

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	
---	--

Entered: 08/20/2025

CERTIFICATE OF PUBLIC GOOD (“CPG”) ISSUED
PURSUANT TO 30 V.S.A. § 248

IT IS HEREBY CERTIFIED that the Vermont Public Utility Commission (“Commission”) this day found and adjudged that the site preparation, construction, operation, and maintenance of a 2.375 MW (AC) solar electric generation facility at 640 Reservoir Road in Berkshire, Vermont (the “Facility”), by Reservoir Road Solar, LLC (“CPG Holder”), in accordance with the evidence and plans submitted in this proceeding, will promote the general good of the State, subject to the following conditions:

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

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

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

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

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

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

7. In the event the CPG Holder owns and controls a portion of the underground primary voltage line that is located outside the Facility fence line, as depicted on exhibit RRS-SC-2 at C2.00, the CPG Holder must register with Dig Safe and comply with 30 V.S.A. Chapter 86 and Commission Rule 3.8000 for the life of the Facility.

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

9. Before operating the Facility, the CPG Holder must enter into an interconnection agreement with Village of Enosburg Falls Electric Light Department that conforms to the requirements of Public Utility Commission Rule 5.500. The CPG Holder is responsible for the cost of electrical system upgrades reasonably necessary to implement interconnection of the Facility and such other costs appropriately submitted to the CPG Holder in accordance with Commission Rule 5.500.

10. The CPG Holder must comply with the terms of the memorandum of understanding between the CPG Holder and ANR (“ANR MOU”) filed on May 23, 2025, and entered into the record as exhibit RRS-ANR-1.

11. Before beginning site preparation or construction, the CPG Holder must obtain from ANR authorization for the Facility under a Construction General Stormwater Discharge Permit 3-9020 or an Individual Construction Stormwater Permit. All Facility work must be performed in accordance with the terms and conditions of the permit and any subsequent amendments.

12. Before beginning site preparation or construction, the CPG Holder must obtain from ANR authorization for the Facility under Operational Stormwater Permit 3-9050. All Facility work must be performed in accordance with the terms and conditions of the permit and any subsequent amendments.

13. Before beginning site preparation or construction, the CPG Holder must obtain from ANR authorization for the Facility under a Flood Hazard Area and River Corridor Permit. All facility work shall be performed in accordance with the terms and conditions of the permit and any subsequent amendments.

14. Before beginning site preparation or construction, the CPG Holder must obtain from ANR authorization for the Facility under a Stream Alteration Permit. All Facility work must be performed in accordance with the terms and conditions of the permit and any subsequent amendments.

15. Before beginning site preparation or construction, the CPG Holder must obtain from ANR authorization for the Facility under a Vermont Wetland Permit. All Facility work requiring a Vermont Wetland Permit must be performed in accordance with the terms and conditions of the permit and any subsequent amendments. For aspects of the Facility within Class II wetland and buffer zones which otherwise qualify as allowed uses under Section 6.8 of the Vermont Wetland Rules (applicable to the routine repair and maintenance of utility poles, lines and corridors), the CPG Holder must ensure the work is conducted in accordance with Best Management Practices developed by ANR related to the allowed use. Such work must be conducted in a manner which minimizes adverse impacts to prevent discharges to waters of the State, and to maintain the integrity of wetlands and associated waters.

16. The CPG Holder must comply with the following 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, WSID VT0005116, and water supply wells, WL001 and WL002.

- a. Maintenance and refueling of construction and service equipment for the Facility must not be conducted within 200 feet of water supply wells WL001 and WL002.
- b. Facility construction vehicles and equipment must not remain overnight within 200 feet of water supply wells WL001 and WL002.

- c. Chemicals and fuels, except for natural gas or propane or any chemicals that are utilized by the water system, must not be stored within 200 feet of water supply wells WL001 and WL002.
- d. Application of nitrogen, pesticides and herbicides must not be conducted within 200 feet of water supply wells WL001 and WL002.
- e. All pole-mounted transformers located within 200 feet of water supply wells WL001 and WL002 must be filled with nontoxic coolants and shall not contain PCBs.
- f. All pad-mounted transformers, and all ground-mounted structures that contain hazardous materials, must be located at least 200 feet from water supply wells WL001 and WL002 unless approved by the Enosburg Falls Water System and Department of Environmental Conservation Drinking Water and Groundwater Protection Division. Facility-related fluid-filled, pad-mounted transformers must be designed with secondary containment. Secondary containment for liquid hazardous materials must be based on a design sized to hold a minimum of 110% of the liquid volume plus five inches of freeboard. The CPG Holder must perform periodic inspections at least every five years of the secondary containment system and must maintain the system in good working order. Inspections must be conducted by someone knowledgeable as to the design and purpose of the system and with sufficient experience to assess whether the system is functioning properly.
- g. The use of road salts and deicing agents within 200 feet of water supply wells WL001 and WL002 is prohibited.
- h. Paved roads must not be constructed within 200 feet of water supply wells WL001 and WL002.

17. If a spill or release of any hazardous material occurs at the Facility site, the CPG Holder or their representative must immediately report the event to the Department of Environmental Conservation Spills Program and the SPA's water system owner or operator. Reporting must be made during business hours (Monday through Friday 7:45AM to 4:30PM) by calling 802-828-1138 and after hours by calling 800-641-5005, 24-Hour HAZMAT Hotline. For any spill that affects or potentially affects surface water, the CPG Holder or their representative

must also report to the National Response Center by calling 800-424-8802. Any person reporting a release must speak directly with a Spills Program representative and cannot report by email, text, or other written form of communication. The person reporting a release must provide the water system identification number VT0005116 (Enosburg Falls Water System) to the Spills Program. The CPG Holder must provide instructions, with contact phone numbers, for reporting any hazardous material release to all contractors for the Facility and those instructions must be visibly displayed at the Facility site

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

19. The CPG Holder must remove the facilities authorized by this CPG once it is no longer in service and must restore the site to its condition before installation of the Facility to the greatest extent practicable, consistent with the terms and conditions of its proposed decommissioning plan, identified in the evidentiary record as exhibit RRS-SC-9 (Rev.).

20. Before beginning site preparation, the CPG Holder must file with the Commission and obtain Commission approval for an executed letter of credit or other form of financial security in the amount of \$90,440. The letter of credit must be an irrevocable standby letter of credit that: (i) names the Commission as the sole beneficiary of the letter of credit; (ii) is issued by an A-rated financial institution; (iii) includes an automatic extension provision or “evergreen clause”; and (iv) is bankruptcy remote. If the CPG Holder elects to establish the fund using an alternative form of financial security, that security must be established solely for the benefit of the Commission.

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

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

23. The Facility's standby letter of credit or other form of financial security must be adjusted every three years to reflect changes to the decommissioning fund as provided in condition 20, above. Revisions must be made no later than February 28 in conjunction with the report required pursuant to condition 21, above. The Commission may require more frequent adjustments due to facility or site conditions.

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

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

26. The CPG Holder must conduct archaeological investigation(s) and prepare related reports to identify, evaluate, and mitigate, if necessary, impacts to archaeological sites within the Facility area. The CPG Holder's archaeological consultant must submit any scope of work to the Vermont Division for Historic Preservation ("DHP") for review and approval before commencing the work.

27. Before the completion of all relevant archaeological investigations, the CPG Holder, in consultation with DHP, must identify the Facility area as a not-to-be-disturbed archaeological buffer zone. Topsoil removal, grading, scraping, cutting, filling, stockpiling, logging, or any other type of ground disturbance is prohibited within the archaeological buffer zones until all necessary archaeological work is completed. Agricultural cultivation consistent with past practices to facilitate the archaeological review will not constitute ground disturbance.

28. All relevant archaeological studies to identify, evaluate, or mitigate impacts to archaeological sites must be carried out by a qualified consulting archaeologist. All such studies and associated reports shall follow the DHP Guidelines for Conducting Archaeological Studies in Vermont (2017). A digital copy of the final report will be submitted to DHP. Any archaeological reports submitted to the Commission must have specific archaeological site

locational information redacted in accordance with 22 V.S.A. § 761(b) and 1 V.S.A. § 317(c) (20).

29. The archaeological investigations must be scheduled so that mitigation measures, if any are determined to be necessary, can be satisfactorily planned and accomplished before site preparation and construction of the Facility. Any archaeological sites within the Facility area must not be disturbed until mitigation measures have been completed. Proposed mitigation measures must be approved by DHP before implementation. Mitigation may include but is not limited to further site evaluation, data recovery, or modification of the buffer zone boundaries or the specific conditions that refer to the same.

30. The CPG Holder must comply with the terms of the memorandum of understanding between the CPG Holder and the Vermont Agency of Agriculture, Food and Markets (“AAFM MOU”) filed on May 23, 2025, and entered into the record as exhibit RRS-AAFM-1.

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

32. For areas of primary agricultural soils disturbance on the Facility site, the CPG Holder must comply with the Vermont Agency of Agriculture, Food and Farm Markets’ Act 250 Procedure: Reclamation of Vermont Agricultural Soils (“AAFM Guidelines”) (rev. Oct. 30, 2014). The CPG Holder must comply with the AAFM Guidelines when sequencing returned soils at the conclusion of construction or project decommissioning. The requirements of this paragraph will not apply to driven piles or posts to support the solar array, fence posts, and any other driven posts necessary to support infrastructure without the use of concrete or masonry.

33. In areas of tree clearing and grubbing for the Facility, any grubbing must occur simultaneously with tree cutting and other construction activities. The process of grubbing must involve removal of tree stumps and roots to facilitate Facility construction, using light equipment such as a skid steer or small excavator. Grubbing in the proposed tree cutting/grubbing area must minimize soil disturbance to include only what is necessary to effectively remove tree stumps and woody debris to construct the Facility. Tree stumps that are removed must be shaken

clean over the area from which they were removed. Stumps must either be chipped or ground up. Chips and ground wood must be used to fill any minor depressions in areas from which trees were removed, widely dispersed so as not to form significant piles, and/or transported off the site for proper disposal. Wood in any form must not be piled on the site after construction is complete.

34. If installing electric conduit or other features with fill or other imported material of any kind in areas of primary agricultural soils, the CPG Holder must remove soil in a manner that separates soil horizons, stockpile the layer(s) displaced by the layer of imported material for the life of the Facility, and replace the remaining soil horizons in their original sequence to fill the trench after installation of the conduit or other features. When decommissioning, the CPG Holder must excavate and replace soil horizons in the same way, this time removing the conduit (or other features) and imported material and replacing it with the stockpiled layer(s) that the imported material previously displaced. If no imported material is used, no stockpiling will be required for the associated excavation, so long as the CPG Holder ensures that any primary agricultural soils removed during construction and again during decommissioning are replaced in a manner that retains the integrity of the primary agricultural soils and the proper sequencing of soil horizons consistent with AAFM Guidelines.

35. Except for grading to create the access road, stormwater features and conveyance, and tree planting, the Facility must not include any grading of primary agricultural soils. Any fill or gravel used for roads or staging areas must be separated from native soils by a suitable barrier such as geotextile fabric.

36. To reduce impacts to primary agricultural soils from soil compaction, the CPG Holder must not use any vehicle or equipment with an axle load (the fraction of the gross weight distributed over each axle) of over 12,000 pounds on wet soils. Wet soils exist when the site has seen a higher-than-average rainfall for a trailing 30-day period, based on National Weather Service or similar state or federal rainfall data. This prohibition will not apply to the use of any onsite gravel roads that are constructed with geotextile fabric, a minimum of 10 inches of gravel, and a one inch or thicker cap of crushed aggregate.

37. Before construction and again at the end of decommissioning for the Facility, the CPG Holder must test bulk density of the soil on each mapped soil unit containing primary

agricultural soils within the Facility limits to ensure that the primary agricultural soils on the site are materially the same after the Facility as they were before construction. “Materially the same” means an increase in soil bulk density of no more than 10 percent.

38. The CPG Holder must undertake the soil tests and mitigate any material change in soil bulk density as follows:

- a. Before construction, for each area of direct impact such as staging areas, access roads, and any area on the Facility site where axle loads (the fraction of the gross weight distributed over each axle) of construction vehicles or equipment will exceed 12,000 pounds per vehicle, the CPG Holder must collect two soil samples at least 100 feet apart and test them using the method “Bulk Density Test” described in the Natural Resources Conservation Service “Soil Quality Test Kit Guide.”
- b. In any areas of primary agricultural soils on the Facility site where axle loads of construction vehicles or equipment will not exceed 12,000 pounds, the CPG Holder must collect and test one sample for each mapped soil unit before construction and must otherwise follow the same testing protocols.
- c. At the end of the decommissioning process, the CPG Holder must repeat the testing at the same locations tested before construction. If the post-decommissioning soil bulk density for any sample shows an increase in soil bulk density from preconstruction soil bulk density that is greater than 10 percent, then the CPG Holder must conduct agricultural subsoiling and/or other strategies to decompact soil until soil bulk density is materially the same as it was before Facility construction.
- d. The CPG Holder must serve test results upon the Vermont Agency of Agriculture, Food and Markets within 60 days of the test, as follows: (a) by email to counsel of record in this matter, as listed in the Commission records at the time of service; and (b) by email to AGR.Notice@vermont.gov, as may be updated in the Commission records at the time of service.

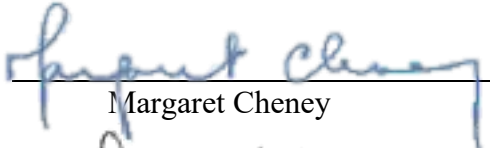
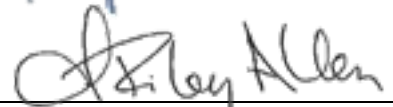
39. The CPG Holder must comply with the terms of the memorandum of understanding between the CPG Holder and Green Mountain Power Corporation, Washington Electric Cooperative, Inc., and Vermont Electric Cooperative, Inc. (“VEC”) (collectively “Distribution Utility Parties”) filed on February 21, 2025, and entered into the record as exhibit RRS-SC-10.

40. Within 10 days of commissioning the Facility, and receipt of a written permission to operate notice from the interconnecting utility, the CPG Holder must pay to VEC \$29,806.25 by Automated Clearing House or wire. VEC must confirm receipt of funds within three business days and subsequently distribute the funds among the Distribution Utility Parties pursuant to a separate allocation agreement. The CPG Holder's failure to comply with this condition will result in revocation of the CPG without further action by the Distribution Utility Parties or the Commission. Failure to comply with this condition will also allow the interconnecting utility to disconnect the Facility from its system without further notice. This provision supersedes any term or condition contained in an interconnection rule or agreement

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

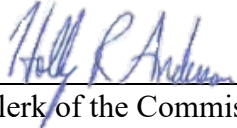
42. This CPG may not be transferred without prior approval of the Commission.

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

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

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)

PUC Case No. 24-3571-PET - SERVICE LIST

Parties:

Matthew Bakerpoole
Vermont Department of Public Service
112 State Street
2nd Floor
Montpelier, VT 05620
matthew.bakerpoole@vermont.gov

(for Vermont
Department of Public
Service)

Malachi T. Brennan
SRH Law PLLC
91 College Street
PO Box 545
Burlington, VT 05401
mbrennan@srhlaw.com

(for Reservoir Road
Solar, LLC)

Donald J. Einhorn, Esq.
Vermont Agency of Natural Resources
1 National Life Drive, Davis 2
Montpelier, VT 05602-3901
donald.einhorn@vermont.gov

(for Vermont Agency
of Natural Resources)

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

(for Agency of
Agriculture, Food &
Markets)

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

(for Reservoir Road
Solar, LLC)