

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Petition of ER Dunsmore, LLC for a
Certificate of Public Good pursuant to 30
V.S.A. § 248, authorizing the installation
and operation of a 4.95 MW solar electric
generation facility off Dunsmore Road in
the Town of St. Albans, Vermont

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) Case No. 25-0895-PET
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**PETITIONER ER DUNSMORE, LLC’S PROPOSED
CERTIFICATE OF PUBLIC GOOD ISSUED PURSUANT TO 30 V.S.A. § 248**

IT IS HEREBY CERTIFIED that the Public Utility Commission of the State of Vermont (“Commission”) this day found and adjudged that the installation and operation of the proposed facility in St. Albans, Vermont (“the Project”) will promote the general good of the State of Vermont, and a Certificate of Public Good (“CPG”) is hereby issued to ER Dunsmore, LLC (“Dunsmore Solar” or “CPG Holder”), subject to the following conditions:

1. Site preparation, construction, operation, and maintenance of the Project shall be in accordance with the plans and evidence submitted in this proceeding. Any material deviation from these plans or a substantial change to the Project shall 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 Project may result in the assessment of a penalty pursuant to 30 V.S.A. §§ 30 and 247.
2. This CPG shall not be transferred without prior approval of the Commission.
3. Prior to beginning site preparation, construction, operation, or maintenance of the Project, the CPG Holder shall obtain all other necessary permits and approvals. Site preparation, construction, operation, and maintenance of the Project shall be in accordance with such permits and approvals.
4. The CPG Holder shall restrict construction activities and related deliveries 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 shall take place on Sundays or state or federal holidays.
5. The CPG Holder shall be responsible for all costs of distribution and transmission system upgrades that are necessary in order to address adverse impacts on system stability and reliability due to the Project, as determined by the system impact or other applicable study.

6. As required by 30 V.S.A. § 248(a)(7), within 45 days of the date of this Order, the CPG Holder shall 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. The CPG Holder shall remove the facilities authorized by this CPG once they are no longer in service and 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 DRS-TK-7.
8. Before beginning site preparation, the CPG Holder shall file with the Commission and obtain Commission approval for an executed letter of credit or other form of financial security for the decommissioning fund in the amount of \$202,202. If the CPG Holder elects to establish the fund using a letter of credit, 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.
9. Every three years the CPG Holder shall 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 shall be filed no later than February 28 of the third year following the issuance of the CPG and every subsequent third year.
10. The value of the decommissioning fund shall be adjusted for inflation every three years based upon 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.
11. The Project's standby letter of credit or other form of security shall be adjusted every three years to reflect changes to the decommissioning fund as provided in condition 10 above. Revisions shall be made no later than February 28 in conjunction with the report required pursuant to condition 9 above. The Commission may require more frequent adjustments due to facility or site conditions.
12. The Commission has the right to draw on the facility's irrevocable standby letter of credit or other form of 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.
13. 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.

14. Prior to beginning site preparation or construction of the Project, the CPG Holder shall file with the Commission, the parties, and the Town of St. Albans a letter stating that it has fulfilled all pre-site preparation and pre-construction CPG conditions, and that it intends to commence site preparation and construction of the Project.
15. Prior to commencing commercial operation of the Project, the CPG Holder shall file with the Commission, the parties, and the Town of St. Albans a letter stating that it has fulfilled all pre-operation CPG conditions and that it intends to commence operation of the Project.
16. Prior to commencing commercial operation of the Project, the CPG Holder shall enter into an interconnection agreement with Green Mountain Power that conforms to the requirements of Public Utility Commission Rule 5.500. The CPG Holder shall be responsible for the cost of electrical system upgrades reasonably necessary to implement interconnection for the Project and such other costs appropriately submitted to the CPG Holder in accordance with Commission Rule 5.500.
17. The CPG Holder shall register with Dig Safe and comply with 30 V.S.A. Chapter 86 and Commission Rule 3.800 for the life of the Project.

Natural Resources

18. The CPG Holder shall comply with the terms and conditions of the memorandum of understanding with the Vermont Agency of Natural Resources ("Agency") admitted into the evidentiary record as Exhibit DRS-ANR-1.
19. Before beginning site preparation, construction, operation, or maintenance of the Project, the CPG Holder shall obtain all other necessary Agency of Natural Resources permits and approvals. Site preparation, construction, operation, and maintenance of the Project shall be in accordance with such permits and approvals, and with all other applicable regulations.
20. Prior to any site preparation or construction of the Project and Distribution Line Upgrade, the CPG Holder shall obtain a Vermont Individual Wetland Permit from the Vermont Department of Environmental Conservation Wetlands Program. All Project and Distribution Line Upgrade activities shall be performed in accordance with the terms and conditions of the Vermont Wetland Permit and applicable best management practices.

Primary Agricultural Soils

21. The CPG Holder shall comply with the terms and conditions of the memorandum of understanding with the Vermont Agency of Agriculture, Food & Markets ("AAFM") admitted into the evidentiary record as Exhibit DRS-AAFM-1.
22. As provided in 30 V.S.A. § 248(t), notwithstanding any contrary provision of law, PAS, as defined in 10 V.S.A. § 6001, located on the site of a solar electric generation facility approved under this section shall remain classified as such soils, and the review of any change in the use of the site after construction of the facility shall treat the soils as if the facility had never been constructed.
23. For areas of PAS disturbance on the project site, the CPG holder shall comply with AAFM's Act 250 Procedure: Reclamation of Vermont Agricultural Soils ("AAFM Guidelines") (rev. Oct. 30, 2014), https://agriculture.vermont.gov/sites/agriculture/files/documents/land_use/ReclamationGuidelinesforAgriculturalSoils_.pdf. The CPG holder shall also comply with the AAFM Guidelines when sequencing returned soils at the conclusion of construction or project decommissioning. The requirements of this paragraph shall 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.
24. Stockpiled soil shall be placed so that its base is at least three feet away from any part of the site that has a slope of 15% or greater.
25. In areas of tree clearing and grubbing, any grubbing will occur simultaneously with tree cutting and other construction activities. The process of grubbing will involve removal of tree stumps and roots to facilitate Project construction, using light equipment such as a skid steer or small excavator. Grubbing in the proposed tree cutting/grubbing area will minimize soil disturbance to include only what is necessary to effectively remove tree stumps and woody debris to construct the Project. Tree stumps that are removed will be shaken clean over the area from which they were removed. Stumps will either be chipped or ground up. Chips and ground wood will 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.
26. No wood in any form, stones, nor other debris from construction of the Project shall remain piled on PAS on the site after construction is complete.
27. If installing electric conduit or other features with fill or other imported material of any kind in areas of PAS, the CPG holder shall remove soil in a manner that separates soil horizons, stockpile the layer(s) displaced by the layer of imported for the life of the

Project, 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 shall 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 shall be required for the associated excavation, so long as the CPG holder ensures that any PAS removed during construction and again during decommissioning is replaced in a manner that retains the integrity of the PAS and the proper sequencing of soil horizons consistent with AAFM Guidelines.

28. Except for grading to create the access road, bridge, transformer pads, and Project stormwater improvements, the Project shall not include any grading of PAS. Any fill or gravel used for roads or staging areas shall be separated from native soils by a suitable barrier such as geotextile fabric.
29. To reduce impacts to PAS from soil compaction, the CPG holder shall 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 shall not apply to the use of any onsite gravel roads that are constructed with geotextile fabric, a minimum of 10" of gravel, and a 1" or thicker cap of crushed aggregate.
30. Prior to construction and again at the end of decommissioning, the CPG Holder shall test bulk density of the soil on each mapped soil unit containing primary agricultural soils within the Project limits to ensure that the primary agricultural soils on the site are materially the same after the Project as they were before construction. "Materially the same" means an increase in soil bulk density of no more than 10 percent.
31. The CPG Holder shall 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 Project 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 will 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." (Currently available online at https://efotg.sc.egov.usda.gov/references/public/WI/Soil_Quality_Test_Kit_Guide.pdf.)

- b. In any areas of primary agricultural soils on the Project site where axle loads of construction vehicles or equipment will not exceed 12,000 pounds, the CPG Holder shall collect and test one sample for each mapped soil unit before construction and shall otherwise follow the same testing protocols.
32. At the end of the decommissioning process, the CPG Holder shall 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 shall conduct agricultural subsoiling and/or other strategies to decompact soil until soil bulk density is materially the same as it was prior to Project construction.
33. The CPG Holder shall serve test results upon AAFM within 60 days of the test either by filing on ePUC or:
- a. By email to counsel of record in this matter, as listed in PUC records at the time of service; and
 - b. By email to AGR.Notice@vermont.gov, as may be updated in PUC records at the time of service.

Historic Resources

34. The CPG Holder shall comply with the terms and conditions of the memorandum of understanding with the Vermont Division for Historic Preservation ("VDHP") admitted into the evidentiary record as Exhibit DRS-RG-2 (the "VDHP MOU").
35. The CPG Holder shall conduct archaeological investigation(s) and prepare, related reports to identify, evaluate, and mitigate, if necessary, impacts to archaeological sites within the Project area. CPG Holder's archaeological consultant shall submit any scope of work to the VDHP for review and approval before commencing the work.
36. Prior to the completion of all relevant archaeological investigations, the CPG Holder, in consultation with the VDHP, shall identify the project 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 shall be prohibited within the archaeological buffer zones until all necessary archaeological work is completed. Agricultural cultivation consistent with past practices to facilitate the archaeological review shall not constitute ground disturbance.
37. All relevant archaeological studies to identify, evaluate, or mitigate impacts to archaeological sites shall be carried out by a qualified consulting archaeologist. All such studies and associated reports shall follow the VDHP Guidelines for Conducting

Archaeological Studies in Vermont (2017). A digital copy of the final report shall be submitted to the VDHP. Any archaeological reports submitted to the Commission shall have specific archaeological site locational information redacted in accordance with 22 V.S.A. § 761(b) and 1 V.S.A. § 317(c) (20).

38. The archaeological investigations shall be scheduled so that mitigation measures, if any are determined to be necessary, can be satisfactorily planned and accomplished prior to site preparation and construction of the Project. Any archaeological sites within the Project area shall not be impacted until mitigation measures have been completed. Proposed mitigation measures must be approved by the VDHP prior to 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.

39. Any changes to the Project that arise via compliance with the VDHP MOU and/or resulting from mitigation measures approved by VDHP are subject to prohibitions on substantial changes or material deviations pursuant to Commission rule 5.412, including that any substantial changes must be approved by the Commission.

Dated at Montpelier, Vermont, this _____ day of _____, 2025.

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PUBLIC UTILITY COMMISSION
OF VERMONT

OFFICE OF THE CLERK

FILED:

ATTEST: _____

Clerk of the Commission