

**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	
--	--

**THE DEPARTMENT OF PUBLIC SERVICE’S COMMENTS REGARDING
RANDOLPH DAVIS SOLAR LLC’S PETITION FOR A CERTIFICATE OF PUBLIC GOOD**

The Vermont Department of Public Service (the “Department”) has reviewed Randolph Davis Solar, LLC’s (the “Petitioner”) application for a Certificate of Public Good (“CPG”) under 30 V.S.A. §§ 248 and 8010 in this matter and states as follows¹:

On August 11, 2021, the Petitioner filed an application with the Vermont Public Utility Commission (the “Commission”) for a CPG under 30 V.S.A. §§ 248 and 8010. The Petitioner also requested a waiver of Commission Rule 5.107(C)(10)(a). The Petitioner seeks to install and operate a 500-kW ground-mounted photovoltaic group net-metering facility sited off Davis Road in Randolph, Vermont (the “Project”).

On August 18, 2021, the Commission granted the waiver of Rule 5.107(C)(10)(a) to determine that the application is administratively complete on August 11, 2021. The Commission also stayed the 30-day comment period until the Petitioner filed a letter from the interconnecting utility conforming with Rule 5.107(C)(10)(a).

On September 22, 2021, the Petitioner filed the Feasibility Study with the Commission.

¹ 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.

On September 23, 2021, the Commission lifted the stay and commenced the 30-day comment period until October 25, 2021.

The Project will be sited on an approximately 20.7-acre parcel approximately 1,500-feet north of the intersection of Davis Road and Route 14 in Randolph, Vermont. The installation will consist of multiple rows of solar panels mounted on a racking system anchored to the ground, ten (10) string inverters each with a capacity of 50-kW (AC), three (3) 167 kVA pole-mounted transformers on a GMP distribution pole, a GMP line extension, underground electric lines connecting the panel rows, string inverters, an AC combiner panel, an AC disconnect pedestal, and a 8-foot-high wildlife fence with a secured gate. All electrical equipment will comply with National Electrical Code (“NEC”) requirements. The Project will be accessed via a new gravel drive off Davis Road.²

The Petitioner provided a joint letter signed by the Town of Randolph Selectboard, the Town of Randolph Planning Commission, and the Two Rivers-Ottawquechee Regional Planning Commission to demonstrate that the Project meets Commission Rule 5.103 definition of “Preferred Site” (7).³ The Randolph Town Plan and the Two Rivers-Ottawquechee Regional Plan support appropriately sited renewable generation.⁴ The Petitioner’s aesthetics analysis demonstrates that the Project will not present an undue adverse impact on aesthetics.⁵ The Project meets statutory setback requirements.⁶ Furthermore, the Petitioner’s sound analysis

² Prefiled Testimony of Martha Staskus, Case No. 21-2939-NMP, at 7-8 (Aug. 11, 2021).

³ Exh. RDS-MS-5, Preferred Siting Letter.

⁴ The Two Rivers-Ottawquechee Regional Plan is entitled to “substantial deference” under 30 V.S.A. § 248(b)(1)(C), having received an affirmative determination of energy compliance pursuant to 24 V.S.A. §§ 4352(a).

⁵ Exh. RDS-MS-6, Aesthetics, Orderly Development Assessment at 9.

⁶ Pft. at 18-9.

shows that the installation's noise levels will be within acceptable limits.⁷ The Department has no significant concerns regarding system stability and reliability.

As to public safety, the Department notes that prefiled testimony of Martha Staskus at 8 states, "[i]n the event a fence is not required, energized equipment will be rated for outdoor use, securely shielded by locked enclosure covers and otherwise compliant with NEC code 'Guarding of Live Parts' or otherwise." The Department requests that, as a CPG condition, the Petitioner be required to file with the Commission the actual safety methods used prior to Project operation.

The Department supports the recommendations made by the Agency of Natural Resources regarding riparian zones, wetlands, and deer wintering area conditions. The Department supports the recommendations made by the Vermont Agency of Agriculture, Food, and Markets' recommendations regarding CPG conditions to mitigate impacts on primary agricultural soils. The Vermont Division for Historic Preservation also concluded the Project will have no effect on any historic sites.

On October 25, 2021, Joan Allen and Michael Bender submitted comments and a motion to intervene in this matter. Joan Allen and Michael Bender are adjoining landowners and have objected to the project as proposed based on concerns raised regarding the Project's conformity with the Randolph Town Plan and additional natural resources concerns.

The Department has not received any additional comments from members of the public, municipal or legislative bodies, or other state agencies.

The Department requests that the Petitioner address whether the Project is sited in "lands over 25% slope" as is prohibited for all energy generation facilities within Chapter 6 of the

⁷ Exh. RDS-MS-8, Sound Assessment.

Randolph Town Plan and, if so, whether the Petitioner has addressed this issue with the Town of Randolph.

DATED at Montpelier, Vermont this 25th day of October 2021.

Respectfully Submitted,

VERMONT DEPARTMENT OF PUBLIC SERVICE

By: /s/ Eric B. Guzman
Eric B. Guzman, Special Counsel
112 State Street
Montpelier VT 05602
(802) 828-3785
eric.guzman@vermont.gov

cc: ePUC Service List