



State of Vermont

Office of Planning

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Agency of Natural Resources

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September 5, 2025

Holly Anderson, Clerk

Vermont Public Utility Commission

112 State Street – 4th Floor

Montpelier, VT 05620-2701

Re: 25-1253-INV Definition of Single Plant

Dear Ms. Anderson:

On June 30, 2025, the Vermont Public Utility Commission (“Commission”) issued an order opening an investigation and seeking comments, in part, on the definition of the term “plant”. The proceeding was in response to Act 38 of 2025, which directs the Commission to submit a recommended amended definition of “plant”.

The Commissions invited comments and proposals from interested parties by July 17, 2005, and set an extended deadline for reply comments of September 5, 2025. The Vermont Agency of Natural Resources (“Agency”) reviewed the filings made in this docket and offers the following.

The Agency agrees and acknowledges that certain sites previously developed for renewable generation facilities are sufficiently large and devoid of significant natural resources that they could support the siting of additional facilities while avoiding undue adverse impacts to the V.S.A. § 248(b) criteria. Creating a definition of “plant” that allows for the further build out of ‘good’ sites, while providing for a comprehensive review of cumulative impacts and avoids unintended rate impacts, should be encouraged – especially if the definition reduces the need for otherwise redundant infrastructure.

That said, many previously constructed facilities were designed and permitted to maximize the allowable buildable area at a site or built very close to the boundaries of riparian areas, wetlands, mitigation areas or other significant natural resource features or buffers, and construction of additional facilities at these locations may present real challenges and result in new impacts or cumulative impacts that are unduly adverse. Any effort to promote additional deployment at existing generation sites through an amended definition of “plant” should

acknowledge not all sites are equal and just because a facility currently exists, it may not be an appropriate location for additional deployment.

Given the extensive planning work done pursuant to Act 174, the Agency suggests that preferred sites identified in municipal and regional energy plans may be the most appropriate locations to encourage collocation of facilities under a new “plant” definition, provided undue adverse impacts to significant natural resources are avoided.

It is also important to note that certain regulatory programs administered by the Agency have their own rules and definitions related to cumulative impact, common plan, project scope and other elements of collocation that may not align with the Commission’s eventual “plant” definition, and may under certain circumstances treat multiple facilities as one project for the purposes of Agency permitting even if they are seen as separate plants by the Commission.

To that end, the ability to ensure comprehensive review of collocated facilities is of great interest to the Agency. While the process to review cumulative impacts of a second facility at a site years after the first was commissioned may be relatively straight forward, the review process for separate, collocated plants being permitted at or near the same time is unclear. Depending on the pacing of each proceeding, issues may arise in one that has a direct bearing on the configuration of the other, and vice versa, or where changes necessary at one plant location renders the location of the second plant unviable.

Concurrent permitting of separate plants at the same location may also create capacity issues for Agency staff or members of the public, who may need to participate in multiple, parallel Commission proceedings, which may each have their own unique issues or complexity. These procedural issues are not insurmountable, but should be clearly considered and addressed, as necessary, in Commission rules in advance of any change to the definition of “plant” being implemented.

The Agency defers to the Department on how separate plants should otherwise be defined.

Thank you for the opportunity to comment. Please contact me at (802) 595-0900 or Billy.Coster@Vermont.gov if the Agency can be of further assistance in this matter.

Sincerely,



Billy Coster
Director of Planning and Policy
Vermont Agency of Natural Resources

cc: Service List (by ePUC only)