

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Application of Novus Websterville Solar LLC)
for a certificate of public good, pursuant to 30)
V.S.A. §§ 8010 and 248, to install and operate a)
500 kW group net-metered solar electric) Case No. 24-____-NMP
generation facility located off Websterville Road)
in Barre Town, Vermont, to be known as the)
“Novus Websterville Solar Project”)

Order entered: / /2024

FINAL ORDER GRANTING NET-METERING CERTIFICATE OF PUBLIC GOOD

In this Order, the Vermont Public Utility Commission (“Commission”) adopts the following proposal for decision.

PROPOSAL FOR DECISION

I. Introduction

This docket concerns an application filed by Novus Websterville Solar LLC (“Applicant”) with the Vermont Public Utility Commission (“Commission” or “PUC”) for a Certificate of Public Good (“CPG”), pursuant to 30 V.S.A. §§ 248 and 8010 and Commission Rule 5.100, to install and operate a 500 kW solar group net-metering system off Websterville Road in Barre Town, Vermont (the proposed “Project” or “Facility”). The Facility is on a preferred site as more than half of the Project is located within the previously disturbed portion of a quarry and aggregate crushing operation.

Based on the below findings and subject to conditions, I recommend that the Commission conclude that the Project complies with the requirements of Commission Rule 5.100, the application meets the applicable criteria of 30 V.S.A. §§ 248 and 8010, and the Project will promote the general good of the State of Vermont.

II. PROCEDURAL HISTORY

On December 19, 2024, the Applicant filed an application for the Project with the Commission.

The Clerk of the Commission deemed the filing complete by notice to the Applicant dated December __, 2024.

Following certification from the Commission that the application was complete, the Applicant provided notice of its application to all required parties in the manner directed under Commission Rule 5.106(F).

The 30-day comment period expired on _____, 2025. No person requested a hearing or attempted to show that the application raised any significant issue regarding the criteria in Rule 5.111 or any of the conditionally-waived criteria. The Commission has reviewed the application and accompanying documents and has determined that, pursuant to 30 V.S.A. §§ 248 and 8010 and Commission Rule 5.100, a CPG should be issued without further investigation or hearing. Accordingly, the following prefiled testimony and exhibits are admitted as if presented at a hearing: the prefiled testimony of T. Alex Bravakis (“Bravakis pf.”) and Exhibits NWS-AB-1 — NWS-AB-10; the prefiled testimony of Seth Goddard (“Goddard pf.”) and Exhibits NWS-SG-1 — NWS-SG-2; the affidavit of Dori Barton and Exhibits NWS-DB-1— NWS-DB-2; and the affidavit of Lucy Thayer and Exhibits NWS-LT-1— NWS-LT-2 with appendices.

III. CONDITION WAIVER OF REVIEW UNDER CERTAIN CRITERIA FOR NET-METERING PROJECTS

Pursuant to 30 V.S.A. § 8010 and Commission Rule 5.111, the Commission has conditionally waived review of the following criteria, and no party presented any testimony that warrants rescinding any part of that waiver in this proceeding:

- 30 V.S.A. § 248(b)(2) (need);
- 30 V.S.A. § 248(b)(4) (economic benefit);
- 30 V.S.A. § 248(b)(5) (municipal services, educational services, transportation, water conservation, sufficiency of water, existing water supply, and greenhouse gases);

- 30 V.S.A. § 248(b)(6) (integrated plan);
- 30 V.S.A. § 248(b)(7) (electric energy plan);
- 30 V.S.A. § 248(b)(9) (waste-to-energy facilities); and
- 30 V.S.A. § 248(b)(10) (transmission facilities).

Therefore, only the criteria applicable to the system under Rule 5.111 are addressed in this Order.

IV. FINDINGS

Based on the petition and the accompanying record in this proceeding, I have determined this matter is ready for decision. Based on the evidence of record, I hereby report the following findings to the Commission in accordance with 30 V.S.A. § 8(c).

Description of the Project

1. The Applicant is Novus Websterville Solar LLC, a Vermont limited liability company with a business address of 250 Main Street, Montpelier, VT 05602.
2. The Project is a group net-metered 500 kW (AC) solar electric generation project. It will have an installed DC wattage of approximately 842.4 kW (DC). Bravakis pf. at 6.
3. The Project will be located on a leased \pm 2.85-acre portion of a parcel off of Websterville Road in Barre Town, Vermont. Bravakis pf. at 3-4; Exh. NWS-AB-2.
4. The Project's generation credits will be allocated to its group members based on the percentages established prior to operation. Bravakis pf. at 3.
5. The Project's solar array will be located on the northern portion of a parcel owned by Pike Industries, Inc. Bravakis pf. at 3-4. The Project will be set back approximately \pm 534 feet from Buick Street, and will be accessed via an existing quarry road off of Websterville Road and an extension to the existing quarry road of \pm 390 feet, including a small turnaround area. Bravakis pf. at 3-4; Exh. NWS-AB-2.

6. The facility will be comprised of \pm 8 rows of solar modules, \pm 540 watts each, mounted on fixed metal racks and the required electrical equipment. Bravakis pf. at 4-5; Exh. NWS-AB-2.

7. On-site electrical equipment will include 5 PV string inverters, rated at 100 kW each, and AC collector system components consisting of underground conduit, wire, AC combiner panel boards, AC switchgear, and AC power zone for service to the PV system auxiliary equipment; 3 new 167 kVA pole-mounted transformers and a new utility pole; an underground power line connecting the array to the utility pole and transformers; a new overhead power line and two new utility poles — one of which will contain a single 1kVA transformer to power the RTU equipment, which will be located on a 3' wide by 2' tall pedestal mounted on two pressure treated posts — connecting the transformers to an existing single-phase line; and a three-phase upgrade to the existing single-phase line. Bravakis pf. at 4-5; Exh. NWS-AB-2.

8. For interconnection, the Project will connect to Green Mountain Power's distribution system at an existing utility pole near the Project Site. Bravakis pf. at 6; Exh. NWS-AB-2.

9. The entire solar field will be surrounded by a perimeter fence consisting of a fixed-knot, wire-style fence at least 8' high with openings of no smaller than 6" x 6". Bravakis pf. at 5; Exh. NWS-AB-2.

10. The Project will be subject to an Agency of Natural Resources ("ANR") Construction Stormwater General Permit 9020 because more than one acre of land will be disturbed during construction. The Project qualifies as a "Low Risk" project. Goddard pf. at 4; Exh. NWS-AB-2.

11. The Project will involve approximately 0.07 acres of tree clearing/limbing. Bravakis pf. at 5; Exh. NWS-AB-2.

12. Estimated Project-related sound levels will be a maximum of 25.2 dBA at the nearest residence during the daytime, and 14.7 dBA at the nearest residence at night. Goddard pf. at 7; Exh. NWS-SG-2.

13. All installation activities and related deliveries will occur between 7:00 AM and 7:00 PM Monday through Friday, and on Saturdays between 8:00 AM and 5:00 PM if required to meet the Project Schedule. No installation activities or deliveries will occur on Sundays or on state or federal holidays. Bravakis pf. at 6-7.

14. The Applicant will transfer the Project's renewable energy credits ("RECs") to the interconnecting utility, Green Mountain Power. Bravakis pf. at 2.

15. The Project will be located on a preferred site, as defined in Commission Rule 5.103, because more than half of the Project is located within the previously disturbed portion of a quarry and aggregate crushing and extraction operation. Bravakis pf. at 9; Exhs. NWS-AB-2, and NWS-AB-8.

Adjacent Facility

16. There is an existing solar array near the Project ("Existing Facility"). Bravakis pf. at 9; Exh. NWS-AB-7.

17. The Project will not share any infrastructure or equipment with the Existing Facility and does not rely on any upgrades to the electric distribution system that were necessary to interconnect the Existing Facility. Exh. NWS-AB-7.

18. The Project does not share any common ownership with the existing array. Exh. NWS-AB-7.

Discussion

The Project is located in proximity to the Existing Facility, which is an existing 500 kW net-metered solar array proposed by Novus Barre Town Solar, LLC. The Existing Facility was approved by the Commission in Case No. NMP-3640 on May 14, 2014 and was fully constructed that year. Exh. NWS-AB-7.

The proposed Project and the Existing Array are not a “single” plant within the definition of 30 V.S.A. § 8002(18). To determine whether facilities are separate plants, the Commission applies its “single-plant” analysis, which proceeds in two parts: (1) whether facilities are part of the same project and (2) whether they share common equipment and infrastructure. In determining whether facilities are part of the same project, the Commission analyzes certain factors— common ownership, contiguity in time of construction, and proximity of the facilities to each other. In order to be a single plant, the facilities must meet both parts of the test; if the projects do not meet the first prong, the Commission does not need to proceed to the other. *See Petition of Furnace Brook Solar LLC for a certificate of public good, pursuant to 30 V.S.A. § 248, authorizing the installation and operation of a 1.65 MW solar electric generation facility in Bennington, Vermont*, Case No. 23-4028-PET, Order of 05/21/2024 at 8.

Based on the evidence presented, the Existing Facility will not share any common infrastructure or equipment with the proposed Project. Specifically, the facilities do not share access roads, fences, or interconnection equipment and will interconnect at different points of a pre-existing distribution line into the Project site. Exh. NWS-AB-7. Further, the Project will not use or rely on any upgrades to the distribution system that were installed to interconnect the Existing Facility. Exh. NWS-AB-7.

Because the two projects share no infrastructure, they do not meet one prong of the test and are therefore not a single plant. However, even if the Project shared infrastructure with the Existing Facility, the facilities would not be considered part of the same project under the second prong. The

facilities do not share any current common ownership and have not for many years. Although the Existing Facility was initially owned and developed by the same developer as the proposed Project, the Existing Array was sold years prior to the conception of the proposed Project. In addition, the two arrays are located on separate parcels with separate owners, there is no contiguity in time of construction given the many years of separation between operation of the Existing Array and the first steps of planning towards the proposed Project in early 2024, and the facilities are separated by over 100 feet. Exh. NWS-AB-7.

Based on the record in this case, the Project is a separate plant from the Existing Facility.

Section 248 Criteria and Commission Rules

19. The Project will not unduly interfere with the orderly development of the region. In making this finding, due consideration has been given to the recommendations of the municipal and regional planning commissions, the recommendations of the municipal legislative bodies, and the land conservation measures contained in the plan of any affected municipality. Substantial deference has been given to the land conservation measures and specific policies contained in duly adopted town and regional energy plans. Exh. NWS-LT-2.

20. The Project will not have an adverse effect on system stability and reliability. Green Mountain Power conducted a preliminary review, finding that the Project can interconnect to its distribution system without adverse impacts to system reliability or stability, subject to certain conditions and upgrades. The required upgrades will be installed prior to interconnection of the Project, and Applicant will be responsible for all associated costs. Bravakis pf. at 11; Exh. NWS-AB-9.

21. The Project will not have an undue adverse effect on air and water purity, the natural environment, or the use of natural resources, with due consideration having been given to the

criteria specified in 10 V.S.A. §§ 1424a(d) and 6086(a)(1), (4), and (8), and impacts on primary agricultural soils as defined in 10 V.S.A. § 6001 (“PAS”). Bravakis pf. at 10-13; Goddard pf. at 3-8; Exhs. NWS-SG-2, NWS-LT-2, and NWS-DB-2.

22. There are no headwaters, streams, outstanding resource waters, shorelines, wetlands, rare and irreplaceable natural areas, necessary wildlife habitat, or rare, threatened or endangered (RTE) species in the Project area. Exh. NWS-DB-2.

23. The Project will not result in any undue adverse impact on natural resources or the natural environment. Bravakis pf. at 12; Exh. NWS-DB-2.

24. There are two presumed Class II wetlands and two populations of an RTE plant on the Project parcel, but the Project will avoid any impacts to the wetlands and wetland buffers and the RTE plants. Construction flagging will be installed along the limits of disturbance for the Project. Exhs. NWS-DB-2; NWS-AB-2.

25. There are approximately 1.94 acres of mapped PAS on the Project parcel, but none within the Project area. As a result, the Project will not impact any PAS. Goddard pf. at 7

26. Subject to the conditions adopted in the CPG, the Facility will not have an undue adverse effect on aesthetics, historic sites, public health and safety, or public investments, with due consideration having been given to the criteria specified in 10 V.S.A. §§ 6086(a)(8) and (9)(K). Bravakis pf. at 10-13; NWS-LT-2; NWS-AB-10.

27. The Project will not have an adverse aesthetic impact under the Quechee Test. Exh. NWS-LT-2.

28. The Project site is naturally buffered from most offsite locations by topography, existing structures, and vegetation from the surrounding area and area roads, and in a previously disturbed area with other existing solar development and transmission lines. The Project is not visible from nearby roads or the surrounding area, except for a highly limited partial view from a

small section of Buick Street during leaf off conditions. The views will be buffered by trees, other vegetation, and area topography that break up the Project mass and greatly reduce visual impact.

Exh. NWS-LT-2.

29. The Project will not physically impact any public roads or other public resources.

Bravakis pf. at 13.

30. The Vermont Division for Historic Preservation confirmed that it has no cultural resource concerns with respect to the Project. Bravakis pf. at 12; Exh. NWS-AB-10.

31. All switchgear equipment will be inside locked UL-listed, code-approved electrical enclosures. Electrical lines that connect the string combiners to the inverters and switch gear enclosure, and from the mounted transformer to the point of interconnection will be located inside underground conduit. The fencing will be posted with appropriate electrical warning signs and/or placards and will be locked and accessible only by Project personnel. Bravakis pf. at 12.

32. The Project will be constructed in accordance with the Vermont Standards and Specifications for Erosion and Prevention and Sediment Control and will obtain a construction stormwater permit prior to beginning construction. Goddard pf. at 4.

33. The Project will comply with Vermont's statutory setback requirements for ground-mounted solar electric generation facilities because the Project's solar panels or support structures for the solar panels are set back at least 50 feet from the nearest property boundary line and approximately \pm 534 feet from the nearest roadway (Buick Street). Bravakis pf. at 13; Exh. NWS-AB-2.

V. CONCLUSION

Based upon the evidence in the record, we conclude that the Project, subject to the conditions set forth in the Order and CPG below:

