

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	
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Entered: 10/27/2025

CERTIFICATE OF PUBLIC GOOD (“CPG”) ISSUED
PURSUANT TO 30 V.S.A. SECTION 248

IT IS HEREBY CERTIFIED that the Vermont Public Utility Commission (“Commission”) this day found and adjudged that the site preparation, construction, operation, and maintenance of a solar electric generation facility off Dunsmore Road in the Town of St. Albans, Vermont (the “Facility”), by ER Dunsmore, LLC (“CPG Holder”), in accordance with the evidence and plans submitted in this proceeding, will promote the general good of the State, subject to the following conditions:

1. Site preparation, construction, operation, and maintenance of the Facility must be in accordance with the plans and evidence submitted in this proceeding. Any material deviation from these plans or a substantial change to the Facility must 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 Facility may result in the assessment of a penalty pursuant to 30 V.S.A. §§ 30 and 247.

2. Before beginning site preparation, construction, operation, or maintenance of the Facility, the CPG Holder must obtain all other necessary permits and approvals. Site preparation, construction, operation, and maintenance of the Facility must be in accordance with such permits and approvals, and with all other applicable regulations, including those of the Vermont Agency of Natural Resources (“ANR”).

3. The CPG Holder must restrict construction activities and related deliveries for the Facility 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 activities or deliveries are allowed on

Sundays, state holidays, or federal holidays except where construction activities must be performed during required outages needed to maintain system reliability.

4. The CPG Holder is 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 Facility, as determined by the system impact study.

5. Before operating the Facility, the CPG Holder must enter into an interconnection agreement with Green Mountain Power Corporation that conforms to the requirements of Commission Rule 5.500. The CPG Holder is responsible for the cost of electrical system upgrades reasonably necessary to implement interconnection of the Facility and such other costs appropriately submitted to the CPG Holder in accordance with Commission Rule 5.500.

6. The CPG Holder must remove the facilities authorized by this CPG once they are no longer in service and must 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, which is approved except as modified below.

7. Before beginning site preparation, the CPG Holder must file with the Commission and obtain Commission approval for an executed letter of credit or other form of financial security in the amount of \$202,202.00. The letter of credit must be an irrevocable standby letter of credit that: (i) names the Commission as the sole beneficiary; (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.

8. Every three years the CPG Holder must 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 must be filed no later than February 28 of the third year following the issuance of the CPG and every subsequent third year.

9. The value of the decommissioning fund must be adjusted for inflation every three years based on 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.

10. The Facility's standby letter of credit or other form of financial security must be adjusted every three years to reflect changes to the decommissioning fund as provided in condition 9, above. Revisions must be made no later than February 28 in conjunction with the report required pursuant to condition 8, above. The Commission may require more frequent adjustments due to facility or site conditions.

11. The Commission has the right to draw on the Facility's irrevocable standby letter of credit or other form of financial 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.

12. 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.

13. The CPG Holder must fully implement the final aesthetic mitigation plan as soon as reasonably possible, and in no case more than 90 days following the completion of construction, unless such timing would require implementation between October 15 and April 15, in which case the plan must be fully implemented within 30 days of the following April 15.

14. Within 30 days following the full implementation of the final aesthetic mitigation plan, the CPG Holder must submit to the Commission and all parties in this proceeding a certification that all work has been fully implemented in a manner consistent with the approved plan. This certification must include the completion of construction date as well as the date of interconnection and must be supported by an affidavit and dated photographs of the installed mitigation measures. If construction of the Facility components and/or aesthetic mitigation has deviated from the design of the Facility as approved, the CPG Holder must also file for Commission review and approval a revised final mitigation plan. Submission of a revised final mitigation plan will not relieve the CPG Holder from its obligation to request an amendment to the CPG for a substantial change.

15. For a period of three years, the CPG Holder must conduct an annual inspection of the Facility to determine the health, vigor, and continued effectiveness of the mitigation. The CPG

Holder must file with the Commission and parties an annual certification documenting the results of the inspection and any corrective actions taken. Certifications required under this paragraph must be submitted by the dates one, two, and three years following the submission of the certification of completion required by condition 14, above.

16. The CPG Holder must maintain mitigation measures contained in the final aesthetic mitigation plan or revised final aesthetic mitigation plan for the life of the Facility as those measures are depicted on the plan.

17. In accordance with Commission Rule 5.805(C), the Commission may conduct further process as needed to ensure compliance with the final aesthetic mitigation plan or revised final aesthetic mitigation plan.

18. Before beginning site preparation, the CPG Holder must file with the Commission, the parties, and the Town of St. Albans a letter stating that it has fulfilled all pre-site preparation CPG conditions, and that it intends to begin site preparation for the Facility.

19. Before operating the Facility, the CPG Holder must file with the Commission, the parties, and the Town of St. Albans a letter confirming that it has fulfilled all pre-operation CPG conditions and that it intends to begin operation of the Facility.

20. As required by 30 V.S.A. § 248(a)(7), within 45 days of the date of this order, the CPG Holder must 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.

21. The CPG Holder must register with Dig Safe and comply with both 30 V.S.A. § 7008 and Commission Rule 3.800, as amended or updated from time to time, for the life of the Facility.

22. The CPG Holder must comply with the terms of the memorandum of understanding between the CPG Holder and ANR (the “ANR MOU”) filed on September 26, 2025, and entered into the evidentiary record as Exhibit DRS-ANR-1.

23. Before beginning site preparation, construction, operation, or maintenance of the Facility, the CPG Holder must obtain all other necessary ANR permits and approvals. Site preparation, construction, operation, and maintenance of the Facility shall be in accordance with such permits and approvals, and with all other applicable regulations.

24. Before beginning any site preparation or construction of the Facility and distribution line upgrades, the CPG Holder must obtain a Vermont Individual Wetland Permit from the Vermont Department of Environmental Conservation Wetlands Program. All Facility and distribution line upgrade activities must be performed in accordance with the terms and conditions of the Vermont Wetland Permit and applicable best management practices.

25. The CPG Holder must comply with the terms of the stipulation between the CPG Holder and the Vermont Agency of Agriculture, Food and Markets (“AAFM”) filed on September 26, 2025, and entered into the evidentiary record as the AAFM Stipulation.

26. As provided in 30 V.S.A. § 248(t), notwithstanding any contrary provision of the law, primary agricultural soils (“PAS”), as defined in 10 V.S.A. § 6001, located on the site of a solar electric generation facility approved under Section 248 must remain classified as such soils, and the review of any change in use of the site after construction of the Facility must treat the soils as if the Facility had never been constructed.

27. For areas of PAS disturbance on the Facility site, the CPG Holder must 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 must also comply with the AAFM Guidelines when sequencing returned soils at the conclusion of construction or Facility 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.

28. Stockpiled soil must 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.

29. 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 Facility 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 Facility. Tree stumps that are removed must be shaken clean over the area

from which they were removed. Stumps must either be chipped or ground up. Chips and ground wood must 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.

30. No wood in any form, stones, nor other debris from construction of the Facility shall remain piled on PAS on the site after construction is complete.

31. If installing electric conduit or other features with fill or other imported material of any kind in areas of PAS, the CPG Holder must remove soil in a manner that separates soil horizons, stockpile the layer(s) displaced by the layer of imported for the life of the Facility, 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 must 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.

32. Except for grading to create the access road, bridge, transformer pads, and Facility stormwater improvements, the Facility must not include any grading of PAS. Any fill or gravel used for roads or staging areas must be separated from native soils by a suitable barrier such as geotextile fabric.

33. To reduce impacts on PAS from soil compaction, the CPG Holder must 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 does not apply to the use of any onsite gravel roads that are constructed with geotextile fabric, a minimum of ten inches of gravel, and a one-inch thicker cap of crushed aggregate.

34. Before beginning construction and again at the end of decommissioning, the CPG Holder must test bulk density of the soil on each mapped soil unit containing PAS within the Facility limits to ensure that the PAS on the site are materially the same after the Facility as they

were before construction. “Materially the same” means an increase in soil bulk density of no more than ten percent.

- a. The CPG Holder must undertake the soil tests and mitigate any material change in soil bulk density as follows:
 - i. Before construction, for each area of direct impact such as staging areas, access roads, and any area on the Facility 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 must collect 2 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.)
 - ii. In any areas of PAS on the Facility site where axle loads of construction vehicles or equipment will not exceed 12,000 pounds, the CPG Holder must collect and test one sample for each mapped soil unit before construction and must otherwise follow the same testing protocols.
- b. At the end of the decommissioning process, the CPG Holder must 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%, then the CPG Holder must conduct agricultural subsoiling and/or other strategies to decompact soil until bulk soil density is materially the same as it was prior to Facility construction.
- c. The CPG Holder must serve test results upon AAFM within 60 days of the test either by filing the results in ePUC or:
 - i. By email to counsel of record in this matter, as listed in Commission records at the time of service; and

- ii. By email to AGR.Notice@vermont.gov, as may be updated in Commission records at the time of service.

35. The CPG Holder must comply with the terms of the stipulation between the CPG Holder and the Vermont Division for Historic Preservation (“DHP”) filed on August 18, 2025, and entered into the evidentiary record as Exhibit DRS-RG-2 (the “DHP MOU”).

36. The CPG Holder must conduct archaeological investigation(s) and prepare related reports to identify, evaluate, and mitigate, if necessary, impacts on archaeological sites within the Facility area. The CPG Holder’s archaeological consultant must submit any scope of work to DHP for review and approval before commencing the work.

37. Prior to the completion of all relevant archaeological investigations, the CPG Holder, in consultation with DHP, must identify the Facility 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.

38. All relevant archaeological studies to identify, evaluate, or mitigate impacts on archaeological sites must be carried out by a qualified consulting archaeologist. All such studies and associated reports shall follow the DHP Guidelines for Conducting Archaeological Studies in Vermont (2017). A digital copy of the final report must be submitted to DHP. Any archaeological reports submitted to the Commission must have specific archaeological site locational information redacted in accordance with 22 V.S.A. § 761(b) and 1 V.S.A. § 317(c) (20).

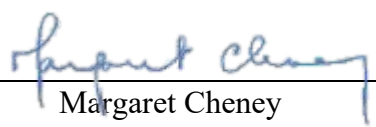
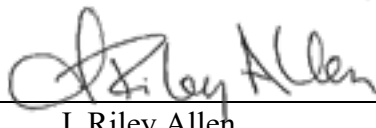
39. The archaeological investigations must be scheduled so that mitigation measures, if any are determined to be necessary, can be satisfactorily planned and accomplished before beginning site preparation and construction of the Facility. Any archaeological sites within the Facility area must not be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

40. Any changes to the Facility that arise via compliance with this DHP MOU and/or resulting from mitigation measures approved by DHP 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.

41. The CPG Holder must pay all invoices (if any) from any State agency that (a) are related to this proceeding and (b) are not still under review by the Commission.

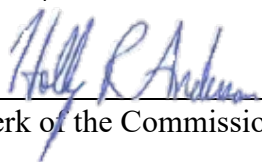
42. This certificate of public good may not be transferred without prior approval of the Commission.

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

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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)

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

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