green Acres facility would consist of a ground-mounted net-metered solar-powered electric-generation system with a total capacity of 500 kW located off River Road South in Putney, Vermont. Martha Staskus, Norwich ("Staskus") pf. 1/27/21, at 3.

Figure 1. Overhead photo simulation of the Green Acres facility. Exh. PGAS-MS-6 at 5.

---

to continue after March 21, 2012, operation of the Vermont Yankee Nuclear Power Station, including the storage of spent nuclear fuel, Docket 7862, Order of 3/29/13 at 4 ("In applying Section 810(4), the Vermont Supreme Court has interpreted the phrase 'judicially cognizable' by referring to V.R.E. 201(b), which states that '[a] judicially noticed fact must be one not subject to reasonable dispute in that it is … (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.'").

2. The proposed Green Acres facility would be sited within 2.4 acres of a larger 22.2-acre SPAN parcel currently owned by Green Acres of Vermont, Inc., which is a subsidiary of APC Paper Company, the successor owner of the Putney Paper Company. Staskus pf. 1/27/21, at 3; Staskus aff. 3/5/21 at ¶¶ 7 and 8.

3. Norwich created Putney Green Acres, LLC, as a Vermont limited-liability company that would own the completed Green Acres facility that is being developed on land that was previously permitted under Act 250 for use as a paper mill sludge landfill by the Putney Paper Company. Once the facility is completed, Norwich expects to sell Putney Green Acres Solar, LLC, and the proposed Green Acres facility to parties interested in using brownfields for distributed generation projects. Staskus pf. 1/27/21, at 3-4.

4. The array for the Green Acres facility would be sited on an open area adjacent to the capped landfill on the 22.2-acre site. The 22.2-acre site is bisected by Interstate 91 and a railroad line that runs parallel to and is south of Interstate 91. Access to the Green Acres site would be through an existing access drive off River Road South that has a right-of-way crossing the railroad line. Staskus pf. 1/27/21, at 4; exhs. PGAS-MS-2 and 11.

5. The electrical power generated by the proposed Green Acres facility would interconnect with the Green Mountain Power Corporation ("GMP") distribution system via a 5,141-foot upgraded distribution line and a new 1,700-foot extension line connected to pole-mounted transformers at the facility site, all funded by Norwich. Staskus pf. 1/27/2, at 5; exhs. PGAS-MS-2, 11, and 7 at 12.

6. ANR certified that the Green Acres site is a closed sanitary landfill as designated in 10 V.S.A. § 6602. ANR has also certified that the site meets the definition for a landfill "preferred site" for development of a photovoltaic project under Commission Rule 5.103. Exh. PGAS-MS-5; Staskus pf. 1/27/21, at 9.

7. The proposed Green Acres facility site has been accepted into the ANR Department of Environmental Conservation's ("DEC") Brownfields Reuse and Environmental Liability Limitation Act ("BRELLA") program ("BRELLA Program") codified at 10 V.S.A. §6641-§6656. Participation in the BRELLA Program provides: (1) a limitation of environmental liability; (2) access to financial assistance; and (3) additional incentives available to persons that

enter the BRELLA Program prior to purchasing a brownfield property. Staskus aff. 3/5/21, ¶ 19; ANR DEC Brownfields website.

The Proposed Blood Farm Facility

8. The proposed Blood Farm facility would consist of a ground-mounted net-metered solar-powered electric-generation system with a total capacity of 150 kW located on River Road South in Putney, Vermont. Staskus pf. 1/29/21, at 5.

9. The Blood Farm facility would be sited on 0.7 acre of a larger 22.2-acre parcel approximately 100 feet north of Interstate 91. Staskus pf. 1/29/21, at 3.

10. The array for the Blood Farm facility would be sited on an open area setback 40 feet from River Road South. Access to the site would be via an existing access drive off River Road South. Staskus pf. 1/29/21, at 4.

Figure 2. Overhead photo simulation of the Blood Farm facility. Exh. PBFS-MS-6 at 6.

11. Norwich created Putney Blood Farm Solar, LLC, as a Vermont limited-liability company that would own the completed Blood Farm facility that is being developed on land that was previously used as a dump site for paper mill sludge material by the Putney Paper Company.

Once the facility is completed, Norwich expects to sell Putney Blood Farm Solar, LLC, and the proposed Blood Farm facility to parties interested in using brownfields for distributed generation projects. Staskus pf. 1/29/21, at 2-3.

12. The electrical power generated by the proposed Blood Farm facility would interconnect with the GMP distribution system. If the proposed Green Acres facility is approved and interconnected, the proposed Blood Farm facility would interconnect via a shared 5,141-foot reconductored distribution line installed to interconnect the proposed Green Acres facility and paid for by Norwich. If the proposed Green Acres facility is not constructed, the Blood Farm facility would interconnect via the existing unimproved distribution line. Staskus pf. 1/29/21 at 2, 7; exhs. PBFS-MS-10 and PGAS-MS-11.

13. The proposed Blood Farm facility is sited on land that was previously used as a dump site for paper mill sludge material generated by the Putney Paper Company. The property is a certified brownfield. Staskus pf. 1/29/21 at 2-3, 10; exh. PBFS-MS-5; Staskus aff. 3/5/21, at ¶ 18.

14. ANR has issued a BRELLA approval letter for the site of the proposed Blood Farm facility. Staskus pf. 1/29/21, at 3; Staskus aff. 3/5/21, at ¶ 18.

Common Development Scheme

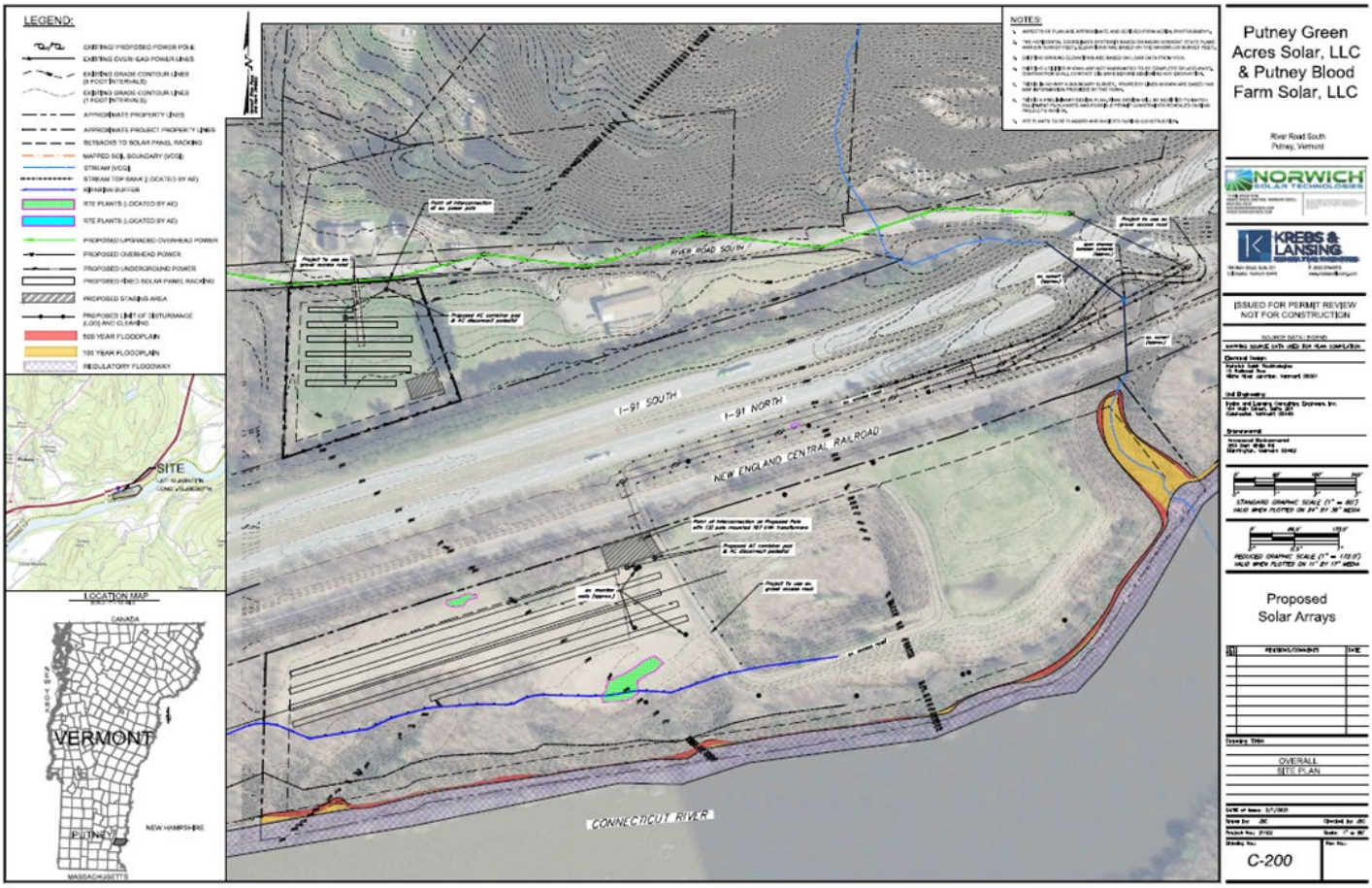

Figure 3. Joint Site Plan; Exh. PGAS-MS-11

15. The proposed Blood Farm facility site and the proposed Green Acres facility site are identified as parts of the same 22.2-acre SPAN parcel on the grand list for the Town of Putney. The two lots are separated by Interstate 91 and a parallel railroad line and are approximately 400 feet apart. Staskus pf. 1/29/21, at 3; exhs. PGAS-MS-11 and PBFS-MS-11.

16. In March 2020, APC Paper Company approached Norwich about the possibility of selling its 22.2-acre brownfields parcel in Putney. Staskus aff. 3/5/21 at ¶ 8; exh. PGAS-MS-12.

17. In June 2020, Sunny Acres, LLC, a Norwich subsidiary, executed a purchase and sale agreement for the 22.2-acre parcel with Green Acres of Vermont, Inc., a subsidiary of the APC Paper Company. Staskus aff. 3/5/21 at ¶¶ 8, 9.

18. On July 31, 2020, Norwich initiated conversations with an environmental consulting firm to assist in submitting the brownfields parcel into the BRELLA Program and to conduct a

phase I environmental site assessment of the Green Acres site adjacent to the capped landfill. Staskus aff. 3/5/21 at ¶ 12.

19. On August 18, 2020, Norwich began drafting the preliminary site plans for both the proposed Green Acres facility and the proposed Blood Farm facility. Staskus aff. 3/5/21 at ¶ 22.

20. On August 31, 2020, Norwich submitted its preliminary site plan for the proposed Green Acres site to the ANR Department of Environmental Conservation's Brownfields Program. Staskus aff. 3/5/21 at ¶ 13.

21. On September 1, 2020, staff from the BRELLA Program began discussions with Norwich about the existing conditions of the former Putney Paper Company Green Acres and Blood Farm sites and the environmental reviews that would be necessary prior to their development. Staskus aff. 3/5/21 at ¶ 14.

22. In September 2020, Putney Green Acres Solar, LLC and Putney Blood Farm Solar, LLC each executed options to respectively lease the Green Acres and Blood Farm facility sites from Sunny Acres, LLC, a Norwich subsidiary. Staskus aff. 3/5/21 at ¶¶ 10 and 11.

23. On September 22, 2020, Norwich contracted with Arrowwood Environmental to conduct natural resources assessments at the 22.2-acre site. Staskus aff. 3/5/21 at ¶ 16.

24. On September 23, 2020, Norwich introduced the proposed Green Acres and Blood Road facilities to the Putney Town Manager, Putney Planning Commission Chairperson, and Putney Planning Board Chairperson. Staskus aff. 3/5/21 at ¶ 26.

25. On October 6, 2020, Norwich introduced the proposed Green Acres and Blood Road facilities to the Putney Planning Commission. Staskus aff. 3/5/21 at ¶ 26.

26. The Putney Paper Company landfill, identified as SMS#1994-1606, has been under the jurisdiction of the ANR Department of Environmental Conservation's Solid Waste Management Program for twenty years. Staskus aff. 3/5/21 at ¶ 15.

27. On December 3, 2020, ANR issued a sanitary landfill certification for the Green Acres site. Staskus aff. 3/5/21 at ¶ 17.

28. On December 22, 2020, Ms. Staskus spoke with the Deputy Planner for the Windham Regional Commissions about the proposed Green Acres and Blood Farm facilities. The Deputy Planner stated that she had reviewed the 45-day notices for the two proposed

facilities and placed them on the agenda for discussion at the January 5, 2021, Windham Regional Commission Project Review Committee meeting. Staskus aff. 3/5/21 at ¶ 27.

29. On January 12, 2021, ANR issued the proposed Blood Farm site, identified as SMS#2021-4993, a brownfields certification and BRELLA Program approval letter. Staskus aff. 3/5/21 at ¶ 18; exh. PBFS-MS-5.

30. On January 13, 2021, Krebs & Lansing completed the site plan, erosion prevention and sediment control plans, and elevation drawings for the Green Acres application. Staskus aff. 3/5/21 at ¶ 24.

31. On January 27, 2021, Krebs & Lansing completed the site plan, erosion prevention and sediment control plans, and elevation drawings for the Blood Farm application. Staskus aff. 3/5/21 at ¶ 25.

32. On January 29, 2021, ANR issued a BRELLA approval letter for the Green Acres site. Staskus aff. 3/5/21 at ¶ 19.

IV. LEGAL STANDARDS

The question before the Commission is whether the proposed Green Acres and Blood Farm facilities constitute a single plant, pursuant to 30 V.S.A. § 8002(18). Under these circumstances, the Commission must determine whether the facilities constitute a single plant and would, therefore, exceed the applicable net-metering capacity limits for a single plant. Section 8002(18) defines "plant" as:

> 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.

The Commission has observed that some large projects that would otherwise not be eligible for the net-metering or the standard-offer program have been split into smaller neighboring facilities to take advantage of these programs' economic incentives. The definition

of "plant" in Section 8002 was written to ensure that large projects do not take advantage of incentives intended for smaller projects.[5]

The Commission conducts its analysis based on general principles of statutory construction: "When interpreting a statute, the Commission first must look to the plain language of the statute, and, if clear on its face, apply its ordinary meaning. Second, the Commission must assume that the Legislature chooses its words carefully and that 'every word, clause, and sentence [must be] given effect if possible.'"[6]

The Vermont Supreme Court has reviewed and affirmed the Commission's decision in the *Willow Road* case.[7] In that case, the common developer of two 2.0 MW facilities proposed to install them adjacent to each other on a 27-acre parcel owned by the developer. The common developer funded a new interconnection facility, a mile-long extension to the existing GMP distribution system, to be shared by the two facilities. The developer sought to gain the economic incentives provided by the State's standard-offer program.

The Vermont Supreme Court found that the two proposed facilities in *Willow Road*, while filed as separate petitions, were a single project because they were "developed as part of a common scheme."[8] The Court also determined that the two facilities were a single plant as defined at Section 8002, because "the facilities' shared funding for, and use of, the line extension satisfied the statute."[9]

> The definition of "plant" in § 8002 was written to ensure that large projects, which can gain economies of scale based on their large size, do not take

[5] *See Petition of Chelsea Solar LLC, pursuant to 30 V.S.A. § 248, for a certificate of public good authorizing the installation and operation of the "Willow Road Project," a 2.0 MW solar electric generation facility on Willow Road in Bennington, Vermont,* Case No. 17-5024-PET, Order of 6/12/19, at 59 ("This practice [of dividing larger projects into smaller neighboring ones] creates economic advantages for developers because it preserves the financial incentives and size limitations associated with the standard-offer program and the net-metering program, while at the same time achieving the economies of scale gained by having facilities in close proximity. Such a practice deviates from the policy goal of distributing small renewable energy projects around the state using the incentives offered by the standard-offer and net-metering programs."); *see also In re Petition of Chelsea Solar, Pursuant to 30 V.S.A. § 248, for a Certificate of Public Good Authorizing the Installation and Operation of the "Willow Road Project," a 2.0. MW Solar Electric Generation Facility on Willow Road in Bennington, Vermont*, 2021 VT 27, at ¶¶ 22 and 39.

[6] *Investigation into Programmatic Adjustments to the Standard-Offer Program*, Case No. 8817, Order of 10/20/17, at 13 (quoting *State v. Stevens*, 173 Vt. 473, 481 (1979)) (citations omitted).

[7] *In re Petition of Chelsea Solar, Pursuant to 30 V.S.A. § 248, for a Certificate of Public Good Authorizing the Installation and Operation of the "Willow Road Project," a 2.0. MW Solar Electric Generation Facility on Willow Road in Bennington, Vermont*, 2021 VT 27.

[8] 2021 VT 27, ¶ 32.

[9] *Id.* at ¶ 34.

> advantage of incentives intended for small projects. [The] Developer has pursued one large project here and it would be unfair to allow it to take advantage of incentives only available to small and medium projects.[10]

The Section 8002(18) analysis, then, proceeds in two parts: whether the facilities (1) are part of the same "project" and (2) share common infrastructure.

V. APPLICANTS' POSITION

The Applicants[11] offer three arguments in opposition to finding the proposed facilities constitute a single plant. First, the Applicants argue that the two facilities "are independent technical facilities and are not one plant."[12] The Applicants assert that the two facilities are not a single plant because the two facilities are separated by Interstate 91, have separate pre-existing access drives, and have "no shared infrastructure or other facilities that the two arrays will use in common."[13]

Second, the Applicants contend that the additional information sought in my request and provided in the Staskus affidavit is irrelevant:

> The Applicants are filing the requested information, but respectfully disagree that the information is relevant to whether the proposed solar facilities are independent technical facilities and separate plants per 30 V.S.A. § 8002(18).[14]

> The projects' upstream ownership and the timing of pre-permitting and post-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.[15]

Finally, the Applicants' further assert that "[n]et-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."[16]

---

[10] 2021 VT 27, at ¶ 39. In *Willow Road*, the Court addressed both earlier statutory definition at § 8002(14) applicable in that case and the updated definition at § 8002(18), *see id.* at ¶¶ 5-6.

[11] While Norwich is directing the actions of its two subsidiary applicants, it is not formally a party in these proceedings.

[12] Applicants' Response at 3.

[13] *Id*. at 5.

[14] *Id*. at 2.

[15] *Id*. at 5.

[16] *Id*. at 2.

VI. DISCUSSION

The Applicants arguments are unsupported by the statute, Commission precedent, and the Vermont Supreme Court's recent *Willow Road* decision. The Applicants also fail to address the use of shared technical infrastructure in the form of the upgraded distribution line. This mile-long reconductoring project is funded for both facilities' use by Norwich. But for this new infrastructure shared by both facilities, both proposed facilities could not be interconnected with the GMP distribution system.

As evidenced in the findings above and the discussion below, the two facilities were conceived of at the same time and developed as the same project and share common infrastructure. They are a single plant. I recommend that the Commission conclude that the proposed Green Acres and Blood Farm facilities are both part of the same project and share infrastructure and therefore are a single plant as contemplated by Section 8002(18).

A. The Two Proposed Facilities Meet the Definition of a Single Plant

The definition of a single plant calls for findings that proposed facilities are part of the same project and share common infrastructure.[17] The Commission considers common ownership, contiguity in time of construction, and physical proximity when determining whether a group of facilities is part of the same "project." Because no one factor is determinative, the Commission balances these various considerations.[18] When analyzing common equipment and infrastructure, the Commission looks to such factors as shared roads, control facilities, and connections to the electric grid.

The two proposed facilities meet the test for a single plant defined by statute, further interpreted by Commission precedent, and affirmed in the *Willow Road* decision. The operative

[17] 30 V.S.A. § 8002(18); 2021 VT 27, at ¶ 28.

[18] *See, e.g.*, *Application of Westman GLC Solar, LLC for a certificate of public good, pursuant to 30 V.S.A. §§ 219a and 248 and Board Rule 5.100, for a 500 kW group net-metered photovoltaic electric generation facility in Cambridge, Vermont*, Case No. NMP-6045; *Application of Cambridge GLC Solar, LLC for a certificate of public good, pursuant to 30 V.S.A. §§ 219a and 248 and Board Rule 5.100, for a 500 kW group net-metered photovoltaic electric generation facility in Cambridge, Vermont*, Case No. NMP-6046, Order of Nov. 10, 2015, at 12 ("When determining whether a single facility exists, the [Commission] may also consider common ownership, the existence of which is relevant to but not sufficient to determine that a group constitutes a facility."); *Application of The Lodge at Otter Creek Senior Living, LLC, for a certificate of public good for an interconnected group net-metered solar electric generation facility in Middlebury, Vermont*, Case No. NM-5017, Order of Dec. 8, 2014, at 5 ("[T]he separate ownership of the projects is not sufficient to overcome the fact that the two projects possess the three characteristics [same fuel source, common infrastructure, and proximity] of 'one facility' as the term is defined.").

facts in this case and the *Willow Road* case are very similar and support my recommendation to the Commission that it conclude that the proposed Green Acres and Blood Road facility are a single plant.

1. Same Project

As a preliminary matter, the Applicants assert that the common ownership question is irrelevant to whether the two facilities are part of a single plant because the two facilities are independent technical facilities. I disagree. "Common ownership, contiguity in time of construction, and proximity of facilities to each other" are each listed in Section 8002(18) as factors "relevant to determining whether a group of facilities is part of the same project." The Applicants' assertion that these factors are irrelevant is refuted by the language of the statute.

The Applicants conclusion that a single plant is "an independent technical facility" is not a separate prong to the analysis; it is the conclusion. The "same project" and the shared-infrastructure prongs are the elements of the test to determine whether two proposed facilities constitute a single technical facility or independent facilities.[19] As detailed below, the findings here, which utilize the factors outlined in the statute, support the conclusion that the two facilities are part of the same project because they have common ownership, contiguity in time of construction, and proximity to each other.

Norwich's coordinated effort to develop its 22.2-acre parcel in Putney included an ownership arrangement similar to what was followed by the developer in the *Willow Road* case. In that case, the developer created separate limited liability companies to serve as the landowner the two 2.0-MW facilities, Chelsea Solar LLC for Willow Road and Apple Hill Solar LLC for the adjacent Apple Hill facility.[20] The Commission determined that the two facilities and the landowner had common ownership. I recommend that the Commission conclude that the facilities and landowner here also have common ownership.

i. Common Ownership

The first factor in the same-project analysis is common ownership. In making a common-ownership determination, the Commission considers multiple factors: the project

[19] 2021 VT 27, at ¶ 28.
[20] *Id*. at ¶¶ 8-12.

developers, ownership of the completed project, identity of the lessee, project site landowner, and membership in the net-metering group.[21]

Norwich created and controls the principal corporate entities that nominally manage the development of the two facilities, Putney Green Acres Solar, LLC, Putney Blood Farm Solar, LLC, and Sunny Acres, LLC, which is the named entity stated in the purchase and sale agreement with the seller of the 22.2-acre site listed under a single SPAN number in the Putney grand list. Sunny Acres, LLC is also the lessor in the option to lease agreements with Putney Green Acres Solar, LLC and Putney Blood Farm Solar, LLC.

Like the proposed facility in *Willow Road* and the adjacent proposed Apple Hill facility, these two facilities were respectively proposed and commonly developed by a single entity.[22] In *Willow Road*, it was Allco Renewable Energy Limited. Here, it is Norwich. In both cases, the developer owned the underlying property and the subsidiary limited liability corporations created to develop the facilities. In both cases, the developer commonly assessed the facility sites and designed the proposed solar electric generation facilities to maximize the productive use of each of the facility sites.

The ownership scheme in this case is just like the one in *Willow Road*, and I recommend that the Commission conclude that the proposed Green Acres and Blood Farm facilities are under common ownership.

ii. Contiguity in Time of Construction

Next, the Commission must determine whether the facilities share contiguity in time of construction.[23] The plain language of the term–contiguity in time of construction–focuses the inquiry on the actual physical construction operations on the site. Contiguity is defined as "[t]he

[21] *Petition of Portland Street Solar 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) group net-metering solar electric generation system in St. Johnsbury, Vermont*, Case No. 19-2484-NMP, Order of 12/23/20, at 4, *appeal pending*.

[22] 2021 VT 27, at ¶ 1.

[23] 30 V.S.A. § 8002(18); *see* Case No. 19-2484-NMP, Order of 2/23/20, at 4, *appeal pending*. In *Willow Road*, the Vermont Supreme Court concluded that the two facilities "did not need to be literally built at the same time," 2021 VT 27, at ¶ 32, but did not extensively address the statutory "contiguity in time of construction" requirement because that criterion was not part of the older definition of single plant in Section 8002(14) that was applicable to that petition.

state or condition of being contiguous," and "contiguous is defined as "[n]ear in time or sequence, successive."[24]

The Commission has taken a broader view of the term "construction" to incorporate all construction steps: project planning, site reconnaissance and preparation, physical plant construction, and interconnection.[25] The Commission has held that "project construction encompasses more than just the physical assembly of a facility on a site and begins to occur when an applicant takes some affirmative, identifiable step toward bringing the facility into being."[26] In assessing the timing of constructing nearby facilities, the Commission has not relied on a "magic number" for this time period. The Commission has found that two facilities constitute a single plant when the timing of construction is separated by as much as three years where "active planning to develop a second facility on the same parcel [occurred] during and immediately following the time that the Existing Project was being permitted and constructed."[27]

Embedded in the contiguity-in-time-of-construction analysis is a more fundamental question of whether the facilities result from coordinated, simultaneous planning. The facilities in *Willow Road*, for example, were designed together, including the completion of a single

---

[24] Black's Law Dictionary 338 (8th ed. 2004).

[25] *Cf. Crescent Beach Club LLC v. Indian Harbor Ins. Co.*, 468 F. Supp. 3d 515, 523 (E.D.N.Y. 2020) (interpreting construction exclusion clause that includes demolition, erection, excavation, remediation, planning, and site preparation); *U.S. Liability Ins. Co. v. WW Trading Co.*, No. 16-CV-3498 (CBA) (JO), 2018 WL 6344641, *14-15 (E.D.N.Y. Sept. 18, 2018) (reviewing construction-related exclusion that includes site preparations, surveying, drafting, test borings, and inspections).

[26] Case No. 19-2484-NMP, Order of 12/23/2020 at 5, *appeal pending*.

[27] *Petition of Novus Anderson Solar, LLC*, Case No. 20-2050-NMP, Order of 2/4/21, at 6. *Compare Sandstone Real Estate LLC request for determination of whether the net-metering facilities at Ayers Brook Farm in Randolph, Vermont are a single plant*, Case No. 18-3423-PET, Order of May 17, 2019, at 2 (relying on absence of evidence of shared infrastructure in single-plant determination, but noting comments regarding four-year gap between facilities' construction), and *Petition of Eddy Road Solar LLC for a certificate of public good, pursuant to 30 V.S.A. §§ 8010 and 248, to install and operate a 500 kW net-metered solar array in Chester, Vermont*, Case No. 18-1136-NMP, Order of Dec. 7, 2018, at 6 (three years between facility construction), *and Application of Robert and Karen Allen for a certificate of public good for a 15 kW solar net-metered electric power system in Dorset, Vermont*, Case No. 18-3037-NMR, Order of Nov. 14, 2018, at 1 (finding two facilities at same address to be separate plants where the facilities "will be constructed several years apart, each facility will be separately metered, and each facility has a separate point of interconnection"), with *Application of Aegis Renewable Energy, Inc. for a certificate of public good for a 78.0 kW solar interconnected group net-metered electric power system in Richmond, Vermont*, Case No. 18-1505-NMR, *Application of Buttermilk, LLC for a certificate of public good for a 50.0 kW interconnected group net-metered solar electric power system in Richmond, Vermont*, Case No. 18-2677-NM, Order of Oct. 1, 2018, at 1 (finding single plant where Petitioner conceded designation and "two facilities will have common infrastructure, will be relatively close in proximity to each other, will be owned by the same entity, and . . . are planned to be constructed within [four] months of each other").

System Impact Study for both facilities conducted and reported simultaneously by GMP and filed in both petitions.[28]

In this case, the following coordinated steps occurred:

(1) The entire 22.2-acre plot (the single SPAN parcel) was offered to and accepted as a whole by Norwich through its subsidiary, Sunny Acres, LLC;

(2) Norwich began drafting the preliminary site plans for both the proposed Green Acres facility and the proposed Blood Farm facility at the same time;

(3) Putney Green Acres Solar, LLC and Putney Blood Farm Solar, LLC each executed options to respectively lease the Green Acres and Blood Farm facility sites from Sunny Acres, LLC at the same time;

(4) Norwich consulted with an environmental consulting firm to assist in submitting the brownfields parcel into the BRELLA Program then began a dialog with the BRELLA Program about both sites at the same time;

(5) Norwich contracted with Arrowwood Environmental to conduct a natural resources assessment for the entire 22.2-acre site;

(6) Norwich introduced both the proposed Green Acres and Blood Road facilities to the Putney Town Manager, Putney Planning Commission Chairperson, and Putney Planning Board Chairperson at the same time;

(7) Norwich introduced both the proposed Green Acres and Blood Road facilities to the Putney Planning Commission at the same time;

(8) Norwich coordinated the briefing of the two proposed facilities to the Windham Regional Commission Project Review Committee meeting at the same time; and

(9) Other principal application milestones were completed within a short time of each other including:

   a. brownfields and preferred site certifications by ANR,

   b. the delivery of the final site plans, erosion prevention and sediment control plans, and elevation drawings, and

   c. the filing of the two applications with the Commission on January 27 and February 1, 2021.

[28] Case No. 17-5024-PET, exhibit CS-BW-9.

On behalf of the Applicants, Ms. Staskus speculates that she does "not expect construction of the two solar landfills will be coordinated because the BRELLA environmental review for the [Green Acres] and Blood Farm [sites] are being separately managed by the [BRELLA program] and the Blood Farm [s]ite requires an archeological survey prior to construction."[29]

While the two facilities, as planned, may not be built at the exactly the same time, that does not mean that there would be no contiguity in the time of construction should both applications be approved. Ms. Staskus's speculation that the two facilities might not be built at the same time does not diminish the fact that the two facilities were developed together. Rather, the oversight of both facilities' development by Norwich inherent in her statement further reveals Norwich's coordinated, simultaneous planning of the two facilities as a common scheme.

The facilities in *Willow Road* similarly relied upon joint completion of planning steps and studies affecting both facilities in the form of the joint System Impact Study and its requirement for a mile-long GMP line extension.[30] The Vermont Supreme Court also affirmed the concept of common development scheme in its review of the Commission's *Willow Road* decision.[31] I recommend that the Commission conclude that the proposed Green Acres and Blood Farm facilities, and their coordinated, simultaneous planning and development, satisfy the contiguity-in-time-of-construction prong of the same-project test.

iii. Physical Proximity

The final factor in the same-project analysis is physical proximity. Where facilities propose additional solar panels in a grid indistinguishable from existing panels or other proposed panels, such that the panels would appear to be one large array, the Commission has deemed the facilities a single plant.[32]

---

[29] Staskus aff. 3/5/21 at ¶ 28.

[30] Case No. 17-5024-PET, Order of 6/12/19, at 58 n.74.

[31] 2021 VT 27, at ¶¶ 32 and 34.

[32] *See, e.g.*, *Petition of Southshire Community Solar, LLC for a certificate of public good, pursuant to 30 V.S.A §§ 219(a), 248, 8010 and Rule 5.100, authorizing the installation of a 149.9 kW (AC) solar group net-metered electric generation facility in Shaftsbury, Vermont*, Case No. 17-2797-NMP, Order of Sept. 20, 2018, at 3 (requiring amendment petition rather than application for new facility where "Project consists of the expansion of an existing photovoltaic electric system . . . with an installed capacity of 73.3 kW AC and an additional 76.6 kW of capacity . . . . The Project will be located on the same 1.5-acre parcel as the existing facility, with the new arrays installed in front of and behind the existing arrays"); *Application of The Lodge at Otter Creek Senior Living, LLC,*

A quintessential example of this phenomenon occurred in *Willow Road* where the Commission said, "The single-plant issue arises because these two facilities are designed to fit together."[33] In *Willow Road*, the developer designed two 2.0 MW facilities like "puzzle pieces" to fit within a 27-acre parcel. The Willow Road developer maximized the productive use of the facility sites to gain the incentives for two facilities under the State's standard-offer program.

The facility sites in this case are not puzzle pieces and there is no location where the two facilities would appear to a casual observer to be one large array. However, the "drone's eye view" provided by the joint site plan in exhibit PGAS-MS-11 does show their proximity and the maximization of the productive use of the 22.2-acre brownfields SPAN parcel for a single solar electric generation plant.

The two sites in this case do not lie directly next to each other but are separated by approximately 400 feet. Norwich designed the two facilities to avoid the capped landfill, Interstate 91, and the parallel-running railroad line, maximizing the remaining area to propose the separate 500-kW and 150-kW facilities and take advantage of the incentives provided by the State's net-metering program as well as the BRELLA Program.

Much like the analysis of construction timing, in assessing physical proximity the Commission has not relied on a "magic distance" at which two facilities are sufficiently remote to qualify as separate plants:

> [O]ur "close proximity" determination is significantly informed by the size and context of the two projects. For example, we would not consider 100 feet to be "close proximity" if we were examining two adjacent 10 kW projects located on the roofs of neighboring residential homes because of the small size of those systems and the distinct nature of the homes that the panels are mounted on.[34]

The Commission's assessment of physical proximity is not merely a calculation of distance between facilities. The number of feet is not dispositive. Instead, when analyzing the physical-proximity component of the same-project prong, the Commission looks to a number of

---

for a certificate of public good for an interconnected group net-metered solar electric generation facility in Middlebury, Vermont, Case No. NM-5017, Order of Dec. 8, 2014, at 5 ("Under these circumstances, such a large group of structures that is bisected by only a 100-foot span of meadow would create the impression that the group is a single solar facility.").

[33] Case No. 17-5024-PET, Order of June 12, 2019, at 57.

[34] *Application of The Lodge at Otter Creek Senior Living, LLC, for a certificate of public good for an interconnected group net-metered solar electric generation facility in Middlebury, Vermont*, Case No. NM-5017, Order of Dec. 8, 2014, at 4-5. Notably, the federal government presumes that generating resources are part of the same plant if they are within "one mile" of each other. 18 C.F.R. § 292.204(a).

features, including distance between facilities, intervening buffers (fences, waterways, forest or vegetation, roads, buildings or structures), and topography to ultimately determine how the facilities appear in relation to one another. The Commission has found that two facilities constitute a single plant when they are 348 feet apart[35] but has treated two facilities as two plants when separated by as little as 123 feet.[36]

In *Petition of Novus Anderson Solar, LLC*, the Commission clarified that the physical-proximity analysis is not the equivalent of an aesthetics analysis.

> We emphasize that our consideration of physical proximity is not equivalent to an assessment of the visual appearance of two facilities from specific viewpoints. The construction of two facilities side-by-side so that they appear as one facility is a strong indication that two facilities are part of the same project, but this is not the only fact pattern that supports a determination that two facilities are in physical proximity and part of the same project. It is not uncommon for solar projects to be split into multiple arrays separated by undeveloped areas due to site constraints. In this case, the site constraint is artificial because the Petitioner is seeking to avoid the statutory capacity limit on net-metering systems. "Collocation," paired with shared infrastructure, is exactly the type of activity we think that Section 8002(18) is trying to prevent.[37]

The highway and the railroad tracks prevent adjacent construction on the 22.2-acre SPAN parcel site. It is not uncommon for solar projects to be split into multiple facilities due to site constraints. In this case the two facilities are separated by the intervening buffers of Interstate 91

---

[35] *Petition of Novus Anderson Solar, LLC*, Case No. 20-2050-NMP, Order of 2/4/21 (finding that two facilities 348 feet apart were a single plant.

[36] *Petition of South Ridge Solar Park, LLC, for a certificate of public good, pursuant to 30 V.S.A. §§ 8010 and 248 and Commission Rule 5.100, to install and operate a 500 kW group net-metered solar electric generation facility in Middlebury, Vermont*, Case No. 18-2621-NMP, Order of January 10, 2019, at 4 (adopting the [Vermont Department of Public Service's ("Department's")] conclusion based on petitioner's filing that facility to north is approximately 123 feet and facility to south is approximately 124 feet from proposed project); *see also Application of East New Haven GLC Solar, LLC for a certificate of public good for a 500 kW group net-metered electric power system in New Haven, Vermont*, Case No. 16-0060-NMP, Order of Apr. 7, 2017, at 5 (concluding separate facilities where located 1,500 feet apart and sited on opposite sides of public highway out of sight of each other); *Application of Tunbridge Solar Royalton, LLC for a certificate of public good, pursuant to 30 V.S.A. §§ 219a and 248, to install and operate a 500 kW group net-metered solar electric generation facility to be located at Gee Hill Road and Vermont Route 14 in Royalton, Vermont, to be known as the Tunbridge Solar II Facility*, Case No. NMP-6081, Order of Aug. 10, 2015, at 4 (raising question of single plant where facilities are 300 feet apart because issue raised by Department and concluding "Department's concerns have been addressed" by petitioner's filings).

[37] Case No. 20-2050-NMP, Order of 2/4/21, at 9, citing *Petition of Sand Hill Solar, LLC*, Case No. 20-0955-PET Order of 11/05/2020 ("The Petitioner redesigned the Project from a contiguous array design and split the array into two areas to avoid impacts to wetland features"); *Petition of ER Salvage Yard Solar, LLC*, Case No. 19-4602-PET, Order of 6/03/2020 at 6 (noting that the project will be separated into northern and southern arrays, divided by a wetland); *Petition of Davenport Solar, LLC*, Case No. 18-3709-PET, Order of 12/11/2020 at 9 (project consisting of three separate arrays to avoid natural areas).

and the railroad line. They are being built on the same underlying parcel and are as proximate as these pre-existing transportation rights-of-way will allow.

In *Petition of Novus Anderson Solar, LLC*, the Commission concluded that:

> While it is true that the two facilities would generally not be visible to the traveling public because the gravel pit is screened by vegetation and topography, this does not necessarily mean that they are not in close proximity or that a reasonable person viewing the facilities wouldn't conclude that the two facilities are part of the same plant.[38]

Similarly, while the two facilities here would not both be visible together because of vegetative screening, that does not necessarily mean that they are not proximate. The two facilities are sited on a common 22.2-acre SPAN parcel that was previously a paper sludge dump site that is now the site of two BRELLA Program sites. Further, access to both facilities is from River Road South that runs beneath Interstate 91. The facilities are also proximate in the sense that together they require a reconductoring project to be interconnected to GMP's distribution grid. I therefore recommend that the Commission conclude that the two facilities are physically proximate and are only separated by pre-existing transportation rights-of-way.

Based on the findings evaluated using the statutory factors of "common ownership, contiguity in time of construction, and proximity of facilities to each other," I recommend that the Commission find that the proposed Green Acres and Blood Farm facilities are part of the same project for purposes of the single-plant test.

2. Common Infrastructure and Equipment

As to the second prong of the single-plant analysis, the Commission must determine whether the facilities share common infrastructure and equipment.[39] When analyzing common infrastructure, the Commission looks to such factors as shared roads, control facilities, and connections to the electric grid.

In *Willow Road*, the two proposed facilities shared an interconnection facility in the form of a mile-long distribution line extension to the sites of the two proposed facilities.[40] That line extension was funded by the developer because the two facilities could not otherwise

[38] Case No. 20-2050-NMP, Order of 2/4/21, at 9.
[39] 2021 VT 27, at ¶¶ 30 and 34.
[40] Case No. 17-5024, Order of June 12, 2019, at 58 ("But for the existence of this shared distribution line, neither facility could connect to the electric grid.").

interconnect with the GMP distribution system. In *Willow Road* the two facilities both relied on the mile-long GMP line extension that the Commission concluded was "a single interconnection facility for both the Willow Road Facility and the Apple Hill Facility. Sharing that new interconnection facility, paid for by the Developer as part of the common scheme of development, makes the two facilities a single plant."[41]

The Commission concluded in *Willow Road* that the separate points of interconnection in that case were not dispositive: "The two facilities do have separate points of interconnection, but they do not have 'separate interconnection facilities designed and owned by GMP, which would limit the capacity of each to 2.0 MW.'"[42]

There is functionally no difference between the mile-long GMP line extension in *Willow Road* and the 5,140-foot reconductoring of the GMP distribution line in this case. Both are new interconnection facilities that would allow the facilities in the respective cases to interconnect with the electric grid at a controlled power level. As the Vermont Supreme Court observed in the *Willow Road* case:

> [T]he key question as identified in *Programmatic Changes* is whether the facilities "share technical features such as equipment and infrastructure," 2014 VT 29, ¶ 10, using these as examples rather than a showing of both. The [Commission] reasonably concluded here that the facilities' shared funding for, and use of, the line extension satisfied the statute.[43]

I recommend that the Commission conclude that the reconductoring of the distribution line in this case creates shared infrastructure in the form of an interconnection facility shared by both facilities fulfilling the second prong of the single-plant analysis.

B. Norwich May File a § 248 Application for a Single Plant

Additionally, the Applicants' argument that "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" is without support and is legally misplaced. As I recommend, the Commission should deny the net-metering applications for the two facilities

[41] Case No. 17-5024, Order of 6/12/19, at 76-77.
[42] *Id.* at 76 (citing *In re Programmatic Changes*, 2014 VT 29, ¶ 12).
[43] 2021 VT 27, ¶ 34.

without prejudice to Norwich's ability to refile a single application under 30 V.S.A. § 248 for a 650-kW solar plant that is not net-metered.

There is no legal requirement that Norwich must file applications for the two facilities as two net-metered projects in order to develop the closed landfill site. While it may not receive the beneficial net-metering rate adjustors,[44] Norwich may opt to withdraw its existing applications and refile a single 650-kW application for review under Section 248 reflecting the single plant and still take advantage of the BRELLA incentives. Norwich is not precluded from seeking approval of a non-net-metered application for a CPG for a solar electric generation facility pursuant to 30 V.S.A. § 248. The net-metering process is a streamlined alternative to the Section 248 process also available to Norwich.[45] There is simply no legal requirement for Norwich to only file for this single plant using two net-metering applications.

In fact, there has been no showing that either application is intended to meet the primary purpose of a net-metering facility.

> The primary purpose of a net-metering facility is to offset the electric usage of a utility customer by either turning the customer's electric meter backwards for each kilowatt hour of electric energy produced or giving utility bill credits that are calculated by multiplying the customer's electric retail rate by the kilowatt hour of energy the net-metering facility produces.[46]

Rather, it appears that the primary purpose of these applications is for Norwich to maximize the profitability of the sale of the facilities after their construction by taking advantage of the incentives of both the net-metering and BRELLA programs. The primary purpose of net-metering is not for Norwich to develop a large plant that takes advantage of both economies of scale and incentives available to certain, dispersed small and medium-sized net-metering projects. Norwich may file the application for a single 650-kW solar electric generating facility

---

[44] *See In re Application of Gaines Farm Community Solar, LLC*, 2017 WL 5990094, at ¶ 2 (Commission recognizes that loss of renewable energy incentives would have financial implications for project.).

[45] *See In Re Investigation into SolarCity Corporation*, 2019 VT 23, at ¶ 2 (net-metering is a simplified alternative to the § 248 process for approval of certain small net-metering systems such as solar arrays); *see also In re LK Holdings*, 2018 VT 109, at ¶ 26 (Commission precedent and legislative intent reflect desire for the net-metering process to serve as a simplified alternative for reviewing small net-metering projects); and *In Re Acorn Solar 2, LLC*, 2021 VT 3 (preferred site designation of net-metering projects affects the price of energy that a net-metering system will produced, citing Commission Rules 5.100, 5.103, 5.126, and 5.127).

[46] *See In re Petition of New Haven GLC Solar, LLC, for a Certificate of Public Good, Pursuant to 30 V.S.A. §§ 219a and 248, to Install and Operate a 500kW Group Net–Metered Solar Electric Generation Facility in New Haven, Vermont*, 206 VT 49, ¶ 2.

using the standard Section 248 process rather than the simplified net-metering alternative process.

VII. CONCLUSION

The findings above demonstrate that the proposed Green Acres and Blood Farm facilities are part of the same project and share common infrastructure and equipment. I therefore recommend that the Commission consider them to be a single plant under the plain language of Section 8002(18).

Accordingly, I also recommend that the Commission deny the net-metering applications for the two facilities without prejudice to Norwich's ability to (a) refile a single application under 30 V.S.A. § 248 for a 650-kW solar plant that is not net-metered, or (b) withdraw the application for either the proposed Green Acres facility or the proposed Blood Farm facility, and proceed with a single facility below the 500-kW limitation on net-metered projects but not subject to the change in net-metering rates effective on February 2, 202.

This proposal for decision has been served on all parties to this proceeding in accordance with 3 V.S.A. § 811.

Dated at Montpelier, Vermont, this 26th day of May, 2021.

Michael E. Tousley, Esq.
Hearing Officer

VIII. ORDER

1. The findings, conclusions, and recommendations of the hearing officer are adopted.

2. The applications of Putney Green Acres Solar, LLC in Case No. 21-0401-NMP and Putney Blood Farm Solar, LLC in Case No. 21-0651-NMP for certificates of public good pursuant to 30 V.S.A. §§ 248 and 8010, prepared by Norwich Technologies, Inc. ("Norwich") are denied.

3. Our denial of certificates of public good in Case No. 21-0401-NMP and Case No. 21-0651-NMP is made without prejudice to the ability of Norwich or a subsidiary entity to (a) refile a single application under 30 V.S.A. § 248 for a 650-kW solar plant that is not net-metered, or (b) withdraw the application for either the proposed Green Acres facility or the proposed Blood Farm facility, and proceed with a single facility below the 500-kW limitation on net-metered projects but not subject to the change in net-metering rates effective on February 2, 2021.

Dated at Montpelier, Vermont, this _____.

_____ Anthony Z. Roisman	PUBLIC UTILITY
_____ Margaret Cheney	COMMISSION
_____ Sarah Hofmann	OF VERMONT

OFFICE OF THE CLERK

Filed:

Attest: _____
Clerk of the Commission

Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Commission (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: puc.clerk@vermont.gov)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Commission within 30 days. Appeal will not stay the effect of this Order, absent further order by this Commission or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Commission within 28 days of the date of this decision and Order.

PUC Case Nos. 21-0401-NMP & 21-0651-NMP – JOINT SERVICE LIST

Parties:

Erin C. Brennan, Esq. (for Vermont Department of Public Service)
Vermont Department of Public Service
112 State Street
Montpelier, VT 05620
Erin.Brennan@vermont.gov

Leslie A. Cadwell, Esq. (for Putney Green Acres Solar LLC)
Legal Counselors & Advocates, PLC (for Putney Blood Farm Solar LLC)
P.O. Box 827
Castleton, VT 05735
lac@lac-lca.com

Karin McNeill (for Vermont Agency of Natural Resources)
Vermont Agency of Natural Resources
1 National Life Drive
Davis 2
Montpelier, VT 05620-3901
Karin.McNeill@vermont.gov