



September 24, 2021

Holly R. Anderson, Clerk
Vermont Public Utility Commission
112 State Street – 4th Floor
Montpelier, VT 05620-2701

Re: Proposed Revisions to Rule 5.100, 19-0855-RULE

Dear Ms. Anderson,

Vermonters for a Clean Environment offers the following recommendations to update the process for net-metered projects.

Make landowners a party. Act 250 requires landowners to be co-applicants for development projects. We recommend that landowners be required to be co-applicants to net-metered projects to make the process consistent with Act 250, and also to enable more transparency and accountability.

Require submission of complete town and regional plans. The current rule requires petitioners to submit relevant portions of municipal and regional plans. We have observed several instances where the developer's determination of what is "relevant" omits portions of plans that are relevant to the PUC's review of substantive issues. We recommend that, in addition to the submission by the applicant of the petitioner's determination of the "relevant" portions of the plans, the full plans also be entered into the record by petitioners as part of their petition filing.

Require simulations for 150kW and above. Net-metered projects are currently not required to submit simulations. This leaves it to intervenors to imagine what a project might look like, hire experts or do their own simulations. For projects 150 kW and above in size, we recommend requiring at least one simulation of the proposed project upon completion.

New standards for wind projects of all sizes in net-metering, including those less than 50 kW. Small wind projects have distinct characteristics different from solar projects. A wind turbine at high elevation sticking up above tree height, a long new road necessary for access are but two examples of the specific types of issues raised by small wind turbines. The current application process is inadequate to address these issues. We recommend that the process for small wind turbines be updated to include additional requirements and more robust petition filing requirements.

Clearing forests for solar. The solar industry and their experts justify cutting forests for solar projects by using a calculator to show that a solar project displaces more greenhouse

gas emissions than a forest, based on the type of generation in the regional system. This is misleading and looks only at individual solar projects. Following the industry's logic, we should cut all the forests in Vermont and put up solar panels, and that would result in shutting down gas plants in New England. This is an absurd approach to the planet's climate crisis that includes the extreme loss of biodiversity, much of which depends on intact ecosystems that include connected and unfragmented forests. VCE recommends that, except for cutting trees around sites as necessary to reduce shading, the PUC adopt a policy and/or severe negative adjuster that does not encourage net-metered projects on a site where the footprint of the solar array is mostly forested. As we will file in the next comment period in this rule, we will support an equally strong positive adjuster for constructing solar canopies on parking lots.

Preferred site letters. VCE has observed that preferred site letters are a primary vehicle through which many developers are now able to develop 500 kW solar projects that are not, in reality, good sites. There are many factors that go into what makes a site a good candidate for solar arrays. When Vermont first began developing solar, the biggest issue was aesthetics. Aesthetics are still very important, especially in Vermont, and the state has made a lot of mistakes with some of the projects that have been permitted. However, over time, other issues have become equally important, including building close to load, reducing impacts on the transmission grid, siting projects where they support the grid, and environmental factors such as ag soils, wetlands and cutting forests.

Municipal and regional planning commissions and select board like the ability to issue preferred site letters, as an alternative to identifying specific sites in municipal plans. VCE has observed numerous instances where the issuance of the preferred site letter at the local level is based more on who the landowner or developer is, their relationship to the board members or the community, and the financial needs of the landowner. The many substantive issues reviewed by the PUC rarely come into play in the issuance of these letters, which are surprisingly easy to acquire. VCE has observed many important issues that should have been discussed and would likely have resulted in a denial of the request but instead go unaddressed, with the letter issued. Once the local boards have said yes, it is general practice of regional planning commissions to support the town. For this reason, we do not support continuing the use of preferred sites letters.

If the PUC decides to keep the option of Preferred Sites Letters, we recommend that a set of standards be developed to require the town to review and address specific criteria that must be met. Some ideas, which could be fleshed out further:

1. Notification to adjoining and neighbors within the viewshed of any public hearings to be held on the topic of issuance of a Preferred Sites Letter.
2. Evidence that the notification has been done.
3. Evaluation of aesthetics, wetlands, flooding potential, forest conversion, ag soils, etc.
4. Identification of the local load to be served; i.e. who is the customer?
5. Information about the impact on the specific part of the distribution or transmission grid.

General Comments: VCE supports a community-based stakeholder process for the siting of net-metered renewable energy. We believe it is long overdue to create a climate for genuine community energy that is the result of a collaboration between the towns (including the people who live near project sites, not just the town boards), developers, and the utilities serving the area. We need to create a new system where all the relevant components of a new generation site are brought together at the same time, and a climate in which people collaborate instead of fight. Lawyers, who are key to the PUC's process, are the last people who should be leading the process on behalf of developers, who are currently driving the locations where projects are proposed to be sited.

This tired old model is extremely expensive, and when the sites chosen by developers are opposed by neighbors or towns, it becomes exhausting and even hostile. The system is set up for a fight, with a "contested case" when there are issues to be resolved. This is unnecessary when so many Vermonters want real community solar, serving the people who live here, rather than artifices involving REC sales and gimmicks, sometimes serving load two counties away, usually with no ability for people living next to a solar array to benefit from the electricity. We have to do better.

In closing, we note that we are seeing a disturbing trend especially this year, where developers and industry representatives have been exhibiting an "entitlement" attitude. Accompanying this attitude that renewable energy must be fast tracked and nothing should stand in its way is the attitude that anyone who raises concerns, asks questions, or challenges a specific site is ignorant and needs to "get with the program." The PUC is taking a lot of heat from developers whenever a renewable energy project is denied, even when the decision is well reasoned and well supported by the facts. It is important to recognize that claims of a climate emergency to be solved by building acres of renewable energy need to be balanced with the protection of Vermont's environment and the people who live here.

Respectfully submitted,

/s/ Annette Smith

Annette Smith
Executive Director
Vermonters for a Clean Environment