

**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	)	Case No. 21-2939-NMP
operation of a 500 kW (AC) photovoltaic group	)	
net-metering system in Randolph, Vermont	)	

**SURREBUTTAL TESTIMONY OF
MARTHA STASKUS
ON BEHALF OF PETITIONER**

September 7, 2022

Ms. Staskus' surrebuttal testimony responds to Mr. Binder's June 24, 2022 rebuttal testimony.

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EXHIBITS

Exhibit RDS MS-18	A:PET:Binder.I-8
Exhibit RDS MS-19	A:PET:Binder.I-9
Exhibit RDS MS-20	A:PET:Binder.I-10
Exhibit RDS MS-21	A:PET:Binder.I-11
Exhibit RDS MS-22	A:PETAllen.1-9 to 1-13
Exhibit RDS MS-23	A:PET:Allen.1-14
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**SURREBUTTAL PREFILED TESTIMONY OF
MARTHA STASKUS
ON BEHALF OF PETITIONER**

1. Introduction

Q1. Please state your name, occupation, and business address.

A1. My name is Martha Staskus. I am Chief Development Officer of Norwich Technologies, Inc. (“Norwich Solar”), which has offices at 15 Railroad Row, Suite 101, White River Junction, Vermont 05001. I have previously submitted testimony and exhibits on behalf of Randolph Davis Solar LLC (the “Petitioner”) in this proceeding.

Q2. What is the purpose of your surrebuttal prefiled testimony?

A2. My surrebuttal testimony responds to Mr. Binder’s June 24, 2022 rebuttal testimony.

2. Rebuttal Testimony

Q3. Part I of Mr. Binder’s Rebuttal Testimony asserts that the slopes layer shown in Petitioner’s April 19, 2022 Site Plan with slopes layers (Exhibit RDS MS-2B) is deficient because it does not show all areas of slopes greater than 25% within the Project limit of disturbance. How do you respond?

1 A3. My July 13, 2022 affidavit accompanying Exhibit RDS MS-2 (rev 7-13-22), the Revised
2 Project Site Plan, addressed this. This Site Plan, Exhibit RDS MS-2 (rev 7-13-22), shows
3 all areas of slopes greater than 25% within the Project limit of disturbance.
4

5 Q4. Part II of Mr. Binder's rebuttal testimony states: "There is nothing typical about developing
6 slopes this steep for solar projects", and then includes selected quotes from pages 241 and
7 242 of the TRORC regional plan. How do you respond?

8 A4. As an initial matter, please note, Mr. Binder's Exhibit MB-3 is the Randolph Town Plan,
9 not the TRORC plan, as is stated in his rebuttal testimony. The TRORC energy chapter,
10 including pages 241 and 242, are included as Appendix B to Petitioner's Exhibit RDS MS-
11 6.

12 The first excerpt quoted by Mr. Binder (TRORC Plan at 241) states: "Sites with raw solar
13 potential are flat to gently sloping and face east, south, or west." The second excerpt quoted
14 by Mr. Binder (TRORC Plan at 242) states: "As mentioned earlier, only lands with good
15 exposure and gentle slopes make sense for solar development." Neither of these
16 generalized statements preclude the Randolph Davis solar facility from being sited at this
17 south, east facing location. The array is not located on slopes greater than 25%.

18
19 Nothing in the TRORC Plan identifies slopes over 25% as unsuitable (prohibited) or
20 constrained. See TRORC Plan at 242-43. Even if >25% slopes were a known or possible
21 constraint under the Regional Plan, TRORC is clear that a site may not be unsuitable:

1 There are many areas that have the potential for renewable energy
2 generation but include known or possible constraints that may make these
3 locations less desirable. *These areas are neither preferred nor unsuitable.*
4 Development in these areas will require more detailed mapping at the site
5 level as well as an evaluation of the impacts on the particular resources
6 present.

7 Exhibit RDS MS-6, App. B at 242-43 (emphasis added).

8
9 Petitioner acknowledges that Mr. Binder and Ms. Allen have the right to raise the slopes
10 issue in this proceeding. However, they have conceded that they do not have the required
11 qualifications to speak as experts on the topic, as they acknowledge in their admissions to
12 discovery (Exhibits RDS MS-18 through MS-25), and they have not demonstrated that the
13 presence of steep slopes outside of the array causes the Project to fail to satisfy the
14 applicable Section 248 criteria. Petitioner's previously filed testimonies and exhibits
15 demonstrate that the Project satisfies all of the applicable Section 248 criteria, including
16 erosion prevention and control, notwithstanding the presence of some steep slopes outside
17 of the array footprint within the limit of disturbance ("LOD").

18
19 Q5. Part III of Mr. Binder's rebuttal testimony states that your testimony stating that "[t]he site
20 is a combination of wooded and cleared lands", is incorrect. However, Mr. Binder's own
21 testimony states: "In 2016 most of the red pine plantation was *clearcut* and other parts of
22 the forest were selectively cut." How do you respond?

23 A5. As witnessed at the site visit the solar array footprint area is predominately located in the
24 opened, cleared area. Mr. Binder's testimony is itself, in conflict.

1

2 **3. Conclusion**

3 Q6. Does this conclude your testimony?

4 A6. Yes.

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