

**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	)	Case No. 25-0895-PET
electric generation facility off Dunsmore Road in the	)	
Town of St. Albans, Vermont	)	

**PETITIONER ER DUNSMORE, LLC'S
REVISED PROPOSED FINDINGS OF FACT AND ORDER**

October 17, 2025

List of Materials in Evidence (all parties)

The following items were admitted into evidence and make up the record in this matter.

ER Dunsmore, LLC
Prefiled Direct Testimony of Taegen Kopfler (05/05/2025)
DRS-TK-1: Resume of Teagen Kopfler
DRS-TK-2: Site Plans
DRS-TK-3: Representative Equipment Specifications
DRS-TK-4: One-Line Diagram
DRS-TK-5: Interconnection Studies
DRS-TK-6: Sound Study
DRS-TK-7: Decommissioning Plan and Fund
Supplemental Prefiled Testimony of Rebecca Gilbert (8/18/2025)
DRS-RG-1: Resume of Rebecca Gilbert
DRS-RG-2: DHP Memorandum of Understanding
Prefiled Direct Testimony of Stephanie Wyman (05/05/2025)
DRS-SW-1: Resume of Stephanie Wyman
DRS-SW-2: Waste Disposal and Soil Erosion Assessment
DRS-SW-3: Primary Agricultural Soils Assessment
Prefiled Direct Testimony of Adam Crary (05/05/2025)
Supplemental Prefiled Direct Testimony of Adam Crary (8/18/2025)
DRS-AC-1: Resume of Adam Crary
DRS-AC-2: Natural Resources Memo
DRS-AC-3: Distribution Line Upgrades Natural Resources Supplemental Memo
Prefiled Direct Testimony of Jeremy Owens (05/05/2025)
DRS-JO-1: Resume of Jeremy Owens
DRS-JO-2: Aesthetics and Orderly Development Review
DRS-JO-2-Appendix A – Map 1: Aerial
DRS-JO-2-Appendix A – Map 2: Terrain Viewshed
DRS-JO-2-Appendix A – Map 3: Vegetated Viewshed
DRS-JO-2-Appendix B: Photographic Viewshed
DRS-JO-2-Appendix C: Cross Sections
DRS-JO-2-Appendix D: Landscape Mitigation Plan
DRS-JO-2-Appendix E: Regional and Town Plan Excerpts
DRS-ANR-1: Memorandum of Understanding
DRS-AAFM-1: Memorandum of Understanding
Affidavits of Taegen Kopfler, Stephanie Wyman, Adam Crary, Jeremy Owens and Rebecca Gilbert

I. Introduction

This docket concerns a petition filed by ER Dunsmore, LLC (“DRS” or “Petitioner”), pursuant to 30 V.S.A. § 248 and Rule 5.400 of the Public Utility Commission (“Commission” or “PUC”), requesting the Commission to issue a Certificate of Public Good (“CPG”) for the installation and operation of a 4.95 megawatt (“MW”) solar electric generation facility to be located off Dunsmore Road in St. Albans, Vermont known as the ER Dunsmore Solar Project (the “Project”). The Commission has reviewed the materials filed by the Petitioner and approves the petition as follows.

II. Procedural History

On May 5, 2025, the Petitioner filed a petition with supporting testimony and exhibits (the “Petition”) requesting a CPG to install and operate a 4.95 MW solar electric generation facility in St. Albans, Vermont.

On May 8, 2025, the Commission issued a memorandum finding the Petition administratively complete.

On May 22, 2025, the Northwest Regional Planning Commission (“NRPC”) filed comments stating the Project conforms with the Northwest Regional Plan.

On June 2, 2025, a scheduling conference was held, and the Commission set a schedule for the proceeding. Appearances were entered by Victoria Westgate, Esq., and Zachary Berger, Esq., SRH Law PLLC, on behalf of ER Dunsmore, LLC; Henry Mauck, Esq., Vermont Department of Public Service (“Department” or “DPS”); and Randy Miller, Esq., Vermont Agency of Natural Resources (“ANR”).

On June 26, 2025, a site visit and public hearing were held. No members of the public provided comments at the public hearing.

On June 27 and July 2, 2025, respectively, the Agency of Agriculture, Food & Markets (“AAFM”) and the Department filed discovery requests which DRS responded to on July 23, 2025. On July 9, 2025, the Vermont Division for Historic Preservation (“VDHP”) filed a Motion to Intervene, which was granted by the Commission on July 11, 2025.

On August 18, 2025, DRS filed supplemental testimony and exhibits, including a memorandum of understanding (“MOU”) between VDHP and DRS and testimony of Rebecca Gilbert adopting the previously filed testimony and exhibits of Taegen Kopfler.

On August 20, 2025, AAFM filed a second round of discovery requests, which DRS responded to on September 5, 2025.

On September 26, 2025, Petitioner filed a MOU between DRS and ANR, and a MOU between AAFM and DRS. On this date, the Department also filed comments on the Project and a Section 202(f) Determination letter. The Department recommends that the petition be approved without further hearing or investigation.

No other comments on the petition were received by the Commission. No party has requested an evidentiary hearing or objected to the prefiled testimony and exhibits.

On October 10, 2025, Petitioner filed its Proposed Findings of Fact and Order, and a Proposed CPG.

On ____, 2025, the Commission entered the prefiled testimony and exhibits into the evidentiary record.

III. Position of the Parties in the Proceeding

DRS and VDHP entered into a MOU dated July 28, 2025 (the “VDHP MOU”). The VDHP MOU includes proposed CPG conditions related to the protection of archaeological resources, all of which are included in the Final Order and CPG now entered by the Commission. Exh. DRS-RG-2.

DRS and ANR entered into an MOU dated September 26, 2025 (the “ANR MOU”). The ANR MOU includes proposed CPG conditions related to site preparation and construction, proposed distribution line upgrades, Obtaining ANR permits and approvals, and obtaining a Vermont Individual Wetland Permit, all of which are included in the Final Order and CPG now entered by the Commission. The ANR MOU states that, subject to the conditions of the MOU, ANR agrees that the Project will avoid an undue adverse effect on the natural environment and the use of natural resources under Section 248(b)(5), with due consideration having been given to the criteria specified in 10 V.S.A. §§ 1424a(d) and 6086(a)(1) through (8) and greenhouse gas impacts.

DRS and AAFM entered into an MOU dated September 26, 2025 (the “AAFM MOU”). The AAFM MOU includes proposed CPG conditions related to site preparation and construction, and soil stockpiling practices, all of which are included in the Final Order and CPG now entered by the Commission. The AAFM MOU states that, subject to compliance with the above conditions, AAFM agrees that the Project as described in the plans and specifications submitted with the Petition will not have an undue adverse effect on primary agricultural soils under 30 V.S.A. § 248(b)(5).

On September 26, 2025, the Department filed comments recommending that the Petitioner be required to join DigSafe for the life of the Project, and that the issuer of the final

decommissioning security is an A-rated financial institution, and stating that provided these conditions are included, the Project does not raise a significant issue with respect to the criteria within DPS's review and will promote the public good.

IV. Proposed Findings of Fact

Based on the Petition and the associated prefiled testimony and exhibits and the absence of any factual disputes, this matter is ready for decision. Based on the substantial evidence of record, the Hearing Officer hereby reports the following findings to the Commission in accordance with 30 V.S.A. § 8(c):

A. General Findings

Project Description

1. DRS proposes to install and operate a 4.95 MW AC ground-mounted solar electric generation facility known as the Dunsmore Solar Project (the "Project") on approximately 30 acres of a 114-acre parcel off of Dunsmore Road in St. Albans, VT (the "Property"). DRS has rights to lease the Property from the landowner. Kopfler pf. at 2-3; Exh. DRS-TK-2.
2. DRS will sell the electrical output from this facility to Green Mountain Power ("GMP") under a Power Purchase Agreement ("PPA"). The electricity generated by this Project will flow to GMP's electric grid for the benefit of its customers. Kopfler pf. at 3-4.
3. The Project consists of approximately 12,425 non-reflective photovoltaic modules installed on single axis trackers in rows running north-south. Kopfler pf. at 4; Exh. DRS-TK-2.
4. Other Project equipment includes a network of UL 1741-SA compliant string inverters, switchgear, two 2,500 kVA pad-mounted transformers with secondary oil containment,

and above- and below-ground electrical lines that ultimately interconnect to the GMP system.

Kopfler pf. at 4; Exhs. DRS-TK-2; DRS-TK-4.

5. The Petitioner will own the transformer and underground power lines, whereas GMP will own the new overhead line on the Project host property. DRS will register any electric lines owned or controlled by the Project with Dig Safe and comply with Commission Rule 3.800 for the lifetime of the Project. Kopfler pf. at 4-5.

6. The Project will require several miles of existing distribution line upgrades between the Project site and the City of St. Albans. Approximately 2,500 feet of line on Dunsmore Road will be upgraded to three-phase line, and approximately 20,000 feet of existing three-phase line along Lower Newton Road will be reconductored. Kopfler pf. at 5; Exh. DRS-AC-3.

7. The Petitioner will widen, re-align and improve approximately 1,550 feet of an existing access driveway off Dunsmore Road to provide access to the solar site. DRS will extend the drive approximately 1,250 feet into the middle of the Project area and add two turnaround areas. Kopfler pf. at 6.

8. The Project will require approximately 0.2 acres of vegetative clearing. Kopfler pf. at 6; Exh. DRS-TK-2.

9. The Project will be enclosed by an approximately 8' high agricultural style fence. This fence satisfies the requirements of electrical codes pertaining to project enclosure. The Petitioner will install a gate near the southwestern edge of the array, which will be locked. Kopfler pf. at 7; Exh. DRS-TK-3.

10. Construction activities and related deliveries will be limited to 7:00 A.M. - 7:00 P.M. on weekdays, 8:00 A.M. - 5:00 P.M. on Saturdays, and no construction on Sundays or state or federal holidays. Kopfler pf. at 9.

B. Review of Project under Section 248 Criteria

Orderly Development of the Region – 30 V.S.A. § 248(b)(1)

11. The Project will not unduly interfere with the orderly development of the region. This finding is supported by the additional findings below.

12. The Project will not violate any specific land conservation measures in the St. Albans Town Plan, the Northwest Regional Planning Commission Regional Plan, or the associated Regional Energy Plan. None of the plans identify the Project area as having specific limitations, planned conservation measures, or being unsuitable for solar development, and no land conservation measures were found in these documents that would be affected by the Project. As such, the Project does not conflict with the development goals and policies within these plans, and will help meet energy goals for the region. Owens pf. at 3-4; Exh. DRS-JO-2.

13. The Northwest Regional Plan and Northwest Regional Energy Plan received a Certificate of Energy Compliance on September 9, 2017. The St. Albans Town Plan has not received an affirmative determination of energy planning compliance. Owens pf. at 3; Exh. DRS-JO-2.

14. The NRPC filed comments with the Commission on May 22, 2025, confirming that “the project conforms with the Northwest Regional Plan.”

Municipal Screening Recommendations – 30 V.S.A. § 248(b)(1)(B)

15. The Town of St. Albans has not adopted any solar screening requirements in a bylaw or ordinance and as a result, there are no municipal solar screening requirements that apply to the Project. Owens pf. at 4.

Need for the Project – 30 V.S.A. § 248(b)(2)

16. The Project is required to meet the need for present and future demand for service. This finding is supported by the additional findings below.

17. DRS expects to enter into a PPA with GMP for the power to help GMP meet its renewable energy goals and requirements under Vermont's Renewable Energy Standard for utilities. The Project will also help meet demand for new renewable energy generation in Vermont and assist in meeting the renewable energy goals in the Vermont Comprehensive Energy Plan ("CEP"), which sets a goal of obtaining 90 percent of the state's total energy needs from renewable sources by 2050. Among the electric sector, the CEP sets a goal of meeting 100% of energy needs from carbon-free resources by 2032, with at least 75% from renewable energy. The Project will contribute towards meeting these state goals. Kopfler pf. at 12.

System Stability and Reliability – 30 V.S.A. § 248(b)(3)

18. The Project will not adversely affect system stability and reliability. This finding is supported by the additional findings below.

19. System Impact Study ("SIS") was completed for the Project on March 2, 2022. The SIS included an evaluation of the following items: a steady state load flow analysis, time series analysis, protection evaluation, and verification of compliance with standards. The SIS confirmed that the proposed interconnection of the Project complies with all applicable standards, provided that recommendations in the study are met. These recommendations are set

out on pages 21-23 of the SIS and include a requirement to upgrade and reconductor sections of the existing distribution lines in the area, replace certain regulators, and install several new reclosers, fuses, and a sectionalizer. A Facilities Study has been completed to estimate the cost of required Project upgrades. Kopfler pf. at 12; Exh. DRS-TK-5.

20. With respect to the distribution line upgrades, approximately 2,500 feet of one-phase line along Dunsmore Road will be upgraded to three-phase line. Additionally, approximately 20,000 feet of reconductoring upgrade work will take place along the existing, mostly roadside, distribution line on Lower Newton Road. DRS understands from GMP that pole replacements will be required along the route, but that any replacement poles will be located in the same area as the existing pole. Kopfler pf. at 13; Exh. DRS-AC-3.

21. The Petitioner has entered into an interconnection agreement with GMP, and prior to construction the Petitioner will pay for all required upgrades to interconnect the Project, which will be implemented prior to operation. As the upgrades will be completed prior to interconnection of the Project, the Project will not have an undue adverse impact on system stability or reliability. Kopfler pf. at 13.

Economic Benefit to the State – 30 V.S.A. § 248(b)(4)

22. The Project will provide an economic benefit to the State. This finding is supported by the additional findings below.

23. The Project will provide a range of economic benefits for the State and its residents, including the provision of locally produced renewable energy under a long-term power purchase agreement with GMP that will also help GMP meet its obligations under Vermont's Renewable Energy Standard. Kopfler pf. at 13.

24. During the design and development phases, the Petitioner has hired many Vermont and regional firms to work on the environmental, aesthetic, archaeological, legal, engineering, and permitting Project components. Additional electricians and workers will be needed during Project construction, as well as during the ongoing maintenance and operation of the Project. Kopfler pf. at 13-14.

25. The Project will make lease payments to the landowner of the parcel on which the Project will be located. Kopfler pf. at 14.

26. Once operational, the Project will pay annual municipal property taxes to the Town of St. Albans, as well as an annual Uniform Capacity Tax to the state as required under 32 V.S.A. § 8701. With the proposed AC capacity of the Project at 4,950 kW, at the current Uniform Capacity Tax rate of \$4.00 per kW AC the Project will pay \$19,800 per year into the statewide education fund. Over a 25-year term, DRS estimates that the Project will pay approximately \$495,000 in Uniform Capacity Tax to the statewide education fund, separate and additional to the municipal taxes that the Project will pay to the Town of St. Albans. Kopfler pf. at 14.

Aesthetics, Historic Sites, Air and Water Purity, the Natural Environment, and Public Health and Safety – 30 V.S.A. § 248(b)(5)

27. The Project, subject to conditions set forth below, will not have an undue adverse effect on aesthetics, historic sites, air and water purity, the natural environment, the use of natural resources, and public health and safety, with due consideration having been given to the criteria specified in 10 V.S.A. §§ 1424a(d) and 6086(a)(1) through (8) and (9)(K), and greenhouse gas impacts. This finding is supported by the additional findings below.

Use of Natural Resources – 30 V.S.A. § 248(b)(5)

28. The Project will use passive solar energy to produce electricity that local consumers may utilize to power their homes and businesses. Kopfler pf. at 16.

29. Although the Project will require some vegetative clearing around the access road, the amount is very small (0.2 acres), and the Project will not have an undue adverse effect on these resources or other natural resources reviewed under Section 248. Kopfler pf. at 16.

Outstanding Resource Waters – 10 V.S.A. § 1424a(d)

30. The Project is not located in the vicinity of waters that have been designated outstanding resource waters. Crary pf. at 4; Exh. DRS-AC-2.

Air Pollution – 10 V.S.A. § 6086(a)(1)

31. The Project will not result in undue air pollution. This finding is supported by the additional findings below.

32. Construction will not cause excessive dust or smoke, odors, or noise. Kopfler pf. at 15.

33. The proposed Project will help reduce the need for carbon-based sources of electric energy, contributing to improved air quality. Kopfler pf. at 15.

34. The Project's highest modeled sound pressure levels at the closest offsite residence are 40 dBA (daytime) and 39 dBA (nighttime). Kopfler pf. at 15; Exh. DRS-TK-6.

35. The noise levels calculated at the nearest residence and property line are comparable to sound levels in a quiet rural area and will not result in an undue adverse impact for neighbors to the Project. Kopfler pf. at 16.

Greenhouse Gas Emissions – 30 V.S.A. § 248(b)(5)

36. Other than minor temporary emissions during construction, the Project will not emit greenhouse gases. More specifically, DRS estimates that the Project's solar panels will annually produce up to 10,025 (+/-) megawatt hours of electricity without creating any greenhouse gas emissions during its operation. Kopfler pf. at 16-17.

Water Pollution – 10 V.S.A. § 6086(a)(1)

37. The Project will not result in undue water pollution. This finding is supported by the additional findings below and by the findings under the criteria of headwaters through soils, below.

Headwaters – 10 V.S.A. § 6086(a)(1)(A)

38. The Project meets subcategory (ii) for a headwater under 10 V.S.A. § 6086(a)(1)(A) due to drainage areas of 20 square miles or less. Crary pf. at 5; Exh. DRS-AC-2.

39. The Project will meet the requirements for a Project located within a headwater area because it will not adversely impact ground or surface water quality and will meet applicable health and Vermont Department of Environmental Conservation (“DEC”) regulations regarding reduction of the quality of the ground or surface waters flowing through or upon the Project area. Crary pf. at 5; Exh. DRS-AC-2.

Waste Disposal – 10 V.S.A. § 6086(a)(1)(B)

40. The Project as designed will meet applicable regulations or current guidance regarding the disposal of waste and does not involve the injection of waste materials or toxic substances into ground or surface waters. Wyman pf. at 3.

41. The Project operation will not generate sanitary waste. Wyman pf. at 3; Exh. DRS-SW-2.

42. The Project will generate minor amounts of scrap and waste material during installation, and this waste will be disposed of or recycled at an approved disposal facility in accordance with Vermont Solid Waste Management Rules. Wyman pf. at 4.

43. The Project is not anticipated to generate any waste during operation. Woody debris generated by any shrub and tree clearing will be sold for lumber if merchantable, offered

as firewood to nearby landowners, or chipped and hauled to an approved disposal site. Wyman pf. at 4.

**Water Conservation, Sufficiency of Water Supply, and
Burden on Existing Water Supply – 10 V.S.A. §§ (a)(1)(C), (a)(2), (a)(3)**

44. The Project will not require the use of water during the construction phase (unless required for dust control). Any water that would be required for these limited activities will be brought to the site. Therefore, the Project will not cause an unreasonable burden on water supplies, will not raise any issues with respect to sufficiency of water, or require any water conservation measures. Kopfler pf. at 17.

Floodways – 10 V.S.A. § 6086(a)(1)(D)

45. Portions of the Project are located within a FEMA Flood Zone A (100-year floodplain, or floodway fringe) as well as a River Corridor associated with Jewett Brook. Crary pf. at 5; Exh. DRS-AC-3.

46. The Project array entirely avoids floodway, floodway fringe, and river corridor areas, but upgrades are required to an existing access road and crossing of Jewett Brook, which also crosses through the FEMA mapped SFHA and ANR mapped River Corridor. Crary pf. at 5; Exh. DRS-AC-2.

47. The Project's necessary access road upgrades involve the replacement of two crushed culverts under the existing farm road that crosses Jewett Brook with a bridged span. Crary pf. at 5; Exh. DRS-AC-2.

48. The replacement bridge will meet the Exemption to the No Adverse Impact Standard required under the Flood Hazard Area and River Corridor ("FHARC") Protection Procedure General Permit. The Project requires a FHARC Registration due to the replacement of

a bridge or culvert within a Flood Hazard Area, which the Project has applied for and has received permit authorization from DEC for the upgrades. Crary pf. at 5-6; Exh. DRS-AC-2.

49. As confirmed with this authorization of the Project plan, the Project will not restrict or divert the flow of flood waters (floodway or floodway fringe), or endanger the health, safety, and welfare of the public, or of riparian landowners during flooding or from potential erosion. Crary pf. at 5-6; Exh. DRS-AC-2.

Streams – 10 V.S.A. § 6086(a)(1)(E)

50. Petitioner delineated a reach of the Jewett Brook, a perennial stream in the Study Area. Crary pf. at 6; Exh. DRS-AC-2.

51. The Project includes replacing the existing crushed culverts crossing Jewett Brook with a new bridge. The associated work includes the removal of the existing two crushed culverts and associated road embankment, widening of the existing access road to a width of up to 16 feet, installation of a 45-foot modular steel bridge, and precast concrete abutments. Keyways and side slopes will be stabilized with Stone Fill, Type II. In-stream work will include placement of a layer of streambed material (E-Stone, Type I or native streambed material if feasible) at least 1.5 feet in depth to restore the streambed through the crossing. Crary pf. at 6; Exh. DRS-AC-2.

52. The design for the proposed bridge meets requirements in 10 V.S.A. § 1023(a), achieves the aquatic organism passage where the current culverts do not, lowers existing flood elevations upstream of the existing structure, and has been designed to not increase the risk of fluvial erosion to any surrounding infrastructure. The Project will obtain a Stream Alteration General Permit (“SAGP”) prior to construction, and has submitted the permit application to DEC. Crary pf. at 6-7; Exh. DRS-AC-2.

53. In addition to the SAGP from the DEC, a Section 404 Permit from the United States Army Core of Engineers (“USACE”) will be required prior to the Jewett Brook culvert replacement. Crary pf. at 7; Exh. DRS-AC-2.

54. In addition to the bridge replacement, access road expansion is necessary to widen the road for construction vehicles, including approximately 3,506 square feet of tree and brush clearing. Some of this work will occur within the riparian buffer. There will also be permanent impacts within the riparian buffer as a result of a gravel wetland outlet control structure and associated tree clearing required as part of the control structure installation. A simple disconnection stormwater treatment practice is also proposed within the riparian buffer. This practice will involve densely planting native vegetation with a slope of no more than eight percent. Grading has been designed to use existing topography as practicable and minimize existing vegetation impact. Crary pf. at 7-8.

55. All necessary permits will be obtained prior to Project construction to maintain the natural channel condition as feasible and not endanger the public or adjoining landowners. The Project’s impact to riparian buffers is minor and has been minimized to only those necessary to access and interconnect the Project. The Jewett Brook crossing upgrades will have a net benefit to downstream water quality in Jewett Brook, and the Project is maintaining the natural condition of the stream to the degree feasible and will not endanger the health, safety, or welfare of the public or of adjoining landowners. The Project’s minor impacts to the riparian buffers will not result in a reduction in existing buffer functions. Therefore, the Project will not have an undue adverse impact on streams. Crary pf. at 8; Exh. DRS-AC-2.

Shorelines – 10 V.S.A. § 6086(a)(1)(F)

56. The Project is not located on or adjacent to any shoreline areas, including lakes or ponds greater than 10 acres in size, and therefore there will be no impacts to shorelines as defined under this criterion. Crary pf. at 8; Exh. DRS-AC-2.

Wetlands – 10 V.S.A. § 6086(a)(1)(G)

57. The Project will not have an undue adverse effect on wetlands. This finding is supported by the additional findings below.

58. Petitioner conducted a wetland delineation of the Project area. Several wetland complexes were identified and confirmed with the ANR Wetland Program staff. Crary pf. at 9; Exhs. DRS-AC-2; DRS-AC-3.

59. With the exception of one wetland delineated around Jewett Brook, the wetlands are presumed to be Class III. The wetland delineated on both sides of Jewett Brook (2021-1) is a Categorical Class II wetland. The Project has been designed to first avoid and then minimize activity within wetlands and associated Class II wetland buffers to the extent practicable. Crary pf. at 9; Exhs. DRS-AC-2; DRS-AC-3.

60. The array and its perimeter fence entirely avoid Class II wetlands and buffers and will not result in USACE-regulated impacts to Class III wetlands. However, a portion of the existing access road extends through a Class II wetland buffer. The road and Jewett Brook crossing improvements will therefore necessarily result in Class II wetland buffer impacts. Crary pf. at 9; Exh. DRS-AC-2.

61. Anticipated Class II wetland impacts will consist of tree clearing/grubbing and grading associated with widening the existing gravel access road, as necessary, to accommodate construction and delivery vehicles. Permanent impacts to Class II wetlands and buffers include replacing the existing culverts with a 45-foot modular steel bridge as well as achieving the

necessary grade for a stormwater practice outfall structure that cannot be sited beyond the wetland buffer. Crary pf. at 9; Exh. DRS-AC-2.

62. In total, the unavoidable impacts to Class II wetland consist of approximately 2,364 square feet of permanent impact and approximately 2,018 square feet of temporary impact. Total unavoidable impacts to Class II wetland buffer areas consist of up to 10,270 square feet permanent and 3,734 square feet of temporary impacts are proposed. Crary pf. at 9-10; Exh. DRS-AC-3.

63. Although there are wetland and buffer impacts proposed, the design has avoided and minimized impacts to the extent feasible: there would be a notably larger proposed area of impact and greater areas of woody vegetation removal if the Project were to propose creating a new access road and crossing, and the existing diminished function of the access road and culverts would remain unaddressed. Crary pf. at 10; Exh. DRS-AC-3.

64. By using the existing road and crossing and implementing the proposed upgrades, the Project will not only improve the hydrologic conditions of the Jewett Brook riparian wetland system but will also improve wildlife and aquatic habitat and minimize the limits of tree clearing and overall disturbance by conducting work within the existing road corridor to the extent feasible. Crary pf. at 10; Exh. DRS-AC-3.

65. The Section 404 Permit from the USACE that will be obtained by the Project would include coverage for not only impacts from dredge and fill within wetlands (less than approximately 1,000 square feet within Class III wetlands for installing underground conduit within the array) but also within the channel of Jewett Brook. Crary pf. at 10

66. The MOU between Petitioner and ANR includes a proposed CPG condition requiring Petitioner to obtain a Vermont Wetland Permit prior to beginning site preparation and

construction of the Project and distribution line upgrades, and to perform all Project work and distribution line work in accordance with the permit conditions. The condition also requires Petitioner to ensure that any Project work that qualifies as an allowed use under the Vermont Wetland Rules is conducted in accordance with applicable best management practices (“BMPs”) and in a manner that minimizes adverse impacts to waters of the state and wetlands. This condition is included in the Petitioner’s proposed CPG. With this condition, ANR agrees that the Project will not have an undue adverse impact on natural resources, including wetlands. Exh. DRS-ANR-1.

Soil Erosion – 10 V.S.A. § 6086(a)(4)

67. The Project will not cause unreasonable soil erosion or reduce the capacity of the land to hold water so that a dangerous or unhealthy condition may result. This finding is supported by the additional findings below.

68. Because the Project will involve more than one acre of earth disturbance, it will require authorization by the Department of Environmental Conservation under Construction General Permit 3-9020. The permit will require implementation of Erosion Prevention and Sediment Control (“EPSC”) BMPs to control erosion and discharge of sediment from the construction site through a site-specific EPSC Plan as determined by the Project’s risk category. Wyman pf. at 5; Exhs. DRS-SW-2; DRS-TK-2.

69. The Project will also require approval under Vermont’s operational phase stormwater discharge permit program. The Project design includes infrastructure to treat stormwater on site, including gravel wetland and simple disconnection stormwater treatment practices. Wyman pf. at 5; Exhs. DRS-SW-2; DRS-TK-2.

70. The Project will obtain the necessary construction and operational stormwater authorizations prior to beginning site preparation or construction. Wyman pf. at 3; Exh. DRS-SW-2.

71. With these measures, the Project will not result in unreasonable soil erosion or a reduction in the capacity of the land to hold water such that a dangerous or unhealthy condition may result. Wyman pf. at 5.

Transportation Systems – 10 V.S.A. § 6086(a)(5)

72. The Project will not cause unreasonable congestion or unsafe conditions with respect to transportation systems. This finding is supported by the additional findings below.

73. The Petitioner proposes to deliver materials to the Project site via Dunsmore Road and other state and local roads, which are accustomed to the type of traffic representative of the proposed daily material delivery. The Project is not expected to require oversize or overweight deliveries. The Project will not require road closures or lane shutdowns for extended periods of time. No other long-term interruptions or impacts to highways or local roads are anticipated. Kopfler pf. at 17.

Educational Services – 10 V.S.A. § 6086(a)(6)

74. The Project will not have an adverse impact on educational services. The Project will not create any full-time, permanent jobs, and thus no new school-aged children would enter the system in the town. Kopfler pf. at 18.

Municipal Services – 10 V.S.A. § 6086(a)(7)

75. The Project will not require any municipal water or sewer services, new roadway acceptance or maintenance by the Town, nor require any fire or police services beyond those typically required of other businesses. Kopfler pf. at 18.

Aesthetics, Historic Sites, and Rare and Irreplaceable Natural Areas – 10 V.S.A.
§ 6086(a)(8)

76. The Project will not have an undue adverse impact on aesthetics or on the scenic or natural beauty of the area, nor will the Project have an undue adverse effect on historic sites or rare and irreplaceable natural areas. This finding is supported by the additional findings below.

Aesthetics

77. The Project siting takes advantage of surrounding landform and vegetation to reduce potential visibility of the proposed solar array as much as feasible. Owens pf. at 4; Exh. DRS-JO-2.

78. Views that will be possible are largely limited to the closest roadways, Dunsmore Road and Lower Newton Road. There are a few residential properties near the Project that may have visibility of the proposed array, the closest of which is approximately 830' north of the northwest portion of the array at the southern end of Firefly Lane. From all of these properties, the Project will be visible low in the landscape and behind existing hedgerows, which are mostly deciduous but will still provide screening of the proposed array. The Project will contrast with the mostly agricultural character of the existing site, but will utilize similar materials and colors currently visible in the nearby landscape, including a nearby existing solar generation facility. Owens pf. at 4-5; Exh. DRS-JO-2.

79. Based on the scope of potential visibility from public roadways and private residences, as well as potential impact to what may be considered "open space," the proposed Project will result in an adverse impact to the aesthetics and scenic or natural beauty of the area. However, the Project will not result in an undue adverse impact. Owens pf. at 5-6; Exh. DRS-JO-2.

80. The Project does not violate a clearly written community standard intended to preserve the aesthetics or scenic beauty of the area based on the review of the Regional Plan, Regional Energy Plan and Town Plan. Owens pf. at 3-6; Exh. DRS-JO-2.

81. The Project incorporates reasonable siting and other mitigation efforts to reduce visibility and harmonize the Project with its surroundings, including setting back the array more than 1,000 feet from the nearest roads, using low profile components, retaining vegetation around the perimeter of the proposed array where possible, and incorporating landscape mitigation plantings into the existing hedgerow to improve the year-round screening, reducing overall visibility and helping the Project to harmonize with the existing landscape. Owens pf. at 5; Exh. DRS-JO-2.

82. The Project would not be considered shocking or offensive to the average person due to the visibility of the Project being limited to the immediate surrounding area. The Project will not significantly intrude into existing views of background hillsides, will be behind existing intervening vegetation that will be augmented by the Project's proposed landscape mitigation, and the use of materials that are similar to existing materials on the Project property and surrounding area, including a nearby solar generation facility. Owens pf. at 5-6.

83. A landscape mitigation plan is proposed which will add evergreen vegetation to the existing hedgerow running to the north and northeast of the Project. Due to the deciduous nature of the hedgerow, and because this hedgerow is somewhat thinner and shorter than the existing hedgerows that lie east of the Project, adding the evergreen landscape mitigation will help screen and soften year-round views of the proposed array from roadways and residential properties to the north and northeast. This landscape mitigation will reduce overall Project

visibility and help the Project to harmonize with the existing landscape. Owens pf. at 6; Exh.

DRS-JO-2 (Appendix D).

84. Based on these findings, the Project satisfies the second prong of the Quechee test and will not result in an undue adverse aesthetic impact. Owens pf. at 6; Exh. DRS-JO-2.

Historic Sites

85. The Project will not have an undue adverse effect on historic properties. This finding is supported by the additional findings below.

86. There are no above-ground historic sites on the Project parcel. Tonn pf. at 2; Exh. DRS-BT-2.

87. There are two historic sites within the Area of Potential Effect ("APE") of the Project that are eligible for the State Register. Petitioner evaluated the potential for Project impacts on both sites and conclude that the Project will not result in adverse impacts to either property given the distance, intervening vegetation, and location of the sites on the eastern side of Dunsmore Road (opposite of the Project parcel). For both sites, the Project and the property will not be visible within the same field of view when seen from Dunsmore Road. Tonn pf. at 3.

88. In the VDHP MOU, VDHP states that it has considered the Project's effect on the above-ground historic structure, districts, and landscapes, including these two sites, and that due to the distance of the Project from both properties and continued openness of the surrounding area, the Project will not drastically change the agricultural nature of the setting of these properties. As a result, VDHP concludes the Project will cause no adverse impacts to above-ground historic resources. VDHP MOU at 2.

89. With respect to below-ground historic resources, Petitioner completed a Phase I Site Identification Survey on the majority of the Project site. Four previously unknown sites

were identified in the Phase I survey. As a result, Phase II studies were conducted. Two of the sites were found not to be significant. UVM CAP, Petitioner's consultant, recommended avoidance of these areas during Project construction and that a site "buffer" be established on project plans to ensure preservation of these sites. The Project will avoid both buffer zones. Kopfler pf. at 19.

90. In addition to these two buffer zones, VDHP has requested further investigation of one of the sites reviewed under the Phase II within the center of the array. DRS will complete this fieldwork, along with a Phase I investigation of the small area where the gravel wetland is proposed to be located. Kopfler pf. at 19-20.

91. Under the VDHP MOU, DRS has agreed to proposed CPG conditions ensuring that all necessary studies will be conducted prior to site preparation and construction of the Project so that any necessary mitigation can be planned and accomplished before commencing construction and in coordination with VDHP. DRS has included all of the proposed CPG conditions set forth in the VDHP MOU in its proposed CPG. Thus, the Project will not have an undue adverse impact with regard to historic sites.

Rare and Irreplaceable Natural Areas

92. The Project will not have an undue adverse impact on any Rare and Irreplaceable Natural Areas ("RINA"). There are no significant natural communities or areas that would be considered RINA within the Project Study Area. Crary pf. at 11; Exh. DRS-AC-2.

Necessary Wildlife Habitat and Endangered Species – 10 V.S.A. § 6086(a)(8)(A)

93. The Project will not destroy or significantly imperil necessary wildlife habitat ("NWH") or any endangered species. This Finding is supported by the additional findings below.

94. The only potential NWH within the Study Area is an approximately 2.5-acre portion of former hayfield, which in its full extent beyond the Study Area, could be considered potentially suitable habitat for grassland bird species. However, the tenant farmer has since planted corn in the this area, which renders it as unsuitable grassland bird habitat. Crary suppl. pf. at 2-3.

95. Based on database and field reviews, there are no rare, threatened, or endangered (“RTE”) plant species known to occur within the Project site. There is an EO record for an eastern meadowlark (*Sturnella magna*) occurrence approximately 1,000 feet north of the Project. The eastern meadowlark is a state listed-threatened bird species which utilizes suitable grassland habitats. However, as noted above, this area is no longer considered grassland bird habitat. Crary pf. at 12; Crary suppl. pf. at 2-3; Exh. DRS-AC-2.

96. The Project’s tree clearing is not enough to warrant additional study or conservation measures regarding protected bat species known from the vicinity. For these reasons, the Project will not have an undue adverse impact on any RTE species. Crary pf. at 12; Exh. DRS-AC-2.

Development Affecting Public Investments – 10 V.S.A. § 6086(a)(9)(K)

97. The Project will not endanger any public or quasi-public investments. There are no public or quasi public investments on the Project sites. Kopfler pf. at 23.

98. The Project will not interfere with the public’s use of the closest municipal road, Dunsmore Road, other than temporary and minor traffic impacts during construction. Kopfler pf. at 23.

Public Health and Safety – 30 V.S.A. § 248(b)(5)

99. The Project will not have an undue adverse effect on public health and safety.

This Finding is supported by the additional findings below.

100. The Project will comply with the National Electric Code and the National Electrical Safety Code. Kopfler pf. at 14.

101. A perimeter fence around the site will be marked with appropriate electrical warning signs. Kopfler pf. at 14-15.

102. The Project will use anti-reflective coating on panels to reduce the potential for glare. Kopfler pf. at 15.

103. The Project transformers will include a secondary containment system for the unlikely event of a fluid leak. Kopfler pf. at 8.

104. The Project will not exceed acceptable sound thresholds at nearby residences. Kopfler pf. at 16.

Primary Agricultural Soils – 30 V.S.A. § (b)(5)

105. The Project will not have an undue adverse impact on Primary Agricultural Soils (“PAS”). This Finding is supported by the additional findings below.

106. As proposed, the Project will have approximately 2.1 acres of direct permanent impacts (during the life of the project) and 2.6 acres of temporary direct impacts, for a total of 4.7 acres of direct impacts. Additionally, the Project may have up to 33.0 acres of indirect impacts – for a total of 37.7 acres of potential impacts to PAS within the limits of work. Wyman pf. at 6; Exh. DRS-SW-3.

107. The Project proposes to mitigate temporary disturbance from trenching by temporarily stockpiling PAS on site and within the same NRCS soil map unit per horizon, and then replacing soil at the end of construction in the reverse order of excavation. The Project

further proposes to use the soil excavated for permanent (Project-lifespan) impacts as fill for the access road improvements to alleviate the need for foreign structural fill to be brought in.

Wyman pf. at 6; Exh. DRS-SW-3.

108. Any remaining excavated soils will be stockpiled and segregated per horizon. The stockpile would be stabilized and vegetated and located within the Project perimeter fence.

Wyman pf. at 6-7; Exh. DRS-SW-3.

109. Upon Project decommissioning, the Project site will be returned to its current condition to the degree reasonably possible and stockpiled soils would be replaced in the reverse order of excavation within each soil map unit. Wyman pf. at 7; Exhs. DRS-SW-3; DRS-TK-2.

110. In addition, the Project will mitigate for any compaction which may result during construction or decommissioning based on soil bulk density testing prior to construction and again at the end of decommissioning. Exh. DRS-AAFM-1.

111. All other proposed CPG conditions set forth in the AAFM MOU are incorporated into the Petitioner's proposed CPG.

Least-Cost Integrated Resource Planning – 30 V.S.A. § 248(b)(6)

112. The Petitioner is not a utility and therefore does not have a least-cost integrated resource plan. This criterion is inapplicable. Kopfler pf. at 22.

Comprehensive Energy Plan – 30 V.S.A. § 248(b)(7)

113. The Project will contribute to meeting the state's long-term renewable energy goals because it is a renewable solar energy project that is located near load. Specifically, the Project furthers the key objectives of the CEP, which calls for meeting Vermont's long-term energy needs largely with renewable resources. Kopfler pf. at 22-23.

114. The Project is consistent with CEP thematic goals including affordability, in-state generation, diversity of supply, grid resiliency, and low emissions. Kopfler pf. at 22-23.

115. On September 26, 2025, DPS issued a determination under 30 V.S.A. § 202(f) stating that the petition is consistent with the Vermont Electric Plan, provided that the actions of ER Dunsmore, LLC are consistent with the evidence filed in the proceeding.

Waste-to-Energy Facility – 30 V.S.A. § 248(b)(9)

116. The Project does not involve a waste to energy facility; therefore this criterion is not applicable.

Transmission Facilities – 30 V.S.A. § 248(b)(10)

117. The proposed Project will not require any upgrades to the transmission system. Kopfler pf. at 24; Exh. DRS-TK-5.

118. The Project can interconnect safely to the GMP distribution system, provided that certain upgrades are completed prior to interconnection. The Project will not be interconnected until these upgrades are completed and DRS will be responsible for all upgrade costs. Kopfler pf. at 24; DRS-TK-5.

Setbacks – 30 V.S.A. § 248(s)

119. The Project will comply with the statewide minimum setback requirements of 30 V.S.A. § 248(s). Kopfler pf. at 24.

120. The Project panels will be set back over 1,500 feet from the edge of the nearest road, which is Lower Newton Road, and at least 50 feet from all boundary lines to adjoining properties. The closest residence is over 800 feet from the Project. Kopfler pf. at 24; Exh. DRS-TK-2.

Decommissioning – PUC Rule 5.900

121. At the end of the Project's useful life, the Petitioner will remove the Project once it is no longer in service and restore the site to its condition prior to installation of the Project to the greatest extent practicable, as required under PUC Rule 5.904(B). Kopfler pf. at 24; Exh. DRS-TK-7.

122. Consistent with PUC Rule 5.904(B), the Petitioner has proposed a Decommissioning Plan which outlines the decommissioning process and provides a proposed form of surety bond to fund the decommissioning fund based on an estimate of the Project's decommissioning cost that does not account for equipment salvage. The decommissioning cost estimate is in present-day dollars and addresses the elements in that rule. The decommissioning fund will be in place prior to beginning suite preparation or construction. Petitioner's Proposed CPG also includes language, consistent with PUC Rule 5.904, to allow for an alternative form of security to a letter of credit, such as a surety bond, to be utilized. Kopfler pf. at 25; Exh. DRS-TK-7.

123. On September 26, 2025, DPS filed comments stating that it does not have any concerns with the structure of the proposed surety bond form, on the condition that the issuer is qualified and meets the appropriate financial standards.

Conclusions

Based upon all the above evidence, and with the conditions I recommend that the Commission include as part of its approval of the Project, I conclude that the Project meets the following section 248(b) criteria, to the extent they apply:

- a) will not unduly interfere with the orderly development of the region with due consideration having been given to the recommendations of the municipal and regional planning commissions, and the recommendations of the municipal legislative bodies;
- b) complies with the screening requirements of applicable municipal bylaws or ordinances and recommendations of a municipality applying such a bylaw or ordinance;
- c) is required to meet the need for present and future demand for service which could not otherwise be provided in a more cost-effective manner through energy conservation programs and measures and energy efficiency and land management measures;
- d) will not adversely affect system stability and reliability;
- e) will result in an economic benefit to the state and its residents;
- f) will not have an undue adverse effect on aesthetics, historic sites, air and water purity, the natural environment, the use of natural resources, and public health and safety, with due consideration having been given to the criteria specified in 10 V.S.A. §§ 1424a(d), impacts on primary agricultural soils as defined in 10 V.S.A. § 6001, and 6086(a)(1) through (8) and (9)(K), and greenhouse gas impacts;
- g) is a non-utility project and criterion 30 V.S.A. § 248(b)(6) is therefore not applicable;
- h) is consistent with the principles of least-cost integrated resource planning;
- i) does not involve a facility affecting or located on any segment of the waters of the State that has been designated as outstanding resource waters by the Secretary of Natural Resources;
- j) does not involve a waste-to-energy facility;
- k) can be served economically by existing or planned transmission facilities without undue adverse effect on Vermont utilities or customers;

- l) is in compliance with the electric energy plan approved by the DPS under § 202 of Title 30 V.S.A.;
- m) does not involve an in-state generation facility that produces electric energy using woody biomass; and
- n) is consistent with statutory minimum setback requirements.

Order

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Utility Commission (“Commission”) of the State of Vermont that:

1. The findings and recommendations of the Hearing Officer are adopted. All other findings proposed by parties, to the extent that they are inconsistent with this Order, were considered and are not adopted.
2. In accordance with the evidence and plans submitted in this proceeding, the 4.95 MW solar electric generation facility (the “Project”) proposed for construction and operation by ER Dunsmore, LLC (the “CPG Holder”) off Dunsmore Road in the Town of St. Albans, Vermont, will promote the general good of the State of Vermont pursuant to 30 V.S.A. § 248, and a certificate of public good (“CPG”) to that effect shall be issued in this matter.
3. As a condition of this Order, the CPG Holder shall comply with all terms and conditions set out in the CPG issued in conjunction with this Order.

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

PUBLIC UTILITY COMMISSION
OF VERMONT

OFFICE OF THE CLERK
FILED:
ATTEST: _____
Clerk of the Commission