

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 24-1898-PET

Petition of Essex A North Lot Solar, LLC for a certificate of public good, pursuant to 30 V.S.A. § 248, for a 3.5 MW ground-mounted solar array located in Essex Junction, Vermont	
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Order entered: 08/02/2024

PROCEDURAL ORDER GRANTING MOTION TO INTERVENE

I. INTRODUCTION

This case involves a petition filed by Essex A North Lot Solar, LLC (“Petitioner”) requesting a certificate of public good, pursuant to 30 V.S.A. § 248a, for authorization to install a solar array in Essex, Vermont (the “Project”). In today’s Order, I grant the intervention request filed by the Vermont Division for Historic Preservation (“DHP”).

II. PROCEDURAL HISTORY

On June 28, 2024, DHP filed a motion seeking permissive intervention in this proceeding. DHP states that the Petitioner has no objection to the motion.

III. LEGAL STANDARD

Rule 2.209 governs intervention in proceedings before the Commission. Rule 2.209(A) provides that upon timely application a person is entitled to intervene in a proceeding:

- (1) when a statute or Commission rule confers an unconditional right to intervene; or
- (2) when the applicant claims an interest in the matters that must be resolved in the proceeding and the applicant is so situated that the disposition of the proceeding may as a practical matter impair or impede the applicant’s ability to protect that interest, unless the applicant’s interest is adequately represented by existing parties.

In addition, Rule 2.209(B) reserves to the Commission the power to grant intervenor status on a permissive basis:

- (1) when a statute or Commission rule confers a conditional right to intervene; or
- (2) when an applicant's claimed interest shares a question of law or fact in common with the matters that must be resolved in the proceeding.

In exercising its discretion under Rule 2.209(B), the Commission must consider whether intervention will unduly delay the proceeding or prejudice the interests of existing parties or of the public.

DHP has adequately demonstrated that it's claimed interest in the Project's potential impact on historic resources shares a question of law or fact in common with the applicable criteria included in 30 V.S.A. § 248(b)(5), which must be resolved in this proceeding. I also find that intervention on this basis will not unduly delay the proceeding or prejudice the interests of existing parties or of the public. Therefore, I grant DHP permissive intervention with respect to the Project's impact on historic resources under Section 248(b)(5), pursuant to Rule 2.209(B)(2).

SO ORDERED.

Dated at Montpelier, Vermont, this 2nd day of August, 2024.



Gregg Faber
Hearing Officer

OFFICE OF THE CLERK

Filed: August 2, 2024

Attest: 

Clerk of the Commission

Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Commission (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: puc.clerk@vermont.gov)

PUC Case No. 24-1898-PET - SERVICE LIST

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*Notice of appearance to be filed.
^Motion to Intervene pending.