

To: Ms. Holly Anderson, Clerk
Vermont Public Utility Commission
112 State Street, 4th Floor
Montpelier, VT 05602

Date: September 5, 2025

Re: Case No. 25-1253-INV – Comments on the Definition of "Plant"

Dear Clerk Anderson,

The five below organizations write to express our enthusiastic endorsement of the proposed revised definition for the term "plant" that Renewable Energy Vermont (REV) submitted in this docket on July 17, 2025.

As several of our organizations described to the House Energy and Digital Infrastructure Committee this past spring, the current definition creates perverse outcomes that are contrary to Vermont's established climate, energy, and land use goals. While well-intentioned, and serving a meaningful purpose when first enacted, it has more recently created a regulatory environment that often discourages the most efficient use of our landscape and drives up the cost of clean energy with no discernible public benefit. REV's proposal offers a clear, logical, and necessary course correction.

Our comments below are structured to align with the Commission's order opening this investigation.

Land Use Benefits

Adopting this proposal would produce substantial advantages for our state's landscape. It would enable a more intelligent approach to siting renewables by allowing solar arrays to be concentrated in suitable locations at lower cost and with fewer regulatory barriers than currently exist. This naturally steers development toward areas with favorable characteristics, such as easy grid access, minimal to no aesthetic impact, away from more sensitive lands, and located on previously developed or disturbed lands. It allows us to get more clean energy from the sites best suited to host it.

Vermont's current policy has the unintended consequence of compelling developers to construct parallel roads and interconnection lines to avoid violating the prohibition on "common equipment and infrastructure." This practice results in needless landscape fragmentation and inefficient project layouts. The proposed update would eliminate this wasteful dynamic, thereby reducing the overall land footprint required to meet our state's renewable energy targets and better serving our vital open spaces and forests.

Ensuring Comprehensive Review

Our organizations firmly believe that these proposed revisions will not diminish the Commission's capacity for thorough project oversight.

First, the proposal appropriately preserves the existing review framework for the net-metering and standard offer programs, which are the primary vehicles for smaller-scale distributed generation – and the only state-created procurement programs. The protections and review standards for these projects, including aesthetic review, remain entirely unchanged.

Second, for larger facilities, the economic realities of the CPG process itself serve as a powerful check on any attempt to manipulate review standards. It would be financially irrational for a developer to pursue multiple, separate CPGs for a single project site. The significant expense and effort required for multiple interconnection studies and legal filings would far exceed any marginal savings on application fees. The CPG process is already a significant and costly undertaking that provides more than enough incentive for developers to size their projects to the maximum capacity of a given site, ensuring they fall into the appropriate review categories.

The Commission's authority under Section 248 remains robust, providing a durable backstop to protect the public interest.

Impacts to Ratepayers

Ultimately, this proposal will provide a direct financial benefit to Vermonters by reducing the expense of building new solar. The current regulation artificially increases project budgets by forcing developers to fund superfluous infrastructure and navigate legal ambiguity.

Allowing for more logical site development will produce cost efficiencies. In the state's competitive energy market, these lower costs will translate into savings for utilities, which in turn will benefit Vermont ratepayers. This reform is an excellent example of how we can achieve our climate mandates in the most affordable way possible.

Limiting the scope of single plant rulings is even more important given that land use for solar will increase due to the in-state distributed generation mandates of Act 179 of 2024. Act 179 also cleared a major barrier to reforming the single plant statute by eliminating off site net metering. The PUC has often referenced the need for single plant language to protect ratepayers from higher costs resulting from larger solar projects being divided into smaller net metering projects. REV's proposal offers a clear, logical, and necessary course correction to meet these requirements.

Conclusion

The definition of "plant" is an important aspect of how Vermont regulates renewables. As it stands, the definition creates the counterproductive outcome of making clean solar power more costly and land-intensive than necessary. The sensible update put forth by REV corrects this misalignment, creating a clear path toward more efficient, affordable, and strategically sited renewable energy projects.

Our organizations strongly encourage the Commission to recommend REV's proposed language to the Legislature. Thank you for your careful consideration and work on this important issue.

Sincerely,

Ben Edgerly Walsh, Vermont Public Interest Research Group

Johanna Miller, Vermont Natural Resources Council

Dan Fingas, Vermont Conservation Voters

Drew Watson, The Nature Conservancy Vermont Chapter

Adam Aguirre, Conservation Law Foundation