

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 25-0895-PET

Petition of ER Dunsmore, LLC for a certificate of public good, pursuant to 30 V.S.A. § 248, authorizing the installation and operation of a 4.95 MW solar electric generation facility in the Town of St. Albans, Vermont	
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Order entered: 07/11/2025

ORDER GRANTING MOTION TO INTERVENE

This case involves a petition filed with the Vermont Public Utility Commission (“Commission”) by ER Dunsmore, LLC (“Petitioner”) for a certificate of public good (“CPG”), pursuant to 30 V.S.A. § 248, for the installation and operation of a 4.95 MW solar electric generation facility in the town of St. Albans, Vermont.

On July 9, 2025, a motion to intervene (“Motion”), pursuant to Commission Rule 2.209(B), was filed in this case by the Vermont Division for Historic Preservation (“DHP”). In the Motion, DHP acknowledged that the date for submission of motions to intervene had passed according to the schedule in this proceeding but noted that an internal clerical error caused DHP to miss the deadline. DHP noted that it is the state entity responsible for reviewing matters concerning historic sites in proceedings involving 30 V.S.A. § 248 and has substantial interests which may be affected by the outcome of this proceeding. DHP further noted that its interests will not be adequately protected by any other party in the proceeding and that intervention is the only way for DHP to protect its interests. DHP represented in its Motion that it has consulted with the Petitioner and that Petitioner has consented to DHP’s intervention. Finally, DHP has represented that its intervention will not unduly delay the proceeding or prejudice the interests of any existing party or the public.

No party objected to DHP’s Motion.

Rule 2.209 governs intervention in proceedings before the Commission. Rule 2.209(A) provides that upon timely application a person is entitled to intervene in a proceeding:

- (1) when a statute or Commission rule confers an unconditional right to intervene; or
- (2) when the applicant claims an interest in the matters that must be resolved in the proceeding and the applicant is so situated that the disposition of the proceeding may as a practical matter impair or impede the applicant's ability to protect that interest, unless the applicant's interest is adequately represented by existing parties.

In addition, Rule 2.209(B) reserves to the Commission the power to grant intervenor status on a permissive basis:

- (1) when a statute or Commission rule confers a conditional right to intervene; or
- (2) when an applicant's claimed interest shares a question of law or fact in common with the matters that must be resolved in the proceeding.

In exercising its discretion under Rule 2.209(B), the Commission must consider whether intervention will unduly delay the proceeding or prejudice the interests of existing parties or of the public.

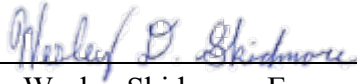
Rule 2.209(C) further provides that the Commission may impose certain restrictions on an intervenor's participation in a proceeding. Specifically, the Commission may restrict that party's participation, may require that party to join with other parties with respect to appearance by counsel, presentation of evidence, or other matters, and may otherwise limit that party's participation, all as the interests of justice and economy of adjudication require.¹

The impact of the proposed facility on historic sites is one of the facts that will be resolved during this proceeding. In the absence of any objections, I conclude that DHP's intervention will not unduly delay the proceeding or prejudice the interests of the existing parties or the public. As such, I grant DHP party status as a permissive intervenor pursuant to Commission Rule 2.209(B) to represent its interest in historic sites.

SO ORDERED.

¹ The Commission may not require a State agency to be represented jointly with any other party to a case.

Dated at Montpelier, Vermont, this 11th day of July, 2025.



Wesley Skidmore, Esq.
Hearing Officer

OFFICE OF THE CLERK

Filed: July 11, 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. 25-0895-PET - SERVICE LIST

Parties:

Zachary Berger, Esq. (for ER Dunsmore, LLC)
SRH Law PLLC
91 College Street
PO Box 545
Burlington, VT 05401
zberger@srhlaw.com

Maxwell I Krieger, Esq. (for Division for Historic
Vermont Division for Historic Preservation Preservation)
One National Life Drive, Davis Bldg., 6th Floor
Montpelier, VT 05620-0501
maxwell.krieger@vermont.gov

Henry Mauck (for Vermont
112 State Street Department of Public
Montpelier, VT 05620 Service)
henry.mauck@vermont.gov

Randy J. Miller, Esq. (for Vermont Agency of
Vermont Agency of Natural Resources Natural Resources)
1 National Life Drive, Davis 2
Montpelier, VT 05620-3901
randy.miller@vermont.gov

Willy Jane Patry (for Vermont Agency of
Agency of Agriculture, Food & Markets Agriculture, Food and
116 State St Markets)
Montpelier, VT 05620-2901
willyjane.patry@vermont.gov

Victoria M. Westgate, Esq. (for ER Dunsmore, LLC)
SRH Law PLLC
91 College Street
P.O. Box 545
Burlington, VT 05402-0545
vwestgate@srhlaw.com