

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Petition of Reservoir Road Solar, LLC, for a	)	
Certificate of Public Good, pursuant to 30 V.S.A. §	)	
248, to construct, own, and operate a 2.375 MW	)	Case No. 24-3571-PET
ground-mounted solar electric generation facility in	)	
Berkshire, Vermont	)	

PETITIONER RESERVOIR ROAD SOLAR, LLC’S
REVISED PROPOSED FINDINGS OF FACT AND ORDER

June 23, 2025

List of Materials in Evidence (all parties)

The following items were admitted into evidence and make up the record in this matter.

Reservoir Road Solar, LLC
Prefiled Direct Testimony of Sam Carlson (12/04/2024)
Supplemental Testimony of Sam Carlson (12/17/2024)
Second Supplemental Testimony of Sam Carlson (02/21/2025)
Third Supplemental Testimony of Sam Carlson (05/23/2025)
RRS-SC-1: Resume of Sam Carlson
RRS-SC-2: Site Plans and USGS Map
RRS-SC-3: Representative Equipment Specifications
RRS-SC-4: Village of Enosburg Falls Letter of Support
RRS-SC-5: Interconnection Studies
RRS-SC-6: One-Line Diagram
RRS-SC-7: Acoustics Analysis
RRS-SC-8: Waiver to Parcel Setback
RRS-SC-9: Decommissioning Plan (Rev.)
RRS-SC-10: SHEI Utilities MOU
Prefiled Direct Testimony of Mike Buscher (12/04/2024)
RRS-MB-1: Resume of Mike Buscher
RRS-MB-2: Aesthetics and Orderly Development Review
RRS-MB-3: Above-Ground Historic Structures Memo
Prefiled Direct Testimony of Stephanie Wyman (12/04/2024)
RRS-SW-1: Resume of Stephanie Wyman
RRS-SW-2: Waste Disposal and Soil Erosion Assessment
RRS-SW-3: Primary Agricultural Soils Assessment
Prefiled Direct Testimony of Adam Crary (12/04/2024)
RRS-AC-1: Resume of Adam Crary
RRS-AC-2: Natural Resources Assessment Memo
RRS-AC-3: Distribution Line Upgrade Natural Resources Memo
RRS-ANR-1: Memorandum of Understanding
RRS-AAFM-1: Memorandum of Understanding
Affidavits of Sam Carlson, Michael Buscher, Stephanie Wyman and Adam Crary

I. Introduction

This docket concerns a petition filed by Reservoir Road Solar, LLC (“RRS” or “Petitioner”), pursuant to 30 V.S.A. § 248 and Rule 5.400 of the Public Utility Commission (“Commission” or “PUC”), requesting the Commission to issue a Certificate of Public Good (“CPG”) for the installation and operation of a 2.375 megawatt (“MW”) solar electric generation facility to be located off Reservoir Road in Berkshire, Vermont known as the Reservoir Road Solar Project (the “Project”). The Commission has reviewed the materials filed by the Petitioner and approves the petition as follows.

II. Procedural History

On December 4, 2024, the Petitioner filed a petition with supporting testimony and exhibits (the “Petition”) requesting a CPG to install and operate a 2.375 MW solar electric generation facility in Berkshire, Vermont. Petitioner filed additional supplemental testimony on December 17, 2024.

On December 18, 2024, the Commission issued a memorandum finding the Petition administratively complete.

On January 17, 2025, a scheduling conference was held, and the Commission set a schedule for the proceeding.

On January 20, 2025, the Northwest Regional Planning Commission (“NRPC”) filed comments on the Project. NRPC stated the Project conforms with the Northwest Regional Plan.

On February 5, 2025, the Vermont Agency of Agriculture, Food & Markets (“AAFM”) filed a Notice of Intervention.

On February 21, 2025, the Agency of Natural Resources (“ANR”), AAFM and the Department of Public Service (“DPS” or “Department”) filed first round discovery requests.

Also on this date, RRS filed supplemental testimony and a memorandum of understanding (“MOU”) between RRS and Vermont Electric Cooperative, Green Mountain Power, and Washington Electric Cooperative (“SHEI Utilities”) as exhibit RRS-SC-10. ANR filed additional first round discovery requests related to these supplemental materials.

On March 14, 2025, RRS responded to the first round of discovery requests.

On April 11, 2025, AAFM and DPS filed a second round of discovery requests, which RRS responded to on May 2, 2025.

On May 23, 2025, Petitioner filed a MOU between RRS and ANR, a MOU between AAFM and RRS, a revised exhibit, and supplemental testimony. Also on this date, the Department filed comments on the Project and a Section 202(f) Determination letter. The Department recommends that the petition be approved without further hearing or investigation.

No other comments on the petition were received by the Commission. No party has requested an evidentiary hearing or objected to the prefiled testimony and exhibits.

On June 13, 2025, Petitioner filed its Proposed Findings of Fact and Order, and a Proposed CPG.

On ____, 2025, the Commission entered the prefiled testimony and exhibits into the evidentiary record.

III. Proposed Findings of Fact

Based on the Petition and the associated prefiled testimony and exhibits and the absence of any factual disputes, this matter is ready for decision. Based on the substantial evidence of record, the Hearing Officer hereby reports the following findings to the Commission in accordance with 30 V.S.A. § 8(c):

A. General Findings

Project Description

1. RRS proposes to install and operate a 2.375 MW AC ground-mounted solar electric generation facility known as the Reservoir Road Solar Project (the “Project”) on approximately 10.5 acres on portions of two adjoining parcels off of Reservoir Road in Berkshire, VT (the “Property”): one parcel is 113.4 acres of privately-owned land, and one parcel is 87.67 acres owned by the Village of Enosburg Falls Water & Light Department (“EFWLD”). RRS has rights to lease the Property from the landowners. Carlson pf. at 5; Exh. RRS-SC-2.
2. RRS will sell the electrical output from this facility to Vermont Public Power Supply Authority (“VPPSA”) under a Power Purchase Agreement (“PPA”). The electricity generated by this Project will flow to the EFWLD’s electric grid for the benefit of its customers. Carlson pf. at 5-6.
3. The Project consists of approximately 5,472 non-reflective photovoltaic modules installed on fixed, ground-mounted racking units with driven post foundations. Carlson pf. at 6; Exh. RRS-SC-2.
4. Other Project equipment includes a network of UL 1741-SA compliant string inverters, switchgear, a 2,500 kVA pad-mounted transformer, and above- and below-ground electrical lines that ultimately interconnect to the EFWLD system. Carlson pf. at 6-7; Exh. RRS-SC-2.
5. A small length of the buried electric line will run beyond the fence line of the Project before transitioning overhead to the new utility poles south of the Project entrance. RRS will register any underground electric lines owned or controlled by the Project with Dig

Safe and comply with Commission Rule 3.800 for the lifetime of the Project. Carlson pf. at 7.

6. The Project will require distribution line upgrades between the Project site and the Village of Enosburg Falls. These upgrades are along the existing, mostly roadside, distribution line but will require some pole replacements. The Petitioner will enter into an Interconnection Agreement with the Village of Enosburg Falls prior to construction and will pay for all required upgrades to interconnect the Project, which will be implemented prior to operation. Carlson pf. at 16; Exh. RRS-AC-3.
7. The Petitioner will access the Property using an existing drive off Reservoir Road that runs through the property to the Project site, which will be temporarily widened and reinforced with gravel to allow for construction vehicles, along with a temporary access area near the Project entrance and short-term staging areas for deliveries and temporary storage of equipment. Carlson pf. at 7-8.
8. The Project will require approximately 5.4 acres of tree clearing. Carlson pf. at 8; Exh. RRS-SC-2.
9. The Project will be enclosed by an approximately 7-8' high agricultural style fence. This fence satisfies the requirements of electrical codes pertaining to project enclosure. The Petitioner will install a gate near the southwestern edge of the array, which will be locked. Carlson pf. at 9; Exh. RRS-SC-3.
10. Construction activities and related deliveries will be limited to 7:00 A.M. - 7:00 P.M. on weekdays, 8:00 A.M. - 5:00 P.M. on Saturdays, and no construction on Sundays or state or federal holidays. Carlson pf. at 11.

B. Review of Project under Section 248 Criteria

Orderly Development of the Region – 30 V.S.A. § 248(b)(1)

11. The Project will not unduly interfere with the orderly development of the region. This finding is supported by the additional findings below.
12. The Project would not violate any specific land conservation measures in or specific policies applicable to the Project in the Berkshire Municipal Plan and the Northwest Regional Planning Commission Regional Plan and therefore will not unduly interfere with orderly development of the region. No such provisions were found in these plans that pertain to the Project site. Buscher pf. at 3; Exh. RRS-MB-2.
13. Both the Town of Berkshire's Municipal Plan and the NWRPC Regional Plan include an enhanced energy plan and the Project complies with both plans. Buscher pf. at 3; Exh. RRS-MB-2.
14. The NWRPC filed comments with the Commission on January 20, 2025, confirming that "the project conforms with the Northwest Regional Plan."

Municipal Screening Recommendations – 30 V.S.A. § 248(b)(1)(B)

15. The Town of Berkshire has not adopted any solar screening requirements in a bylaw or ordinance and as a result, there are no municipal solar screening requirements that apply to the Project. Buscher pf. at 2.

Need for the Project – 30 V.S.A. § 248(b)(2)

16. The Project is required to meet the need for present and future demand for service. This finding is supported by the additional findings below.
17. VPPSA sought out proposals for generation facilities in the EFWLD service territory in order to meet VPPSA's obligations under the Renewable Energy Standards. The Project

output will be allocated entirely to EFWLD, the municipal utility serving the Town of Enosburgh. Carlson pf. at 14.

18. The Renewable Energy Credits ("RECs") generated by the Project will also be transferred to VPPSA. As such, the Project will help meet demand for new renewable energy generation in Vermont and assist in meeting the renewable energy goals in the Vermont Comprehensive Energy Plan ("CEP"), which sets a goal of obtaining 90 percent of the state's total energy needs from renewable sources by 2050. Carlson pf. at 14-15.

System Stability and Reliability – 30 V.S.A. § 248(b)(3)

19. The Project will not adversely affect system stability and reliability. This finding is supported by the additional findings below.
20. Petitioner filed a complete interconnection application pursuant to PUC Rule 5.500 on December 16, 2021. PLM Power Engineering prepared a System Impact Study, which was issued in May 2023 and identified upgrades necessary to interconnect the Project to the EFWLD system. Petitioner will pay for all required upgrades to interconnect the Project, which will be implemented prior to operation. Carlson pf. at 15-16; Exhs. RRS-SC-5; RRS-SC-6.

Economic Benefit to the State – 30 V.S.A. § 248(b)(4)

21. The Project will provide an economic benefit to the State. This finding is supported by the additional findings below.
22. The Project will provide a range of economic benefits for the State and its residents, including the provision of locally produced renewable energy under a long-term power purchase agreement. Carlson supp. pf. at 2-3.
23. During the design and development phases, the Petitioner has hired many Vermont and regional firms to work on the environmental, aesthetic, archaeological, legal, engineering,

and permitting Project components. Additional electricians and workers will be needed during Project construction, as well as during the ongoing maintenance and operation of the Project. Carlson supp. pf. at 3.

24. The Project will make lease payments to the two landowners of the parcels on which the Project will be located, which includes the Village of Enosburg Falls. Once operational, the Project will also pay annual municipal property taxes to the Town of Berkshire, as well as an annual Uniform Capacity Tax to the state as required under 32 V.S.A § 8701. Carlson supp. pf. at 3.

25. The Project is located within the Sheffield-Highgate Export Interface ("SHEI"). RRS has entered into a MOU with Vermont Electric Cooperative ("VEC"), Green Mountain Power and Washington Electric Cooperative (the "SHEI Utilities") to address the Project's potential for impacts as a result of SHEI constraints. Carlson 2nd supp. pf. at 2.

26. Under the MOU, the Project will pay an appropriate grid adjustor mitigation fee of \$12/kW capacity to the SHEI Utilities, totaling \$29,806.25 for the Project's 2.375 MW AC capacity. The Project will pay this fee to VEC within 10 days of commissioning the Project, and the SHEI Utilities will allocate this payment amongst themselves through a separate agreement. Subject to the Commission imposing a proposed CPG condition requiring this payment, the SHEI Utilities have no objection to the Project. Carlson 2nd supp. pf. at 3; Exh. RRS-SC-10.

27. With the payment of the grid-adjustor fee under the MOU with the SHEI Utilities, the Project will mitigate any economic impacts on ratepayers of VEC, GMP, and WEC caused by SHEI constraints and will increase the total economic benefits of the Project to the state and its residents. Carlson 2nd supp. pf. at 2-4; RRS-SC-10.

Aesthetics, Historic Sites, Air and Water Purity, the Natural Environment, and Public Health and Safety – 30 V.S.A. § 248(b)(5)

28. The Project, subject to conditions set forth below, 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) and 6086(a)(1) through (8) and (9)(K), and greenhouse gas impacts. This finding is supported by the additional findings below.

Use of Natural Resources – 30 V.S.A. § 248(b)(5)

29. The Project will use passive solar energy to produce electricity that local consumers may utilize to power their homes and businesses. Carlson pf. at 18.

30. Although the Project will require some vegetative clearing, the bulk of existing vegetation surrounding the site will remain intact. Carlson pf. at 18.

Outstanding Resource Waters – 10 V.S.A. § 1424a(d)

31. The Project is not located in the vicinity of waters that have been designated outstanding resource waters. Crary pf. at 5; Exh. RRS-AC-2.

Air Pollution – 10 V.S.A. § 6086(a)(1) and Greenhouse Gas Emissions – 30 V.S.A. § 248(b)(5)

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

33. Other than minor temporary emissions during construction, the Project will not emit greenhouse gases. More specifically, RRS estimates that the Project's solar panels will annually produce up to 3,704 (+/-) megawatt hours of electricity without creating any greenhouse gas emissions during its operation. Carlson pf. at 18.

34. Construction will not cause excessive dust or smoke, odors, or noise. Carlson pf. at 17.
35. The proposed Project will help reduce the need for carbon-based sources of electric energy, contributing to improved air quality. Carlson pf. at 17.
36. The Project's highest modeled sound pressure levels at the closest offsite residence are 30 dBA (daytime) and 23 dBA (nighttime). Carlson pf. at 17; Exh. RRS-SC-7.
37. The noise levels calculated at the nearest residence and property line are low and will not result in an undue adverse impact for neighbors to the Project. Carlson pf. at 17-18.

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

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

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

39. The Project is located in a headwaters area, but it will not reduce the quality of ground or surface water. Specifically, the Project site contains ground and surface water protection areas ("SPAs") as mapped by ANR and would, under 10 V.S.A. § 6086(a)(1)(A), be considered a headwaters area. Crary pf. at 5.
40. The Project will adhere to applicable regulations regarding the quality of groundwater and surface waters. The Petitioner has coordinated with ANR regarding these SPAs and the Project design and agrees to implement the Best Management Practices ("BMPs") for work occurring within the SPAs. These BMPs will help ensure that the construction work that takes place within the SPAs is controlled and closely monitored, and will avoid any undue adverse impacts. Crary pf. at 5-6; Wyman pf. at 4-5; Exh. RRS-SW-2.

41. The MOU between Petitioner and ANR includes proposed CPG conditions that describe the specific BMPs that Petitioner will comply with to avoid the release of hazardous materials to the ground surface and subsurface within the SPAs as well as required steps Petitioner must take in the event that a spill or release occurs at the Project site. Petitioner and ANR agree that these conditions should be included in the CPG and that with these conditions there will be no undue adverse impact on headwaters. Exh. RRS-ANR-1.

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

42. The Project as designed will meet applicable regulations or current guidance regarding the disposal of waste and does not involve the injection of waste materials or toxic substances into ground or surface waters. Wyman pf. at 3.
43. The Project operation will not generate sanitary waste. Wyman pf. at 3; Exh. RRS-SW-2.
44. 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. Wyman pf. at 3.
45. The Project is not anticipated to generate any waste during operation. Woody debris generated by any shrub and tree clearing will be either offered to the landowners for use as firewood, or will be chipped, piled, or transported off site. Wyman pf. at 3-4.

**Water Conservation, Sufficiency of Water Supply, and
Burden on Existing Water Supply – 10 V.S.A. §§ (a)(1)(C), (a)(2), (a)(3)**

46. The Project will not require the use of water during the construction phase (unless required for dust control). Any water that would be required for these limited activities will be brought to the site. Therefore, the Project will not cause an unreasonable burden

on water supplies, will not raise any issues with respect to sufficiency of water, or require any water conservation measures. Carlson pf. at 19.

Floodways – 10 V.S.A. § 6086(a)(1)(D)

47. Portions of the Project are located within a FEMA Flood Zone A (100-year floodplain, or floodway fringe) as well as a River Corridor associated with Trout Brook. To utilize the existing access road to the site, upgrades are required to the existing culverted crossing over Trout Brook as well as temporary road widening. Crary pf. at 6; Exh. RRS-AC-2.
48. The access road upgrades require a Flood Hazard and River Corridor (“FHARC”) permit from the Vermont DEC. With adherence to the permit when obtained, the Project will not restrict or divert the flow of flood waters (floodway or floodway fringe), or endanger the health, safety, and welfare of the public, or of riparian landowners during flooding or from potential erosion. Crary pf. at 6-7; Exh. RRS-AC-2.
49. The MOU between Petitioner and ANR includes a proposed CPG condition requiring Petitioner to obtain a FHARC permit prior to beginning site preparation and construction and to perform all Project work in accordance with the permit conditions. Petitioner and ANR agree that this condition should be included in the CPG and that with this condition there will be no undue adverse impact on floodways. Exh. RRS-ANR-1.

Streams – 10 V.S.A. § 6086(a)(1)(E)

50. Petitioner delineated several perennial and intermittent stream channels, including a segment of Trout Brook and several unnamed tributaries, in the vicinity of the Project. Enosburg Falls Reservoir, an impoundment of Trout Brook, is also nearby. Crary pf. at 7; Exh. RRS-AC-2.

51. The Project array is sited to avoid all streams and riparian buffers including from the reservoir. Crary pf. at 7; Exh. RRS-AC-2.
52. Upgrades to the existing access road will require work in Trout Brook at the existing culverted crossing. This upgrade is expected to improve instream conditions by modernizing the crossing to improve flow and organism passage. Crary pf. at 7-8; Exh. RRS-AC-2.
53. Upgrades to the existing road will also require work within the riparian buffer, which will not create new impacts to the buffer as the work is being done to an existing riparian area encroachment. Indirect impacts will be avoided by adherence to erosion and sediment control measures required under a forthcoming construction stormwater discharge permit. Crary pf. at 7-8; Exh. RRS-AC-2.
54. The existing road upgrades will be required to adhere to a Vermont DEC Stream Alteration Permit as well as a federal U.S. Army Corps of Engineers ("USACE") general permit for work in federal waters. With adherence to the required permits, the Project will not alter the natural condition of Trout Brook and its riparian system. Crary pf. at 7-8; Exh. RRS-AC-2.
55. The MOU between Petitioner and ANR includes a proposed CPG condition requiring Petitioner to obtain a Stream Alteration Permit prior to beginning site preparation and construction and to perform all Project work in accordance with the permit conditions. Petitioner and ANR agree that this condition should be included in the CPG and that with this condition there will be no undue adverse impact on streams. Exh. RRS-ANR-1.

Shorelines – 10 V.S.A. § 6086(a)(1)(F)

56. The Project is adjacent to the Enosburg Reservoir. The Project design utilizes a buffer from the reservoir limits, which is avoided. The Project would not impact the current character or condition of the shoreline. Cray pf. at 8; Exh. RRS-AC-2.

Wetlands – 10 V.S.A. § 6086(a)(1)(G)

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

58. Petitioner conducted a wetland delineation of the Project area. Several wetland complexes were identified and confirmed with the DEC wetlands program following a site visit. Cray pf. at 9; Exhs. RRS-AC-2; RRS-AC-3.

59. The Project has been designed to avoid impacts to Class II wetlands and wetland buffers to the extent practicable. There will be minor wetland and wetland buffer impacts associated with the access-road widening required for the construction phase of the Project. The Petitioner will obtain a Vermont Wetlands Permit for those activities that are not Allowed Uses under the Vermont Wetland Rules. Accordingly, the Project will conform to the Vermont Wetland Rules and will not have an undue adverse impact on wetlands. Cray pf. at 9; Exhs. RRS-AC-2; RRS-AC-3.

60. With respect to the distribution line upgrades, there is proposed work in Class II wetland areas. This work consists of in-kind pole replacements in wetlands and wetland buffers, and one transformer platform removal from its current location on a pole in a wetland. Proposed structure replacements and removals within Categorical Class II wetlands or buffers qualify as an Allowed Use under Section 6.8 of the VWR and as such the

Distribution Line Upgrade activities do not require a Vermont Wetland Permit. Crary pf. at 11-12; Exh. RRS-AC-3.

61. Although the distribution line upgrade work alone would not trigger the need for permit authorization under the state Vermont Wetland Rules or a Pre-Construction Notification under the federal USACE Section 404 Vermont General Permit, the line upgrade activities will be reviewed under the wetland permits that the Project will obtain as a single and complete project. Crary pf. at 12; Exh. RRS-AC-3.
62. The MOU between Petitioner and ANR includes a proposed CPG condition requiring Petitioner to obtain a Vermont Wetland Permit prior to beginning site preparation and construction and to perform all Project work in accordance with the permit conditions. The condition also requires Petitioner to ensure that any Project work that qualifies as an allowed use under the Vermont Wetland Rules is conducted in accordance with applicable BMPs and in a manner that minimizes adverse impacts to waters of the state and wetlands. Petitioner and ANR agree that this condition should be included in the CPG and that with this condition there will be no undue adverse impact on wetlands. Exh. RRS-ANR-1.

Soil Erosion – 10 V.S.A. § 6086(a)(4)

63. The Project will not cause unreasonable soil erosion or reduce the capacity of the land to hold water so that a dangerous or unhealthy condition may result. This finding is supported by the additional findings below.
64. Because the Project will involve more than one acre of earth disturbance, it will require a construction stormwater permit. Wyman pf. at 5-6; Exhs. RRS-SW-2; RRS-SC-2.

65. Because the Project is spanning two Parcels with existing impervious surface totaling over one-acre and the Project is generating a minimal amount of new impervious surface, the Project will also require approval under Vermont's operational phase stormwater discharge permit program. The Project design includes simple disconnection stormwater treatment practices along the turnaround area at the entrance of the Project site that will treat stormwater runoff from new impervious surfaces. Wyman pf. at 6; Exhs. RRS-SW-2; RRS-SC-2.
66. The Project will obtain these permits and therefore will not result in unreasonable soil erosion or a reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result. Wyman pf. at 6.
67. The MOU between Petitioner and ANR includes proposed CPG conditions requiring Petitioner to obtain a Construction General Stormwater Discharge Permit 3-9020 or an Individual Construction Stormwater Permit and an Operational Stormwater Permit 3-9050 prior to beginning site preparation and construction, and to perform all Project work in accordance with permit conditions. Petitioner and ANR agree that these conditions should be included in the CPG and that with these conditions there will be no undue adverse impact on soil erosion. Exh. RRS-ANR-1.

Transportation Systems – 10 V.S.A. § 6086(a)(5)

68. The Project will not cause unreasonable congestion or unsafe conditions with respect to transportation systems. This finding is supported by the additional findings below.
69. The Petitioner proposes to deliver materials to the Project site via Reservoir Road and other state and local roads, which are accustomed to the type of traffic representative of the proposed daily material delivery. 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. No other long-term interruptions or impacts to highways or local roads are anticipated. Carlson pf. at 19.

Educational Services – 10 V.S.A. § 6086(a)(6)

70. The Project will not have an adverse impact on educational services. The Project will not create any full-time, permanent jobs, and thus no new school-aged children would enter the system in the town. Carlson pf. at 20.

Municipal Services – 10 V.S.A. § 6086(a)(7)

71. The Project will not require any municipal water or sewer services, new roadway acceptance or maintenance by the Town, nor require any fire or police services beyond those typically required of other businesses. Carlson pf. at 20.

Aesthetics, Historic Sites, and Rare and Irreplaceable Natural Areas – 10 V.S.A. § 6086(a)(8)

72. 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.

Aesthetics

73. The Project is well-sited and takes advantage of the surrounding landform and vegetation so that the proposed Project would not be visible from the surrounding area. Buscher pf. at 5; Exh. RRS-MB-2.

74. While a portion of the Project is proposed on land that could be considered open space, public access is minimal, recreation is not a significant component of the public property

on which the Project is proposed, and the Project will not be visible to the general public.

The Project is set back over 700 feet from the nearest roadway, and existing vegetation and/or landform would entirely screen the Project in all directions. Buscher pf. at 5-6; Exh. RRS-MB-2.

75. The Project does not violate a clearly written community standard intended to preserve the aesthetics or scenic beauty of the area based on the review of the Regional Plan, Regional Energy Plan and Town Plan. Buscher pf. at 3-6.

76. The Project incorporates generally available mitigation by incorporating setbacks and taking advantage of surrounding landform and vegetation to significantly limit visibility. Buscher pf. at 6.

77. Given that desktop review and field visits have confirmed that the Project will not be readily visible from any public roads or areas or from any nearby residences, there is no need to mitigate views with landscaping. As a result, no landscaping is necessary or proposed. Buscher pf. at 7; Exh. RRS-MB-2.

78. The Project would not be so out of character with its surroundings or diminish the scenic qualities of the area where it would be considered shocking or offensive. Solar projects are readily visible components within the Vermont landscape. The Project has limited to no visibility and incorporates strategies that would significantly reduce the prominence of the array. Buscher pf. at 6; Exh. RRS-MB-2.

79. As a result, the Project would not result in an undue adverse impact on the aesthetic or scenic or natural beauty of the area. Buscher pf. at 6; Exh. RRS-MB-2.

Historic Sites

80. The Project will not have an undue adverse effect on historic properties. This finding is supported by the additional findings below.
81. There are several above-ground historic resources that are listed or may be eligible to be listed on the State Historical Register that are located in relative proximity to the Project. However, the Project is sited to take advantage of the existing landform and vegetation such that the Project site will not be readily visible from any of these properties. As a result, the Project will not adversely impact any of these historical residences. Buscher pf. at 7; Exh. RRS-MB-3.
82. With respect to below-ground historic resources, Petitioner has discussed the site with the Vermont Division for Historic Preservation ("VDHP") and has completed a Phase I Site Identification Survey on the majority of the Project site. The Phase I survey recommended that a Phase II survey be conducted on certain areas. Carlson pf. at 21.
83. Petitioner will complete the Phase II work and any further necessary archaeological investigations and will work with VDHP to determine where any mitigation measures are necessary. Any archaeological sites within the Project area will not be impacted until mitigation measures have been completed and will be approved by VDHP prior to implementation. Carlson pf. at 21.
84. Petitioner will ensure that reasonable mitigation measures that are necessary to address any resources that may be found in an investigation, if any, are implemented prior to construction of the Project. If any such mitigation measures involve substantial changes to the Project, Petitioner will comply with applicable Commission Rule 5.400

requirements for such changes. With these steps, the Project will not result in undue adverse impact to archaeological historic sites. Carlson pf. at 21.

Rare and Irreplaceable Natural Areas

85. The Project will not have an undue adverse impact on any Rare and Irreplaceable Natural Areas ("RINA"). There are no significant natural communities or areas that would be considered RINA within the Project Study Area. Crary pf. at 10; Exh. RRS-AC-2.

Necessary Wildlife Habitat and Endangered Species – 10 V.S.A. § 6086(a)(8)(A)

86. The Project will not destroy or significantly imperil necessary wildlife habitat ("NWH") or any endangered species. This Finding is supported by the additional findings below.

87. Based on database and field reviews, there are no rare, threatened, or endangered ("RTE") plant species known to occur within or adjacent to the Project site. Crary pf. at 10; Exh. RRS-AC-2.

88. The Study Area is within the known summer range of the federally and state endangered northern long-eared bat ("MYSE"). The NHI database has no mapped occurrence of MYSE within at least a three-mile radius of the Study Area boundary. If tree clearing in assumed Potential Summer Habitat is kept under one percent of the available MYSE habitat within one mile of the Project center, no additional conservation measures are necessary. The Project is approximately 0.57 percent of the total forested area within one-mile of the Project and will not require further surveys or conservation measures. Exh. RRS-AC-2.

89. There is no NWH within or adjacent to the Project site except two potential vernal pools, which would be considered NWH if confirmed as providing breeding habitat for the required biota. Petitioner conservatively assumed they are vernal pools and therefore

subject to a 100 foot buffer, which the Project array entirely avoids. Some activity associated with upgrading the existing access road and reconductoring an existing overhead line is currently within the buffer. Neither activity would destroy or significantly imperil the habitat. The Project will obtain wetland permits and proposed road upgrades will not create a new barrier to amphibian movement, and although tree clearing will occur, the immediate areas surrounding the pool will remain forested and allow seasonal migrations to and from the pool. Exh. RRS-AC-2.

Development Affecting Public Investments – 10 V.S.A. § 6086(a)(9)(K)

90. The Project will not interfere with the public's use of the closest municipal road, Reservoir Road, other than temporary and minor traffic impacts during construction. In addition, the Project will not unnecessarily or unreasonably endanger the two public water source wells on the Project parcels or the Enosburg Falls Reservoir adjoining the property. Carlson pf. at 24.

Public Health and Safety – 30 V.S.A. § 248(b)(5)

91. The Project will not have an undue adverse effect on public health and safety. This Finding is supported by the additional findings below.
92. The Project will comply with the National Electric Code and the National Electrical Safety Code. Carlson pf. at 16.
93. The Project will be surrounded by a locked perimeter fence and will be marked with appropriate electrical warning signs. Carlson pf. at 16-17.
94. The Project will use anti-reflective coating on panels to reduce the potential for glare. Carlson pf. at 16-17.

95. The Project transformers will include a secondary containment system for the unlikely event of a fluid leak. Carlson pf. at 10.
96. The Project will not exceed acceptable sound thresholds at nearby residences. Carlson pf. at 17.

Primary Agricultural Soils – 30 V.S.A. § (b)(5)

97. The Project will not have an undue adverse impact on Primary Agricultural Soils (“PAS”). This Finding is supported by the additional findings below.
98. As proposed, the Project will have approximately 5.6 acres of direct permanent impacts (during the life of the project) and 1.1 acres of temporary direct impacts, for a total of 6.7 acres of direct impacts. Additionally, the Project may have up to 7.8 acres of indirect impacts – for a total of 14.5 acres of potential impacts to PAS within the limits of work. Wyman pf. at 7; Exh. RRS-SW-3.
99. The Project proposes to mitigate temporary disturbance from trenching by temporarily stockpiling PAS on site and within the same NRCS soil map unit by horizon, and then replacing soil at the end of construction in the reverse order of excavation. The Project further proposes to stockpile soils excavated for permanent (Project-lifespan) impacts by stockpiling soil segregated by horizon. The stockpile would be stabilized and vegetated and located within the Project perimeter fence. Wyman pf. at 7; Exh. RRS-SW-3.
100. Upon Project decommissioning, the Project will be returned to its current condition to the degree reasonably possible and stockpiled soils would be replaced in the reverse order of excavation within each soil map unit. Wyman pf. at 7; Exhs. RRS-SW-3; RRS-SC-2.

101. In addition, the Project will mitigate for any compaction which may result during construction or decommissioning based on soil bulk density testing prior to construction and again at the end of decommissioning. Exh. RRS-AAFM-1.

Least-Cost Integrated Resource Planning – 30 V.S.A. § 248(b)(6)

102. The Petitioner is not a utility and therefore does not have a least-cost integrated resource plan. This criterion is inapplicable. Carlson pf. at 28.

Comprehensive Energy Plan – 30 V.S.A. § 248(b)(7)

103. The Project will contribute to meeting the state's long-term renewable energy goals because it is a renewable solar energy project that is located near load. Specifically, the Project furthers the key objectives of the CEP, which calls for meeting Vermont's long-term energy needs largely with renewable resources. The Project is consistent with CEP thematic goals including affordability, in-state generation, diversity of supply, grid resiliency, and low emissions. Carlson pf. at 23-24.

104. The MOU with the SHEI Utilities is also consistent with the recommendations of the 2022 Comprehensive Energy Plan to consider economic mitigation fees in grid constrained areas such as the SHEI. Carlson supp. pf. at 2-4; RRS-SC-10.

105. On May 23, 2025, DPS issued a determination under 30 V.S.A. § 202(f) stating that the petition is consistent with the Vermont Electric Plan, provided that the actions of Reservoir Road Solar, LLC are consistent with the evidence filed in the proceeding.

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

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

Transmission Facilities – 30 V.S.A. § 248(b)(10)

107. The proposed Project will not require any upgrades to the transmission system. Carlson pf. at 25; Exh. RRS-SC-5.

108. The payment of the grid-adjustor fee under the MOU with the SHEI Utilities ensures that the Project can be economically served by the existing transmission system without undue adverse economic impacts on Vermont utilities and ratepayers and complies with this criterion. Carlson supp. pf. at 2-4; RRS-SC-10.

Setbacks – 30 V.S.A. § 248(s)

109. The Project will comply with the statewide minimum setback requirements of 30 V.S.A. § 248(s). Carlson pf. at 23.

110. The Project panels will be set back over 700 feet from the edge of Reservoir Road, and at least 50 feet from all boundary lines to properties not under lease option by RRS. Because the Project spans across two parcels, RRS has obtained a waiver from both parcel owners and the Town of Berkshire agreeing to the Project's location across portions of both parcels. Carlson pf. at 26; Exhs. RRS-SC-2; RRS-SC-8.

Decommissioning – PUC Rule 5.900

111. At the end of the Project's useful life, the Petitioner will remove the Project once it is no longer in service and restore the site to its condition prior to installation of the Project to the greatest extent practicable, as required under PUC Rule 5.904(B). Carlson pf. at 26-27; Exh. RRS-SC-9 (Rev.).

112. Consistent with PUC Rule 5.904(B), the Petitioner has proposed a funding mechanism based upon an estimate of the Project's decommissioning costs that does not account for equipment salvage. The decommissioning cost estimate is in present-day dollars and addresses the elements in that rule. Carlson pf. at 27; Exh. RRS-SC-9 (Rev.).

113. The decommissioning fund for this Project will be in place at the time construction begins and will be funded by an irrevocable standby letter of credit that includes an automatic renewal provision ("evergreen clause") or other alternative form of financial security that equals or exceeds the assurance of financial resources for decommissioning as a letter of credit. Prior to commencing Project construction, the Petitioner shall file and receive Commission approval of an executed letter of credit or alternative form of security. Carlson pf. at 27; Exh. RRS-SC-9 (Rev.).

Conclusions

Based upon all the above evidence, and with the conditions I recommend that the Commission include as part of its approval of the Project, I conclude that the Project meets the following section 248(b) criteria, to the extent they apply:

- 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) is required to 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 land management measures;

- 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 principles of least-cost integrated resource planning;
- 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) is in compliance with the electric energy plan approved by the DPS under § 202 of Title 30 V.S.A.;
- m) does not involve an in-state generation facility that produces electric energy using woody biomass; and
- n) is consistent with statutory minimum setback requirements.

Order

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

1. The findings 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 are not adopted.
2. In accordance with the evidence and plans submitted in this proceeding, the 2.375 MW solar electric generation facility (the "Project") proposed for construction and operation by Reservoir Road Solar, LLC (the "CPG Holder") off Reservoir Road in Berkshire, Vermont, 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 shall be issued in this matter.
3. As a condition of this Order, the CPG Holder shall comply with all terms and conditions set out in the CPG issued in conjunction with this Order.

Dated at Montpelier, Vermont, this _____ day of _____, 2025.

PUBLIC UTILITY COMMISSION
OF VERMONT

OFFICE OF THE CLERK

FILED:

ATTEST: _____
Clerk of the Commission