

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Case No. 24-1898

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 off
Robinson Parkway in Essex Junction, Vermont

**PREFILED TESTIMONY AND DECLARATION OF
TAEGEN KOPFLER
ON BEHALF OF
ESSEX A NORTH LOT SOLAR, LLC**

This document and supporting exhibits have been filed ePUC

Summary of Testimony

Witness Kopfler's testimony responds to the Procedural Order Requesting Additional Single-Plant Information.

Exhibit List

Exhibit EANL-TK-1	Taegen Kopfler Resume
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1
2 Q1. Please state your name, current employer, business address, and position.

3 A1. My name is Taegen Kopfler, and I am currently a project manager at Encore Renewable
4 Energy (Encore). My business address is 50 Lakeside Avenue, Suite 110, Burlington, VT
5 05401. As a certified B-Corp, Encore is a leading integrated clean energy project
6 development company with a focus on commercial, industrial, and community-scale solar
7 PV systems for Vermont towns, schools, businesses, and landowners. We also assist a
8 variety of clients in navigating complex technical, financial, and regulatory matters through
9 various stages of development. Encore is assisting Essex A North Lot Solar, LLC (“EANL
10 Solar” or “Petitioner”) with these proposed Projects.

11
12 Q2. Please describe your educational background and work experience.

13 A2. I have worked at Encore since 2022 where I have been developing approximately 76 MW
14 of commercial-scale and community solar and 5 MW of storage assets in Vermont and
15 Illinois. Prior to this role, I was a middle school science teacher at a private school in New
16 York City. My undergraduate degree is from Middlebury College in Physics with a minor
17 in French. My resume is attached as Exhibit EANL-TK-1.

18
19 Q3. Have you testified previously before the Public Utility Commission (“Commission” or
20 “PUC”)?

21 A3. No, but I have supported Encore in preparing testimony, exhibits, and discovery responses
22 in several closed and pending cases before the Commission involving solar and battery
23 projects, including the pending projects related to GlobalFoundries: the so-called Projects

1 A (Case No. 24-1898), E (Case No. 24-1024) and F (Case No. 24-1683).

2
3 Q4. What is the purpose of your testimony?

4 A4. My testimony responds to the Procedural Order Requesting Additional Single Plant
5 Information. I used the same abbreviations as used in Jake Clark's previously filed pre-
6 filed testimony.

7
8 Q5. Are you familiar with Encore Renewable Energy's Petition for Declaratory Order and
9 Incorporated Memorandum of Law dated November 16, 2023 in Case No. 23-3974
10 (Declaratory Judgment Petition) and the associated pre-filed testimony of Jake Clark?

11 A5. Yes.

12
13 Q6. Are you familiar with the Commission's Declaratory Ruling Regarding the Applicability
14 of the Definition of Tier II Resources Under Vermont's Renewable Energy Standard to
15 Certain Potential Solar Facilities issued on January 26, 2024 in Case No. 23-3974
16 (Declaratory Ruling)?

17 A6. Yes.

18
19 Q7. What was the purpose of the Petition in that case?

20 A7. As stated in the Commission's Declaratory Ruling, the projects subject to that ruling,
21 including the one at issue in this case, "represent[] the type of project investment and
22 planning that a utility must investigate thoroughly to determine compliance with relevant

1 statutory programs and cost-effectiveness before investing substantial funds.”¹ Thus, the
2 purpose of that Petition was to obtain from the Commission a level of guidance and
3 certainty that would enable the utility and, by extension, Encore as the developer acting on
4 the utility’s behalf, to move forward with investing the substantial funds involved in
5 permitting the projects analyzed for separate plant status in that case without assuming the
6 uncertain risk of potentially inconsistent piecemeal decisions.

7
8 Q8. How has the Commission’s Declaratory Ruling guided Petitioner’s planning for and
9 presentation of testimony in this case?

10 A8. Consistent with Encore’s purpose for seeking the Declaratory Ruling and the
11 Commission’s decision to entertain the petition in that case, Petitioner understands that it
12 is entitled to rely on the Commission’s separate plant determination for this Project so long
13 as “plans for the facilities identified in Encore’s request for a declaratory ruling [] are
14 identical with respect to the factors that define a single plant and meet the requirements of
15 30 V.S.A. § 8005(a)(2)(B) and Commission Rule 4.406(b).”

16
17 The Petitioner has therefore submitted plans showing the Project in this case is identical to
18 the Project as described in the Declaratory Ruling matter for purposes of a single plant
19 analysis. There is, however, one change between the project size as described in Case no.
20 23-3974-PET: Project A was identified as being ‘approximately 4.95 MW. In the Section
21 248 petition, Project A has been scaled down to generate up to 3.50 MW. This reduction

¹ Declaratory Ruling at 7.

1 in project size is not a material deviation from the facts found and conclusions reached in
2 the Commission's final Declaratory Ruling upon which Petitioner is entitled to rely.

3
4 Q9. Relative to the factors that define a single plant or the requirements of 30 V.S.A. §
5 8005(a)(2)(B) and Commission Rule 4.406(b), have there been any changes to the as-filed
6 projects previously determined by the Commission to be separate plants in the Declaratory
7 Ruling²?

8 A9. No.

9
10 Q10. Are the facts upon which the Commission rested its separate plant conclusions for purposes
11 of common ownership of the as-filed projects identified in the Declaratory Ruling the
12 same?

13 A10. Yes, as set forth in findings 4 and 6 of the Declaratory Ruling.

14
15 Q11. Are the facts the same as those upon which the Commission rested its separate plant
16 conclusions for purposes of assessing timing of developing and constructing of the as-filed
17 projects identified in Declaratory Ruling finding 6?

18 A11. Currently, yes so long as permitting remains on schedule. The timing of the design process,
19 interconnection applications, and studies is the same for the as-filed projects as set forth in

² The information requests states that there are two Section 248 petitions pending for projects that were identified in the Declaratory Ruling. However, there are three pending Section 248 projects as a Section 248 petition was filed for Project E as titled in the Declaratory Ruling in April 2024 and deemed completed that same month in Case No. 24-1024. Thus, there are three Section 248 petitions pending that relate to the Declaratory Ruling for Phase I projects. I refer to these three projects as the "as-filed projects".

1 the Declaratory Judgment Petition at pages 17-18 and incorporated into the Declaratory
2 Ruling's finding 6.

3
4 Q12. Are the sizes of the as-filed projects the same as set forth in the Declaratory Ruling finding
5 6?

6 A12. No, they are smaller. As set forth in the testimony and exhibits for Project A, it was reduced
7 from 5 MW to 3.5 MW. As set forth in the testimony and exhibits for Project F, it was
8 reduced from 1.5 MW to 1.375 MW. The Section 248 petition for Project E on file with
9 the Commission is for 3.125 MW, a reduction from the 3.5 MW project assessed in the
10 Declaratory Ruling. While not material to the factors that define a single plant, the decrease
11 in the size of these projects are material to demonstrate continuing compliance with 30
12 V.S.A. § 8005(a)(2)(B) as each separate plant is below the 5 MW single plant size
13 limitation imposed in that section.

14
15 Q13. Would the as-filed projects that the Declaratory Ruling determined were separate plants
16 have the same unique viewsheds as the Declaratory Ruling found in finding 7?

17 A13. Yes.

18
19 Q14. Would the distances between the as-filed projects that the Declaratory Ruling determined

1 were separate plants be the same as the Declaratory Ruling identified in finding 8?

2 A14. Yes.

3
4 Q15. With respect to electrical connections and components, would the as-filed projects that the
5 Declaratory Ruling determined were separate plants be separately metered and have a
6 separate point of interconnection as the Declaratory Ruling found in finding 9?

7 A15. Yes.

8
9 Q16. For the as-filed projects that the Declaratory Ruling determined were separate plants, will
10 there be any shared equipment or infrastructure, including utility-owned upgrades or new
11 equipment or infrastructure, that did not preexist the proposed facilities?

12 A16. No. Petitioner can confirm that the facts as set forth in the Commission’s finding 9 in the
13 Declaratory Ruling have not changed. It is important to note, however, that the
14 Commission ruled, as a matter of law, that its conclusion on the proximity factor of the
15 single plant analysis obviated the need to assess the “common equipment and
16 infrastructure” factor.³ Thus, while Petitioner can affirm that there will not be any shared
17 equipment and infrastructure among the as-filed projects, Petitioner understands that it can

³ Declaratory Ruling 10-11. Footnote 16 of the Ruling explains that with respect to Phase II projects, “there is some uncertainty as to the interconnection planned for the Phase 2 facilities, so it is not entirely possible to render a final conclusion as to the “shared equipment and infrastructure” prong of the single-plant test.” The as-filed projects involve the Phase I projects.

1 continue to rely on the finality of the Declaratory Ruling's conclusion on this factor.

2
3 Q17. Consistent with finding 10 in the Declaratory Judgment ruling, is it still the case that the
4 as-filed projects will have separate and distinct access drives?

5 A17. Yes, the access drives would be separate and distinct for the as-filed projects. Please note
6 that for Project A, as set forth in Jake Clark's prefiled Testimony, in A-11, the Petitioner
7 has proposed a new access drive that is approximately 480 feet long, 12 feet wide, and
8 made of crushed stone gravel. This access drive would only be used for Project A.
9

WITNESS DECLARATION

I, Taegen Kopfler, being over 18 years of age, and competent to testify on these matters declare that on behalf of Petitioner, I prepared my prefiled testimony and exhibit in the above captioned matter and I have the necessary expertise to testify to the same information. I declare that my testimony and exhibits that I have sponsored are true and accurate to the best of my knowledge and belief and were prepared by me or under by direct supervision. I understand that if the above statement is false, I may be subject to sanctions by the Commission pursuant to 30 V.S.A. § 30.

Dated at Burlington, Vermont, this 16th day of August , 2024.

/s/ Taegen Kopfler
Taegen Kopfler
Project Manager
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