

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Case No. 21-2939-NMP

Petition of Randolph Davis 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 group net-metered solar electric generation system in Randolph, Vermont	
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THE DEPARTMENT OF PUBLIC SERVICE’S SUPPLEMENTAL COMMENTS

This matter concerns an application filed by Randolph Davis Solar, LLC (the “Petitioner”) for a certificate of public good to construct and operate a 500-kW solar group net-metering system in Randolph, Vermont (the “Project”). Pursuant to the scheduling order, as amended on April 15, 2022, the hearing officer requested that the State agencies file updated comments by June 24, 2022 after review and consideration of the non-petitioners’ testimony and discovery responses.

On October 25, 2021, the Department of Public Service (the “Department”) submitted comments concluding that the Project did not raise significant concerns with respect to system stability and reliability or aesthetics.¹ The Department also concluded that the Project met statutory setback requirements, the Project’s installation would be within acceptable noise limits, and that provided the Petitioner file the as-built safety methods used for the Project’s enclosure, the Project did not raise significant issue with respect to public health and safety.²

On April 5, 2022, the hearing officer approved the Petitioner’s request for a minor amendment of the Project, revising the Project site plan to relocate the Project’s solar panels within the existing limit of disturbance on slopes less than 25%.³

¹ The Department notes it mischaracterized the Project’s gravel access drive as “existing” rather than “new” in its initial comments. Department Comments at 2 (Oct. 25, 2021). The Department is submitting a revised comment letter correcting the error.

² Department Comments at 2-3; The Department’s review typically focuses on preferred site status; orderly development of the region; system stability and reliability; aesthetics, and public health and safety; property line setbacks; and Project decommissioning. *See* Commission Rules 5.103 (definition of preferred sites), 5.111(B) (specifying that 30 V.S.A. §§ 248(b)(1), (b)(3), (b)(5), (b)(8), and (s) are the statutory criteria that are not conditionally waived when reviewing ground-mounted net-metered solar projects which elect to transfer the renewable energy credits to the interconnecting utility). *See also* 30 V.S.A. §§ 248 and 8010.

³ *Order Re: Minor Amendment to Project*, Case No. 21-2939-NMP (April 5, 2022).

On May 6, 2022, Michael Binder and Joan Allen (the “Intervenors”) submitted prefiled testimony regarding the Project’s undue, adverse impact on natural resources and wildlife, under Section 248(b)(5), and orderly development with the region, under Section 248(b)(1). The parties served discovery on May 20, 2022 and responses were submitted on June 3, 2022.

The Department has reviewed the revised Project, the Intervenors’ testimony, and the parties’ discovery responses to date and maintains it has no significant concerns with respect to the Project’s impact on system stability and reliability⁴, aesthetics⁵, public health and safety⁶, or compliance with setback requirements.⁷ The Department defers to the Agency of Natural Resources’ expertise with respect to the Project’s impact on the natural environment and natural resources, pursuant to Section 248(b)(5). As to the orderly development criteria, under Section 248(b)(1), the Department views the outstanding issue primarily as a question of law and will address the matter in its brief by August 4, 2022, following the scheduled evidentiary hearing.

DATED at Montpelier, Vermont this 24th day of June 2022.

Respectfully Submitted,

VERMONT DEPARTMENT OF PUBLIC SERVICE

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⁴ 30 V.S.A. § 248(b)(3).

⁵ *Id.* § 248(b)(8).

⁶ *Id.*

⁷ *Id.* § 248(s).