

**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	)	

**PETITIONER’S REQUEST FOR CLARIFICATION REGARDING
LIMITED NOTICE OF APPEARANCE ON BEHALF OF JOAN ALLEN**

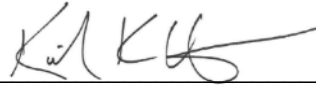
NOW COMES Randolph Davis Solar LLC (the “Petitioner”) and respectfully seeks clarification regarding the September 25, 2022 limited notice of appearance filed by Attorney Dingleline on behalf of Joan Allen in this case. Ms. Allen jointly intervened in this case with her husband, Michael Binder, on October 25, 2021, was granted intervention jointly with her husband on November 30, 2021, and on December 14, 2021, jointly requested a hearing with her husband. They comprise a single party in this case. Further, their property adjoining the project parcel, and thus the basis for their joint intervention as of right, is legally held as tenants by the entirety under the common-law principle of marital unity. *See RBS Citizens v. Ouhrabka*, 2011 VT 86, ¶ 8, 190 Vt. 251, 30 A.3d 1226 (Vt. 2011)(the estate of tenancy by the entirety "result[ed] from the common-law principle of marital unity.")(quoting *Lang v. Comm'r of Internal Revenue*, 289 U.S. 109, 111 (1933)). "The tenancy . . . is said to be sui generis." *Id.*

To date, Mr. Binder has filed pleadings and communications in this case on behalf of himself and Ms. Allen. Petitioner requests the hearing officer to instruct Attorney Dingleline and Mr. Binder to clarify which of them will appear at the evidentiary hearing to represent the joint interests of Mr. Binder and Ms. Allen in this case.

Dated at Burlington, Vermont, this 27th day of September, 2022.

Respectfully submitted,

Randolph Davis Solar LLC



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