

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 24-3571-PET

Petition of Reservoir Road Solar, LLC for a certificate of public good, pursuant to 30 V.S.A. § 248, to construct and operate a 2.375 MW solar facility in Berkshire, Vermont	
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Order entered: 08/20/2025

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 Reservoir Road Solar, LLC (“RRS”) requesting a certificate of public good (“CPG”), under 30 V.S.A. § 248, authorizing the construction and operation of a 2.375 MW (AC) solar facility at 640 Reservoir Road in Berkshire, Vermont (the proposed “Facility”).

In this proposal for decision, I recommend that the Commission approve the Facility and issue a CPG, subject to conditions.

II. PROCEDURAL HISTORY

On December 4, 2024, RRS filed a petition with supporting testimony and exhibits for the Facility.

On January 21, 2025, the Northwest Regional Planning Commission Project Review Committee filed a public comment stating that the Facility conforms with the Northwest Regional Plan.

On February 21, 2025, RRS filed a memorandum of understanding among Green Mountain Power Corporation (“GMP”), Washington Electric Cooperative, Inc. (“WEC”), Vermont Electric Cooperative, Inc. (“VEC”), and RRS (“Utilities MOU”) and entered it into the record as exhibit RRS-SC-10.

On May 23, 2025, the Vermont Department of Public Service (“Department”) filed comments stating that it supports the petition and did not identify any concerns under the statutory criteria. The Department also filed its determination under 30 V.S.A. § 202(f).

On May 23, 2025, RRS filed a memorandum of understanding between the Vermont Agency of Natural Resources (“ANR”) and RRS (“ANR MOU”) and entered it into the record as exhibit RRS-ANR-1.

On May 23, 2025, RRS filed a memorandum of understanding between the Vermont Agency for Agriculture, Food and Markets (“AAFM”) and RRS (“AAFM MOU”) and entered it into the record as exhibit RRS-AAFM-1.

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. Accordingly, the following prefiled testimony and exhibits are admitted as if presented at a hearing: prefiled and supplemental testimony of Sam Carlson (“Carlson pf., Carlson pf. supp. (12/17/24), Carlson pf. supp. (2/21/25), Carlson pf. supp. (5/23/25)”), exhibits RRS-SC-1 through RRS-SC-8, RRS-SC-9 (Rev.), RRS-SC-10, RRS-ANR-1, and RRS-AAFM-1; prefiled testimony of Michael Buscher (“Buscher pf.”), exhibits RRS-MB-1 through RRS-MB-3; prefiled testimony of Stephanie Wyman (“Wyman pf.”), exhibits RRS-SW-1 through RRS-SW-3; Department Comments, and Department’s Section 202(f) determination.¹

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 Facility

1. RRS is a Vermont limited liability company with a business address at 50 Lakeside Avenue, Suite 110, Burlington, Vermont. Carlson pf. at 3.
2. The Facility is a 2.375 MW (AC) solar generation facility located at 640 Reservoir Road in Berkshire, Vermont. Carlson pf. at 5; exh. RRS-SC-2.

¹ If any party has an objection to any of these documents being entered into evidence, the party must submit its objection within 14 days of the date this order is entered.

3. RRS will sell the electrical output from the Facility to Vermont Public Power Supply Authority (“VPPSA”) under a power purchase agreement. VPPSA plans to sell the output to its member, the Village of Enosburg Falls Electric Light Department (“Enosburg Falls Electric”), for use by its customers. Carlson pf. at 6.

4. The Facility is in the constrained local transmission area known as the Sheffield/Highgate Export Interface (“SHEI”) area. Carlson pf. supp. (2/21/25) at 2-3.

5. The Facility will occupy approximately 10.5 acres on two adjoining parcels. One parcel is approximately 113.4 acres and privately owned. The other parcel is approximately 87.7 acres and owned by Enosburg Falls Electric. Carlson pf. at 5; exh. RRS-SC-2.

6. The Facility includes: (a) approximately 19 rows of solar panels attached to a fixed ground-mounted racking system; (b) string inverters; (c) 2,500 kVA pad-mounted step-up transformer; (d) underground wiring to connect the array to the transformer; (e) four new utility poles and overhead line that interconnects to Enosburg Falls Electric’s distribution system; and (f) an approximately 7 to 8-foot-tall agricultural style wire-knot fence around the Facility’s perimeter. Carlson pf. at 6-9; exh. RRS-SC-2.

7. The Facility property is undeveloped and contains grassland and some forested land. Approximately 5.4 acres of trees will be cleared for the Facility. The tree clearing includes an approximately 50-foot-wide section on the western border to prevent afternoon shading, a line of trees that currently separates the two parcels, and some trees near the existing access road that will be temporarily widened to accommodate construction vehicles. Carlson pf. at 5 and 8; exh. RRS-SC-2.

8. The Facility will be accessed using an existing drive off Reservoir Road that runs through the southern portion of the site. The existing road will be temporarily widened and reinforced with gravel in places to allow for construction vehicles. One portion of the access road that crosses Trout Brook will be reconstructed, and an existing culvert will be replaced with a box culvert. A permanent gravel turnaround area will be added leading into the Facility. Carlson pf. at 7-9; exh. RRS-SC-2.

9. The Facility requires upgrades to the existing three-phase distribution line between the Facility site and the Village of Enosburg Falls, extending down the Water Tower Road fork, along Route 105 to Intersection Route 108 N. The upgrades include the reconductoring of the

line, in-kind pole replacements, and associated voltage upgrades. No excavation or grading will be required except limited soil disturbance associated with pole replacements. Vegetation clearing will not occur beyond the existing corridor management and maintenance. Carlson pf. at 15-16; exh. RRS-AC-3.

10. A temporary access area near the Facility entrance and two staging areas near the array site will be created for deliveries and temporary storage of equipment during construction. Carlson pf. at 7-9; exh. RRS-SC-2.

11. Sound from the Facility will be produced by the inverters and transformers primarily during daylight hours. The maximum sound levels generated by the equipment, based on the manufacturer's specifications, are estimated to be approximately 30 decibels (A-weighted) at a nearby residence. Carlson pf. at 17; exh. RRS-SC-7.

12. Facility construction will be between the hours of 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 will occur on Sundays, or state or federal holidays. Carlson pf. at 11.

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)]

13. The Facility 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.

14. The Facility is consistent with the Northwest Regional Planning Commission Regional Plan and the Berkshire Municipal Plan. The plans do not contain clearly written land conservation measures or specific policies that conflict with the Facility. Buscher pf. at 3-4; exh. RRS-MC-2.

15. The Berkshire Municipal Plan and the Northwest Regional Planning Commission Regional Plan include enhanced energy plans. The Facility complies with the goals and policies in both plans. Buscher pf. at 3; exh. RRS-MC-2.

Municipal Screening Requirements

[30 V.S.A. § 248(b)(1)(B)]

16. Berkshire has not adopted screening requirements for ground-mounted solar electric generation facilities in a bylaw or ordinance. Buscher pf. at 2.

Need for Present and Future Demand for Service

[30 V.S.A. § 248(b)(2)]

17. The Facility 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 but not limited to those developed pursuant to the provisions of 30 V.S.A. § 209(d), 218c, and 218(b). This finding is supported by the additional findings below.

18. The renewable energy credits generated by the Facility will be transferred to VPPSA under the terms of the power sales agreement and will assist VPPSA in meeting its obligations under the Vermont Renewable Energy Standard (“RES”). Carlson pf. at 14-15.

19. The RES requirements for new renewable energy resources cannot otherwise be met through conservation, energy efficiency, or load management. Carlson pf. 14-15.

Impact on System Stability and Reliability

[30 V.S.A. § 248(b)(3)]

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

21. A system impact study was conducted for the Facility’s interconnection to the Enosburg Falls Electric system. The system impact study concluded that the Facility will not adversely affect system stability and reliability provided that the requirements identified in the study are implemented. Carlson pf. at 15-16; exh. RRS-SC-5.

22. The Facility will interconnect with Enosburg Falls Electric’s distribution service located along Reservoir Road. The Facility will require distribution line upgrades between the Facility site and the Village of Enosburg Falls. These upgrades include reconductoring and some pole replacements. Carlson pf. at 15-16; exh. RRS-AC-3.

23. RRS will follow the applicable interconnection procedures contained in Commission Rule 5.500. RRS will enter into an interconnection agreement with Enosburg Falls Electric

before Facility construction. All interconnection upgrades will be implemented before Facility operation. Carlson pf. at 15-16; exh. RRS-SC-5.

24. A facilities study has been completed to estimate the cost of required interconnection upgrades for the Facility. RRS will be responsible for the interconnection costs, including those identified in the system impact study and needed for the distribution line upgrade. Carlson pf. at 15-16.

Economic Benefit to the State

[30 V.S.A. § 248(b)(4)]

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

26. There will be local economic benefits associated with engaging local businesses and contractors during the construction phase of the Facility. Electricians and workers will be needed during construction and during the ongoing maintenance and operation of the Facility. Carlson pf. supp. (12/17/24) at 2-3.

27. The Facility will provide lease payments to the two landowners of the parcels where the Facility will be built. One landowner is the Village of Enosburg Falls. Carlson pf. supp. (12/17/24) at 3.

28. The Facility will pay annual municipal property taxes to Berkshire. The Facility will pay an annual Uniform Capacity Tax to the State as required under 32 V.S.A § 8701, which is deposited into the statewide education fund. Carlson pf. supp. (12/17/24) at 3.

29. The Facility is located within the SHEI area. The SHEI refers to an export constraint on the electric transmission system that occurs in northern Vermont. Load reduction resulting from the Facility's output would affect the SHEI. Carlson pf. supp. (2/21/25) at 2-4; exh. RRS-SC-10; *Application of Derby GLC Solar, LLC*, Case No. 17-1247-NMP, Order of 01/24/19 at 11.

30. RRS has entered into a memorandum of understanding with GMP, WEC, and VEC ("Distribution Utility Parties") to address utility concerns under the Section 248 criteria. Carlson pf. supp. (2/21/25) at 2-4; exh. RRS-SC-10.

31. Under the terms of the Utilities MOU, RRS agrees to pay a grid adjustor to VEC in the amount of \$29,805.25 for VEC's distribution among the Distribution Utility Parties pursuant to a separate allocation agreement. Utilities MOU ¶ 3.

32. The mitigation fee proposed in the Utilities MOU is approximately \$12.55/kW of installed capacity. Carlson pf. supp. (2/21/25) at 2-4; exh. RRS-SC-10.

33. The payment of the grid-adjustor fee will mitigate economic impacts on ratepayers of VEC, GMP, and WEC caused by SHEI constraints and will increase the total economic benefits of the Facility to the State and its residents. Carlson pf. supp. (2/21/25) at 2-4.

Discussion

The Facility has the potential for negative economic impacts on Vermont utilities and ratepayers arising from the interconnection of new electric generation facilities in the SHEI. As in past cases, RRS and the Distribution Utility Parties have proposed to address this issue through the payment of a mitigation fee. Under the terms of the Utilities MOU, the mitigation fee is approximately \$12.55/kW of installed capacity. This amount is consistent with a recent case in which the Commission approved a solar facility that will assist VPPSA in meeting its RES obligations. In that proceeding, the Commission's decision recognized that system conditions have changed in the SHEI area and accepted the parties' agreeing to a smaller mitigation payment than in previous cases.² Based on this record, I recommend that the Commission find that the Facility will result in an economic benefit to the State and its residents and recommend a CPG condition requiring the RRS's compliance with the terms of the Utilities MOU.

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)]

34. Subject to the conditions described below, the Facility 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).

² See *Petition of Kearsarge PV Orleans LLC*, Case No. 24-0039-PET, Order of 12/6/24.

Outstanding Resource Waters

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

35. The Facility will not affect any outstanding resource waters as defined by 10 V.S.A. § 1424a(d) because there are no outstanding resource waters in the Project area. Crary pf. at 5; Exh. RRS-AC-2.

Air Pollution and Greenhouse Gas Impacts

[30 V.S.A. § 248(b)(5); 10 V.S.A. § 6086(a)(1)]

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

37. There will be no releases of air pollution or greenhouse gases associated with the operation of the Facility, except for infrequent maintenance operations. Carlson pf. at 17-18.

38. Construction of the Facility will result in limited air emissions from construction vehicles and equipment. Carlson pf. at 17-18.

Water Pollution

[10 V.S.A. § 6086(a)(1)]

39. The Facility 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 soil erosion, below.

40. The Facility includes a pad-mounted transformer that uses biodegradable dielectric fluid. The transformer includes a secondary containment system that will be sufficient to hold a minimum of 110% of the transformer coolant volume plus five inches of freeboard. Carlson pf. at 10; exh. RRS-ANR-1.

41. The secondary containment system will be maintained in good working order and be inspected at least every five years. Carlson pf. at 10; exh. RRS-ANR-1.

Discussion

Under the terms of the ANR MOU, RRS agrees to a CPG condition that provides a secondary containment system for the Facility transformer and implements inspection requirements. To ensure no undue water pollution from the Facility, I recommend that the Commission accept the terms of the MOU with respect to the secondary containment system and adopt the proposed CPG condition.

Headwaters

[10 V.S.A. § 6086(a)(1)(A)]

42. The Facility will not have an undue adverse impact on headwaters. This finding is supported by the additional findings below.

43. The Facility site is in a headwaters area because the site is in a watershed of a public water supply as designated by ANR and is in an area that supplies significant amounts of recharge water to aquifers. However, the Facility is not characterized by other features that define headwaters as set forth in 10 V.S.A. § 6086(a)(1)(A). The Facility is not located in a watershed of less than 20 square miles, characterized by steep slopes and shallow soils, and is not located above 1,500 feet in elevation. Crary pf. at 5; exh. RRS-AC-2 at 3-5.

44. The Facility site contains ground and surface water source protection areas as mapped by ANR and are identified as the Enosburg Falls Water System Zone 1. The surface waters of the Village of Enosburg Falls water source and Trout Brook in Berkshire and all waters within the watershed upstream of the outlet of Enosburg Reservoir are designated as Class A(2) public water supplies. There are two public water supply wells in the Facility area, identified as WL001 and WL002. Crary pf. at 5; exh. RRS-AC-2 at 3-5.

45. Construction and operation of the Facility will comply with best management practices to avoid the release of hazardous materials to the ground surface and subsurface within the source protection areas of the Enosburg Falls water system and water supply wells, WL001 and WL002. Crary pf. at 5; exh. RRS-AC-2 at 3-5; exh. RRS-ANR-1.

46. If a spill or release of any hazardous material occurs at the Facility site, the Facility's representative will take appropriate steps to contain and immediately report the event to the Vermont Department of Environmental Conservation Spills Program and the source protection area water systems' owner or operator. Crary pf. at 5; exh. RRS-AC-2 at 3-5; exh. RRS-ANR-1.

47. The Facility will meet any applicable health and Vermont Department of Environmental Conservation regulations regarding reduction of the quality of the ground or surface waters in a headwaters area. Crary pf. at 5; exh. RRS-AC-2 at 3-5; exh. RRS-ANR-1.

Discussion

Under the terms of the ANR MOU, RRS agrees to CPG conditions that require compliance with best management practices and the Vermont Department of Environmental

Conservation Spills Program. To ensure no undue adverse impacts to ground and surface water source protection areas, I recommend that the Commission accept the terms of the MOU with respect to these requirements and adopt the proposed CPG conditions.

Waste Disposal

[10 V.S.A. § 6086(a)(1)(B)]

48. The Facility will meet all applicable health and the Vermont Department of Environmental Conservation regulations regarding the disposal of wastes and will not involve the injection of waste materials or any harmful or toxic substances into ground water or wells. This finding is supported by the additional findings below.

49. The Facility will involve limited waste disposal, with the majority associated with the construction phase. Construction will generate minor amounts of scrap and waste material, which will be disposed of or recycled at an approved disposal facility in accordance with Vermont Solid Waste Management Rules. Wyman pf. at 3; exh. RRS-SW-2.

50. Woody debris generated by any shrub and tree clearing will be chipped, piled, or transported off site or will be offered to the landowners for use as firewood. Wyman pf. at 3-4.

Water Conservation

[10 V.S.A. §§ 6086(a)(1)(C)]

51. The Facility will not have an undue adverse effect on water conservation because the Facility will not involve the regular use of water. Any water used during construction (*e.g.*, for dust control) will be limited and the water will be brought to the site. Carlson pf. at 19.

Flood Hazard Areas and River Corridors

[10 V.S.A. § 6086(a)(1)(D)]

52. The Facility will not restrict or divert the flow of floodwaters, cause or contribute to fluvial erosion, or endanger the health, safety, or welfare of the public or of riparian owners during flooding. This finding is supported by the additional findings below.

53. Portions of the Facility area are located within a FEMA Flood Zone A (100-year floodplain, or floodway fringe) and a river corridor associated with Trout Brook. Crary pf. at 6; exh. RRS-AC-2 at 5-6.

54. The Facility array entirely avoids floodway, floodway fringe, and river corridor areas. The access road crosses the FEMA mapped 100-year floodplain and a river corridor associated

with Trout Brook. The access road upgrades require a flood hazard and river corridor permit from the Vermont Department of Environmental Conservation. Crary pf. at 6; exh. RRS-AC-2 at 5-6; exh. RRS-ANR-1.

55. A flood hazard and river corridor permit will be obtained for the Facility before site preparation and construction. All Facility work will be performed in accordance with the terms and conditions of the permit. Crary pf. at 6-7; exh. RRS-AC-2 at 5-6; exh. RRS-ANR-1.

Discussion

Under the terms of the ANR MOU, RRS agrees to a CPG condition that requires a flood hazard and river corridor permit to be obtained before site preparation and construction. To ensure no undue impacts to flood hazard areas and river corridors, I recommend that the Commission accept the terms of the MOU with respect to the permit and adopt the proposed CPG condition.

Streams

[10 V.S.A. § 6086(a)(1)(E)]

56. The Facility will not have an undue adverse effect on streams. This finding is supported by the additional findings below.

57. The Facility area includes delineated perennial and intermittent stream channels, including a segment of Trout Brook and Enosburg Falls Reservoir, an impoundment of Trout Brook. Crary pf. at 7-8; exh. RRS-AC-2 at 6-7; exh. RRS-ANR-1.

58. The Facility array is sited to avoid all streams and riparian buffers, including the reservoir. The access road upgrades require work in Trout Brook at the culverted crossing and a stream alteration permit from the Vermont Department of Environmental Conservation and a general permit for work in federal waters from the U.S. Army Corps of Engineers. Crary pf. at 7-8; exh. RRS-AC-2 at 6-7; exh. RRS-ANR-1.

59. A stream alteration permit will be obtained for the Facility. All Facility work will be performed in accordance with the terms and conditions of the permit. Crary pf. at 7-8; exh. RRS-AC-2 at 6-7; exh. RRS-ANR-1.

60. The Facility will maintain the natural condition of all streams and will not endanger the health, safety, or welfare of the public or adjoining landowners. Crary pf. at 7-8; exh. RRS-AC-2 at 6-7; exh. RRS-ANR-1.

Discussion

Under the terms of the ANR MOU, RRS agrees to a CPG condition that requires a stream alteration permit to be obtained for the Facility. To ensure no undue adverse effects on streams, I recommend that the Commission accept the terms of the MOU with respect to the permit and adopt the proposed CPG condition.

Shorelines

[10 V.S.A. § 6086(a)(1)(F)]

61. The Facility will not have an undue adverse effect on any shorelines because the Facility is not located on a shoreline. Crary pf. at 8; exh. RRS-AC-2 at 7.

Wetlands

[10 V.S.A. § 6086(a)(1)(G)]

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

63. The Facility area includes delineated portions of ten wetlands; seven are Class 2 wetlands and three are Class 3 wetlands. Crary pf. at 9; exh. RRS-AC-2 at 7-8.

64. The Facility has been designed to first avoid and then minimize activity within Class 2 wetlands and wetland buffers. The Facility array and fence entirely avoid wetlands and buffers. Access road upgrades will have some effect on wetlands and wetland buffers that will require a wetland permit for activities that are not allowed uses under the Vermont Wetland Rules. Crary pf. at 9; exh. RRS-AC-2 at 7-8.

65. The distribution line upgrades for the Facility will require work in Class 2 wetland areas. The upgrades consist of in-kind pole replacements in wetlands and wetland buffers and the removal of a pole in a wetland. These are allowed uses under the Vermont Wetland Rules and do not require a wetland permit. Crary pf. at 11-12; exh. RRS-AC-3.

66. A Vermont wetlands permit will be obtained for the Facility. All Facility work will be performed in accordance with the terms and conditions of the permit. The distribution line upgrade activities will be reviewed under the wetlands permit process. Crary pf. at 9-12; exhs. RRS-AC-2 at 7-8; RRS-AC-3; and RRS-ANR-1.

67. For work within Class 2 wetlands and buffer zones that qualify as allowed uses under the Vermont Wetland Rules, construction and operation of the Facility will comply with best

management practices developed by ANR related to the allowed use to prevent discharges to waters of the state, and to maintain the integrity of wetlands and associated waters. Crary pf. at 9-12; exhs. RRS-AC-2 at 7-8; RRS-AC-3; and RRS-ANR-1.

68. The Facility will not violate the rules of ANR related to significant wetlands. Crary pf. at 9-12; exhs. RRS-AC-2 at 7-8; RRS-AC-3; and RRS-ANR-1.

Discussion

Under the terms of the ANR MOU, RRS agrees to a CPG condition that requires a wetland permit to be obtained for the Facility and requires compliance with best management practices related to allowed uses. To maintain the integrity of wetlands and associated waters, I recommend that the Commission accept the terms of the MOU with respect to the wetlands and adopt the proposed CPG condition.

Sufficiency of Water and Burden on Existing Water Supply

[10 V.S.A. §§ 6086(a)(2) and (3)]

69. The Facility will not cause an unreasonable burden on an existing water supply because the Facility will not involve the regular use of water. Any water used during construction will be limited and the water will be brought to the site. Carlson pf. at 19.

Soil Erosion

[10 V.S.A. § 6086(a)(4)]

70. The Facility 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.

71. Facility construction does not require substantial grading. Earthwork will be required for the installation of the access road and stormwater improvements, including the Trout Brook stream crossing area. Carlson pf. at 10; exh. RRS-SC-2.

72. The distribution line upgrades for the Facility will not require excavation or grading and will have limited soil disturbance associated with pole replacements. Vegetation clearing will not occur beyond the existing corridor management and maintenance activities. Carlson pf. at 15-16; exh. RRS-AC-3.

73. Facility construction involves more than one acre of earth disturbance that will require a construction stormwater permit before the start of site preparation or construction.

Wyman pf. at 5-6; exhs. RRS-SW-2 and RRS-SC-2.

74. The Facility will create some new impervious surfaces and will treat stormwater runoff from new impervious surfaces. The new and existing impervious surfaces at the site will result in more than one acre of impervious surfaces. A permit under Vermont's operational phase stormwater discharge program will be required for the Facility. Wyman pf. at 6; exhs. RRS-SW-2, RRS-SC-2, and RRS-ANR-1.

75. A construction stormwater permit and an operational phase stormwater discharge permit will be obtained for the Facility. All Facility work will be done in accordance with the terms and conditions of the permits. Wyman pf. at 6; exhs. RRS-SW-2, RRS-SC-2, and RRS-ANR-1.

Discussion

Under the terms of the ANR MOU, RRS agrees to CPG conditions that require a construction stormwater permit and an operational stormwater permit be obtained for the Facility. To avoid stormwater discharge and soil erosion, I recommend that the Commission accept the terms of the MOU with respect to the permit and adopt the proposed CPG conditions.

Transportation

[10 V.S.A. § 6086(a)(5)]

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

77. Construction materials will be delivered to the Facility site through Reservoir Road and other state and local roads that are accustomed to construction-type traffic. Carlson pf. at 19.

78. Facility construction is not expected to require oversize or overweight deliveries, road closures or lane shutdowns for extended periods, and other long-term interruptions to highways or local roads. Carlson pf. at 19.

Educational Services

[10 V.S.A. § 6086(a)(6)]

79. The Facility will not place an unreasonable burden on the ability of a municipality to provide educational services because the Facility will not require or affect educational services. Carlson pf. at 20.

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

80. The Facility will not place an unreasonable burden on the ability of the affected municipality to provide municipal or government services because the Facility will not require or affect local services. Carlson pf. at 20.

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

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

Aesthetics

82. The Facility site is undeveloped and contains some agricultural fields and some wooded areas. The Facility will occupy approximately 10.5 acres, and approximately 5.4 acres of trees will be cleared for the Facility. The tree clearing includes an existing hedgerow along the center of the array and a wooded area towards the western side of the site. Carlson pf. at 5 and 8; exhs. RRS-SC-2 and exh. RRS-MB-2.

83. The Facility requires upgrades to the existing three-phase distribution line between the Facility site and the Village of Enosburg Falls. Vegetation clearing will not occur beyond the existing corridor management and maintenance area. Carlson pf. at 15-16; exh. RRS-AC-3.

84. The Facility is sited to take advantage of the surrounding landform and vegetation to avoid visibility from the surrounding area. Buscher pf. at 5-7; exh. RRS-MB-2.

85. The Facility is set back approximately 700 feet from the nearest roadway, Reservoir Road. The existing vegetation and landform will screen the Facility in all directions. Buscher pf. at 5-7; exh. RRS-MB-2.

86. The Facility will not be readily visible from any public roads or areas or any nearby residences. Additional landscaping would not mitigate views. Buscher pf. at 5-7; exh. RRS-MB-2.

87. A portion of the Facility is on land that could be considered open space and public property. Public access to the property is minimal, and recreation is not a significant component of the property. Buscher pf. at 5-7; exh. RRS-MB-2.

88. Because the Facility will occupy approximately 10.5 acres of an existing agricultural field and wooded area, will require approximately 5.4 acres of tree clearing, and will partially occupy a public area, the Facility represents a change to the existing setting and thus is adverse to the aesthetics and scenic and natural beauty of the area. Carlson pf. at 5-8; exhs. RRS-SC-2 and RRS-MB-2.

89. The Facility does not violate a clear written community standard in the town plan and regional plan intended to preserve the aesthetics and scenic beauty of the area. Buscher pf. at 3-6; exh. RRS-MB-2.

90. The Facility will not offend the sensibilities of the average person, be shocking or offensive because it is out of character with its surroundings, or significantly diminish the scenic qualities of the area. Buscher pf. at 3-6; exh. RRS-MB-2.

91. The Facility will have limited or no visibility and will incorporate strategies that mitigate the prominence of the solar array. The Facility uses setbacks and surrounding landform and vegetation to limit visibility. Buscher pf. at 3-6; exh. RRS-MB-2.

92. The Facility will not have an undue adverse impact on the aesthetic or scenic or natural beauty of the area. Buscher pf. at 3-6; exh. RRS-MB-2.

Discussion

I recommend that the Commission find that the Facility will have an adverse impact on the aesthetics of the area, but that the impact will not be undue.

In determining whether a proposed facility satisfies the aesthetics criterion contained in 30 V.S.A. § 248(b)(5), the Commission applies the so-called “Quechee test.”

The first step of the two-part test is to determine whether a facility would have an adverse impact on aesthetics and the scenic and natural beauty of an area because it would not be in harmony with its surroundings. Specific factors used in making this evaluation include the nature of the facility’s surroundings, the compatibility of the facility’s design with those surroundings, the suitability of the facility’s colors and materials with the immediate environment, the visibility of the facility, and the impact of the facility on open space. If the facility does not have an adverse effect on aesthetics because it is in harmony with its surroundings, then the facility satisfies the aesthetics criterion. If a facility would have an adverse effect on aesthetics, such adverse impact will be found to be undue if any one of the

three following questions is answered affirmatively: (a) Would the facility violate a clear, written community standard intended to preserve the aesthetics or scenic, natural beauty of the area? (b) Would the facility offend the sensibilities of the average person? (c) Have the applicants failed to take generally available mitigating steps that a reasonable person would take to improve the harmony of the proposed facility with its surroundings?³

In addition, the Commission's consideration of aesthetics under Section 248 is "significantly informed by overall societal benefits" of the facility.⁴

The Facility will introduce a large mass of solar panels and related infrastructure into an existing agricultural field and wooded area. The Facility will occupy approximately 10.5 acres and will require approximately 5.4 acres of tree clearing. The elements introduced into this environment by the Facility would be out of context and therefore would have an adverse impact on the aesthetics and scenic and natural beauty of the area.

While I recommend that the Commission find that the Facility will have an adverse impact on the aesthetics of the area, I also recommend that the Commission find that the impact will not rise to the level of being undue. As explained in the findings above, the testimony and exhibits demonstrate that the Facility will not violate any clear, written community standards in either the town or regional plan. The Facility will have limited or no visibility from any public roads or areas and any nearby residences. The Facility uses setbacks and surrounding landform and vegetation to limit visibility. Therefore, the Facility will not be shocking or offensive to the average viewer. Lastly, because of the way the Facility is sited, no further landscaping is needed to mitigate views.

Historic Sites

93. There are several above-ground historic resources that are listed or may be eligible to be listed on the State Historical Register that are in proximity to the Facility. The Facility site will not be visible from any of these properties. Buscher pf. at 7; exh. RRS-MB-3.

94. A phase I archaeological site identification survey was conducted for the Facility. The phase I survey identified the need for a phase II survey in certain areas. Carlson pf. at 21.

³ *Amended Petition of UPC Wind*, Docket 7156, Order of 8/8/07, at 64-65.

⁴ *In re: Northern Loop Project*, Docket 6792, Order of 7/17/03, at 28.

95. Phase II work and any further necessary archaeological investigations will be conducted for the Facility. RRS will work with the Vermont Division for Historic Preservation (“DHP”) to determine whether any mitigation measures are necessary. Any archaeological sites within the Facility area will not be disturbed until mitigation measures have been completed. Carlson pf. at 21.

96. In consultation with DHP, RRS agrees to avoidance and minimization measures that will protect any archaeological resources identified in the Facility area. Carlson pf. at 21.

97. The Facility will not have an undue adverse effect on archaeological resources provided that the avoidance and minimization measures are implemented. Carlson pf. at 21.

Discussion

The phase I archaeological resource assessment completed for the Facility identified the need for a phase II survey in certain areas. In consultation with DHP, RRS agrees to CPG conditions that require the completion of additional archaeological investigations and the implementation of avoidance and minimization measures to protect any archaeological resources identified in the Facility area. To ensure no undue adverse effect on archaeological resources, I recommend that the Commission adopt the proposed CPG conditions.

Rare and Irreplaceable Natural Areas

98. The Facility will not have an undue adverse effect on rare and irreplaceable natural areas because there are no rare and irreplaceable natural areas within the Facility area. Crary pf. at 10; exh. RRS-AC-2.

Necessary Wildlife Habitat and Endangered Species

[10 V.S.A. § 6086(a)(8)(A)]

99. The Facility will not have an undue adverse effect on any endangered species or necessary wildlife habitat. This finding is supported by the additional findings below.

100. There are no rare, threatened, or endangered plant species within or adjacent to the Facility site. Crary pf. at 10; exh. RRS-AC-2.

101. The Facility area is within the summer range of the northern long-eared bat, but there are no mapped occurrences of the species or hibernacula within a three-mile radius of the Facility area. Because the Facility will affect less than one percent of suitable forested habitat

within one mile, no additional conservation measures are required for the northern long-eared bat. Crary pf. at 10; exh. RRS-AC-2.

102. There is no necessary wildlife habitat within or adjacent to the Facility site except two potential vernal pools. The Facility array will avoid the vernal pools and the 100-foot pool buffer. Facility upgrades to the existing access road and reconductoring of the overhead line will be within the buffer. Neither activity will destroy or significantly imperil the habitat. The Facility will not create a new barrier to amphibian movement, and the immediate areas surrounding the pool will remain forested and allow seasonal migrations to and from the pool. Crary pf. at 10; exh. RRS-AC-2.

Development Affecting Public Investments

[10 V.S.A. § 6086(a)(9)(K)]

103. The Facility will not unnecessarily or unreasonably endanger any public or quasi-public investment in a 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 any such facility, service, or lands. This finding is supported by the additional findings below.

104. The Facility will not interfere with the public's use of the closest municipal road, Reservoir Road, other than temporary and minor traffic impacts during construction. Carlson pf. at 24.

105. The Facility will not unnecessarily or unreasonably endanger the two public water source wells on the Facility parcels or the Enosburg Falls Reservoir adjoining the property. Carlson pf. at 24.

Public Health and Safety

[30 V.S.A. § 248(b)(5)]

106. The Facility will not have any undue adverse effects on the health, safety, and welfare of the public. This finding is supported by the additional findings below.

107. The Facility will comply with the National Electric Code and the National Electrical Safety Code. Carlson pf. at 16.

108. The Facility will be surrounded by a locked perimeter fence and will be marked with appropriate electrical warning signs. Carlson pf. at 16-17.

109. The Facility will use anti-reflective coating on panels to reduce the potential for glare. Carlson pf. at 16-17.

110. A small length of the buried electric line will run beyond the fence line of the Facility before transitioning overhead to the new utility poles south of the Facility entrance. Any underground electric lines owned or controlled by the Facility will be registered with Dig Safe and comply with Commission Rule 3.800 for the lifetime of the Facility. Carlson pf. at 7; Department Comments.

Discussion

In consultation with the Department, RRS agrees to a CPG condition that requires any underground electric lines owned or controlled by the Facility to be registered with Dig Safe. To protect public safety, I recommend that the Commission adopt the proposed CPG condition.

Primary Agricultural Soils

[30 V.S.A. § 248(b)(5)]

111. The Facility will not have any undue adverse effects on primary agricultural soils as defined in 10 V.S.A. § 6001. This finding is supported by the additional findings below.

112. Facility construction will temporarily affect approximately 1.1 acres of primary agricultural soils. Approximately 5.6 acres of primary agricultural soils will be permanently affected by the Facility. Additionally, the Facility may have up to 7.8 acres of indirect impacts. Wyman pf. at 7; exhs. RRS-SW-3 and RRS-AAFM-1.

113. Under the terms of the AAFM MOU, RRS agrees to implement measures during the construction and operation of the Facility that will protect any primary agricultural soils that are affected by the Facility. Wyman pf. at 7; exhs. RRS-SW-3 and RRS-AAFM-1.

114. For primary agricultural soils temporarily disturbed during construction, soils will be stockpiled on site by soil map horizon and then replaced at the end of construction in the reverse order of excavation. For primary agricultural soils permanently disturbed during operation, the soils will be stockpiled by soil map horizon. The stockpiled soils will be managed through stabilization measures and located within the perimeter fence. During decommissioning, the Facility will be returned to its current condition and stockpiled soils will be replaced in reverse order. Wyman pf. at 7; exhs. RRS-SW-3 and RRS-AAFM-1.

115. The Facility will not have an undue adverse effect on primary agricultural soils provided that the conditions identified in the AAFM MOU are implemented. Wyman pf. at 7; exhs. RRS-SW-3 and RRS-AAFM-1.

Discussion

Under the terms of the AAFM MOU, RRS agrees to CPG conditions that implement measures to minimize impacts on primary agricultural soils during the construction and operation of the Facility. To minimize impacts on any primary agricultural soils in the Facility area, I recommend that the Commission accept the AAFM MOU and adopt the proposed CPG conditions.

Compliance with Twenty-Year Electric Plan

[30 V.S.A. § 248(b)(7)]

116. The Facility is consistent with the 2022 Comprehensive Energy Plan approved by the Department under 30 V.S.A. § 202(f). This finding is supported by the additional findings below.

117. The Department has determined pursuant to 30 V.S.A. § 202(f) that the Facility is consistent with the 2022 Comprehensive Energy Plan. Department's determination under 30 V.S.A. § 202(f).

118. The Facility is consistent with the main objectives of the Comprehensive Energy Plan, which calls for meeting Vermont's long-term energy needs with renewable resources. The Facility will be new generation contributing to VPPSA's RES obligations. Carlson pf. at 23-24.

119. The Utilities MOU is consistent with the recommendations of the Comprehensive Energy Plan to consider economic mitigation fees in grid-constrained areas such as the SHEI. Carlson pf. supp. (2/21/25) at 2-4; exh. RRS-SC-10.

Existing or Planned Transmission Facilities

[30 V.S.A. § 248(b)(10)]

120. The Facility can be served economically by existing or planned transmission facilities without undue adverse effects on Vermont utilities or customers. This finding is supported by the additional findings below.

121. The Facility will not require any upgrades to the transmission facilities. The Facility will not have undue adverse effects on Vermont utilities or customers provided that the

requirements identified in the system impact study are implemented. Carlson pf. at 15-16 and 25; exh. RRS-SC-5.

122. The payment of the grid-adjustor fee provides mitigation measures to offset potential impacts resulting from the Facility's location within the SHEI area. The Utilities MOU contains provisions to protect against undue impacts related to congestion of the electrical transmission system. Carlson pf. supp. (2/21/25) at 2-4; exh. RRS-SC-10.

Minimum Setback Requirements

[30 V.S.A. § 248(s)]

123. The Facility complies with Vermont's statutory setback requirements for ground-mounted solar electric generation facilities because the Facility's solar panels or support structures for the solar panels are 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 Facility spans two parcels, RRS has obtained a waiver from both parcel owners and the Town of Berkshire has agreed to the Facility's location across portions of both parcels. Carlson pf. at 26; exhs. RRS-SC-2; RRS-SC-8.

Decommissioning Cost Estimate and Letter of Credit

124. When the Facility is at the end of useful life and no longer in service, the Facility will be removed and the site will be restored to the condition that existed before installation, to the greatest extent practicable, as required under Commission Rule 5.904(B). Carlson pf. at 26-27; exh. RRS-SC-9 (Rev.).

125. The decommissioning plan for the Facility includes a detailed cost estimate that estimates that the cost of decommissioning will be \$90,440 at current rates. The cost estimate does not take any salvage value into account.

126. The decommissioning plan included a draft irrevocable standby letter of credit that complies with Commission Rule 5.900 to secure the decommissioning commitment. Carlson pf. at 27; Exh. RRS-SC-9 (Rev.).

127. The decommissioning fund for the Facility 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"). Carlson pf. at 27; exh. RRS-SC-9 (Rev.).

128. Before commencing construction, RRS will file and receive Commission approval of an executed letter of credit. Carlson pf. at 27; exh. RRS-SC-9 (Rev.).

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.

RRS has submitted a plan for decommissioning the Facility with a detailed cost estimate of \$90,440 to decommission the Facility. RRS has also submitted a draft irrevocable standby letter of credit and drawing certificate that complies with Commission requirements regarding letters of credit. Therefore, I recommend that the Commission include in the CPG for the Facility conditions requiring compliance with the terms and conditions of the proposed decommissioning plan and relevant provisions of Commission Rule 5.904(B).

IV. 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 30 V.S.A §§ 209(d), 218c, and 218(b);

(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) 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;

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

(h) 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;

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

(j) 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: August 20, 2025



Mary Jo Krolewski
Hearing Officer

V. ORDER

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 2.375 MW AC solar facility (the “Facility”) proposed for construction and operation by Reservoir Road Solar, LLC (the “CPG Holder”) at 640 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 will be issued in this matter.

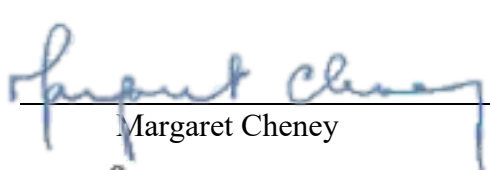
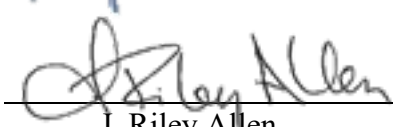
3. The memorandum of understanding between the CPG Holder and the Vermont Agency of Natural Resources is accepted. The CPG Holder must comply with all the terms of the memorandum of understanding.

4. The memorandum of understanding between the CPG Holder and the Vermont Agency of Agriculture, Food and Markets is accepted. The CPG Holder must comply with all the terms of the memorandum of understanding.

5. The memorandum of understanding among the CPG Holder, Green Mountain Power Corporation, Washington Electric Cooperative, Inc., and Vermont Electric Cooperative, Inc. is accepted. The CPG Holder must comply with all the terms of the memorandum of understanding.

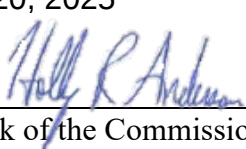
6. As a condition of this order, the CPG Holder must comply with all terms and conditions set out in the CPG issued in conjunction with this order.

Dated at Montpelier, Vermont, this 20th day of August, 2025.

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

OFFICE OF THE CLERK

Filed: August 20, 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. 24-3571-PET - SERVICE LIST

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