

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: 01/06/2025

FINAL ORDER GRANTING 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 case involves a petition filed by Essex A North Lot Solar, LLC (“EANL” or the “Petitioner”) with the Vermont Public Utility Commission (“Commission”) requesting a certificate of public good (“CPG”) under 30 V.S.A. § 248 authorizing the construction and operation of a 3.5 MW solar electric generation facility off 3000 Robinson Parkway in Essex Junction, Vermont (the proposed “Project”).

In this Proposal for Decision, I recommend that the Commission approve the Project and issue a CPG, subject to conditions.

II. PROCEDURAL HISTORY

On June 19, 2024, the Petitioner filed a petition with supporting testimony and exhibits (the “Petition”) requesting a CPG to install and operate a 3.5 MW solar electric generation facility in Essex Junction, Vermont.

On June 28, 2024, the Vermont Division for Historic Preservation (“DHP”) filed a motion to intervene.

On July 11, 2024, the Chittenden County Regional Planning Commission (“CCRPC”) filed public comments on the Project stating that the Project is coconsistent with the Regional Plan.

On August 2, 2024, I issued an order granting DHP’s motion to intervene.

On August 2, 2024, I issued a request for additional single-plant information.

On August 16, 2024, the Petitioner filed a response to the August 2 information request.

On August 28, 2024, DHP filed comments on the Project stating that the Project would have no effect on historic resources.

On November 18, 2024, the Petitioner filed a memorandum of understanding (“MOU”) between the Petitioner and the Vermont Agency of Natural Resources (“ANR”).

On November 20, 2024, the Vermont Agency of Agriculture, Food and Markets (“AAFM”) filed comments on the Project recommending that a condition intended to protect primary agricultural soils be included in the CPG issued for the Project. I find this condition to be reasonable and recommend that the Commission include it in the CPG.

On November 20, 2024, the Vermont Department of Public Service (“Department”) filed comments expressing a potential concern regarding a short segment of underground primary voltage line that will be owned by the Petitioner. The Department recommends that the Commission include two conditions related to the underground line in the CPG issued for the Project. I find these conditions to be reasonable and recommend that the Commission include them in the CPG.

No other comments on the Petition were received by the Commission.

No party requested an evidentiary hearing or objected to the prefiled testimony and exhibits. Accordingly, the following prefiled testimony and exhibits are admitted as if presented at a hearing: Jake Clark’s testimony and supplemental testimony (“Clark pf.” and “Clark supp. pf.”) and exhibits EANL-JC-1 through EANL-JC-7, and EANL-JC-9 and 10; Adam Crary’s testimony and first supplemental testimony (“Crary pf.” and “Crary supp. pf.”) and exhibits EANL-AC-1 through EANL-AC-3; Jeremy Owens’s testimony (“Owens pf.”) and exhibits EANL-JO-1 through EANL-JO-3; and Stephanie Wyman’s testimony (“Wyman pf.”) and exhibits EANL-SW-1 through EANL-SW-3. Additionally, the Petition, the CCRPC Comments, DHP Comments, Department Comments and Section 202(f) Determination, and the MOU Exhibit EANL-ANR-1 are entered into evidence.

III. FINDINGS

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

Description of the Project

1. EANL proposes to install and operate a 3.5 MW ground-mounted solar electric generation facility, known as the Essex A North Lot Solar Project (the “Project”) on approximately 13 acres of an approximately 228-acre parcel of land owned by GlobalFoundries (“GF”) (the “Property”). The Petitioner has rights to lease the Property. Clark pf. at 3.

2. The Project was initiated and designed with the intent of providing GF, the sole customer of Commission-regulated electric utility GF Power LLC (“GF Power”), with a source of local solar energy generation to help it achieve its renewable energy goals. Clark pf. at 5-6.

3. The Project is also being undertaken to help GF Power comply with Vermont’s Renewable Energy Standard (“RES”), 30 V.S.A. §§ 8004-8005, including requirements for the utility to purchase distributed renewable energy from plants 5 MW or less in an amount equal to a specified percentage of GF Power’s load. Specifically, the RES requires GF Power to comply with the so-called Tier II requirements under which a utility must obtain 20% of its energy from “distributed renewable generation,” as defined in 30 V.S.A. § 8005, by 2032. Clark pf. at 7-8.

4. The Project is structured so that the Petitioner plans to sell the output of the Project to GF Power under a Power Purchase Agreement (“PPA”) at a rate of \$0.06830/kwh. Clark pf. at 7.

5. The power is both generated and interconnected into the GF facilities, but it is transferred via the Green Mountain Power Corporation (“GMP”) distribution infrastructure on the GF Campus, so GF will pay a wheeling charge to GMP to compensate for this use of its infrastructure. Clark pf. at 8.

6. The Project was identified as a “potential solar facility” —Project A—in the Commission’s Declaratory Ruling in Case No. 23-3974, where the Commission concluded that this Project was a single plant so long as the Project plans submitted in the Section 248 case were identical to the plans submitted in Case No. 23-3974 with respect to the factors that define a single plant. The plans for this Project meet that standard. Clark pf. at 8-9.

7. The Petitioner will transfer the renewable energy credits associated with the Project to GF Power pursuant to the PPA. Clark pf. at 9.

8. The closest residence to the solar array is approximately 599 feet from the nearest edge of the panels. Clark pf. at 21; exh. EANL-JC-2.

9. The Project consists of approximately 7,488 non-reflective photovoltaic modules installed on fixed-tilt ground-mounted racking units within a fenced area spread across the approximately 13-acre Project area. The array is separated into three sections of racking, with two sections having 9 rows of panels, and the third section having 20 rows of panels. The 38 rows of panels comprising the solar array range in length and run generally east to west, are oriented predominantly to the south, and are fixed at around 25 degrees. Racking systems will be approximately 3.5 feet tall on the low side and 15 feet tall on the high side and will be installed on driven post foundations, generally without the use of concrete. Clark pf. at 9; exhs EANL-JC-2 and 3.

10. Electricity will run from the panels in direct current to a network of string inverters, which are UL1741-SA compliant, dispersed among the array, before being converted to alternating current. Cabling will then run in a protective conduit to a switchgear, which will include the data acquisition system and other auxiliary equipment and the production meter. Clark pf. at 10.

11. Electricity will then run underground to a 4,200 kVA pad-mounted transformer with secondary oil containment. Clark pf. at 10.

12. From the transformer, the electricity will run north for 390 feet underground, to a proposed riser pole. From the riser pole, the electricity will run north approximately 360 feet on new overhead 3-phase lines, which will require five new poles (one riser pole, and 4 more poles to get to the existing GMP-owned pole) to convey electricity to the point of interconnection with an existing GMP-owned pole on the east side of the police station access road. The five new wooden poles will be approximately 40 feet high. At the point where the new overhead lines connect with the existing GMP-owned pole on the east side of the police station access road, the Project will interconnect with GMP's distribution network. The Petitioner will own the transformer, and GMP will own the above-referenced overhead line extension and new poles. Clark pf. at 10; Wyman pf. at 2-3; exhs. EANL-JC-2 and 7.

13. The Petitioner will access the property via a new access drive that will connect to an existing drive to the west. The new access drive will be approximately 480 feet long, 12 feet wide, and made of crushed stone gravel. The Petitioner will construct this permanent access drive with a minimum of 18 inches of gravel material over geotextile fabric. The Petitioner will install two short-term staging areas for deliveries and temporary storage of equipment. One short-term staging area will be located at the end of the access drive, and the second will be north of the entrance to the Project area. Clark pf. at 10-11; exh. EANL-JC-2.

14. The Project requires the Petitioner to clear and/or top certain areas of trees on the site for Project installation and to avoid shading of the array. The Petitioner anticipates that in total, the Project will require approximately 2.7 acres of tree clearing (including grubbing). Clark pf. at 11; exh. EANL-JC-2.

15. The Petitioner will install an approximately 7-to 8-foot-high agricultural-style wire-knot perimeter fence affixed to driven fence posts. The perimeter fencing will restrict access to and from the Project to secure it and prevent the public from entering the array. The Petitioner will install a secured gate where the fence meets the access drive. GMP and first responders will be provided with access through the gate. Clark pf. at 11; exh. EANL-JC-3.

16. The Project includes one 4,200 kVA pad-mount transformer that uses a biodegradable dielectric fluid. The Petitioner also proposes to install a secondary oil containment system sufficient to hold a minimum of 110% of the transformer coolant volume plus five inches of free board for the pad-mount transformer. Clark pf. at 12; exhs. EANL-JC-2 and 3.

17. Construction activities and related deliveries will be limited to 7:00 A.M. - 6:00 P.M. on weekdays; 8:00 A.M. - 5:00 P.M. on Saturdays, and no construction on Sundays or state or federal holidays. Clark pf. at 13.

18. Once the Project is fully commissioned, operations and maintenance activities will be minimal. The Petitioner will conduct routine system maintenance one to two times per year, which will consist of vegetation management, mechanical, and electrical inspections. The Petitioner will remotely monitor operations; in the event of a system malfunction, personnel will visit the site for troubleshooting or repairs. Clark pf. at 13.

Review of Project Under the Section 248 Criteria

Orderly Development of the Region
[30 V.S.A. §§ 248(b)(1) and 248(b)(1)(C)]

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 and the recommendations of the municipal legislative bodies. Substantial deference has been given to the land conservation measures and specific policies contained in the duly adopted regional and municipal plans. This finding is supported by the additional findings below.

20. The CCRPC Regional Plan (adopted June 20, 2018) received a Certificate of Energy Compliance for the Regional Plan from the Department. Owens pf. at 4; exh. EANL-JO-2.

21. The Regional Plan does not contain any land conservation measures or specific policies applicable to the Project parcel. The Project parcel is not under conservation easements or restrictions, and the Project would not violate conservation measures in the Regional Plan. Owens pf. at 3-4; exh. EANL-JO-2; July 10, 2024, Letter from CCRPC.

22. The Project is consistent with the 2019-2027 Village of Essex Junction Comprehensive Plan (the “Town Plan”). The Town Plan contains no clearly applicable land conservation measures or specific policies that apply to the Project site. Owens pf. at 4-5; exh. EANL-JO-2.

Municipal Screening Requirements
[30 V.S.A. § 248(b)(1)(B)]

23. The Town of Essex has not adopted screening requirements for ground-mounted solar electric generational facilities pursuant to either 24 V.S.A. § 2291(28) or 4415(15) with which the Project would have to comply. Owens pf. at 5.

Need for Present and Future Demand for Service
[30 V.S.A. § 248(b)(2)]

24. The Project will meet the need for present and future demand for service which could not otherwise be provided in a more cost-effective manner through energy conservation programs and measures and energy efficiency and load management measures, including those developed pursuant to the provisions of subsection 209(d), section 218c, and subsection 218(b) of Title 30. This finding is supported by the additional findings below.

25. The Project is being implemented specifically to comply with GF Power's RES Tier II obligations. Vermont law requires these obligations to be met through "new renewable energy" with a plant capacity of 5 MW or less and a direct connection to the distribution or subtransmission system of a Vermont utility. The Project qualifies as "new renewable energy" and thus satisfies GF Power's need for more Tier-II qualified new renewable energy. Clark pf. at 5-8, 17.

Impact on System Stability and Reliability

[30 V.S.A. § 248(b)(3)]

26. The Project will not have an adverse effect on system stability and reliability. This finding is supported by the additional findings below.

27. The Petitioner filed a complete interconnection application pursuant to Commission Rule 5.500 on January 19, 2024. GMP commissioned a Feasibility Study to evaluate potential impacts of the Project to the grid and issued a Facilities Study. The Facilities Study concluded the Project would not result in adverse impacts to the system provided the following measures are implemented prior to the Project's interconnection: 1) Installation of a line extension from Tag 103095 to the location of the point of common coupling recloser. This line extension will include a pole-mounted disconnect switch at or near Tag 103095; 2) Installation of a three-phase, pad-mounted, 15 kV Viper S recloser to be located at the point of common coupling ("PCC"). An existing pole-mounted transformer will supply power to the recloser and associated communications equipment; 3) Installation, testing, and commissioning of a supervisory control and data acquisition system, and interface of this system with the PCC recloser; 4) Installation of a three-phase, four-wire, 12 kV-class bi-directional pad-mounted metering package to be located at the PCC; 5) Installation of a single-phase voltage transformer on the line side of the 19G4 distribution feeder; 6) Programming, testing and commissioning settings and logic changes to the 19G4 breaker protection relay. Clark pf. at 17- 18; exh. EANL-JC-6.

28. The Petitioner will pay for these upgrades and will work with GMP to ensure their completion prior to interconnection. The Petitioner will enter into an interconnection agreement with GMP prior to construction. Clark pf. at 18.

Economic Benefit to the State

[30 V.S.A. § 248(b)(4)]

29. The Project will result in an economic benefit to the State and its residents. This finding is supported by the additional findings below.

30. The Project will pay annual local and municipal property taxes to the Town as required under 32 V.S.A § 3481. Using the discounted cash flow methodology prescribed in 32 V.S.A § 3481(1)(D), the Petitioner estimates that the local property taxes due from the Project in the first year will be approximately \$21,396, or \$545,591 over a 25-year period. Clark pf. at 18.

31. The Project will pay an annual Uniform Capacity Tax as required under 32 V.S.A § 8701. The revenue generated by this tax will go into the statewide education fund at a rate of approximately \$14,000 per year, or \$350,700 over a 25-year period. Clark pf. at 19.

32. During the design and development phases, the Petitioner has hired Vermont and regional firms to work on the environmental, aesthetic, legal, engineering, and permitting components of the Project. The Project's construction phase will also likely contribute to local economic activity via lodging, meals, and other ancillary purchases made by contractors. Clark pf. at 19.

Aesthetics, Historic Sites, Air and Water Purity, the Natural Environment, the Use of Natural Resources, and Public Health and Safety

[30 V.S.A. § 248(b)(5)]

33. Subject to the conditions described below, the Project will not have an undue adverse effect on aesthetics, historic sites, air and water purity, the natural environment, the use of natural resources, or public health and safety, with due consideration having been given to the criteria specified in 10 V.S.A. §§ 1424a(d) and 6086(a)(1) through (8) and (9)(K), impacts on primary agricultural soils as defined in 10 V.S.A. § 6001, and greenhouse gas impacts. This finding is supported by the additional findings below, which give due consideration to the criteria specified in 10 V.S.A. §§ 1424a(d) and 6086(a)(1) through (8) and (9)(K).

Outstanding Resource Waters

[10 V.S.A. § 1424a; 30 V.S.A. § 248(b)(8)]

34. The Project will not affect any outstanding resource waters as defined by 10 V.S.A. § 1424a(d) because there are no outstanding waters in the Project area. Crary pf at 4; exh. EANL-AC-2.

Air Pollution and Greenhouse Gas Impacts
[30 V.S.A. § 248(b)(5); 10 V.S.A. § 6086(a)(1)]

35. The Project will not result in undue air pollution or greenhouse gas emissions. This finding is supported by the additional findings below.

36. The Project will not result in any industrial or manufacturing emissions, excessive dust and smoke during construction, dust or noise from blasting, or odors or excessive noise from construction activity. Clark pf. at 21-22.

37. The Project's highest modeled sound pressure level at the closest residence is 35 dBA (exterior) (daytime). Clark supp. pf. at 2-3; exh. EANL-JC-10.

38. Other than minor temporary emissions during construction, the Project will not emit greenhouse gases. Clark pf. at 22.

Water Pollution
[10 V.S.A. § 6086(a)(1)]

39. The Project will not result in undue water pollution. This finding is supported by the additional findings under the criteria headwaters through soils, below.

Headwaters
[10 V.S.A. § 6086(a)(1)(A)]

40. The Project will not result in undue adverse effects on headwaters. The Project is not in a headwaters location. Crary pf. at 4; exh. EANL-AC-2.

Waste Disposal
[10 V.S.A. § 6086(a)(1)(B)]

41. The Project will meet all applicable health and Vermont Department of Environmental Conservation ("DEC") regulations regarding the disposal of waste and will not

involve the injection of waste materials or any harmful or toxic substances into groundwater or wells. This finding is supported by the additional findings below.

42. The Project will generate minor amounts of scrap and waste material during installation, and this waste will be disposed of or recycled at an approved disposal facility in accordance with Vermont solid waste management rules. Woody debris generated by any potential shrub and tree clearing or trimming will be either offered to the landowners for use as firewood, or chipped, piled, or transported off site. The Project is not anticipated to generate waste during operation. Wyman pf. at 4; exh. EANL-SW-2.

43. The Project transformer will be placed within a secondary containment structure to prevent the release of transformer oil to the environment. The 4.2 MVA pad-mounted transformer will be housed within secondary oil containment, sized to contain 110% of the largest anticipated volume of a potential release of transformer dielectric fluid, plus a 5-inch rainwater event. Wyman pf. at 4; exh. EANL-SW-2; exhs. EANL-JC-2 and Clark pf. at 12.

44. There are no surface water or groundwater protection areas within the vicinity of the Project. The proposed secondary containment structure will prevent the release of oil to waters of the United States or other sensitive receptors. The transformer fluid will be non-hazardous. Exhs. EANL-SW-2; EANL-JC-2 and 3.

Discussion

The Petitioner has entered into an MOU with ANR that includes conditions intended to avoid stormwater runoff in the Project area. I find that the conditions are reasonable, and I recommend that the Commission include the conditions of the MOU in the CPG issued for the Project.

Water Conservation, Sufficiency of Water and Burden on Existing Water Supply

[10 V.S.A. §§ 6086(a)(1)(C), (2) and (3)]

45. The Project will not burden existing water supplies and will not have an undue adverse effect on water conservation because it does not require a water supply. Crary pf. at 9.

Floodways

[10 V.S.A. § 6086(a)(1)(D)]

46. The Project is not within a floodway, floodway fringe, or river corridor and therefore will not restrict or divert the flow of floodwaters, significantly increase the peak discharge of a river or stream within or downstream from the Project, or endanger the health, safety, or welfare of the public or of riparian owners during flooding. Crary pf. at 5; exh. EANL-AC-2.

Streams

[10 V.S.A. § 6086(a)(1)(E)]

47. There are segments of two intermittent stream channels, unnamed tributaries to the Winooski River along the western boundary and within the northern section of the study area. No Project components are proposed to be located within these stream channels. Crary pf. at 6.

48. There will be minor tree clearing within the associated wetland buffer of wetland 2022-1, which is needed to mitigate shading over the solar array. As the clearing is minor in nature, consists of approximately 6,500 square feet, and does not occur within 50 feet of the ordinary high water of the associated stream bank, the Project will maintain the natural condition of the corresponding stream, and will not endanger the health, safety, or welfare of the public or of adjoining landowners. Crary pf. at 5-6; exh. EANL-AC-2.

Shorelines

[10 V.S.A. § 6086(a)(1)(F)]

49. The Project is not located on a shoreline. Crary pf. at 6; exh. EANL-AC-2.

Wetlands

[10 V.S.A. § 6086(a)(1)(G)]

50. The Project will not have an undue adverse effect on wetlands. This finding is supported by the additional findings below.

51. The Project will result in approximately 7,800 square feet of impact to two Class II wetland buffers to reduce array tree shading, and to install four new overhead utility poles. Temporary impacts within the wetland buffer will result from installing Project construction controls, including Project demarcation fencing and other measures during construction, but these will be restored after construction. Crary pf. at 7; exh. EANL-AC-2.

52. The Petitioner will be required to obtain a Vermont Wetland Permit authorization for wetland buffer activities that are regulated under the Vermont Wetland Rules. All Project work

will be conducted in accordance with those permit conditions, which will protect on-site wetland functions. Crary pf. at 7; exh. EANL-AC-2.

Discussion

The Petitioner has entered into an MOU with ANR that includes conditions intended to avoid adverse effects on wetlands and wetland buffer zones in the Project area. I find that the conditions are reasonable and I recommend that the Commission include the conditions of the MOU in the CPG issued for the Project.

Soil Erosion

[10 V.S.A. § 6086(a)(4)]

53. The Project will not cause unreasonable soil erosion or reduce the capacity of land to hold water so that a dangerous or unhealthy condition may result. This finding is supported by the additional findings below.

54. The Project will require authorization under the DEC Construction General Permit (CGP). Wyman pf. at 5; exh. EANL-SW-2.

55. The Project will implement erosion protection and sediment control (“EPSC”) best management practices (“BMPs”) to control soil erosion and discharge of sediment from the construction site through a site-specific EPSC Plan as determined by the Project’s risk category. BMPs include, but are not necessarily limited to: a stabilized construction entrance to minimize tracking of soil by vehicles; demarcation of disturbed areas with barrier tape; installation of perimeter controls such as silt fence and construction fencing; and installing straw wattles at numerous locations parallel to the slope within the array to prevent erosion and the creation of rills. Wyman pf. at 5; exh. EANL-SW-2.

Transportation

[10 V.S.A. § 6086(a)(5)]

56. The Project will not cause unreasonable congestion or unsafe conditions with respect to the use of highways, waterways, railways, airports or airways, and other means of transportation existing or proposed. This finding is supported by the additional findings below.

57. The Petitioner proposes to deliver materials to the Project site through the GF campus, so there will be no traffic impacts on Route 117. The Project is not expected to require

oversize or overweight deliveries. The Project will not require road closures or lane shutdowns for extended periods of time. Clark pf. at 24.

Educational Services

[10 V.S.A. § 6086(a)(6)]

58. The Project will not place an unreasonable burden on the ability of a municipality to provide educational services because the Project will not require or affect education services. Clark pf. at 24.

Municipal Services

[10 V.S.A. § 6086(a)(7)]

59. The Project will not place an unreasonable burden on the ability of the affected municipality to provide municipal or government services because the Project will not require or affect local services. Clark pf. at 24.

Aesthetics, Historic Sites, and Rare and Irreplaceable Natural Areas

[10 V.S.A. § 6086(a)(8)]

Aesthetics

60. The Project will not have an undue adverse impact on aesthetics or on the scenic or natural beauty of the area, nor will the Project have an undue adverse effect on historic sites or rare and irreplaceable natural areas. This finding is supported by the additional findings below.

61. The Project will result in an adverse effect on the aesthetics and the scenic and natural beauty of the surrounding area when viewed from the adjacent portion of Maple Street (Vermont Route 117), and the south end of Rivendell Drive. However, the adverse effect will be limited to the areas of these roads that are closest to the Project and based on the findings below, the effect will not be undue. Owens pf. at 5-6; exh. EANL-JO-2.

62. The Project will not violate any clear written community standard intended to preserve the aesthetics or scenic or natural beauty of the area because neither the Regional Plan nor the Town Plan contains clear, written standards regarding aesthetics at the Project site. These plans generally encourage the development of renewable energy sources and do not specify the Project site or surrounding roadways for scenic protection. Owens pf. at 6; exh. EANL-JO-2.

63. Given the Project's limited visibility and the proposed landscape screening, the Project will not appear shocking or offensive to the average viewer. Owens pf. at 6; exh. EANL-JO-2.

64. The Project includes several reasonable mitigating elements that reduce potential adverse aesthetic impacts and improve the harmony of the Project with its surroundings. The Project is set back approximately 453 feet from Maple Street. The Project location will be partially screened by existing topography. The Petitioner will also employ a landscape mitigation plan to further screen views from nearby residences to the north and northeast. Owens pf. at 6; exh. EANL-JO-2.

Historic Sites

65. No historic sites will be adversely impacted by the Project. There are no listed above-ground historic sites in the Project area. There are also no potentially historic buildings or structures with potential visibility of the Project. The Project will have no effect on any below ground historic sites. Clark pf. at 25-26; Owens pf. at 7; exh. EANL-JO-3; August 28, 2024, letter from DHP.

Rare and Irreplaceable Natural Areas

66. The Project will not have an undue adverse impact on rare and irreplaceable natural areas because there are no rare and irreplaceable natural areas within the Project area. Crary pf. at 8; exh. EANL-AC-2.

Necessary Wildlife Habitat and Endangered Species

[10 V.S.A. § 6086(a)(8)(A)]

67. The Project will not have an undue adverse impact on any endangered species or critical wildlife habitat. This finding is supported by the additional findings below.

68. There are no rare, threatened, or endangered species known to occur within or adjacent to the Project site. Crary pf. at 8-9; exh. EANL-AC-2.

69. There is no necessary wildlife habitat within the proposed Project site. Crary pf. at 8-9; exh. EANL-AC-2.

Development Affecting Public Investments

[10 V.S.A. § 6086(a)(9)(K)]

70. The Project will not unnecessarily or unreasonably endanger any public or quasi-public investment in the facility, service, or lands, or materially jeopardize or interfere with the function, efficiency, or safety of, or the public's use or enjoyment of, or access to, the facility, service, or lands. The nearby public investments are Route 117 and the Essex Police Station, and the Project will not interfere with the public's use of either. Clark pf. at 28.

Public Health and Safety

[30 V.S.A. § 248(b)(5)]

71. The Project will not have any undue adverse effects on the health, safety, and welfare of the public. The Petitioner will perform all work in accordance with the National Electrical Safety Code and the National Electrical Code. Clark pf. at 20.

Primary Agricultural Soils

[30 V.S.A. § 248(b)(5)]

72. The Project will not have any undue adverse effects on primary agricultural soils ("PAS") as defined in 10 V.S.A. § 6001. There are PAS present within the Project area according to mapping from the Natural Resources Conservation Service. However, based on the lack of connectivity to other PAS in the vicinity and the previous impacts and existing infrastructure, the Project will not result in PAS impacts, or will impact an area of PAS with such little agricultural value that the impacts are de minimis. The existing PAS on the parcel are already fragmented and disturbed, and the Project will not further fragment the potentially useable farmland on the parcel. Wyman pf. at 5; exh. EANL-SW-3.

Consistency With Company's Least Cost Integrated Plan

[30 V.S.A. § 248(b)(6)]

73. The Commission has not required non-utilities to have a least-cost integrated resource plan. Therefore, this criterion is inapplicable.

Compliance with Twenty-Year Electric Plan

[30 V.S.A. § 248(b)(7)]

74. The Project is consistent with the 2022 Comprehensive Energy Plan as approved by the Department under 30 V.S.A. § 202(f). Determination Under 30 V.S.A. § 202(f) signed by TJ Poor, dated November 15, 2024.

Waste-to-Energy Facility
[30 V.S.A. §248(b)(9)]

75. The Project does not involve a waste-to-energy facility; therefore, this criterion is not applicable.

Existing or Planned Transmission Facilities
[30 V.S.A. § 248(b)(10)]

76. The Project can be served economically by existing or planned transmission facilities without undue adverse effects on Vermont utilities or customers. The existing transmission infrastructure has Transmission Ground Fault Over-Voltage protections and the Project is not sited within the Sheffield-Highgate Export Interface. Clark pf. at 30.

Woody Biomass Facilities
[30 V.S.A. § 248(b)(11)]

77. The Project will not produce electric energy using woody biomass; therefore, this criterion is not applicable.

Minimum Setback Requirements
[30 V.S.A. § 248(s)]

78. The Project complies 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 100 feet from the nearest road and at least 50 feet from the nearest property boundary line. Owens pf. at 6.

IV. DECOMMISSIONING COST ESTIMATE AND LETTER OF CREDIT

79. At the end of the Project's useful life, the Petitioner will assess whether it is financially viable to continue to operate the Project; whether any changes could be made to the

Project to allow its continued operation after necessary approvals; or whether the Project should be decommissioned. Clark pf. at 30-31; exh. EANL-JC-9.

80. At the time the Project is decommissioned, the Petitioner will remove the Project and restore the site to its condition before the Project was installed to the greatest extent practicable as required by Commission Rule 5.904(B). Clark pf. at 31; exh. EANL-JC-9.

81. The Petitioner submitted a decommissioning plan. Clark pf. at 30-31; exh. EANL-JC-9.

82. The decommissioning plan includes a detailed cost estimate, which estimates that the cost of decommissioning will be \$280,768 at current rates. The cost estimate does not take any salvage value into account. Clark pf. at 31; exh. EANL-JC-9.

83. The Petitioner filed a draft irrevocable standby letter of credit that names the Commission as the sole beneficiary, includes an auto-extension provision or “evergreen clause,” and is bankruptcy-remote. Clark pf. at 31; exh. EANL-JC-9.

84. Prior to commencing Project construction, the Petitioner must file and receive Commission approval of an executed letter of credit. Clark pf. at 31; exh. EANL-JC-9.

Discussion

Commission Rule 5.900 establishes standard requirements for the decommissioning of electric generation, electric transmission, and natural gas facilities. Rule 5.904(B) requires that non-utility-owned generation facilities greater than 500 kW in capacity be removed once they are no longer in service and the site be restored, to the greatest extent practicable, to the condition it was in before installation of the facility. Commission Rule 5.904(B)(2) also requires that requests to construct these facilities include a draft irrevocable standby letter of credit in an amount sufficient to fund the estimated decommissioning and site restoration costs.

The Petitioner has submitted a plan for decommissioning the Project with a detailed cost estimate of \$280,768 to decommission the Project. The Petitioner has also submitted a draft irrevocable standby letter of credit that complies with our requirements regarding letters of credit.

Therefore, I recommend that the Commission include in the CPG for the Project conditions requiring compliance with the terms and conditions of the proposed decommissioning

plan and relevant provisions of Commission Rule 5.904(B). I further recommend that all applicable conditions from Commission Rule 5.904(B) be included in the CPG.

V. MEMORANDUM OF UNDERSTANDING

85. The Petitioner has entered into an MOU with ANR. Exh. EANL-ANR-1.

Discussion

I recommend that the Commission accept the MOU with all of its provisions and conditions without material change or conditions and require the Petitioner to comply with the terms and conditions of the MOU as a condition of its approval of the Project.

VI. CONCLUSION

Based upon the evidence in the record, I recommend that the Commission conclude that the Project, subject to the conditions set forth herein:

(a) will not unduly interfere with the orderly development of the region with due consideration having been given to the recommendations of the municipal and regional planning commissions, and the recommendations of the municipal legislative bodies;

(b) complies with the screening requirements of applicable municipal bylaws or ordinances and recommendations of a municipality applying such a bylaw or ordinance;

(c) will meet a need for present and future demand for service which could not otherwise be provided in a more cost-effective manner through energy conservation programs and measures and energy efficiency and load-management measures, including those developed pursuant to the provisions of subsection 209(d), section 218c, and subsection 218(b) of Title 30;

(d) will not adversely affect system stability and reliability;

(e) will result in an economic benefit to the State and its residents;

(f) will not have an undue adverse effect on aesthetics, historic sites, air and water purity, the natural environment, the use of natural resources, and public health and safety, with due consideration having been given to the criteria specified in 10 V.S.A. §§ 1424a(d), impacts on primary agricultural soils as defined in 10 V.S.A. § 6001, and 6086(a)(1) through (8) and (9)(K), and greenhouse gas impacts;

(g) is a non-utility project and criterion 30 V.S.A. § 248(b)(6) is therefore not applicable;

(h) is consistent with the *Vermont Twenty-Year Electric Plan*;

(i) does not involve a facility affecting or located on any segment of the waters of the State that has been designated as outstanding resource waters by the Secretary of Natural Resources;

(j) does not involve a waste-to-energy facility;

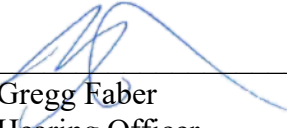
(k) can be served economically by existing or planned transmission facilities without undue adverse effect on Vermont utilities or customers;

(l) does not involve an in-state generation facility that produces electric energy using woody biomass; and

(m) is consistent with statutory minimum setback requirements.

This Proposal for Decision has not been circulated to the parties pursuant to 3 V.S.A. § 811 because it is not adverse to any party.

Date: January 6, 2025



Gregg Faber
Hearing Officer

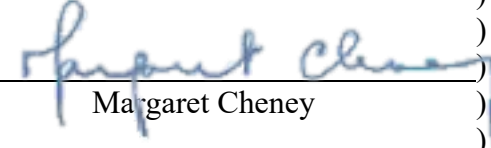
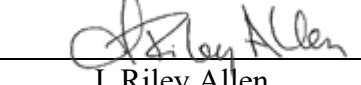
IT IS HEREBY ORDERED, ADJUDGED, AND DECREED by the Public Utility Commission (“Commission”) of the State of Vermont that:

1. The findings, conclusions, and recommendations of the Hearing Officer are adopted. All other findings proposed by parties, to the extent that they are inconsistent with this Order, were considered and not adopted.

2. In accordance with the evidence and plans submitted in this proceeding, the 3.5 MW AC solar electric generation facility (the “Project”) proposed for construction and operation by Essex A North Lot Solar, LLC (the “CPG Holder”), will promote the general good of the State of Vermont pursuant to 30 V.S.A. § 248, and a certificate of public good (“CPG”) to that effect will be issued in this matter.

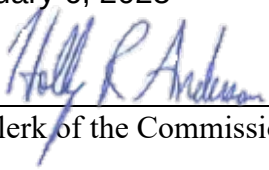
3. As a condition of this Order, the CPG Holder must comply with all terms and conditions set out in the CPG issued in conjunction with this Order.

Dated at Montpelier, Vermont, this 6th day of January, 2025.

	)	
Edward McNamara	)	PUBLIC UTILITY
	)	
	)	
Margaret Cheney	)	COMMISSION
	)	
	)	
J. Riley Allen	)	OF VERMONT

OFFICE OF THE CLERK

Filed: January 6, 2025

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)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Commission within 30 days. Appeal will not stay the effect of this Order, absent further order by this Commission or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Commission within 28 days of the date of this decision and Order.

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

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