

**STATE OF VERMONT  
PUBLIC UTILITY COMMISSION**

|                                                  |   |                      |
|--------------------------------------------------|---|----------------------|
| Petition of Randolph Davis Solar LLC for a       | ) |                      |
| certificate of public good pursuant to 30 V.S.A. | ) |                      |
| §§ 248 and 8010, authorizing installation and    | ) |                      |
| operation of a 500 kW (AC) photovoltaic group    | ) | Case No. 21-2939-NMP |
| net-metering system in Randolph, Vermont         | ) |                      |

**PETITIONER’S RESPONSE TO HEARING OFFICER’S QUESTIONS**  
**RE MINOR AMENDMENT**

NOW COMES Randolph Davis Solar LLC (“Applicant”) and responds to the Hearing Officer’s March 10, 2022 procedural order requesting information regarding Applicant’s proposed minor amendment to the array layout for the Randolph Davis Solar Project (“Project”).

The minor amendment is described in the Supplemental Prefiled Testimony of Martha Staskus dated February 25, 2022, and reflected on the revised project Site Plans, Exhibit RDS MS-2 (rev 2/9/22) and Exhibit RDS MS-2A (2/22/22), and the revised Elevation Drawings, Exhibit RDS MS-3 (rev 2/22/22). Specifically, in response to the request of the Town of Randolph, Applicant prepared a modified array layout so that none of the Project solar panel rows would be sited on slopes exceeding 25%. Staskus 2/22/22 pf. at 2-3. Exhibit RDS MS-2A (2/22/22) demonstrates that the re-arranged solar panel rows can be installed in areas with slopes not greater than 25% while staying within the original Limit of Disturbance. Staskus 2/22/22 pf. at 3.

Under Commission Rule 5.103, the following changes constitute a minor amendment:

- (a) Proposed additional aesthetic mitigation; or
- (b) Any other change to the physical plans or design of the system that is not a major amendment.<sup>1</sup>

A major amendment is defined as:

- (a) increasing the nameplate capacity of the net-metering system by more than 5% or reducing the nameplate capacity of the net-metering system by more than 60%;
- (b) moving the limits of disturbance by more than 50 feet;
- (c) changing the fuel source of the net-metering system; or

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<sup>1</sup> Commission Rule 5.103.

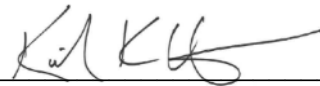
(d) any other change that the Commission, in its discretion, determines is likely to have a significant impact under one or more of the criteria of Section 248 applicable to the net-metering system.<sup>2</sup>

Here, the proposed changes to the system do not involve (a) increasing the nameplate capacity of the net-metering system by more than 5% or reducing the nameplate capacity of the net-metering system by more than 60%; (b) moving the limits of disturbance by more than 50 feet<sup>3</sup>; (c) changing the fuel source of the net-metering system; or (d) any other change that is likely to have a significant impact under one or more of the criteria of Section 248 applicable to the net-metering system. As such, the changes meet the Commission's definition of a minor amendment.

In accordance with Commission Rule 5.108(A), the Applicant today is providing a Notice of Minor Amendment to all persons and entities who were entitled to receive a copy of the original application, and is also submitting a DPS fee form and fee payment for the minor amendment notice.

Dated at Burlington, Vermont, this 16<sup>th</sup> day of March, 2022.

Randolph Davis Solar LLC



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<sup>2</sup> *Id.*

<sup>3</sup> The Applicant notes that the Commission held that even where changes move the limits of disturbance by more than 50 feet, such changes may be deemed minor under circumstances where the changes would not increase the total limits of disturbance, are part of efforts to resolve matters with other stakeholders collaboratively, would not have a significant impact under any of the Section 248 criteria applicable to net-metering systems, and are proposed while the evidentiary record remains open in this case. See *Petition of Andover Weston A Solar LLC, Procedural Order Granting Request for Waiver of Commission Rule 5.108(B)*, Case No. 21-3095-NMP, Order of 12/8/21 at 3; *Petition of Weathersfield Town Garage Solar LLC, Order Granting Waiver*, Case No. 19-2616-NMP, Order of 1/28/21 at 5.