

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 24-2945-PET

Petition of VT Real Estate Holdings 2 LLC for a certificate of public good, pursuant to 30 V.S.A. § 248, authorizing the installation and operation of a 20 MW solar electric generation facility in Fair Haven, Vermont	
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**COMMENTS ON THE PETITION OF VT REAL ESTATE HOLDINGS 2, LLC,
FOR A CERTIFICATE OF PUBLIC GOOD UNDER 30 V.S.A. § 248
BY THE VERMONT DEPARTMENT OF PUBLIC SERVICE**

On September 17, 2024, VT Real Estate Holdings 2, LLC (“Petitioner” or “Fair Haven Solar”) filed a petition with the Vermont Public Utility Commission (“Commission”) pursuant to 30 V.S.A. § 248 for certificate of public good (“CPG”) to construct and operate a 20 MW ground-mounted solar array to be located in Fair Haven, Vermont (the “Project”).¹ The Project will primarily consist of rows of solar panels mounted on steel axis trackers attached to steel racking, eight equipment pads throughout the Project site each containing inverters and generator step-up transformers, a dedicated substation, and under- and above-ground electric lines to collect and deliver power to a nearby Green Mountain Power (“GMP”) substation. The Vermont Department of Public Service (“Department”) finds that the Project satisfies the applicable criteria of 30 V.S.A. § 248(b) within the scope of the Department’s review. Subject to the terms of Petitioner’s agreements with other parties in this case, the Department respectfully recommends that the Commission issue an order granting Petitioner’s request for a CPG subject to a Dig Safe condition as outlined below.

The Project would be sited on approximately 119 acres across five parcels of land that total

¹ Petitioner also requested that the Vermont Department of Public Service (“Department”) make a determination under 30 V.S.A. § 202(f) that the Project is consistent with the Vermont Electric Energy Plan. The Department will file a § 202(f) determination separately.

approximately 825 acres. Most of the Project would be located on a parcel owned by Richard and Christine Sheldon. The Project would create a limit of disturbance of approximately 149.2 acres.² The Project would directly impact approximately 19.8 acres of primary agricultural soils (“PAS”), with the potential to indirectly impact 128 acres of PAS during construction, for a total potential PAS impact of approximately 147.2 acres.³ Of the Project’s anticipated direct PAS impact, approximately 11.5 acres and anticipated to be impacted for the life of the project (“permanent”), with the remained impacted during construction (“temporary”). The project would require approximately 3.1 acres of tree clearing.⁴ As proposed, the Project would constitute one of the largest solar facilities constructed in the State, comparable to only one other 20 MW solar facility previously approved by the Commission in Case No. 8686 and constructed in Ludlow, Vermont.⁵

The Department conducted a full review of the Project, reviewing all filings in the case including Petitioner’s testimony and exhibits, serving two rounds of discovery upon Petitioner, reviewing discovery by the Agency of Natural Resources (“ANR”) and Agency of Agriculture, Food, and Markets (“AAFM”), reviewing the Project’s system impact study, facilitating a March 25, 2025 public hearing, attending a June 3, 2025 site visit, and reviewing Petitioner’s responses to Commission questions.⁶ The Department reviewed the Project to determine whether it satisfies the criteria of 30 V.S.A. § 248(b) subject to the Department’s review, including the Project’s: impact on the orderly development of the region (30 V.S.A. § 248(b)(1)); ability to meet a need for present and future demand for service (30 V.S.A. § 248(b)(2)); impact on system stability and

² Stephanie Wyman pf., 09/17/24, 10-11.

³ *Id.*; Exhibit FHS-SW-2a (revised).

⁴ *Id.*; Exhibit FHS-SW-4, 09/16/2024, 4-5.

⁵ Petition of Coolidge Solar I, Docket No. 8686, Final Order of 03/23/2017 (known as the “Coolidge Solar Project”); *But see also* Petition of VT Real Estate Holdings 1 LLC, Case No. 23-1447-PET (Petitioner’s sibling company is awaiting a Commission decision for a similar 20 MW project in Shaftsbury, Vermont).

⁶ The Department notes no members of the public attended the public hearing.

reliability (30 V.S.A. § 248(b)(3)); economic benefit to the State and its residents (30 V.S.A. § 248(b)(4)); impact on aesthetics and public health and safety (30 V.S.A. § 248(b)(5); compliance with the 2022 Vermont Electric Energy Plan (30 V.S.A. § 248(b)(7)); ability to be economically served by existing or planned transmission facilities (30 V.S.A. § 248(b)(10)); decommissioning plan (30 V.S.A. § 248(a)(5)); and compliance with minimum setback requirements (30 V.S.A. § 248(s)). Based on its review, the Department concludes that the Project satisfies the criteria outlined above, and provided that the Project is consistent with the terms of the proposed agreements with the other parties, the Project will promote the general good of the state.

The Project would not unduly interfere with the orderly development of the region or have an undue adverse impact on the aesthetics of the area. Petitioner's Aesthetic and Orderly Development Analysis Report ("Aesthetics and Orderly Development Report") asserts that the Project is not subject to specific land conservation measures in the Fair Haven or Rutland Regional Plan.⁷ Further, on May 21, 2024, the Rutland Regional Planning Commission determined that the Project as presented in the advanced notice for this Petition (Case No. 24-0790-AN) "does not have a significant regional impact and is in conformance with the Rutland Regional Plan...."⁸ The Town of Fair Haven has neither adopted an enhanced energy plan nor made a recommendation on the Project. However, the Town of Fair Haven Selectboard unanimously granted the Project a variance reducing the setback requirement for the project in a Setback Agreement from 100 feet to 50 feet along Munger Road.⁹ The Project's setbacks, where not modified by the Setback Agreement, will comply with all applicable setback requirements. Based on the combination of

⁷ Exhibit FHS-MW-2, 17-19, 21, 22-31 ("Aesthetics and Orderly Development Report").

⁸ Public Comment of the Rutland Regional Planning Commission, Case No. 24-1790-AN, 2.

⁹ Exhibit FHS-RW-6, 01/02/25.

the Project's siting – which provides natural topographic and vegetative visual screening – and Petitioner's Landscape Mitigation Plan, the Aesthetics and Orderly Development report concludes the Project will not have an undue adverse impact on aesthetics.¹⁰

As with similar projects, the Department concludes that the Project would provide a significant contribution to the renewable generation of the regional electric system and provide economic benefits to Vermont and its residents. While Petitioner has yet to determine whether the output of the Project would be sold subject to a contract or bid into the wholesale energy market, the Project is anticipated to provide a relatively low-cost resource which tends to apply downward pressure on regional or wholesale electricity prices.¹¹ Further, by increasing the regional renewable supply and applying downward pressure on the cost of electricity, the Project would either directly, or indirectly help meet Vermont's anticipated increase in electric the demand for electricity as well as State policy goals. The Project would not have an undue impact on the stability and reliability of the electric system. The Project would not unduly impact the electric distribution or transmission system. As proposed, the Project would interconnect directly to GMP's transmission system.¹² If the Project is approved, Petitioner would be responsible for costs associated with connecting the Project to GMP's transmission system.¹³ The project would provide economic benefits to the State and its residents by providing jobs and an increased tax base.

The Project will not have an undue adverse impact on public health and safety. The Project will comply with the National Electric Safety Code, the National Electric Code, and GMP's interconnection standards.¹⁴ Further, in a response to Department discovery, Petitioner agreed to

¹⁰ Aesthetics and Orderly Development Report at 21.

¹¹ Devi Glick pf. 09/17/2024, 4-6; Exhibit FHS-DG-2, 09/16/2024, 2-8.

¹² Glick pf., at 5; FGS-GS-2, at ii, 1, 18.

¹³ Glick pf., at 15.

¹⁴ Lisa Potter pf. 09/17/24, 8-9.

comply with Dig Safe requirements for the life of the project. The Department recommends that the Commission include a Dig Safe requirement as a condition of issuing Petitioner's requested CPG.

The Department reviewed Petitioner's decommissioning plan, cost estimate, and draft surety bond letter ("Decommissioning Materials"). The Department finds Petitioner's Decommissioning Materials include a reasonable estimate of decommissioning costs and satisfy Commission Rule 5.900.

The Department is not aware of public or other comments opposed to the Project. The Department understands that Petitioner is in the process of negotiating stipulated agreements with ANR and AAFM.

Subject to a CPG condition requiring that Petitioner comply with Dig Safe, based on its review of the Project the Department determined that the Project, represented by the filings in this case, will not violate applicable 30 V.S.A. § 248(b) criteria subject to the Department's review. The Department respectfully recommends that the Commission issue an order granting Petitioner's requested CPG, subject to a Dig Safe condition, and any conditions provided by Petitioner's agreements with ANR and AAFM.

Dated at Montpelier, Vermont this 8th Day of August 2025.

VERMONT DEPARTMENT OF PUBLIC SERVICE

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