

STATE OF VERMONT  
PUBLIC UTILITY COMMISSION

Case No. 21-3071-NMP

Petition of SMS Solar Array, 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 group net-metering solar electric generation system in St. Albans, Vermont	
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Order entered: 10/21/2021

**ORDER GRANTING CERTIFICATE OF PUBLIC GOOD**

In this Order, the Vermont Public Utility Commission (“Commission”) adopts the following proposal for decision.

**PROPOSAL FOR DECISION**

**I. INTRODUCTION**

In this proposal for decision, I recommend that the Commission approve, subject to conditions, an application (“Application”) filed by SMS Solar Array, LLC (“Applicant”) on August 18, 2021, requesting a certificate of public good (“CPG”), pursuant to 30 V.S.A. §§ 248 and 8010 and Commission Rule 5.100, for a 150-kW solar group net-metering system in St. Albans Town, Vermont (the proposed “Project”).

Based on the below findings and subject to conditions, I recommend that the Commission conclude that the Project complies with the requirements of Commission Rule 5.100, the Application does not raise a significant issue with respect to the applicable criteria of 30 V.S.A. §§ 248 and 8010, and the Project will promote the general good of the State of Vermont.

**II. PROCEDURAL HISTORY**

On August 18, 2021, the Applicant filed the Application with the Commission.

On August 27, 2021, the Application was deemed administratively complete.

Notice and copies of the Application have been provided pursuant to Commission Rule 5.100. The deadline for filing comments or requesting a hearing in this matter was September 27, 2021.

On September 1, 2021, Green Mountain Power Corporation (“GMP”) filed comments stating that the Project could interconnect safely as long as it complied with the ISO New England inverter source requirements (“GMP’s Comments”).

On September 22, 2021, the Vermont Agency of Natural Resources (“ANR”) filed comments on the Project (“ANR’s Comments”). ANR recommended conditions so that the Project will avoid potential undue adverse effects on wetlands.

On September 27, 2021, the Vermont Department of Public Service (“Department”) filed comments on the Project (“Department’s Comments”). The Department requested further information regarding the Project’s potential impacts on public health and safety.

On September 28, 2021, the Vermont Division for Historic Preservation (“DHP”) filed comments on the Project (“DHP’s Comments”). DHP opined that the Project will have no effect on any above-ground historic resources or on any historic sites listed in or eligible for inclusion in the State Register of Historic Places.

On October 6, 2021, the Applicant filed comments responding to the Department’s information request and agreeing to GMP’s inverter source requirements and ANR’s proposed conditions (“Applicant’s Reply”).

On October 12, 2021, the Department responded to the Applicant’s Reply (the “Department’s Response”). The Department’s Response stated that the Applicant’s Reply adequately addressed the Department’s concerns with the Project. “As such, the Department supports the issuance of a CPG in conformity with the conditions and representations of this case.”<sup>1</sup>

No other comments on the Application were received by the Commission.

No party has requested an evidentiary hearing or objected to the prefiled testimony and exhibits. Accordingly, the following prefiled testimony and exhibits are admitted as if presented at a hearing: the prefiled direct testimony of William F. Verve and exhibits PET-WFV-1 through 6; the prefiled direct testimony of Joe H. Bartlett and exhibits PET-JHB-1 and 2; and the prefiled direct testimony of Ian A. Jewkes and exhibits PET-IAJ-1 through 3. Additionally, the Application, GMP’s Comments, DHP’s Comments, ANR’s Comments, the Department’s

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<sup>1</sup> Department’s Response at 2.

Comments, the Applicant's Reply, the Department's Response, and the public comments of the Northwest Regional Planning Commission ("NRPC") ("NRPC's Public Comments") are entered into evidence subject to timely objection by the parties.<sup>2</sup>

### **III. PUBLIC COMMENTS**

On September 28, 2021, the NRPC filed public comments on the Project stating that "[u]pon review of the proposed project, the NRPC Project Review Committee found that the project is in conformance with the Northwest Regional Plan and does not have a substantial regional impact."<sup>3</sup>

### **IV. CONDITIONAL WAIVER OF REVIEW UNDER CERTAIN CRITERIA FOR NET-METERING PROJECTS**

Pursuant to 30 V.S.A. § 8010 and Commission Rule 5.111, the Commission has conditionally waived review of the following criteria, and I recommend that the Commission find that no party presented any testimony that warrants rescinding any part of that waiver in this proceeding:

- 30 V.S.A. § 248(b)(2) (need);
- 30 V.S.A. § 248(b)(4) (economic benefit);
- 30 V.S.A. § 248(b)(6) (integrated plan);
- 30 V.S.A. § 248(b)(7) (electric energy plan);
- 30 V.S.A. § 248(b)(9) (waste-to-energy facilities); and
- 30 V.S.A. § 248(b)(10) (transmission facilities).

Therefore, only the criteria applicable to the system under Rule 5.111 are addressed in this Order.

### **V. FINDINGS**

Pursuant to 30 V.S.A. § 8(c), and based on the record and evidence before me, I present the following proposed findings of fact to the Commission.

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<sup>2</sup> If any party has an objection to any of these documents being entered into evidence, the party shall submit its objection within 14 days of the date this Order is entered.

<sup>3</sup> NRPC's Public Comments at 1.

### **Description of the Project**

1. The Applicant is SMS Solar Array, LLC, a Vermont limited liability company with principal offices located at 7506 Ethan Allen Highway, St. Albans, Vermont 05478. The Applicant has a business identification number of 0387488. Application.
2. The Project consists of a solar electric system with a total capacity of approximately 150 kW AC. William F. Veve, Applicant (“Veve”) pf. at 2.
3. The Project will be sited at 428 S. Main Street in St. Albans, Vermont, occupying about 0.93 acre of a larger 4-acre parcel. The parcel has been subdivided into three lots as part of a separate commercial development; the Project site is on Lot 3. Veve pf. at 2.
4. The Project site was historically used for disposing of fill, which has resulted in a level plateau where the Project will be installed. The site is otherwise surrounded by natural vegetation on all sides with a railroad line extending along the western boundary. Veve pf. at 2, 15; exh. PET-IAJ.2.
5. The Project will use microinverters with a combined capacity of 150 kW to convert the DC solar power to AC power. A pad-mounted transformer at the southeastern end of the site will step up the inverter output to the appropriate voltage for interconnection with the distribution system. Veve pf. at 3.
6. Power cables within the Project area will be buried underground and extend to a combiner box at a proposed equipment room along the eastern end of the Project. A single electrical line will extend to the transformer and continue below ground to connect with the existing electrical distribution lines along S. Main Street (Route 7). Veve pf. at 3.
7. The Project will be accessed from S. Main Street via an existing access road that serves the commercial subdivision. No access improvements are expected. Veve pf. at 3.
8. Construction of the Project is expected to last two to three months. Construction activities will be limited to the hours between 7:00 A.M. and 7:00 P.M. Monday through Friday and between 8:00 A.M. and 5:00 P.M. on Saturdays. No construction activities will occur on Sundays or state or federal holidays. Veve pf. at 4.
9. Prior to installation, minimal site-preparation activities will be conducted, including removal of overgrown, sporadic site vegetation and smoothing out the site with minimal grading as needed. Veve pf. at 4.

10. The Project will be removed once it is no longer in service, and the site will be restored to its pre-construction condition to the greatest extent practicable. Veve pf. at 5.

11. The Project will produce an estimated maximum sound level at the nearest residence of 18.2 dBA during daylight and nighttime hours. Ian A. Jewkes, Applicant (“Jewkes”) pf. at 7; exh. PET-IAJ-3.

### **Applicable Rate Adjustors**

12. The Project will be located on a preferred site, as defined in Commission Rule 5.103, because the site has been designated as “preferred” by joint letters from the Town Selectboard and Planning Commission and the Regional Planning Commission. Veve pf. at 5; exh. PET-WFV-2.

13. The Applicant has elected to transfer the Project’s renewable energy credits (“RECs”) to GMP. Veve pf. at 5.

### **Discussion**

Pursuant to Commission Rule 5.127(C)(2) and the Commission’s Biennial Update Order dated November 12, 2020, because the Project is 150 kW and is located on a preferred site (i.e., joint designation), there is no siting adjustor.<sup>4</sup>

Because the Applicant has elected to transfer the ownership of the RECs generated by the net-metering system, there is no REC adjuster pursuant to PUC Rule 5.127(B) and the Commission’s Biennial Update Order dated November 12, 2020.<sup>5</sup>

The siting and REC adjustors will be stated in the Project’s CPG, pursuant to Commission Rule 5.127(B)(2) and (C)(1).

### **Orderly Development of the Region** [30 V.S.A. §§ 248(b)(1) and 248(b)(1)(C)]

14. The Project will not unduly interfere with the orderly development of the region. In making this finding, due consideration has been given to the recommendations of the municipal and regional planning commissions, the recommendations of the municipal legislative bodies, and the land conservation measures contained in the plan of any affected municipality.

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<sup>4</sup> *In re: biennial update of the net-metering program*, Case No. 20-0097-INV, Order of 11/12/20 at 42.

<sup>5</sup> *Id.*

Substantial deference has been given to the land conservation measures and specific policies contained in the duly adopted regional plan. This finding is supported by findings 15 through 19, below.

15. The Town of St. Albans Selectboard, the Town of St. Albans Planning Commission, and the NRPC submitted letters identifying the site on which the Project will be located as a “preferred site.” Veve pf. at 8-7; exh. PET-WFV-2.

16. There are no applicable land conservation measures contained in the St. Albans Town Plan (“Town Plan”) or the Plan for the Northwest Region (“Regional Plan”). Veve pf. at 7; exhs. PET-WFV-4, PET-WFV-5.

17. The Project will further the stated goals of the Town and Regional Plans to encourage development of renewable energy resources while minimizing impacts on the natural and built environment. Veve pf. at 7.

18. The Project is consistent with development recommendations in the Town Plan for exploring infill development, adaptive re-use, and re-development of vacant land because the Project will make productive use of an otherwise vacant piece of property that could not be developed or used for other purposes due to septic limitations associated with the subdivision. Veve pf. at 7-8.

19. The NRPC filed public comments on the Project stating that the NRPC Project Review Committee found that the Project is in conformance with the Regional Plan and does not have a substantial regional impact. NRPC’s Public Comments at 1.

#### **Municipal Screening Requirements**

[30 V.S.A. § 248(b)(1)(B)]

20. The Town of St. Albans has not adopted screening requirements for ground-mounted solar electric generation facilities pursuant to either 24 V.S.A. § 2291(28) or 4414(15) with which the Project would have to comply. Veve pf. at 10.

#### **Impact on System Stability and Reliability**

[30 V.S.A. § 248(b)(3)]

21. The Project will not have an adverse effect on system stability and reliability. This finding is supported by findings 22 through 24, below.

22. GMP advised that the Project can interconnect subject to compliance with ISO New England's Inverter Source Requirement Document and installation of a 600' underground line extension and related equipment to accommodate interconnection. Veve pf. at 10; GMP's Comments.

23. GMP will own the underground line extension from its existing distribution lines to the pad-mounted transformer at the Project site. Veve pf. at 3.

24. The Project will comply with the applicable requirements of the National Electrical Code ("NEC") and the National Electrical Safety Code ("NESC"). Veve pf. at 11.

**Aesthetics, Historic Sites, Air and Water Purity, the Natural Environment,  
the Use of Natural Resources, and Public Health and Safety**

[30 V.S.A. § 248(b)(5)]

25. Subject to the conditions described below, the Project will not have an undue adverse effect on aesthetics, historic sites, air and water purity, the natural environment, the use of natural resources, or public health and safety, with due consideration having been given to the criteria specified in 10 V.S.A. §§ 1424a(d) and 6086(a)(1) through (8) and (9)(K), impacts on primary agricultural soils as defined in 10 V.S.A. § 6001, and greenhouse gas impacts. This finding is supported by findings 26 through 74, below.

**Outstanding Resource Waters**

[10 V.S.A. § 1424a(d)] and [30 V.S.A. § 248(b)(8)]

26. The Project will not affect any outstanding resource waters as defined by 10 V.S.A. § 1424a(d) because there are no outstanding resource waters in the Project area. Joe H. Bartlett, Applicant ("Bartlett") pf. at 3.

**Air Pollution and Greenhouse Gas Impacts**

[30 V.S.A. § 248(b)(5); 10 V.S.A. § 6086(a)(1)]

27. The Project will not result in undue air pollution or greenhouse gas emissions. This finding is supported by findings 28 and 29, below.

28. Project construction will result in the temporary emission of minimal levels of air pollutants. Dust generated by construction equipment will be suppressed in accordance with the Vermont Department of Conservation ("DEC") Standards and Specifications for Erosion Prevention and Sediment Control. Veve pf. at 12.

29. The operation of the Project will result in infrequent and minimal emissions associated with maintenance operations (e.g., periodic mowing) because no combustion or fuel is required for the operation of the solar panels. Veve pf. at 12.

**Water Pollution**

[10 V.S.A. § 6086(a)(1)]

30. The Project will not result in undue water pollution. This finding is supported by findings 31 through 50, under the criteria of headwaters through soils, below.

**Headwaters**

[10 V.S.A. § 6086(a)(1)(A)]

31. The Project will not have an undue adverse impact on headwaters because the Project is not located in a headwaters area. Bartlett pf. at 3-4.

**Waste Disposal**

[10 V.S.A. § 6086(a)(1)(B)]

32. The Project will meet applicable health and DEC regulations regarding the disposal of wastes and will not involve the injection of waste materials into groundwater or wells. This finding is supported by findings 33 and 34, below.

33. The Project will not generate sanitary waste or stormwater runoff from new impervious surfaces that would require treatment pursuant to a DEC permit. Jewkes pf. at 3.

34. All trash and recycling generated as part of construction will be disposed of at appropriate transfer stations and recycling centers. Jewkes pf. at 3.

**Water Conservation, Sufficiency of Water, and Burden on Existing Water Supply**

[10 V.S.A. §§ 6086(a)(1)(C), (a)(2), and (a)(3)]

35. The Project will not have adverse impacts on water conservation, or sufficiency of water, or place a burden on existing water supply because the Project will not require regular water use or result in water disposal. Water use during construction will be limited to dust control measures, and during the operational phase to the potential need to occasionally clean the solar panels. Water for these purposes will be brought from off-site via small maintenance vehicles. Veve pf. at 13.

**Floodways**

[10 V.S.A. § 6086(a)(1)(D)]

36. The Project is not located within a floodway or floodway fringe and therefore will not restrict or divert the flow of flood waters, significantly increase the peak discharge of a river or stream within or downstream from the Project, or endanger the health, safety, or welfare of the public or of riparian owners during flooding. Bartlett pf. at 4.

**Streams**

[10 V.S.A. § 6086(a)(1)(E)]

37. The Project will not have an undue adverse effect on streams because there are no streams in the Project area. Bartlett pf. at 4.

**Shorelines**

[10 V.S.A. § 6086(a)(1)(F)]

38. The Project will not have an undue adverse impact on shorelines because the Project is not located on or near a shoreline. Bartlett pf. at 4.

**Wetlands**

[10 V.S.A. § 6086(a)(1)(G)]

39. The Project will not have an undue adverse effect on wetlands. This finding is supported by findings 40 through 44, below.

40. There are no wetlands on the Project parcel. However, a wetland area was identified on a parcel to the north. Bartlett pf. at 5.

41. The wetland area to the north is primarily in agricultural use and thus is not subject to a 50-foot wetland buffer under the Vermont Wetland Rules. Bartlett pf. at 5.

42. The western portion of the wetland extends into a forested area that is not used for agricultural purposes and therefore is subject to a 50-foot buffer. Bartlett pf. at 5.

43. The Project design has been refined to remain outside the wetland and associated buffer as shown on the Project site plans. Bartlett pf. at 5; exh. PET-IAJ-2.

44. The Applicant agrees with and will comply with ANR's stated conditions regarding the Project's activities near wetlands to ensure the Project will not have an undue adverse effect on the natural environment. ANR's Comments; Applicant's Reply.

Discussion

Because of the Project's proximity to wetland buffers, ANR requested that any CPG issued for the Project include specific conditions regarding the Project's activities near wetlands to ensure the Project will not have an undue adverse effect on the natural environment. The Applicant did not object to inclusion of the conditions requested by ANR. Based on the foregoing, I recommend that any CPG issued for the Project include the conditions proposed by ANR to ensure that the Project will not have an undue adverse impact on the natural environment.

**Soil Erosion**

[10 V.S.A. § 6086(a)(4)]

45. The Project will not cause undue soil erosion or reduce the capacity of the land to hold water so that a dangerous or unhealthy condition results. This finding is supported by findings 46 through 50, below.

46. The total soil disturbance during Project construction will be approximately 0.93 acre. While this disturbance is below the one-acre trigger for requiring a Construction General Stormwater Permit, the Applicant will obtain such a permit due to the potential for contemporaneous earth disturbance on other lots in the subdivision. Jewkes pf. at 4.

47. An Operational Stormwater Permit will not be required for the Project because the Project's proposed 0.008 acre of impervious surface from the equipment pads and support posts, when combined with the approximately 0.43 acres of existing impervious surface on the larger parcel, is below the one-acre permitting threshold. Jewkes pf. at 5.

48. Appropriate erosion control measures will be implemented for the Project following the Vermont Low Risk Site Handbook for Erosion Prevention and Sediment Control (2020). Jewkes pf. at 5.

49. The Project will be constructed in accordance with Vermont Standards and Specifications for Erosion Prevention and Sediment Control (2020). Jewkes pf. at 5.

50. These sediment control measures will help prevent erosion and will treat stormwater runoff before it reaches receiving waters, thus protecting water quality. Jewkes pf. at 5.

**Transportation**

[10 V.S.A. § 6086(a)(5)]

51. The Project will not cause unreasonable congestion or unsafe conditions with respect to transportation systems during construction. There will be no long-term impacts from traffic associated with the Project. There will be short-term, periodic traffic impacts due to deliveries of Project equipment to the site during construction. These deliveries will use public roads with vehicles that are commonly used on public roads. All deliveries will be conducted in accordance with applicable permits and requirements. Veve pf. at 13.

**Educational Services**

[10 V.S.A. § 6086(a)(6)]

52. The Project will not place a burden on the ability of a municipality to provide educational services because the Project will not require or affect educational services. Veve pf. at 14.

**Municipal Services**

[10 V.S.A. § 6086(a)(7)]

53. The Project will not place an unreasonable burden on the ability of the local governments to provide municipal or governmental services because the Project will not require or affect local services. Veve pf. at 14.

**Aesthetics, Historic Sites, and Rare and Irreplaceable Natural Areas**

[10 V.S.A. § 6086(a)(8)]

54. The Project will not have an undue adverse impact on aesthetics or on the scenic or natural beauty of the area, nor will the Project have an undue adverse effect on historic sites or rare and irreplaceable natural areas. This finding is supported by findings 55 through 64, below.

**Aesthetics**

55. The Project will not have an adverse effect on aesthetics. This finding is supported by findings 56 through 62, below.

56. The Project site was historically used for disposing of fill, which resulted in a level plateau on the site. Veve pf. at 15.

57. The site is surrounded on all sides by existing vegetation and trees that obscure potential views from most, if not all, vantage points. The Project plans do not propose the clearing or removal of the existing vegetation surrounding the site. Exh. PET-WFV-5; Veve pf. at 15.

58. The existing vegetation serves as a visual buffer and aids in limiting views from the residences abutting the property to the north and east as well as the properties to the south. The Project will have obscured and minimal visibility from these residences as a result of the intervening vegetation, the tree line, and topography. Exh. PET-WFV-5; Veve pf. at 15.

59. The property is bordered to the west by an active railroad line. Views from that direction are completely buffered by the existing tree line. Exh. PET-WFV-5; Veve pf. at 15.

60. The Project components—solar arrays, gray racking systems, and associated electrical equipment—are all characterized by colors and materials that would fit within the commercial subdivision setting. Veve pf. at 16.

61. The site itself is not “open space,” but rather a private lot setback and distanced from any public spaces. The site is not classified as scenic or part of a scenic viewshed. Veve pf. at 16.

62. The site has been designated as a preferred site for solar development by local and regional officials. Exh. PET-WFV-2.

### Discussion

I recommend that the Commission find that the Project’s aesthetic effects will not be adverse. In determining whether a net-metering system satisfies the aesthetics criterion contained in 30 V.S.A. § 248(b)(5), the Commission applies the so-called “Quechee test.”<sup>6</sup> The first step of the test is to determine whether the project would have an adverse impact on aesthetics and the scenic and natural beauty of an area because it would not be in harmony with its surroundings. If the answer is no, then the project satisfies the aesthetics criterion.

If a project will have an adverse effect on aesthetics, such adverse impact will be found to be undue if any one of the three following questions is answered affirmatively: (a) Would the project violate a clear, written community standard intended to preserve the aesthetics or scenic,

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<sup>6</sup> *In Re Halnon*, 174 Vt. 515 (2002).

natural beauty of the area? (b) Would the project offend the sensibilities of the average person? (c) Have the applicants failed to take generally available mitigating steps that a reasonable person would take to improve the harmony of the proposed project with its surroundings?

Turning to the first step of the test, a project has an adverse effect on aesthetics if it would be out of character with its surroundings. Specific factors used in making this evaluation include the nature of the project's surroundings, the compatibility of the project's design with those surroundings, the suitability of the project's colors and materials with the immediate environment, the visibility of the project, and the impact of the project on open space.<sup>7</sup> As demonstrated by findings 56 through 62, above, the Project would not be out of character with its surroundings and would have limited visibility from public or offsite viewpoints.

I recommend that the Commission find that the Project satisfies the aesthetics criterion on the first prong of the Quechee analysis, and, therefore, no further analysis on the second prong is needed.

#### Historic Sites

63. DHP opined that the Project will have no effect on any above-ground historic resources or on any historic sites listed in or eligible for inclusion in the State Register of Historic Places. DHP's Comments.

#### Rare and Irreplaceable Natural Areas

64. The Project will not have an undue adverse effect on rare and irreplaceable natural areas because there are no rare and irreplaceable natural areas within the Project area. Bartlett pf. at 5-6.

#### **Necessary Wildlife Habitat and Endangered Species**

[10 V.S.A. § 6086(a)(8)(A)]

65. The Project will not have an undue adverse effect on any endangered species or critical wildlife habitat. There is no evidence of rare, threatened, or endangered plant or animal species on or directly adjacent to the Project site. Bartlett pf. at 6-7; exh. PET-JBH-2.

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<sup>7</sup> Commission Rule 5.112.

**Development Affecting Public Investments**

[10 V.S.A. § 6086(a)(9)(K)]

66. The Project will not unnecessarily or unreasonably endanger the public or quasi-public investment in any facility, service, or lands, or materially jeopardize or interfere with the function, efficiency, or safety of, or the public's use or enjoyment of, or access to any such facility, service, or lands. Veve pf. at 18.

**Public Health and Safety**

[30 V.S.A. § 248(b)(5)]

67. The Project will not have any undue adverse effects on the health, safety, and welfare of the public. This finding is supported by findings 68 through 71, below.

68. The Project will comply with applicable safety requirements in the NEC and the NESC. Veve pf. at 18.

69. All switchgear equipment will be inside locked, UL-listed, code-approved electrical enclosures. Veve pf. at 18.

70. The transformer will be installed with a secondary containment system so that surrounding land and water resources are protected in the unlikely event of a fluid leak. Veve pf. at 18.

71. The Project's panel circuitry will be covered with a protective barrier as a safety measure and in compliance with electrical code requirements. Veve pf. at 29; Applicant's Reply.

**Primary Agricultural Soils**

[30 V.S.A. § 248(b)(5)]

72. The Project will not have any undue adverse effects on primary agricultural soils as defined in 10 V.S.A. § 6001. This finding is supported by findings 73 and 74, below.

73. Mapping data indicates that the Project site contains 1.34 acres of primary agricultural soils. Jewkes pf. at 7; exh. PET-IAJ-2.

74. While a portion of the Project will be sited on these mapped soils, they have no agricultural potential given historical degradation from construction and excavation activities as well as historical use for stockpiling fill soils and do not qualify as primary agricultural soils. Jewkes pf. at 7-8.

**Minimum Setback Requirements**

[30 V.S.A. § 248(s)]

75. The Project will comply with Vermont’s statutory setback requirements for ground-mounted solar electric generation facilities, which require that a facility be set back more than 40 feet from the nearest road and more than 25 feet from the nearest property boundary line. Veve pf. at 19.

**VI. DECOMMISSIONING PLAN**

76. The Project will be decommissioned at the end of its useful life. Veve pf. at 5.


**Discussion**

Commission Rule 5.904(A) requires that a project with a capacity equal to or greater than 150 kW and less than or equal to 500 kW shall be removed once it is no longer in service, and the site shall be restored to the condition it was in before installation of the facility to the greatest extent practicable.

**VII. CONCLUSION**

Based upon the certifications of the Applicant and the above findings, I recommend that the Commission conclude that, subject to conditions, the Project will comply with the requirements of Commission Rule 5.100 and will promote the general good of the State.

This proposal for decision has not been circulated to the parties pursuant to 3 V.S.A. § 811 because it is not adverse to any party.



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Michael E. Tousley, Esq.  
Hearing Officer

**VIII. ORDER**

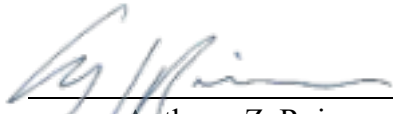
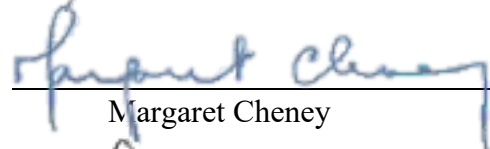
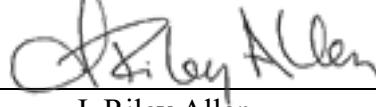
IT IS HEREBY ORDERED, ADJUDGED, AND DECREED by the Vermont Public Utility Commission (“Commission”) that:

1. The findings, conclusions, and recommendations of the Hearing Officer are hereby adopted. All other findings proposed by parties, to the extent that they are inconsistent with this Order, were considered and not adopted.

2. In accordance with the evidence and plans submitted in this proceeding, the 150 kW AC solar group net-metering system proposed for construction and operation by SMS Solar Array, LLC (the “CPG Holder”) at 428 S. Main Street in St. Albans Town, Vermont, will promote the general good of the State of Vermont pursuant to 30 V.S.A. §§ 248 and 8010, and a certificate of public good (“CPG”) to that effect shall be issued in this matter.

3. As a condition of this Order, the CPG Holder shall comply with all terms and conditions set out in the CPG issued in conjunction with this Order.

Dated at Montpelier, Vermont, this 21st day of October, 2021.

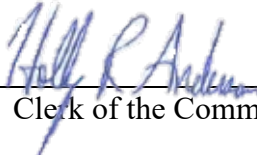
 _____ )	) PUBLIC UTILITY
Anthony Z. Roisman )	
) _____ )	
 _____ )	) COMMISSION
Margaret Cheney )	
) _____ )	
 _____ )	) OF VERMONT
J. Riley Allen )	

OFFICE OF THE CLERK

October 21, 2021

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](mailto: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 No. 21-3071-NMP - SERVICE LIST

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