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	

Entered: 01/06/2025

<u>CERTIFICATE OF PUBLIC GOOD ("CPG") ISSUED</u>
<u>PURSUANT TO 30 V.S.A. SECTION 248</u>

IT IS HEREBY CERTIFIED that the Vermont Public Utility Commission ("Commission") this day found and adjudged that the site preparation, construction, operation, and maintenance of a 3.5 MW solar electric generation facility at 3000 Robinson Parkway in Essex Junction, Vermont (the "Project"), by Essex A North Lot Solar, LLC ("CPG Holder"), in accordance with the evidence and plans submitted in this proceeding, will promote the general good of the State, subject to the following conditions:

1. Site preparation, construction, operation, and maintenance of the Project must be in accordance with the plans and evidence submitted in this proceeding. Any material deviation from these plans or a substantial change to the Project must be approved by the Commission. Failure to obtain advance approval from the Commission for a material deviation from the approved plans or a substantial change to the Project may result in the assessment of a penalty pursuant to 30 V.S.A. §§ 30 and 247.

2. Before beginning site preparation, construction, operation, or maintenance of the Project, the CPG Holder must obtain all other necessary permits and approvals. Site preparation, construction, operation, and maintenance of the Project must be in accordance with such permits and approvals, and with all other applicable regulations, including those of the Vermont Agency of Natural Resources ("ANR").

3. The CPG Holder must restrict construction activities and related deliveries for the Project to the hours between 7:00 A.M. and 7:00 P.M. Monday through Friday and between 8:00 A.M. and 5:00 P.M. on Saturdays. No construction activities or deliveries are allowed on

Sundays, state holidays, or federal holidays except where construction activities must be performed during required outages needed to maintain system reliability.

4. The CPG Holder is responsible for all costs of distribution and transmission system upgrades that are necessary in order to address adverse impacts on system stability and reliability due to the Project, as determined by the system impact study.

5. Before operating the Project, the CPG Holder must enter into an interconnection agreement with Green Mountain Power Corporation that conforms to the requirements of Public Utility Commission Rule 5.500. The CPG Holder is responsible for the cost of electrical system upgrades reasonably necessary to implement interconnection of the Project and such other costs appropriately submitted to the CPG Holder in accordance with Commission Rule 5.500.

6. The CPG Holder must remove the facilities authorized by this CPG once they are no longer in service and must restore the site to its condition before installation of the facility to the greatest extent practicable, consistent with the terms and conditions of its proposed decommissioning plan, identified in the evidentiary record as exhibit EANL-JC-9, which is approved except as modified below.

7. Before beginning site preparation, the CPG Holder must file with the Commission and obtain Commission approval for an executed letter of credit or other form of financial security in the amount of $280,768. The letter of credit must be an irrevocable standby letter of credit that: (i) names the Commission as the sole beneficiary of the letter of credit; (ii) is issued by an A-rated financial institution; (iii) includes an automatic extension provision or "evergreen clause"; and (iv) is bankruptcy remote. If the CPG Holder elects to establish the fund using an alternative form of financial security, that security must be established solely for the benefit of the Commission.

8. Every three years the CPG Holder must file a report with the Commission, the Department, and each party to this proceeding, describing any adjustments and changes to the decommissioning fund in the previous three-year period. This report must be filed no later than February 28 of the third year following the issuance of the CPG and every subsequent third year.

9. The value of the decommissioning fund must be adjusted for inflation every three years based on the net positive change in the annual average of the U.S. Bureau of Labor Statistics' Northeast Urban Consumer Price Index for the preceding three-year period.

10. The facility's standby letter of credit or other form of financial security must be adjusted every three years to reflect changes to the decommissioning fund as provided in condition 9, above. Revisions must be made no later than February 28 in conjunction with the report required pursuant to condition 8, above. The Commission may require more frequent adjustments due to facility or site conditions.

11. The Commission has the right to draw on the facility's irrevocable standby letter of credit or other form of financial security to pay for decommissioning in the event that the CPG Holder has not begun decommissioning activities within 90 days of a Commission order directing decommissioning.

12. Upon completion of all decommissioning and site restoration activities, the CPG Holder must request a determination from the Commission that the CPG Holder's decommissioning obligations have been satisfied. Upon the Commission's determination that the decommissioning obligations have been satisfied, the Commission will terminate the facility's letter of credit or other form of financial security.

13. The CPG Holder must fully implement the final aesthetic mitigation plan, identified in the record as the second revised Appendix D to exhibit EANL-JO-2, as soon as reasonably possible, and in no case more than 90 days following the completion of construction, unless such timing would require implementation between October 15 and April 15, in which case the plan must be fully implemented within 30 days of the following April 15.

14. Within 30 days following the full implementation of the final aesthetic mitigation plan, the CPG Holder must submit to the Commission and all parties in this proceeding a certification that all work has been fully implemented in a manner consistent with the approved plan. This certification must include the completion of construction date as well as the date of interconnection and must be supported by an affidavit and dated photographs of the installed mitigation measures. If construction of the facility components and/or aesthetic mitigation has deviated from the design of the facility as approved, the CPG Holder must also file for Commission review and approval a revised final mitigation plan. Submission of a revised final mitigation plan will not relieve the CPG Holder from its obligation to request an amendment to the CPG for a substantial change.

15. For a period of three years, the CPG Holder must conduct an annual inspection of the facility to determine the health, vigor, and continued effectiveness of the mitigation. The CPG Holder must file with the Commission and parties an annual certification documenting the results of the inspection and any corrective actions taken. Certifications required under this paragraph must be submitted by the dates one, two, and three years following the submission of the certification of completion required by Paragraph 14, above.

16. The CPG Holder must maintain mitigation measures contained in the final aesthetic mitigation plan or revised final aesthetic mitigation plan for the life of the facility as those measures are depicted on the plan.

17. In accordance with Commission Rule 5.805(C), the Commission may conduct further process as needed to ensure compliance with the final aesthetic mitigation plan or revised final aesthetic mitigation plan.

18. Before beginning site preparation, the CPG Holder must file with the Commission, the parties, and the Town of Essex a letter stating that it has fulfilled all pre-site preparation CPG conditions, and that it intends to begin site preparation for the Project.

19. Before operating the Project, the CPG Holder must file with the Commission, the parties, and the Town of Essex a letter confirming that it has fulfilled all pre-operation CPG conditions and that it intends to begin operation of the Project.

20. As required by 30 V.S.A. § 248(a)(7), within 45 days of the date of this Order, the CPG Holder must record a notice of the CPG on the form available at http://puc.vermont.gov/document/cpg-municipal-notice-form in the land records of each municipality in which a facility subject to the CPG is located. The CPG Holder must also file proof of this recording with the Commission.

21. As provided in 30 V.S.A. § 248(t), despite any contrary provision of the law, primary agricultural soils as defined in 10 V.S.A. § 6001 located on the site of a solar electric generation facility approved under Section 248 must remain classified as such soils, and the review of any change in use of the site subsequent to the construction of the facility must treat the soils as if the facility had never been constructed.

22. The CPG Holder must pay all invoices (if any) from any State agency that (a) are related to this proceeding and (b) are not still under review by the Commission.

23. This Certificate of Public Good may not be transferred without prior approval of the Commission.

24. The CPG Holder must comply with the terms contained in the memorandum of understanding with ANR, identified in the evidentiary record as exhibit EANL-ANR-1.

25. Before beginning site preparation or construction of the Project, the CPG Holder must obtain from the Vermont Department of Environmental Conservation ("DEC") an Individual Construction Stormwater Permit. All Project work must be performed in accordance with the terms and conditions of the Individual Construction Stormwater Permit.

26. Before beginning site preparation or construction of the Project, the CPG Holder must ensure that GlobalFoundries, the owner of the Project site, updates the stormwater pollution prevention plan required by the NPDES Direct Discharge Permit #3-1295, issued by DEC, to include all new impervious surfaces associated with the Project. The CPG Holder must design and construct the Project so that all impervious surfaces associated with the Project are captured by the existing GlobalFoundries stormwater system and ultimately discharge to the Winooski River from stormwater outfall S/N 013 covered under the NPDES Direct Discharge Permit #3-1295.

27. Before beginning site preparation or construction of the Project and of the Project related interconnection upgrades and extensions, the CPG Holder must obtain from DEC a Vermont Wetlands Permit. All impacts associated with the Project-related interconnection upgrades and extensions will be considered by the ANR's Wetlands Program as cumulative impacts together with the impacts associated with the Project activities for purposes of the Vermont Wetlands Permit. All Project work, including all Project-related interconnection upgrades and extensions, must be performed in accordance with the terms and conditions of the Wetlands Permit.

28. No later than six months in advance of the Project's decommissioning, the CPG Holder must complete and provide to DEC's Wetlands Program, an updated wetlands assessment to determine if any of the Project infrastructure is located within any Class I or II wetlands or their buffer zones.

29. If, at the time of Project decommissioning, any Project infrastructure is determined to be located within a Class I or II wetland or its buffer zone, then the CPG Holder must obtain

from the Wetlands Program a jurisdictional determination as to whether the decommissioning activities require a Vermont Wetland Permit. If, at the time of decommissioning, any Project infrastructure is determined to be located within a Class I or II wetland or its buffer zone and a Vermont Wetland Permit is not required, the CPG Holder must submit a wetlands restoration plan to the Wetlands Program for review and approval as an allowed use under the Vermont Wetland Rules (see Section 6.23 of the current Vermont Wetland Rules). The restoration plan must address the removal of the solar array and other Project infrastructure located in any wetland, and must, at a minimum, contain the following elements: A) Identification of phasing and staging areas; B) Utilization of methods that prevent rutting in the wetland, including removal of structures during frozen or dry conditions, or use of construction mats or similar techniques to minimize soil disturbance; C) Revegetation of all disturbed areas within the wetland and buffer zone with appropriate conservation seed mix(es); and; D) Provisions for inspection by ANR prior to and following site restoration.

30. If any Project infrastructure is located within a Class I or II wetland or its buffer zone at the time of Project decommissioning, then decommissioning of the Project must not take place until ANR's Wetland Program has issued a Vermont Wetland Permit or has approved a wetlands restoration plan as an allowed use under the Vermont Wetland Rules, whichever is applicable, and all decommissioning activities must be performed in accordance with the Vermont Wetland Permit or the approved wetlands restoration plan.

31. The CPG Holder must allow the ANR, through its authorized representatives, to enter upon and inspect the Project area upon reasonable notice, in a reasonable manner, and at reasonable times during ordinary business hours to determine compliance with the above conditions.

32. In the event the CPG Holder owns and controls a portion of the underground primary voltage line that is located outside the Project fence line, as depicted on Exhibit EANL-JC-2 on page C2.00 and C2.03, the CPG Holder must register with Dig Safe and comply with 30 V.S.A. Chapter 86 and Commission Rule 3.8000 for the life of the Project.

33. The Petitioner shall submit a signoff from the Independent System Operator-New England regarding the Project's underground primary voltage line to the Commission and the parties before construction.

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

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

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)

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

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