

**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	)	21-2939-NMP
operation of a 500 kW (AC) photovoltaic group	)	
net-metering system in Randolph, Vermont	)	

Affidavit of Brendan Malley

1. My name is Brendan Malley. I am the Vice President of Project Finance at Norwich Technologies, Inc., which has an office at 15 Railroad Row, Suite 101, White River Junction, Vermont 05001.
2. I prepared information for and attended the June 1, 2021 Town of Randolph Planning Commission (“PC”) meeting at which the PC voted to provide a preferred site letter for the Randolph Davis Solar Project (the “Project”) proposed by Randolph Davis Solar LLC (the “Petitioner”).
3. I prepared the request to the PC for a preferred site letter. The request consisted of a May 3, 2021 email from me to the PC Chairman that attached an April 30, 2021 preliminary Site Plan for the Project, together with a document describing preferred siting generally, titled “Overview of Preferred Siting in Vermont for Solar Projects” (the “Overview document”). The email and preliminary Site Plan are shown in Exhibit RDS Judicial Notice-1. The Overview document appears at pages 151-153 of Exhibit MB-17.
4. Mr. Binder’s and Ms. Allen’s (the “Landowners”) September 5, 2023 reply brief opposing Petitioner’s request for judicial notice incorrectly asserts that the April 30, 2021 preliminary Site Plan that was an attachment to Petitioner’s May 3, 2021 email to Randolph PC Chair Sonny Holt, as reflected in Exhibit RDS Judicial Notice-1, is not the same Site Plan attachment that was actually sent to Mr. Holt on May 3, 2021. The April 30, 2021 preliminary Site Plan in Exhibit RDS Judicial Notice-1 is the same Site Plan that I attached to my May 3, 2021 email to Mr. Holt.
5. Landowners also claim that the site plan image that appears at page 155 of Exhibit MB-17 is the site plan that I emailed to Mr. Holt on May 3, 2021. That is incorrect. In fact, the partial black and white image of a site plan that appears at page 155 of Exhibit MB-17 is an incomplete snip of the actual, same, and full April 30, 2021 preliminary Site Plan provided by me to Mr. Holt by email on May 3, 2021.
6. This “snip” or image found in Exhibit MB-17 was not prepared by Norwich Technologies or any affiliate or representative, but does appear to have been taken from the Site Plan provided to Mr. Holt by email on May 3, 2021. The snip itself was clearly in the Town’s records, but it was not prepared by or sent by Petitioner. Petitioner did not switch and

substitute the April 30, 2021 preliminary Site Plan in Exhibit RDS Judicial Notice-1 for the image that appears in Exhibit MB-17.

7. I attended the June 1, 2021 Randolph PC meeting at which the preferred site letter for the Project was discussed and considered. To the best of my recollection, I made no statements at that meeting regarding the Randolph Town Plan. As stated in Mr. Binder's Exhibit MB-14, there was no audio or video recording made of the June 1, 2021 Randolph PC meeting.
8. Neither my May 3, 2021 email to the PC nor the Overview document contain any quotes from the Town Plan or address conformance with the Town Plan.
9. I attended the June 10, 2021 Randolph Selectboard meeting at which the preferred site letter for the Project was discussed and considered. As recorded in both audio and video by ORCA Media on behalf of the Town of Randolph, the April 30, 2021 preliminary Site Plan was presented on the video by the Town, and both I and the Landowners participated in the meeting by video and audio.

On this 12th day of September, 2023, I, Brendan Malley, do hereby swear and affirm that the information provided in this affidavit is true and accurate to the best of my knowledge and belief that I have personal knowledge of, and am able to testify as to the validity of the information contained in this affidavit. I understand that if the above statements are false, I may be subject to sanctions by the Commission pursuant to 30 V.S.A. § 30.



Brendan Malley