

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

Date: October 16, 2025

Re: Case No. 25-1253-INV – Draft Recommendations for changes to the definition of “Plant”

Dear Clerk Anderson,

The five below organizations write to submit commentary on the Public Utility Commission’s draft recommendation for the definition of “plant” under 30 V.S.A. § 8002(18).

Exceptions

The draft recommendation has incorporated many points of feedback given during the workshop hosted by the PUC on September 22nd. The exceptions proposed by the Commission for net-metering and standard-offer facilities are clearly articulated and hold the facilities to reasonable standards, such as differing points of interconnection and compliance with program eligibility capacity requirements. These exceptions should promote co-location of facilities while preventing circumvention of the capacity caps under each eligibility program.

PPAs and Cumulative Capacity

This draft definition of “plant” omits an exemption for the co-location of multiple facilities operated directly by or under a Purchase Power Agreement (PPA) with one or more distribution utility . Given the requirements of Vermont’s Renewable Energy Standard, the elimination of off-site net metering, and the lack of new capacity for solar under the Standard Offer Program, 1-5 megawatt PPAs will be the backbone of new solar built in Vermont. The updated definition of plant should explicitly define an exception for PPAs that encourages co-location to the same extent as net metering and standard offer programs.

Our organizations also take issue with the updated definition restricting cumulative capacity across contiguous parcels. The proposed definition limits total capacity to five megawatts for facilities to qualify for Tier II of the Renewable Energy Standard. Act 38 of 2025 asked the Commission to consider the land-use benefits of collocation of energy

generation facilities, the ability to ensure comprehensive review of collocated facilities, and the potential impacts to ratepayers associated with collocated facilities.

By restricting projects on contiguous parcels to a total generating capacity of five megawatts to meet Tier II of the RES, this definition fails to promote collocation of what will be the predominant size and type of solar facility built in the state moving forward, particularly given the new financial pressures at the federal level from expiring PTC and ITC tax credits. Co-location offers an opportunity to reduce project costs, leverage existing investments (such as infrastructure) and foster more efficient land use practices by expanding projects in already developed areas, helping to potentially alleviate the pressure for projects in undeveloped locations. Without changes that enable greater co-location, we believe there will be untapped land-use and ratepayer benefits that could be accessed by allowing five megawatt projects to be built on contiguous parcels.

Proposed Changes

Our organizations strongly encourage two changes to the Commission's draft recommendation.

- 1) Explicitly define a third category of exception under 30 V.S.A. § 8002(18) that holds PPAs to the same standard as collocated net metering or standard offer facilities.
- 2) Adopt the language written in Renewable Energy Vermont's initial proposal on the definition of single plant that sets a cumulative capacity cap of ten megawatts on adjacent parcels. This will allow collocated five-megawatt PPA facilities to retain their eligibility under Tier II of the RES and for developers to build five megawatt PPA facilities adjacent to existing standard offer or net metering facilities.

Thank you for your thoughtful and detailed work throughout this investigation.

Best,

Drew Watson, The Nature Conservancy in Vermont

Johanna Miller, Vermont Natural Resources Council

Adam Aguirre, Conservation Law Foundation

Ben Edgerly Walsh, Vermont Public Interest Research Group

Dan Fingas, Vermont Conservation Voters