

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 25-0895-PET

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 in the Town of St. Albans, Vermont	
---	--

Order entered: 10/27/2025

FINAL ORDER GRANTING CERTIFICATE OF PUBLIC GOOD

In this Order, the Vermont Public Utility Commission (“Commission”) adopts the following proposal for decision.

PROPOSAL FOR DECISION

I. INTRODUCTION

This case involves a petition filed by ER Dunsmore, LLC (“ER Dunsmore” or the “Petitioner”) with the Vermont Public Utility Commission (“Commission”) requesting a certificate of public good (“CPG”) under 30 V.S.A. § 248 authorizing the construction and operation of a 4.95 MW solar electric generation facility off Dunsmore Road in the Town of St. Albans, Vermont (the proposed “Facility”).

In this proposal for decision, I recommend that the Commission approve the Facility and issue a CPG, subject to conditions.

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 the Town of St. Albans, Vermont.

On May 16, 2025, I held a scheduling conference for this case.

On June 9, 2025, I issued a schedule for the remainder of the proceeding.

On July 11, 2025, I granted the Vermont Division for Historic Preservation’s (“DHP”) motion to intervene to represent its interest in historic sites.

On September 26, 2025, the Petitioner filed a stipulation with the Vermont Agency of Agriculture, Food and Markets (“AAFM”) (“AAFM Stipulation”) and a memorandum of understanding (“MOU”) with the Vermont Agency of Natural Resources (“ANR”).

Also on September 26, 2025, the Vermont Department of Public Service (“Department”) filed comments stating that the Facility does not raise a significant issue with respect to the statutory criteria that the Department typically reviews and that the Facility will be in the public good, subject to certain recommended conditions. Separately, the Department filed a 202(f) determination that the Petition is consistent with the Vermont Electric Plan (“Department’s Section 202(f) Determination”).

The Petitioner filed notice of the Facility to the municipality, the regional planning commission, and adjoining landowners pursuant to Commission Rule 5.407(A) and (B) when the petition was filed with the Commission. No entity moved to intervene, and the statutory parties — ANR, the Department, and AAFM — have not opposed the Facility subject to agreed-upon conditions. Based on an independent review and subject to the conditions discussed below, I recommend that the Commission conclude the Facility meets the substantive criteria of 30 V.S.A. § 248(b) and promotes the public good of the state.

No party has requested an evidentiary hearing or objected to the prefiled testimony and exhibits. Accordingly, the following prefiled testimony and exhibits are admitted as if presented at a hearing: Jeremy Owens’s direct testimony (“Owens pf.”) and exhibits DRS-JO-1 and DRS-JO-2; Brita Tonn’s direct testimony (“Tonn pf.”) and exhibits DRS-BT-1 and DRS-BT-2; Adam Crary’s direct testimony (“Crary pf.”), supplemental testimony (“Crary supp. pf.”), and exhibits DRS-AC-1 through DRS-AC-3; Stephanie Wyman’s direct testimony (“Wyman pf.”) and exhibits DRS-SW-1 through DRS-SW-3; Taegen Kopfler’s direct testimony (adopted, with the exception of exhibit DRS-TK-1, by Rebecca Gilbert) (“Kopfler (Gilbert) pf.”) and exhibits DRS-TK-1 through DRS-TK-7; Rebecca Gilbert’s supplemental testimony (“Gilbert supp. pf.”) and exhibits DRS-RG-1 and DRS-RG-2 (the “DHP MOU”); the Petition; the AAFM Stipulation; Exhibit ANR-DRS-1 (the “ANR MOU”); the Department’s Section 202(f) Determination; and the Department Comments.¹

¹ If any party has an objection to any of these documents being entered into evidence, the party must submit its objection within 14 days of the date this Order is entered.

III. PUBLIC HEARING AND COMMENTS

On May 22, 2025, the Northwest Regional Planning Commission (“NRPC”) filed a public comment on the Facility confirming its conformance with the Northwest Regional Plan. No other comments on the petition were received by the Commission.

On June 26, 2025, I conducted a site visit for this case. The same day, the Vermont Department of Public Service (“Department”) hosted a virtual information session regarding the Facility. Following the Department’s information session, I held a virtual public hearing. No members of the public attended the public hearing.

IV. FINDINGS

1. The Petitioner is ER Dunsmore. The Petitioner is a Vermont limited liability company with a business address of 50 Lakeside Ave #110, Burlington, Vermont 05401. Petition at ¶ 1; Kopfler (Gilbert) pf. at 1.

2. ER Dunsmore proposes to install and operate the Facility on approximately 30 acres of a 114-acre parcel of land off Dunsmore Road in the Town of St. Albans, Vermont. Kopfler (Gilbert) pf. at 3.

3. The Facility site is currently undeveloped farm fields, and the Petitioner has the rights to lease the Facility area from the landowner. Kopfler (Gilbert) pf. at 3.

4. ER Dunsmore will sell the electrical output from the Facility to GMP under a power purchase agreement. Kopfler (Gilbert) pf. at 3.

5. The Facility will consist of approximately 12,425 non-reflective photovoltaic modules installed on single axis tracker racking units in rows running north to south within a perimeter fence. Kopfler (Gilbert) pf. at 4; exh. DRS-TK-2.

6. The Petitioner proposes to install an approximately 8-foot-high agricultural style wire-knot perimeter fence around the array with a locked gate near the southwestern edge of the array. Kopfler (Gilbert) pf. at 4; exh. DRS-TK-3.

7. Other electrical components of the Facility include a network of string inverters, conduits, switch gear, the data acquisition system, production meter, and two 2,500 kVA pad-mounted transformers with secondary oil containment. One transformer will be located in the middle of the array and one will be located near the Facility entrance. Kopfler (Gilbert) pf. at 4; exhs. DRS-TK-2 and DRS-TK-4.

8. From the transformer, electricity will run underground beyond the fence line of the Facility before transitioning overhead to a series of eight new utility poles, with these utility poles connecting to an existing pole where the Facility will interconnect to GMP's existing distribution system. Kopfler (Gilbert) pf. at 4; exhs. DRS-TK-2 and DRS-TK-4.

9. ER Dunsmore will own the transformer and underground power lines and GMP will own the new overhead line on the Facility parcel. Kopfler (Gilbert) pf. at 4.

10. A stormwater treatment system, including a gravel wetland, will allow for the treatment of stormwater on site. Wyman pf. at 5.

11. Several miles of the existing distribution lines will require upgrades, including approximately 2,500 feet of line on Dunsmore Road being upgraded to three-phase line, and approximately 20,000 feet of existing three-phase line along Lower Newton Road being reconducted. Kopfler (Gilbert) pf. at 5; exh. DRS-AC-3.

12. ER Dunsmore will widen, re-align, and improve approximately 1,550 feet of an existing access driveway off Dunsmore Road to provide access to the Facility site. ER Dunsmore will also extend the access driveway approximately 1,250 feet into the middle of the Facility site and add two turnaround areas. Kopfler (Gilbert) pf. at 6; exh. DRS-TK-2.

13. Approximately 0.2 acre of vegetation will be cleared to allow for improvements to the access driveway. Kopfler (Gilbert) pf. at 6; exh. DRS-TK-2.

14. Estimated Facility-related sound levels at the nearest residence are projected to be 40 dBA during the day and 39 dBA during the night. Kopfler (Gilbert) pf. at 15.

15. The closest residence is over 800 feet from the Facility site and the Facility will be set back more than 1,500 feet from the edge of the nearest road. Kopfler (Gilbert) pf. at 24.

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

Review of Facility Under the Section 248 Criteria

17. The Facility will not unduly interfere with the orderly development of the region. In making this finding, due consideration has been given to the recommendations of the municipal and regional planning commissions, the recommendations of the municipal legislative bodies, and the land conservation measures contained in the plan of any affected municipality.

Substantial deference has been given to the land conservation measures and specific policies contained in the duly adopted regional plan. Owens pf. at 3; exh. DRS-JO-2

18. The Town of St. Albans has not adopted screening requirements for ground-mounted solar electric generation facilities pursuant to either 24 V.S.A. § 4414(15) or 24 V.S.A. § 2291(28) with which the Facility would have to comply. Owens pf. at 4.

19. The Facility will 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 load management measures. Kopfler (Gilbert) pf. at 12.

20. The Facility will not have an adverse impact on system stability and reliability. Kopfler (Gilbert) pf. at 12-13; exhs. DRS-TK-5 and DRS-AC-3.

21. The Facility will result in an economic benefit to the State and its residents. Kopfler (Gilbert) pf. at 14.

22. Subject to the conditions adopted in the CPG, the Facility will not have an undue adverse impact on aesthetics, historic sites, air and water purity, the natural environment, the use of natural resources, or 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) (A), (B), (D), (E), (F), and (G), 6086(a)(2), (3), (4), (5), (6), (7), (8), and (9), and impacts on primary agricultural soils as defined in 10 V.S.A. § 6001, and greenhouse gas impacts. Owens pf. at 3-6; Kopfler (Gilbert) pf. at 11-23; Wyman pf. at 3-7; Crary pf. at 4-15; Crary supp. pf. at 2-3; Tonn pf. at 2-3; ANR MOU; AAFM Stipulation; DHP MOU; exhs. DRS-BT-2, DRS-JO-2, DRS-TK-6, DRS-SW-2, DRS-SW-3, DRS-AC-2, and DRS-AC-3.

23. The Facility is consistent with the 2022 Comprehensive Energy Plan approved by the Department under 30 V.S.A. § 202(f), provided that the Petitioner's actions are consistent with the evidence filed in this proceeding. Kopfler (Gilbert) pf. at 22-23; Department Section 202(f) Determination.

24. The Facility will not affect any outstanding resource waters as defined by 10 V.S.A. § 1424a(d). Crary pf. at 4; exh. DRS-AC-2.

25. The Facility can be served economically by existing or planned transmission facilities without undue adverse impacts on Vermont utilities or customers. Kopfler (Gilbert) pf.at 23-24; exh. DRS-TK-5.

26. The Facility complies with Vermont's statutory setback requirements for ground-mounted solar electric generation facilities because the Facility's solar panels or support structures for the solar panels are set back at least 100 feet from the nearest road and at least 50 feet from the nearest property boundary line. Kopfler (Gilbert) pf. at 24; exh. DRS-TK-2.

27. The Facility will be decommissioned at the end of its useful life. Kopfler (Gilbert) pf. at 24-25; exh. DRS-TK-7.

V. DISCUSSION

The Commission, as a matter of practice, imposes a series of standard conditions in all CPGs that are issued for solar energy generation facilities. These conditions ensure compliance with statutory and rule-based requirements. I recommend that the Commission adopt these standard conditions for the Facility consistent with past Commission practice to ensure compliance with the relevant Vermont statutory criteria.

The Department recommended one CPG condition, namely that, for the life of the Facility, the Petitioner become a member of Dig Safe and comply with 30 V.S.A. Chapter 86 and Commission Rule 3.800. The Petitioner has agreed to this condition and I recommend that the Commission include the condition in the Facility's CPG.

AAFM has recommended nine conditions to protect primary agricultural soils. The Petitioner has consented to these conditions and I recommend that the Commission include the conditions in the Facility's CPG to ensure that the Facility will not have an undue adverse impact on primary agricultural soils on the site.

ANR has recommended three conditions to avoid undue adverse impacts on the natural environment and the use of natural resources. The Petitioner has consented to these conditions and I recommend that the Commission include the conditions in the Facility's CPG to ensure that the Facility will not have an undue adverse impact on the natural environment and the use of natural resources.

DHP has recommended five conditions to address potential adverse impacts on archaeological resources. The Petitioner has consented to these conditions and I recommend that

the Commission include the conditions in the Facility's CPG to ensure that the Facility will not have adverse impacts on archaeological resources.

Commission Rule 5.900 establishes standard requirements for the decommissioning of electric generation, electric transmission, and natural gas facilities. Rule 5.904(B) requires that non-utility-owned generation facilities greater than 500 kW be removed once they are no longer in service and the sites be restored, to the greatest extent practicable, to the condition they were in before installation of the facilities. Commission Rule 5.904(B)(2) also requires that requests to construct these facilities include a draft irrevocable standby letter of credit in an amount sufficient to fund the estimated decommissioning and site restoration costs, but the Commission has previously determined that another appropriate form of financial assurance such as a surety bond is acceptable in lieu of an irrevocable standby letter of credit.² The Petitioner has submitted a plan for decommissioning the Facility with a detailed cost estimate of \$202,202.00 to decommission the Facility. The Petitioner has also submitted a draft surety bond that complies with our requirements regarding financial assurances. The Petitioner's cost estimate, plan for decommissioning, and the draft surety bond submitted with the plan are consistent with the requirements of Commission Rule 5.904(B). Therefore, I recommend that the Commission include in the CPG for the Facility conditions requiring compliance with the terms and conditions of the proposed decommissioning plan and relevant provisions of Commission Rule 5.904(B). I recommend that the Commission require that the Petitioner file and receive Commission approval of an executed surety bond before commencing construction. I further recommend that all applicable conditions from Commission Rule 5.904(B) be included in the CPG.

VI. CONCLUSION

Based upon the evidence in the record, I conclude that the Facility, subject to the conditions set forth herein:

(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;

² See, e.g., *ER Danyow Road Solar, LLC*, Case No. 22-3427-PET, Order of 3/5/25.

(b) complies with the screening requirements of applicable municipal bylaws or ordinances and recommendations of a municipality applying such a bylaw or ordinance;

(c) will meet a 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 load-management measures, including those developed pursuant to the provisions of subsection 209(d), section 218c, and subsection 218(b) of Title 30;

(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 Facility and criterion 30 V.S.A. § 248(b)(6) is therefore not applicable;

(h) is consistent with the *Vermont Twenty-Year Electric Plan*;

(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;

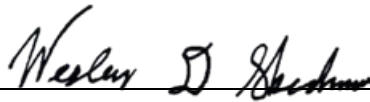
(k) can be served economically by existing or planned transmission facilities without undue adverse effect on Vermont utilities or customers;

(l) does not involve an in-state generation facility that produces electric energy using woody biomass; and

(m) is consistent with statutory minimum setback requirements.

This proposal for decision has not been circulated to the parties pursuant to 3 V.S.A. § 811 because it is not adverse to any party.

Date: October 27, 2025.

A handwritten signature in black ink, appearing to read "Wesley D. Skidmore", is written over a horizontal line.

Wesley D. Skidmore, Esq.

Hearing Officer

VII. ORDER

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

1. The findings, conclusions, 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 not adopted.

2. In accordance with the evidence and plans submitted in this proceeding, the 4.95 MW solar electric generation facility proposed for construction and operation by ER Dunsmore, LLC (the “CPG Holder”) off Dunsmore Road in the Town of St. Albans, Vermont (the “Facility”), 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 will be issued in this matter.

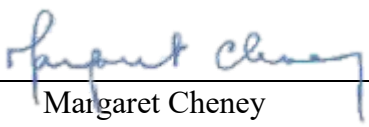
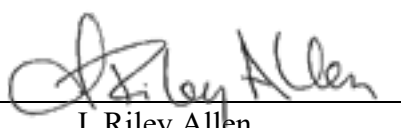
3. The memorandum of understanding between the CPG Holder and the Vermont Agency of Natural Resources (the “ANR MOU”) is accepted. The CPG Holder must comply with the terms of the ANR MOU.

4. The stipulation between the CPG Holder and the Vermont Agency of Agriculture, Food and Markets is accepted. The CPG Holder must comply with the terms of the stipulation.

5. The memorandum of understanding between the CPG Holder and the Vermont Division for Historic Preservation (the “DHP MOU”) is accepted. The CPG Holder must comply with the terms of the DHP MOU.

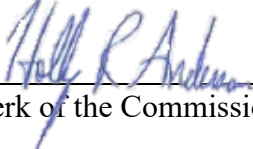
6. As a condition of this order, the CPG Holder must comply with all terms and conditions set out in the CPG issued in conjunction with this order.

Dated at Montpelier, Vermont, this 27th day of October, 2025.

 _____	)	
Edward McNamara	)	PUBLIC UTILITY
	)	
 _____	)	
Margaret Cheney	)	COMMISSION
	)	
 _____	)	
J. Riley Allen	)	OF VERMONT

OFFICE OF THE CLERK

Filed: October 27, 2025

Attest: 

Clerk of the Commission

Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Commission (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: puc.clerk@vermont.gov)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Commission within 30 days. Appeal will not stay the effect of this Order, absent further order by this Commission or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Commission within 28 days of the date of this decision and Order.

PUC Case No. 25-0895-PET - SERVICE LIST

Parties:

Zachary Berger, Esq. (for ER Dunsmore, LLC)
SRH Law PLLC
91 College Street
PO Box 545
Burlington, VT 05401
zberger@srhlaw.com

Maxwell I Krieger, Esq. (for Division for Historic
Vermont Division for Historic Preservation Preservation)
One National Life Drive, Davis Bldg., 6th Floor
Montpelier, VT 05620-0501
maxwell.krieger@vermont.gov

Henry Mauck (for Vermont
112 State Street Department of Public
Montpelier, VT 05620 Service)
henry.mauck@vermont.gov

Randy J. Miller, Esq. (for Vermont Agency of
Vermont Agency of Natural Resources Natural Resources)
1 National Life Drive, Davis 2
Montpelier, VT 05620-3901
randy.miller@vermont.gov

Willy Jane Patry (for Vermont Agency of
Agency of Agriculture, Food & Markets Agriculture, Food and
116 State St Markets)
Montpelier, VT 05620-2901
willyjane.patry@vermont.gov

Victoria M. Westgate, Esq. (for ER Dunsmore, LLC)
SRH Law PLLC
91 College Street
P.O. Box 545
Burlington, VT 05402-0545
vwestgate@srhlaw.com