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**State of Vermont
Public Utility Commission**

MEMORANDUM

To: Owners of Land Adjoining Proposed Chelsea Solar LLC 2.0 MW solar Project
From: Holly R. Anderson, Clerk of the Commission *HRA*
Re: PUC Case No. 23-0249-PET – Chelsea Solar LLC/2.0 MW solar project in Bennington
Date: May 30, 2023

Chelsea Solar LLC has filed a petition for a certificate of public good, pursuant to 30 V.S.A. § 248, authorizing the installation and operation of a 2.0 MW solar electric generation facility off of Willow Road in Bennington, Vermont. The Public Utility Commission (“Commission”) is reviewing the petition in Case No. 23-0249-PET.

You are receiving these materials because the petitioner identified you as an “adjoining landowner” to the proposed project. Included is a Notice of Scheduling Conference for a scheduling conference to be held at 10:00 A.M. on Wednesday, June 14, 2023, via Go To Meeting videoconference.

The purpose of the scheduling conference is for the parties to discuss how best to manage the case and attempt to agree on a schedule for the case. Members of the public, including you as an adjoining landowner, are welcome to attend this scheduling conference. However, active participation in a scheduling conference is generally limited to formal parties and to those who intend to seek party status. The steps you would need to take if you decide that you want to be a formal party to this proceeding are described below. If you cannot attend the scheduling conference, it does not mean that you have lost your opportunity either to comment on the proposed project or to become a formal party.

Regardless of whether they are a formal party, owners of land adjoining the proposed project and other members of the public interested in this proceeding will have the opportunity to ask the Commission to hold a public hearing at which members of the public can provide input on the proposed project. Any public hearing would be held at a location near the proposed project site or remotely via videoconference. Possible dates and locations for a public hearing will be discussed at the scheduling conference. As an adjoining landowner, you will receive notice of the public hearing, if one is held.

The public is also encouraged to submit written comments on the project via the Commission’s electronic filing system (known as ePUC) at epuc.vermont.gov, or via regular mail. Public comments play an important role by raising new issues or offering perspectives that

the Commission should consider and then may ask parties to address, although the public comments themselves do not become part of the evidentiary record.¹

In addition, all public documents in the case can be viewed using ePUC. Individuals and organizations can “subscribe” to the case if they are interested in receiving email notifications when parties file documents or the Commission issues documents in the case. Information about how to use ePUC and how to subscribe to a case is available on the Commission’s website at <http://puc.vermont.gov/epuc-information>.

If you wish to participate actively as a formal party in the proceeding, you must first file a “motion to intervene” as a party in this case. The Commission has a form for filing a motion to intervene: <https://puc.vermont.gov/document/motion-intervene-form>. The deadline for filing a motion to intervene will be set during the scheduling conference and will be included in a scheduling order that will be issued a short time after the scheduling conference is held. As an adjoining landowner, you will receive a copy of that order along with the notice of the public hearing. In a motion to intervene, a potential party must claim an interest in matters that must be resolved by this proceeding and must otherwise comply with the requirements of Commission Rule 2.209. If the Commission grants a motion to intervene, the intervening party will have the same obligations and rights as the other parties and will be subject to the Commission’s procedural rules. An intervenor may provide testimony and participate in the evidentiary hearings and may be subject to discovery and cross-examination on any testimony he or she provides. The responsibilities and rights of individuals or groups that appear “pro se” (without the assistance of counsel) are mostly the same as would apply to an attorney in the proceeding. Potential intervenors should be aware that there are costs involved in being a party in a proceeding such as this, in both time and money.²

For further information regarding intervention and providing public comments, please see the description of typical procedural steps in Section 248 cases and the Public Participation section of the Commission’s website at <http://puc.vermont.gov/public-participation>. More information about each underlined term in the description of typical procedural steps is available in the Glossary of Terms on the Commission’s website at <http://puc.vermont.gov/public-participation/frequently-asked-questions/glossary-terms>.

Please feel free to contact me if you have any questions. You can reach me, the Clerk of the Public Utility Commission, at 802-828-2358, or you can e-mail at: puc.clerk@vermont.gov.

Enclosures (2)

¹ Under Vermont law, the Commission’s decision must be based on the evidence presented by formal parties during the evidentiary hearings.

² These costs include providing copies of any filings with the Commission to any parties in the case who are participating in paper, as required by Commission rules.

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**State of Vermont
Public Utility Commission**

May 30, 2023

NOTICE OF HEARING

A Hearing Officer of the Vermont Public Utility Commission, Elizabeth Schilling, Staff Attorney, will hold a **SCHEDULING CONFERENCE**, pursuant to 30 V.S.A. Sections 8, 10 and 248, in Case No. 23-0249-PET –

Petition of Chelsea Solar LLC, pursuant to 30 V.S.A. § 248, for a certificate of public good authorizing the installation and operation of a 2.0 MW solar electric generation facility in Bennington, Vermont –

on **June 14, 2023**, beginning at **10:00 A.M.**, via Go To Meeting videoconference.

Participants and members of the public may access the scheduling conference online at <https://meet.goto.com/416787205>, or call in by telephone using the following information: phone number: +1 (646) 749-3129; access code: 416-787-205. Participants may wish to download the GoToMeeting software application in advance of the hearing at <https://meet.goto.com/install>. Guidance on how to join the meeting and system requirements may be found at <https://www.gotomeeting.com/online-meeting-support>.

Please note that Commission Rule 2.225(A) requires parties to make all reasonable efforts to reach agreement on, and jointly file, a proposed schedule no later than three days before a scheduling conference. That rule also requires parties to make separate filings if they cannot agree on all scheduling matters.

Pursuant to 30 V.S.A. §§ 20 and 21, the Petitioner will be responsible for court reporter costs incurred by the Commission as a result of this scheduling conference. Invoices for these costs will be mailed to the attorney(s) of record or the official representative(s) for the Petitioner.

VERMONT PUBLIC UTILITY COMMISSION

By: _____

A handwritten signature in blue ink that reads "Holly R. Anderson".

Holly R. Anderson
Clerk of the Commission

Section 248

Typical Procedural Steps

45-Day Advance
Submission

Filing of Application

Scheduling Conference

Site Visit

Public Hearing

Intervention Deadline

Discovery

Testimony and Exhibits

Evidentiary Hearing

Stipulation or MOU

Briefs

Oral Argument

Introduction.

[Section 248](#) is a Vermont law that requires an approval from the Vermont Public Utility Commission before beginning site preparation or construction of:

- electric transmission facilities (e.g., a substation or large utility line),
- electric generation facilities (e.g., a power plant, or a solar or wind facility), and
- certain gas pipelines and associated infrastructure.

Section 248 also requires Commission approval for some long-term contracts for purchasing power from outside Vermont and for some investments in transmission and generation facilities outside Vermont.

This document is a summary of the procedural steps and opportunities for public participation when the Commission reviews a Section 248 case. Underlined text will link you to more information about that step in the glossary or to an external website.

This document is a general guide for the public. It is not a comprehensive list of all the applicable statutory and regulatory requirements for such projects. Every project is unique, and this general guide cannot anticipate or explain all issues that may arise in a case. For specific guidance, please refer to the applicable statutes, rules, and legal precedent, or seek legal advice. Please feel free to contact the [Clerk of the Commission](#) if you have questions about the information in this document.



Decision

Not all steps in the flow chart will be conducted in every case. The order of steps can vary depending on the specific case.

248 Process

How to Participate.

There are two ways to participate in the 248 process: as a formal party to a case or as a member of the public.

- Parties may provide testimony and participate in evidentiary hearings. All parties must follow [the Commission's procedural rules](#) and are subject to the rules governing discovery ([Rules 2.214 and 2.230](#)) and cross-examination ([Rule 2.216](#)). Commission proceedings are also governed by the Vermont Rules of Evidence. A member of the public can request to be a party to a case, also referred to as intervention, and may be represented by an attorney or self-represented (also referred to as appearing "[pro se](#)").
- Members of the public may speak at public hearings and send the Commission written comments. They may attend scheduling conferences and evidentiary hearings to observe, but unless they are parties they may not participate in the proceedings.

Advance Submission. At least 45 days before filing a [Section 248](#) petition with the Commission, an applicant must provide an [advance submission](#) about the proposed project to the municipal and regional planning commissions and the municipal legislative bodies in the town where the project will be located. Comments on the project can be submitted to the applicant based on the information provided in the advance submission.

If the proposed project consists of relocating transmission facilities (i.e., power lines), then a 21-day advance submission is required.

Filing a Petition. When an applicant [files](#) a Section 248 application (also called a "petition") with the Commission, the petition is accompanied by testimony and exhibits. The applicant will be informed by the Commission (or a hearing officer) whether the petition is administratively complete. Within two business days after the petition is determined to be administratively complete, the applicant must send a notice or copy of the petition to the [adjoining landowners](#), the entities who received a copy of the advance submission, and various State agencies. The notice will include the case number that should be included in all correspondence and questions regarding the case.

Scheduling Conference. The purpose of a [scheduling conference](#) is to discuss procedural details and to set the schedule leading to an evidentiary hearing and briefing in the case. Scheduling conferences are open to the public. After the scheduling conference, the Commission (or a hearing officer assigned to the case by the Commission) will issue an order summarizing the results of the scheduling conference, which generally include a schedule for the next steps in the case ([scheduling order](#)). Please see [Commission Rule 2.225](#).

Site Visit. The Commission (or a hearing officer assigned to the case by the Commission) may conduct one or more visits to the property where the proposed project would be located. [Site visits](#) help the Commission and others to better understand the proposed project and the issues that the proposed project may present. Observations and facts from the site visit are not considered as evidence unless the Commission or a party specifically enters them into the evidentiary record.

Public Comments and Public Hearing. Members of the public can [file comments](#) in Section 248 proceedings before the Commission. [Public comments](#) can be submitted at any time in a Section 248 proceeding. However, public comments are most useful if they are submitted before the evidentiary hearing so that the Commission, hearing officer, and parties to the case can ask questions about issues raised in the comments. Additionally, if public comments are to be accompanied by a request to be a party to the case (see intervention, below), they must be submitted by the deadline for intervention established in the schedule for the proceeding.

In a Section 248 proceeding, the Commission (or a hearing officer assigned to the case by the Commission) may also hold a [public hearing](#) to provide members of the public an opportunity to comment on the case. (The Commission or a hearing officer will hold a public hearing if asked to do so by any party or member of the public.) The public hearing is typically held in the evening at a location in the town where a project is proposed. Immediately before a public hearing, the Department of Public Service often holds an [information session](#) at which the applicant will explain the project to the public and the public can ask questions.

Comments at a public hearing (or written comments submitted at a different time) can serve to raise issues that the Commission and parties should consider during the case. However, because speakers at a public hearing are not commenting under oath and are not subject to cross-examination or questioning by the parties in the case, their testimony cannot be treated as evidence in the case.

Public hearings for Section 248 cases are announced on the Commission's website and published in local newspapers.

Intervention. A request to be a formal party to a 248 case, also referred to as [intervention](#), must be filed with the Commission within the time-frame indicated in the scheduling order that is issued following the scheduling conference. Often, this deadline is after the public hearing to provide an opportunity for a member of the public to learn more about the project at the public hearing before deciding to request intervention. A request to intervene must follow the standard procedures for filing a motion to intervene; for more information about these procedures, please see the explanation under [intervention](#) in the glossary and [Commission Rules 2.209 and 2.407](#). The Commission has developed a [motion to intervene form](#) and a [notice of intervention form](#).

Discovery. The [discovery](#) process takes place before an evidentiary hearing and allows the parties to the case to exchange information to get a better understanding of what facts they agree on and disagree about. Information produced in [discovery](#) is not evidence, unless the Commission (or a hearing officer assigned to the case by the Commission) admits it into evidence during the evidentiary hearing. Only the parties to the case are permitted to issue discovery requests.

Parties to a case must follow standard procedures for discovery. For more information on these procedures, please see the explanation under [discovery](#) in the glossary and [Commission Rules 2.214 and 2.230](#).

Testimony and Exhibits. The parties to a case prepare [testimony](#) and [exhibits](#) that support their position on whether the proposed project complies with the Section 248 review criteria. The applicant includes pre-filed testimony and exhibits with the application. The applicant may also file supplemental pre-filed testimony to address issues that come up before the evidentiary hearing. Please see [Commission Rules 2.204 and 2.213](#).

Other parties to a case also have the opportunity to file testimony and exhibits before the evidentiary hearing. In filing such documents, a party must provide a copy to all other parties in the case. The deadline for filing testimony and exhibits is usually set in the [scheduling order](#) issued after the scheduling conference.

Parties to a case may file an objection to the admissibility of some or all of another party's pre-filed testimony and exhibits. Typically, objections must be filed at least 14 days before the evidentiary hearing. For more information on filing objections, please see [Commission Rules 2.216 and 2.217](#).

Evidentiary Hearing. An [evidentiary hearing](#) will be convened for any Section 248 application about which contested issues remain or at the request of any party. An evidentiary hearing may be conducted by the full Commission, two Commissioners, or a hearing officer.

At an evidentiary hearing, the parties and the Commission will have an opportunity to cross-examine witnesses about their pre-filed testimony and exhibits. While the public is welcome to attend and observe an evidentiary hearing, only the parties are permitted to participate. Members of the public can become active parties to a case by intervening following the process described above.

Parties to a case must follow the procedures for evidentiary hearings. For more information about these procedures, please see the explanation under [evidentiary hearing](#) in the glossary.

Stipulation or Memorandum of Understanding. Two or more parties may agree to a settlement, also called a [stipulation](#) or [memorandum of understanding](#) (MOU), that resolves some or all of the disputed issues in a case. Settlements can be entered into at any point in a case and may be submitted to the Commission before or after the evidentiary hearing.

Briefs and Proposed Findings of Fact. The parties (and friends-of-the-court) will have an opportunity to file [briefs](#) and [proposed findings of fact](#) after the evidentiary hearing. A brief is a written document that presents a party's legal and factual arguments for consideration by the Commission. Briefs can include proposed findings of fact, which are statements of facts from the evidentiary record that a party wants the Commission to rely on when making its decision. Please see [Commission Rule 2.223](#).

If you are not a party but would like an opportunity to tell the Commission how you think the evidence and law should be applied in the case, you can make a request to file a [friend-of-the-court](#) brief.

Decision. Once the evidentiary hearing is done and briefs have been filed, the Commission will issue a [decision](#) in the form of a final order. If the evidentiary hearing was held by a hearing officer, he or she will issue a [proposal for decision](#) that recommends an outcome to the Commission. The parties to the case will have the opportunity to file written comments on the proposal for decision and ask for [oral argument](#) before the Commission.

The Commission will consider the hearing officer's proposal for decision, the parties' comments, and any arguments made at oral argument. The Commission may accept, reject, or modify the proposal for decision. In so doing, the Commission will issue a [final order](#) deciding the case. If the decision is to approve the project, the final order will be accompanied by a [certificate of public good](#).

If the evidentiary hearing was held by the Commission itself, no initial proposal for decision will be issued. Instead, the Commission will issue a final order following review of the parties' briefs.

Final Commission orders are subject to [motions to alter or amend](#) (also referred to as [motions for reconsideration](#)) under [Commission Rule 2.221](#). A motion to alter or amend must be filed within 28 days after a final order is issued. Any final decision by the Commission may be appealed to the Vermont Supreme Court. An appeal must be filed within 30 days after a final order is issued.

Up-to-date information about specific cases and deadlines can be accessed anytime in [ePUC](#) .

PUC Case No. 23-0249-PET - SERVICE LIST

Adjoining Landowners:

VT Agency of Transportation
One National Drive
Montpelier, VT 05633

Apple Hill Homeowners Assoc. Inc.
C/o Bill Knight
54 Cortland Lane
Bennington, VT 05201

Thomas A Cushman
PO Box 55
Bennington, VT 05201

Tyler R & Lauren R Cinelli
307 Apple Hill Rd
Bennington, VT 05201

Kimberley Sampson & Malcolm Paine
589 Apple Hill Road
Bennington, VT 0501

John G & Nancy S North
685 Apple Hill Rd
Bennington, VT 05201

David & Nancy Hollister
655 Willow Road
Bennington, VT 05201

State of Vermont
C/o Info Centers
134 State Street
Montpelier, VT 05633

Chris Pugliese & Krystal M Reyes
33 Russet Dr
Bennington, VT 05201

Paul King & Dawn B Kavanaugh
531 Apple Hill Road
Bennington, VT 05201

Kimberley-Jayne Sampson
589 Apple Hill Road
Bennington, VT 0501

State of Vermont
Agency of Transportation
One National Life Drive
Montpelier, VT 05633

Carroll Richard
150 Cortland Lane
Bennington, VT 05201

PLH, LLC
222 South 9th Street, #1600
Minneapolis, MN 55402

Laura E Maguire-Jones
Joseph & Mary Hall Life Estate
637 Harwood Hill Road
Bennington, VT 05201

Titan Propane LLC
Amerigas Propane Inc
P.O. Box 858
Valley Forge, PA 19482

Orchard Apartments LLC
C/o Jon Hale
748 Main Street
Bennington, VT 05201

Ellen Millington
P.O. Box 612
Shaftsbury, VT 05262

David Defelice
790 Orchard Road
Bennington, VT 05201

Laurence Jr & Linda Z Lemaire
544 Orchard Road
Bennington, VT 05201

SW VT Union Elementary School Dist
C/O SVSU 246
S Stream Road
Bennington, VT 05201

Chiti LLC
15526 East Powers Drive
Centennial, CO 80015

Shires Media Partnership Inc
C/o WBTN 1370 AM
407 Harwood Hill Road
Bennington, VT 05201

Applegate Apartments LP
C/o E.P. Management Corp
7 Tozer Road
Beverly, MA 01915

Christopher B & Kara M Righi
830 Orchard Road
Bennington, VT 05201

Debra Hill
734 Orchard Road
Bennington, VT 05201

Bennington-Rutland Opportunity Council Inc
45 Union Street
Rutland, VT 05701