

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Petition of Randolph Davis Solar LLC for a	)	
certificate of public good, pursuant to 30 V.S.A.	)	Case No. 21-2939-NMP
§§ 248 and 8010, authorizing the installation	)	
and operation of a 500 kW group net-metered	)	<i>Filed electronically via ePUC</i>
solar electric generation system in Randolph,	)	
Vermont	)	

VERMONT AGENCY OF NATURAL RESOURCES’S UPDATED COMMENTS

Pursuant to the Public Utility Commission’s (“Commission”) Scheduling Conference Order issued on February 25, 2022 and Order Adjusting Schedule issued on April 15, 2022, the Vermont Agency of Natural Resources (“Agency”), by and through its representatives, Kevin Anderson and Aaron Kisicki, submit the following updated comments related to the above-captioned case.

The Agency appreciates the opportunity the Commission provided for a visit to the proposed Project site on March 25, 2022, and that the intervenors provided for additional scrutiny of the Project application through review of their testimony filed on May 6, 2022. After further consultation with the relevant departments and programs, the Agency continues to find that the Project as proposed will not have undue adverse effects on the natural environment and the use of natural resources under the relevant criteria under the Agency’s review enumerated in 30 V.S.A. § 248(b)(5). This finding, however, is conditioned by the incorporation of the proposed Certificate of Public Good (“CPG”) conditions outlined in the Agency’s October 10, 2021 comment letter, and the Agency continues to respectfully request that the Commission include those conditions as part of any CPG that may be issued for the Project.

With respect to the § 248(b)(5) issues raised in Ms. Allen’s, and to a lesser extent, Mr. Binder’s testimonies, the Agency anticipates that any CPG that may be issued for the proposed

Project would contain standard conditions that are consistent with most other net-metering project CPGs. Those standard conditions include – and are reflected in the Applicant’s proposed CPG – a requirement that the CPG holder obtain all necessary permits and approvals prior to Project site preparation or construction. In this case, those necessary permits and approvals include securing a 3-9020 Stormwater Construction General Permit and adherence to the standards contained in the Vermont Low Risk Handbook for Erosion Prevention and Sediment Control, which the Applicant has explicitly committed to through Ms. Staskus’s and Ms. Barton’s testimony and supporting evidence.

The Agency understands that the Applicant intends to file rebuttal testimony on this date that may include updated information related to the existence and location of vernal pools, streams, and/or wetlands at or near the Project site. The Agency respectfully requests that it be granted an opportunity to respond to the Applicant’s rebuttal testimony within a reasonable time if need be.

Finally, the Agency received a copy of the Hearing Officer’s June 23, 2022 Procedural Motion via electronic ePUC notice at 5:11 p.m. yesterday. The Procedural Motion contains rulings that may have a significant impact on the evidentiary standards and burdens at issue in this case and on other § 248 cases going forward. The Agency is in the process of reviewing the Procedural Motion and is not able to file comments in response to the motion at this time. The Agency, however, reserves the right to respond to the Procedural Motion in a timely fashion.

Dated at Montpelier, Vermont, this 24thrd day of June 2022.

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