

**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	)	

**PETITIONER’S RESPONSE TO LANDOWNERS’ 1/23/24 OBJECTION AND
SUBMITTAL OF MORE PROPOSED EVIDENCE RE PREFERRED SITING**

Now comes Randolph Davis Solar LLC (“Petitioner” or “Applicant”) and responds to Mr. Binder’s and Ms. Allen’s (“Landowners”) January 23, 2024 Request for Judicial Notice of Commission Order and Objection to Public Comment and Evidence Submitted on January 9, 2024 (the “Objection”). Petitioner asks the Commission to reject the Objection. The Town of Randolph’s January 4, 2024 letter responded specifically to Condition 2 of the Commission’s October 11, 2023 order on remand (the “Remand Order”). The Town’s letter, signed by both municipal bodies, the Selectboard and Planning Commission, is the Commission-requested evidence that Condition 2 has been satisfied.

The Remand Order is very specific as to the limited scope of the Commission’s request:

“[T]he record does not clearly demonstrate whether the Town has reviewed the Project’s revised site layout and survey data and is satisfied that the Town’s condition has been met. Without this information, the Commission cannot determine whether the Project is on a preferred site.

Remand Order at 30-31.

And therefore Condition 2 of the Remand Order requests:

2. Within 90 days of this Order, Randolph Davis Solar LLC must file with the Commission evidence demonstrating that the Town of Randolph Planning Commission and Selectboard have determined that their condition stated in Exh. RDS-MS-14 has been satisfied.

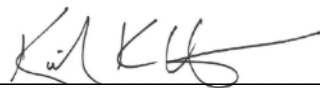
The Town of Randolph’s January 4, 2024 letter expressly states in relevant part:

The Town of Randolph writes this letter to verify that the site plan submitted to the Commission (“Exhibit RDS MS-2A Site Plan”) shows that the condition of the Town’s December 2021 letter (Exhibit RDS MS-14”) has been satisfied.

“Absent extraordinary circumstances, the Commission will not second-guess a municipal determination that a site is preferred.” Remand Order at 30-31. The Town's January 4, 2023 letter is signed by the chairpersons of both the Town of Randolph Selectboard and Planning Commission. Both municipal bodies held public meetings where the matter was deliberated and acted upon. The Town's letter speaks for itself and satisfies Condition 2 of the Remand Order. The Landowners are not authorized representatives of the Town, nor can they speak for the Town with respect to the actions taken by these municipal officials.

DATED at Burlington, Vermont this 2nd day of February, 2024.

Randolph Davis Solar LLC

By: 
Kimberly K. Hayden, Esq.
PAUL FRANK + COLLINS P.C.
One Church Street
P.O. Box 1307
Burlington, VT 05402-1307
(802) 860-4134
khayden@pfclaw.com