STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 24-2945-PET

Petition of VT Real Estate Holdings 2 LLC for a certificate of public good, pursuant to 30 V.S.A. § 248, for a 20 MW ground-mounted solar array in Fair Haven, Vermont	

Order entered: 11/17/2025

PRESENT: Edward McNamara, Chair
Margaret Cheney, Commissioner
J. Riley Allen, Commissioner

APPEARANCES: William Bischoff, *pro se*

Donald J. Einhorn, Esq.
Vermont Agency of Natural Resources

WillyJane Patry, Esq.
Vermont Agency of Agriculture, Food and Markets

Matthew Bakerpoole, Esq.
Vermont Department of Public Service

Geoffrey Hand, Esq., Victoria M. Westgate, Esq., and Zachary Berger, Esq.
SRH Law PLLC
for VT Real Estate Holdings 2 LLC

FINAL ORDER GRANTING CERTIFICATE OF PUBLIC GOOD

Table of Contents

I. INTRODUCTION

This case involves a petition filed by VT Real Estate Holdings 2 LLC ("Fair Haven Solar" 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 20 megawatt ("MW") solar electric generation facility off Airport Road in Fair Haven, Vermont (the proposed "Facility").

The Facility is significant in terms of its size and will be equivalent to that of the largest two solar generation projects we have previously approved. The Commission has carefully assessed the localized impacts and policy considerations of this large-scale solar facility within the framework of the Section 248 criteria. Nearly 150 acres of prime agricultural soils will be directly impacted by development, with proportional acres of habitat for rare plant, bird, reptile, and bat species also being affected. However, only 3.1 acres of trees will be removed to accommodate the Facility. The aesthetics of the area surrounding the Facility site will remain largely unchanged because there will be limited visibility from nearby public areas. The Petitioner has taken appropriate steps to mitigate the visual impacts of the Facility on its surroundings. The limited tree clearing and minimization of impacts to the aesthetics of the local area are facts indicative of the appropriateness of this Facility's siting. As part of our review, we also weighed our state's role within the larger, interconnected New England electric grid and Vermont's reliance on that regional grid to achieve reliability and mandated reductions in greenhouse gas emissions.

The Commission has examined the evidentiary record developed throughout this proceeding, as well as the parties' filings. As discussed in more detail in this order, the Facility, subject to appropriate conditions, satisfies each criterion of Section 248 and will promote the general good of Vermont.

II. PROCEDURAL HISTORY

On September 17, 2024, the Petitioner filed a petition with supporting testimony and exhibits (the "Petition") requesting a CPG to install and operate a 20 MW solar electric generation facility in Fair Haven, Vermont.

On January 2, 2025, the Petitioner submitted a memorandum of understanding ("MOU") between the Petitioner and the Vermont Division for Historic Preservation ("DHP") (the "DHP MOU").

On February 12, 2025, William Bischoff filed a notice of intervention.

On February 13, 2025, the Commission held a scheduling conference.

On February 19, 2025, the Vermont Agency of Agriculture, Food and Markets ("AAFM") filed a notice of intervention.

On March 20, 2025, the Vermont Department of Public Service ("Department") facilitated an in-person information session at Fair Haven Grade School in Fair Haven, Vermont. The Commission held an in-person public hearing after the information session.

On June 3, 2025, the Commission held a site visit.

On August 8, 2025, the Petitioner submitted an MOU between the Petitioner and the Vermont Agency of Natural Resources ("ANR") (the "ANR MOU"), as well as an MOU between the Petitioner and AAFM.

On August 8, 2025, the Department filed comments in support of the Petition subject to a condition.

On August 18, 2025, the Department filed a determination that the Petition is consistent with the Vermont Electric Plan (the "Section 202(f) Determination").

On September 5, 2025, the Petitioner filed proposed findings of fact, a proposed order, a proposed CPG, revised site plans, and amendments to the MOU with AAFM that had been filed on August 8, 2025 (collectively, the "AAFM MOU").

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: Reed Wills' prefiled testimony (filed 9/17/2024 and adopted by Andrew Day), supplemental testimony (filed 1/2/2025 and adopted by Andrew Day), and exhibits FHS-RW-1, FHS-RW-2 (adopted by Andrew Day), FHS-RW-3 (adopted by Andrew Day), FHS-RW-4 (adopted by Andrew Day), FHS-RW-5 (adopted by Andrew Day), and FHS-RW-6 (adopted by Andrew Day); Stephanie Wyman's prefiled testimony (filed 9/17/2024), supplemental testimony (filed 8/8/2025), and exhibits FHS-SW-1, FHS-SW-2a (revised 9/5/2025), FHS-SW-2b (revised 8/8/2025), FHS-SW-2c (revised 8/8/2025), FHS-SW-3, and FHS-SW-4; Eddie Duncan's prefiled testimony (filed 9/17/2024) and exhibits FHS-ED-1 and FHS-ED-2; Lisa Potter's prefiled testimony (filed 9/17/2024) and exhibits FHS-LP-1 and FHS-LP-2; Adam Crary's prefiled testimony (filed 9/17/2024), supplemental testimony (revised 8/11/2025), and exhibits FHS-AC-1, FHS-AC-2 (revised 8/8/2025), FHS-AC-3 (revised 8/8/2025), FHS-AC-4 (revised 8/8/2025), FHS-AC-5, and FHS-AC-6; Britta Tonn's prefiled testimony (filed 9/17/2024), supplemental testimony (filed 1/2/2025), and exhibits FHS-BT-1, FHS-BT-2, FHS-BT-3, and FHS-BT-4; Michael Willard's prefiled testimony (filed 9/17/2024) and exhibits FHS-MW-1 and FHS-MW-2; Devi Glick's prefiled testimony (filed 9/17/24) and exhibits FHS-DG-1 and FHS-DG-2; Andrew Day's supplemental testimony (filed 8/8/2025) and exhibits FHS-AD-1, FHS-ANR-1, and FHS-AAFM-1; the Petition; the Petitioner's Response to the Commission's Information Requests ("Petitioner Response"); the Department's Comments (submitted 8/8/2025) ("Department Comments"); the Section 202(f) Determination; and exhibit FHS-AAFM-1a.[1]

III. PUBLIC HEARING AND COMMENTS

The Commission provided an opportunity for public comments in this case through a public hearing and written comments.[2] We convened the public hearing on March 20, 2025, in Fair Haven, Vermont. No members of the public attended the public hearing. No public comments were filed in this proceeding.

[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.

[2] 3 V.S.A. § 809(g) ("Findings of fact shall be based exclusively on the evidence and on matters officially noticed.").

IV. FINDINGS

Based on the Petition and the accompanying record in this proceeding, the Commission makes the following findings of fact.

Description of the Facility

1. VT Real Estate Holdings 2 LLC is a Delaware limited liability company with principal offices at 58 Commerce Road, Stamford, Connecticut 06902. Reed Wills (adopted by Andrew Day), Petitioner ("Wills (Day)") pf. at 1.

2. Fair Haven Solar proposes to construct and operate a 20 MW alternating current ("AC") solar electric generation facility ("Facility") located off Airport Road in Fair Haven, Vermont. Wills (Day) pf. at 2-3.

3. The Facility will occupy an approximately 119-acre fenced footprint situated within five parcels totaling about 825 acres. The parcels are located adjacent to Airport Road and U.S. Route 4. Wills (Day) pf. at 3-4; exh. FHS-SW-2a (Rev.)

4. The Facility will be sited primarily on existing open fields. Approximately 3.1 acres of trees will be cleared to accommodate the Facility. Wills (Day) pf. at 3; Department Comments at 2; exh. FHS-SW-2a (Rev.).

5. Access to the Facility, including for construction, will be provided from Airport Road. Portions of Munger Road and an existing farm road will be upgraded and widened, and a new 3,500-foot-long, 16-foot-wide gravel road will be constructed. Wills (Day) pf. at 3-4.

6. The Facility substation will be located approximately 3,300 feet south of the Facility within a 0.3-acre fenced area on an adjacent parcel. It will interconnect to the grid via a new substation to be owned and operated by Green Mountain Power Corporation ("GMP"), which will replace GMP's existing Fair Haven Substation, subject to separate Section 248 approval.[3] Access to the interconnection facility will be provided by a new 909-foot-long, 26-foot-wide gravel road off Airport Road. Wills (Day) pf. at 5; exhs. FHS-RW-2, FHS-SW-2a (Rev.) and FHS-SW-2b (Rev.).

7. The Facility's infrastructure will include:

[3] The proposed substation is being reviewed in Case No. 25-0593-PET. At the time of this order, a final determination has not been made regarding the proposed substation.

a. Approximately 43,120 bi-facial solar panels mounted on single-axis trackers oriented north-south to follow the sun east-to-west. At their highest point the panels will reach approximately 12 feet above ground.
b. Eight equipment pads spread throughout the site, each containing one inverter and one generator step-up ("GSU") transformer rated at 3,060 kVA each.
c. Underground collector lines from the equipment pads to the Facility substation. Wills (Day) pf. at 3-5; exhs. FHS-RW-2 and FHS-SW-2a (Rev.).

8. The Facility will be enclosed with a seven-foot-high fixed-knot agricultural-style fence meeting National Electrical Safety Code requirements. The fence will be secured to prevent public access while allowing small mammal passage near ground level. A separate eight-foot plus one-foot barbed-wire fence will surround the substation. Wills (Day) pf. at 5; exhs. FHS-RW-2 and FHS-RW-3.

9. Construction of the Facility is expected to take approximately 45 to 60 weeks depending on weather conditions. Wills (Day) pf. at 11.

10. Construction hours will be limited to 7:00 A.M. to 7:00 P.M. Monday through Friday and 8:00 A.M. to 5:00 P.M. on Saturdays, with no construction on Sundays or state and federal holidays absent Commission approval. Eddie Duncan, Petitioner ("Duncan") pf. at 3.

Review of Facility Under the Section 248 Criteria

Orderly Development of the Region

[30 V.S.A. §§ 248(b)(1) and 248(b)(1)(C)]

11. 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. This finding is supported by the additional findings below.

12. The Fair Haven Town Plan does not contain any land conservation measures that are specific to the Facility site or surrounding area. Michael Willard, Petitioner ("Willard") pf. at 8; exh. FHS-MW-2.

13. The Rutland Regional Plan contains an energy plan that has received an affirmative determination of energy compliance under 24 V.S.A. § 4352. Willard pf. at 7.

14. There are no specific land conservation measures that would apply to the Facility in the Rutland Regional Plan. Willard pf. at 7; exh. FHS-MW-2.

Municipal Screening Requirements
[30 V.S.A. § 248(b)(1)(B)]

15. The Town of Fair Haven 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. Willard pf. at 8.

Need for Present and Future Demand for Service
[30 V.S.A. § 248(b)(2)]

16. 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, including but not limited to those developed pursuant to the provisions of subsection 209(d), section 218c, and subsection 218(b) of Title 30. This finding is supported by the additional findings below.

17. Both New England and Vermont are experiencing increasing energy demand, a trend expected to continue through 2033, and the Facility could generate on average 33.9 gigawatt hours annually, helping to meet this demand. Devi Glick, Petitioner ("Glick") pf. at 4; exh. FHS-DG-2.

18. The Facility will help to alleviate the gap between needed and available capacity that the New England region is expected to face in the coming years due in part to retirements of existing fossil and nuclear generating units. Exh. FHS-DG-2.

19. The Facility will provide energy to the region at little to no marginal cost, which can contribute to lowering the price of both wholesale energy and capacity in the ISO New England ("ISO-NE") marketplaces. Glick pf. at 6; exh. FHS-DG-2; Department Comments at 4.

20. The Facility will increase the regional renewable energy supply and apply downward pressure on the cost of electricity in the region. This increased renewable energy supply will help address Vermont's anticipated increase in electricity demands and will also better position the State to meet its energy policy goals. Department Comments at 4.

Discussion

The Petitioner has not entered into any power purchase or other contractual arrangements with a Vermont utility, and the Facility's marketable outputs, including the actual energy generated, renewable energy credits ("RECs"), and capacity, may ultimately be sold to entities located elsewhere in New England. With that said, this is not a situation where Vermont absorbs the localized environmental burdens of an energy facility while all of the benefits from the facility flow out of state. Vermont's participation in ISO-NE entails benefits and burdens that flow in both directions. New generation built in Vermont, including this Facility, that delivers power to the region's bulk power system benefits all users of that system. This includes Vermont utilities even when the output is sold to an out-of-state entity. Ultimately, we benefit from increased renewable energy serving the regional system, which should reduce wholesale costs and drive down the market cost of RECs, which in turn can reduce the Vermont utilities' RES compliance costs.

Impact on System Stability and Reliability

[30 V.S.A. § 248(b)(3)]

21. The Facility will not have an adverse effect on system stability and reliability. This finding is supported by the additional findings below.

22. ISO-NE conducted a System Impact Study ("SIS") for the Facility. The SIS included a review of any potential impacts on the system regarding steady state stability, short-circuit stability, transient stability, and a power-system model study evaluating different utility system failures that could occur. Lisa Potter, Petitioner ("Potter") pf. at 7

23. The SIS concluded that the Facility will not have any significant adverse impact on the ISO-NE power system. Potter pf. at 7.

24. GMP conducted an uprate study of transmission lines that could be affected by the Facility and determined that seven electric poles are required to be replaced with new electric

poles that are five feet taller along existing GMP transmission lines in the towns of Fair Haven, Castleton, and Rutland. Potter pf. at 7; Wills (Day) pf. at 6; exh. FHS-RW-5.

25. The Petitioner will be responsible for all costs associated with interconnection of the Facility, including costs to replace the GMP electric poles. Potter pf. at 7.

26. Because the Facility will be subject to ISO-NE interconnection rules, Rule 5.500 does not apply to the Facility. Potter pf. at 8.

27. The Facility will meet the applicable safety standards of the National Electrical Code and National Electrical Safety Code, and utility interconnection standards for safe and reliable operation of solar electric plants. Potter pf. at 8.

28. The Department has reviewed the Facility and did not identify any significant concerns regarding system stability and reliability. Department Comments at 4.

Economic Benefit to the State

[30 V.S.A. § 248(b)(4)]

29. The Facility will result in an economic benefit to the State and its residents. This finding is supported by the additional findings below.

30. The Facility will create jobs and associated local economic benefits during the construction period. These benefits will include individuals contracted to perform engineering, environmental, permitting, and construction-related jobs and, during the operational phase, individuals employed in operating, maintaining, and monitoring the Facility. Wills (Day) pf. at 19-20.

31. The Petitioner will pay state and municipal taxes. The Facility is projected to generate $7.3 million in lifetime cumulative (discounted) Vermont taxes from the Vermont Uniform Capacity Tax, municipal tax on the Facility, and municipal tax on the land occupied by the Facility. Exh. FHS-DG-2; Petitioner Response at 2.

Discussion

The concepts underpinning the need and economic benefit criteria are closely linked. As noted above in our discussion of the "need" criterion, participation in ISO-NE produces shared benefits to each of the New England states. In economic terms, the benefits of the Facility include, but extend beyond, the tax revenues and jobs created that flow directly to the state of Vermont and its residents. Vermont's access to a reliable electric system with sufficient, cost-

effective renewable energy helps achieve affordable electric service and increased economic productivity. An increase in the supply of renewable generation anywhere in New England, including in Vermont, provides these economic benefits regardless of whether Vermont utilities are directly purchasing the products of that generation.

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

32. Subject to the conditions described below, the Facility will not have an undue adverse effect 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) through (8) and (9)(K), impacts on primary agricultural soils as defined in 10 V.S.A. § 6001, and greenhouse gas impacts. This finding is supported by the additional findings below, which give due consideration to the criteria specified in 10 V.S.A. §§ 1424a(d) and 6086(a)(1) through (8) and (9)(K).

Outstanding Resource Waters
[10 V.S.A. § 1424a; 30 V.S.A. § 248(b)(8)]

33. The Facility will not affect any outstanding resource waters as defined by 10 V.S.A. § 1424a(d) because there are no outstanding resource waters in the Facility area. Adam Crary, Petitioner ("Crary") pf. at 17; exhs. FHS-AC-2 (Rev.) and FHS-AC-6.

Air Pollution and Greenhouse Gas Impacts
[30 V.S.A. § 248(b)(5); 10 V.S.A. § 6086(a)(1)]

34. The Facility will not result in undue air pollution or greenhouse gas emissions. This finding is supported by the additional findings below.

35. Construction of the Facility will result in the temporary emission of minimal levels of air pollutants. These emissions will primarily be generated by typical construction equipment and will not result in any permanent increase in hydrocarbon emissions from those generated during a typical construction project. Stephanie Wyman, Petitioner ("Wyman") pf. at 3.

36. During construction, dust from vehicular traffic will be controlled by the application of water to gravel roadways as needed. Wyman pf. at 3.

37. The operation of the Facility will not emit any air pollutants, other than *de minimis* levels associated with maintenance vehicles periodically traveling to the site, mowing if needed, and other similar activities. Wyman pf. at 3.

38. Over the expected 30-year operating life of the Facility, the net avoided carbon dioxide emissions of the Facility are projected at 268,638 to 509,636 short tons of carbon dioxide. Glick pf. at 12; exh. FHS-DG-2.

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

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

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

40. The Facility site is located in a headwaters area because the site includes areas characterized by steep slopes and shallow soils and because it is located in a watershed of less than 20 square miles. However, the Facility site is not characterized by other features that define headwaters as set forth in 10 V.S.A. § 6086(a)(1)(A). It is not above 1,500 feet in elevation, is not in a watershed of a public water supply as designated by ANR, and is not in an area that supplies significant amounts of recharge water to aquifers. Crary pf. at 5; exh. FHS-AC-2 (Rev.) at 8-9.

41. The Petitioner will manage stormwater discharges to surface waters to ensure that the Facility will not result in a reduction in quality of ground or surface waters in the area. Crary pf. at 5.

42. The Facility will meet all applicable health and Vermont Department of Environmental Conservation regulations regarding reduction of the quality of the ground or surface waters in a headwaters area. Crary pf. at 5; exh. FHS-AC-2 (Rev.) at 9-10.

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

43. The Facility will meet all applicable health and Vermont Department of Environmental Conservation regulations regarding the disposal of waste. This finding is supported by the additional findings below.

44. The Facility will not need permanent sanitary waste treatment or public waste treatment facilities and will not involve the injection of waste materials or any harmful or toxic substances into ground or surface waters. During construction, portable toilets will be brought on site as needed and managed by a licensed contractor. Wyman pf. at 4-5.

45. Any metal or cardboard generated from the Facility construction will be recycled. All construction waste that cannot be recycled will be disposed of in an approved sanitary landfill in accordance with applicable regulations. Wyman pf. at 5.

46. Pad-mounted transformers will be housed within secondary oil containment, sized to contain 110 percent of the largest anticipated volume of a potential release of transformer dielectric fluid, plus five inches of freeboard. Wyman pf. at 4.

47. Secondary containment will also be provided for the Facility substation transformer. Wyman pf. at 4; exh. FHS-SW-2c (Rev.).

48. The Facility is subject to spill prevention control and countermeasure ("SPCC") planning regulations under 40 C.F.R. § 112 ("SPCC Regulations") because the total volume of oil storage at the Facility site will exceed 1,320 gallons in containers greater than 55 gallons. Wyman pf. at 4.

49. The Facility will prepare an SPCC Plan before operation. The SPCC Plan will consist of an inventory of oil-filled containers and equipment; facility map showing drainage, flow paths, potential release locations, and threats to navigable waters; discharge prevention and spill containment measures, spill countermeasures, and containment structures; routine monitoring and inspection procedures; emergency response and reporting procedures; equipment failure analysis (if applicable); and spill history (if applicable). Wyman pf. at 4-5.

Water Conservation
[10 V.S.A. §§ 6086(a)(1)(C)]

50. The Facility will not have an undue adverse effect on water conservation because the Facility will involve only limited use of water. Any amount of water required will be transported to the Facility site. Wyman pf. at 6.

Flood Hazard Areas and River Corridors
[10 V.S.A. § 6086(a)(1)(D)]

51. Portions of the Facility are located in a flood hazard area, but will not have undue, adverse impacts on floodways, floodway fringes, or river corridors. This finding is supported by the additional findings below.

52. The Facility has been designed so no solar array components will be within mapped floodplains or river corridors. Exh. FHS-AC-2 (Rev.).

53. The Facility has been designed in accordance with engineering assessments and in coordination with regulatory stakeholders, including ANR's Rivers Program, to ensure that the design will minimize impacts on the Mud Brook riparian system and that the Facility will be permittable under the State's flood hazard and river corridor ("FHARC") protection rules. Crary pf. at 6.

54. The solar arrays have been designed so that the arrays and related project activities avoid floodway fringe and river corridors, except for an upgraded road crossing of Mud Brook that is necessary to provide safe and reliable construction and operational access to the northern and eastern portions of the Facility. This upgrade will take place within floodway fringe and river corridors and will consist of replacing an existing culvert/ford crossing with a bridge. Crary pf. at 6.

55. The Facility also includes an underground electric generation tie-in line that will cross the Mud Brook riparian system and a river corridor associated with an unnamed perennial stream. To avoid impacts from the installation of this electric generation tie-in, the line will be installed below the extent of the established river corridor system using either horizontal directional drilling or jack and bore, depending on the conditions of the specific area and equipment available. Crary pf. at 6; Crary supp pf. at 3.

56. The Petitioner will obtain an FHARC permit for activities associated with the Mud Brook access crossing, as well as underground electric crossings, if necessary. Crary pf. at 6.

57. The replacement of two GMP-owned poles will require work within the floodway fringe or river corridor of the Castleton River. Crary pf. at 7; exh. FHS-AC-6.

58. This pole-upgrade work will involve in-kind pole replacements that will be accessed using existing roads, crossing overland, or using construction mats to avoid soil disturbance, and will not restrict or divert the flow of floodwaters or significantly increase the peak discharge of the watercourse. Crary pf. at 7; exh. FHS-AC-6.

59. Under the ANR MOU, the Petitioner and ANR have agreed that a condition should be included in the CPG requiring the Petitioner to obtain a FHARC permit and stipulating that all Facility work will be performed in accordance with the terms and conditions of the FHARC permit. Exh. FHS-ANR-1 at Section (II)(5).

Discussion

The Petitioner and ANR agree that the requirements of the ANR MOU are sufficient to prevent any undue adverse impacts on flood hazard areas and river corridors. The Commission has reviewed the ANR MOU, and we are satisfied that the conditions in the ANR MOU will adequately prevent undue adverse impact. The CPG issued for the Facility will include conditions that incorporate these requirements from the ANR MOU.

Streams

[10 V.S.A. § 6086(a)(1)(E)]

60. The Facility will not have an undue adverse effect on streams. This finding is supported by the additional findings below.

61. Portions of the Facility are located on or adjacent to the bank of a stream. Crary pf. at 7.

62. The solar generation component of the Facility avoids streams and riparian buffers either by design or by using construction techniques such as horizontal directional drilling or jack and bore installation methods for the underground tie-in line. Crary pf. at 7.

63. The Mud Brook access crossing upgrade will require a State stream alteration permit. Crary pf. at 8.

64. The design for the Mud Brook access crossing upgrade incorporates feedback from ANR's fisheries program and will improve water and habitat quality by replacing a damaged culvert with a bridge that will restore natural fluvial processes and instream habitat conditions. Crary pf. at 8.

65. The GMP pole upgrade component of the Facility will involve some construction activity within riparian buffers. Crary pf. at 8.

66. This pole upgrade work will involve in-kind pole replacements that will be accessed using existing roads, crossing overland, or using construction mats to avoid soil disturbance, and will not create new impacts on riparian buffers. Crary pf. at 8; exhs. FHS-AC-6, FHS-RW-5.

67. Under the ANR MOU, the Petitioner and ANR have agreed that a condition should be included in the CPG requiring the Petitioner to obtain either a general or individual stream alteration permit and stipulating that all Facility work will be performed in accordance with the terms and conditions of the stream alteration permit. Exh. FHS-ANR-1 at Section (II)(6).

Discussion

The Petitioner and ANR agree that the requirements of the ANR MOU are sufficient to prevent any undue adverse impacts on streams. The Commission has reviewed the ANR MOU, and we are satisfied that the conditions in the ANR MOU will adequately prevent such impacts. The CPG issued for the Facility will include conditions that incorporate these requirements from the ANR MOU.

Shorelines

[10 V.S.A. § 6086(a)(1)(F)]

68. The solar array and substation components of the Facility are not located on a shoreline. Crary pf. at 9; exh. FHS-AC-2.

69. The GMP pole upgrades will require activity adjacent to the shorelines of the Castleton River. However, these upgrades are located on the shoreline by necessity and will be in-kind pole replacements that will not result in any change in the character, condition, or accessibility to the river. Crary pf. at 9; exhs. FHS-AC-2 (Rev.) and FHS-AC-6.

Wetlands
[10 V.S.A. § 6086(a)(1)(G)]

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

71. There are confirmed Class II wetlands on the Facility site, and the Facility has been designed to avoid impacts on the identified Class II wetlands. Crary pf. at 9; exh. FHS-AC-2.

72. Despite these avoidance measures, certain limited impacts on wetlands and wetland buffers will occur. These impacts are associated with improvements to existing access roads, the replacement of the existing Mud Brook ford crossing with a bridge, reconstruction of a portion of Airport Road, and landscape mitigation plantings along Scotch Hill Road. Crary pf. at 9-10; exh. FHS-AC-2.

73. The landscape mitigation plantings along Scotch Hill Road will be partially within Class II wetland and buffers that extend to the existing road edge. Native vegetation will be used for these plantings in order to be deemed an allowed use under Vermont Wetland Rules. Crary pf. at 10.

74. Non-exempt activities in Class II wetlands and wetland buffers will require authorization from the Vermont Department of Environmental Conservation through an individual Vermont wetland permit. Exh. FHS-AC-2 (Rev.).

75. Wetland dredge and fill impacts will require authorization from the U.S. Army Corps of Engineers ("USACE") under Section 404 of the Clean Water Act and are expected to qualify for coverage under the Vermont General Permit with a Pre-Construction Notification. Exh. FHS-AC-2 (Rev.).

76. The GMP pole upgrades will require activity within wetlands and wetland buffers mostly due to right-of-way access to existing poles to be replaced and will qualify as an allowed use because the pole replacements are akin to repair and maintenance of overhead utilities. Crary pf. at 11.

77. Under the ANR MOU, the Petitioner and ANR have agreed that a condition should be included in the CPG requiring the Petitioner to obtain a Vermont Wetland Permit before beginning site preparation or construction. Exh. FHS-ANR-1 at Section (II)(7).

78. Under the ANR MOU, the Petitioner and ANR have agreed that a condition should be included in the CPG requiring that, if an Individual Section 404 Permit from the USACE is required for the Facility, then, before beginning site preparation or construction of the Facility, the Petitioner must obtain from ANR either an Individual Section 401 Water Quality Certification or a final determination from ANR that it has waived the Section 401 Water Quality Certification. Exh. FHS-ANR-1 at Section (II)(8).

79. The Facility will comply with the Vermont Wetlands Rules. Crary pf. at 11.

Discussion

The Petitioner and ANR agree that the requirements of the ANR MOU are sufficient to prevent any undue adverse impact on wetlands. The Commission has reviewed the ANR MOU, and we are satisfied that the conditions in the ANR MOU will adequately prevent undue adverse impact on wetlands. The CPG issued for the Facility will include conditions that incorporate these requirements from the ANR MOU.

Sufficiency of Water and Burden on Existing Water Supply
[10 V.S.A. §§ 6086(a)(2) and (3)]

80. The Facility will not cause an unreasonable burden on an existing water supply or affect the sufficiency of water. This finding is supported by the additional finding below.

81. The Facility does not require a connection to a well or municipal water supply for construction or operation. Water will be brought to the site for dust control during the construction phase, to establish vegetation post-construction, and occasionally to clean panels during operation. Otherwise, the Facility will not utilize water. Wyman pf. at 6.

Soil Erosion
[10 V.S.A. § 6086(a)(4)]

82. The Facility 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.

83. The Facility will involve more than one acre of earth disturbance and will require a construction-phase stormwater permit from the Vermont Department of Environmental

Conservation. The earth disturbance that will occur during construction includes excavation for installing the pad-mounted transformers and associated secondary oil containment, switchgear, underground trenching, construction staging, vegetative clearing and grubbing, fencing, construction of the Facility substation, excavation for stormwater treatment practices, primary agricultural soil stockpiles, installation of access roads and associated drainage, and landscape mitigation. The estimated total potentially disturbed area is 149.2 acres. Wyman pf. at 7; exhs. FHS-SW-2b (Rev.) and FHS-SW-3.

84. The Facility will require an Individual Construction Stormwater Discharge Permit because more than five acres of concurrent earth disturbance will occur during construction at any one time. Construction activities will be performed in accordance with the Vermont Standards & Specifications for Erosion Prevention and Sediment Control. Wyman pf. at 7.

85. The Facility will implement a variety of stormwater runoff and erosion control methods, including temporary soil stabilization within 14 days of initial site disturbance, a temporary stabilized construction entrance, silt fence downslope of all proposed disturbances and when work is proposed within 100 feet of a wetland, erosion control berms, sediment traps, and sediment basins. Wyman pf. at 8; Wyman supp. pf. at 5-6; exh. SS-SW-2b (Rev.).

86. Facility construction will be phased so that no more than ten acres of soil disturbance occurs at any one time. Wyman pf. at 8.

87. The Facility will create approximately 2.7 acres of impervious surfaces from the pad-mounted transformers, concrete pads, control house, and access roads and will redevelop approximately 1.5 acres of impervious surface of existing gravel roads. Following construction, the total impervious area of the Facility will be approximately four acres. Wyman pf. at 8; exhs. FHS-SW-3 and FHS-SW-2a (Rev.).

88. The Facility will require an operational stormwater permit because the total impervious surface is greater than one acre. Wyman pf. at 8; exhs. FHS-SW-3 and FHS-SW-2a (Rev.).

89. Following construction, final site stabilization will be achieved in accordance with ANR standards, through revegetation of pervious areas and graveling of access roads. Implementation of these measures will prevent undue soil erosion and protect water quality. Wyman pf. at 8; exh. FHS-SW-3.

90. Under the ANR MOU, the Petitioner and ANR have agreed that conditions should be included in the CPG requiring the Petitioner to obtain both an Individual Construction Stormwater Permit and an Operational Stormwater Permit 3-9050 before beginning site preparation or construction. Exh. FHS-ANR-1 at Sections (II)(3-4).

Discussion

The Petitioner and ANR agree that the requirements of the ANR MOU are sufficient to prevent unreasonable soil erosion or a reduction in the capacity of the land to hold water. The Commission has reviewed the ANR MOU, and we are satisfied that the conditions in the ANR MOU are adequate to prevent these consequences. The CPG issued for the Facility will include conditions that incorporate these requirements from the ANR MOU.

Transportation

[10 V.S.A. § 6086(a)(5)]

91. The Facility will not cause unreasonable congestion or unsafe conditions with respect to the use of highways, waterways, railways, airports, airways, or other means of transportation, existing or proposed. This finding is supported by the additional findings below.

92. Vehicles, including construction vehicles, will access the site via Airport Road and Munger Road, a Class 4 road that currently has very limited traffic. Wills (Day) pf. at 20.

93. The Petitioner will obtain the necessary local or state oversized load permits if overweight loads are necessary during construction. Wills (Day) pf. at 20.

94. During operation of the Facility, access to the site will be limited to landscape management and equipment maintenance and repairs, so there will be only occasional Facility-related traffic. Wills (Day) pf. at 21.

Educational Services

[10 V.S.A. § 6086(a)(6)]

95. The Facility will not place an unreasonable burden on the ability of a municipality to provide educational services because the Facility will not require or affect educational services. Wills (Day) pf. at 21.

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

96. The Facility will not place an unreasonable burden on the ability of the affected municipality to provide municipal or government services because the Facility will not require or affect local services. This finding is supported by the additional finding below.

97. The Petitioner has agreed to coordinate with local fire officials to ensure familiarity with the Facility, and there will be 24-hour access for emergency personnel. Wills (Day) pf. at 22.

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

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

Aesthetics

99. The Facility's surroundings are rural and largely characterized by rolling hills, dense forested areas, and agricultural lands. The surrounding area is characterized by past and present agricultural activity, and the Facility itself will be located within existing open agricultural fields. Michael Willard, Petitioner ("Willard") pf. at 3-4; exh. FHS-MW-2.

100. Limited residential buildings are located near the Facility. The closest private residence to the Facility's solar arrays is roughly 0.34 mile east on Scotch Hill Road, while the closest private residence to the Facility's substation is about 534 feet west on Green Mountain Mobile Manor. Willard pf. at 3; exh. FHS-MW-2.

101. Potential visibility of the Facility will be localized within an approximate one-mile buffer area. Potential visibility of the Facility from nearby residences and roads is largely blocked by existing vegetation or topography. Potential views of the Facility are limited primarily to areas of Scotch Hill Road, U.S. Route 4, and the Fair Haven Town Park. Willard pf. at 4; exh. FHS-MW-2.

102. The Facility will result in an adverse impact on aesthetics or the scenic or natural beauty of the area, but the impact will not be unduly adverse. Willard pf. at 5; exh. FHS-MW-2.

103. A landscape mitigation plan was prepared by the Petitioner to reduce and/or soften the visibility of the Facility from public areas that were identified through field investigation efforts so that the Facility would not cause unduly adverse visual impacts. The landscape mitigation plan proposes planting 59 deciduous trees, 232 evergreen trees, and 179 shrubs to reduce offsite visibility of the Facility. The plan also proposes Vermont native or adaptive plant material to harmonize the landscaping with the existing surroundings. Willard pf. at 4; exh. FHS-MW-2.

104. The Facility does not violate any clear, written community standard intended to preserve the aesthetics or scenic beauty of the area contained in the Rutland Regional Plan ("Regional Plan"), Rutland Regional Energy Plan ("Energy Plan"), or Fair Haven Town Plan ("Town Plan"). The Regional and Town Plans provide encouragement to protect scenic resources and recognize their value, but do not specifically address or provide a clear standard for the proposed Facility site. Willard pf. at 6.

105. The Facility incorporates mitigation steps to alleviate its visual impact. These steps include the development of a landscape mitigation plan and siting of Facility components to take advantage of topography and natural screening from existing, mature, dense vegetation on the site. In addition, the Facility is sited near an existing transmission line and a proposed Green Mountain Power substation, thereby minimizing the need for new transmission line infrastructure or additional tree clearing. Willard pf. at 6; exh. FHS-MW-2.

106. The Facility would not be considered shocking or offensive to the average person because it is not sited in a prominently visible location. The Facility's unobtrusive site lessens the potential visual impacts from surrounding areas. The limited potential visibility from surrounding roads and residences, and the lack of any effect on identified scenic resources, public lands, or recreation resources limit the potential for the Facility to be shocking or offensive to the average person. Willard pf. at 6; exh. FHS-MW-2.

Discussion

In determining whether a proposed project satisfies the aesthetics criterion contained in 30 V.S.A. § 248(b)(5), the Commission applies the so-called "*Quechee* test."

The first step in the two-part *Quechee* test is to determine whether a project would have an adverse impact on aesthetics and the scenic and natural beauty of an area because the project

would not be in harmony with its surroundings. Specific factors used in making this evaluation include the nature of the project's surroundings, the compatibility of the project's design with those surroundings, the suitability of the project's colors and materials with the immediate environment, the visibility of the project, and the impact of the project on open space. If the project does not have an adverse effect on aesthetics because it is in harmony with its surroundings, then the project satisfies the aesthetics criterion.

If a project would have an adverse effect on aesthetics, the second step in the *Quechee* test is to determine whether the adverse effect is undue. An adverse impact will be found to be undue if any one of the following three questions is answered in the affirmative: (a) Would the project violate a clear, written community standard intended to preserve the aesthetics or scenic, natural beauty of the area? (b) Have the applicants failed to take generally available mitigating steps that a reasonable person would take to improve the harmony of the proposed project with its surroundings? (c) Would the project offend the sensibilities of the average person? Additionally, the Commission's consideration of aesthetics under Section 248 is "significantly informed by overall societal benefits of the project."[4]

The parties here agree that the Facility will have an adverse impact on the aesthetics and natural beauty of the surrounding area. As the Department noted, this would constitute one of the largest solar facilities in Vermont, comparable in size to the two 20 MW solar facilities previously approved by the Commission.[5] After reviewing the record and evidence submitted in this proceeding, we agree that the Facility will have an adverse impact on the aesthetics or the scenic or natural beauty of the area because the Facility is not in harmony with its surroundings, introduces new colors and materials into the Facility's immediate environment, is potentially visible from certain vantage points, and impacts open space in the area. Because there is no dispute that the Facility's impact is adverse, we move directly to our analysis of whether the impact is unduly adverse under step two of the *Quechee* test.

Clear, Written Community Standard

[4] *In re: Northern Loop Facility*, Docket No. 6792, Order of 7/17/03, at 28.

[5] Department Comments at 2; *Petition of Coolidge Solar I*, Docket No. 8686, Final Order of 3/23/2017; *Petition of VT Real Estate Holdings 1 LLC*, Case No. 23-1447-PET, Final Order of 9/15/2025.

The first prong in the second step of the *Quechee* test asks the following question: Would the project violate a clear, written community standard intended to preserve the aesthetics or scenic, natural beauty of the area? The sources of such community standards are town and regional plans.[6] "In order for a provision to be considered a clear, written community standard, it must be 'intended to preserve the aesthetics or scenic beauty of the area' where the proposed project is located and must apply to specific resources in the proposed project area."[7] Generalized statements and general scenic-resources policies that are not focused on a particular scenic resource or that fail to offer specific guidance or measures to protect the resource cannot be considered "clear, written community standards."[8] A town or regional planning commission must identify "designated areas and resources that need protection" with specificity to constitute a clear, written community standard.[9] In other words, a clear, written community standard must expressly "identify [the Facility] parcel as a scenic resource worthy of protection."[10]

Town Plan

The Town Plan seeks to preserve the scenic qualities of Fair Haven's landscape by prohibiting development with "undue and adverse impacts" on specific features identified in the Town Plan.[11] The Town Plan specifically identifies two resources in the vicinity of the Facility, Mud Brook and Old Marsh Pond, as scenic resources in Fair Haven.[12] In the case of Old Marsh Pond, views to and from the scenic resource to the Facility site are blocked by intervening topography, so the Facility will have no impact on Old Marsh Pond. Therefore, even if the Town Plan's language addressing Old Marsh Pond is a community standard, the Facility does not violate it.

Mud Brook, which runs through the Facility site, is also specifically referenced as a scenic resource in the Town Plan. However, the Town Plan does not prohibit all development in the area of Mud Brook, only development that has an "undue adverse impact." As described

---

[6] *In re Apple Hill Solar LLC*, 2021 VT 69, ¶ 32, 215 Vt. 523, 280 A.3d 44.
[7] *Georgia Wind*, Docket No. 7508, Order of 6/11/10 at 52.
[8] *Id*. at 53.
[9] *In re Rutland Renewable Energy, LLC*, 2016 VT 50, ¶ 19, 202 Vt. 59, 147 A.3d 621; *In re UPC Vermont Wind, LLC*, 2009 VT 19, ¶ 38, 185 Vt. 296, 969 A.2d 144; *Petition of UPC Vermont Wind, LLC*, Docket No. 7156, Order of 8/8/07 at 65.
[10] *Petition of Rutland Renewable Energy, LLC*, Docket No. 8188, Order of 3/11/15 at 85-86.
[11] Exh. FHS-MW-2 at 18.
[12] *Id*.

above, the Commission has reviewed the Facility's aesthetic impact and found that while it is adverse, the impact is not unduly adverse. Therefore, the Facility is not inconsistent with this portion of the Town Plan.

Regional Plan

The Regional Plan contains general statements addressing the importance of aesthetics and the scenic qualities of the Rutland region with respect to future land use, development patterns, historic resources, and recreation. The Regional Plan provides support for towns in the region to identify natural resources, including scenic resources, to be preserved. However, the Regional Plan does not identify the Facility site or any surrounding areas or features as a scenic area designated for special protection. Moreover, the Rutland Regional Planning Commission determined that the Facility, as presented in the advance notice for this petition, is in conformance with the Rutland Regional Plan and does not present a significant regional impact.[13] For these reasons and those discussed above in the orderly-development section of this order, and based on our analysis, we conclude that the Regional Plan does not include any clear, written community standards that apply to the Facility.

Reasonable Aesthetic Mitigation

The second prong in the second step of the *Quechee* test requires the Commission to ascertain whether a petitioner has taken generally available mitigating steps that a reasonable person would take to improve the harmony of a facility with its surroundings. The Commission does not require renewable energy to be invisible; a petitioner "is not required to eliminate all visibility" of a facility "but must provide sufficient mitigation to prevent the [facility] from having an unduly adverse aesthetic impact."[14]

The Petitioner and the Department identify the Facility site's natural topographic and vegetative visual screening, close proximity to an existing transmission line and proposed Green Mountain Power substation, and the landscape mitigation plan as evidence that the Petitioner has taken generally available mitigating steps to improve the harmony of the Facility with its

[13] Department Comments at 3.

[14] *Petition of MHG Solar LLC for a certificate of public good*, Case No. 20-1261-NMP, Order of 11/19/21 at 3; *Petition of Acorn Energy Solar 2, LLC*, Case No. 17-4049-NMP, Order of 7/26/19 at 40; *see also Petition of Next Generation Solar Farm, LLC*, Docket No. 8523, Order of 4/6/17 at 9 ("Petitioners are not required to completely 'harmonize' their projects, and they are not required to abandon their projects if some adverse scenic impacts cannot be feasibly mitigated."); *Application of Sun CSA 6*, Case No. NM-4188, Order of 9/10/14 at 5.

surroundings. The landscape mitigation plan proposes planting 59 deciduous trees, 232 evergreen trees, and 179 shrubs to further reduce offsite visibility of the Facility.[15] Vermont native or adaptive vegetative material has been proposed for the landscape plantings in order to harmonize the supplemental landscaping with the existing surroundings.[16] Potential visibility of the Facility site is limited to an approximate one-mile buffer area; most views from surrounding roads and nearby residences are blocked by topography or existing vegetation; and the landscape mitigation plan's proposed plantings are aimed at minimizing visibility from areas of Scotch Hill Road, U.S. Route 4, and the Town Park.[17] Tree clearing will be minimal, with approximately 3.1 acres of clearing planned.[18]

Although there is potential visibility of the Facility from a few nearby areas on Scotch Hill Road, U.S. Route 4, and the Town Park, we find such potential visibility to be minimal and the Facility's aesthetic mitigation plan to be reasonable. In addition, the Facility is sited to minimize the aesthetic impacts of a development of this scale. We conclude that the mitigation proposed by the Petitioner is reasonable, especially considering that intervening topography and vegetation already screen most views of the Facility site. Furthermore, we conclude that the Petitioner has taken generally available mitigating steps that a reasonable person would take to improve the harmony of the Facility with its surroundings.

Shocking or Offensive

The third prong of the second step of the *Quechee* test involves consideration by the Commission of whether the Facility would be so out of character with its surroundings or would so significantly diminish the scenic qualities of the area so as to be shocking or offensive to the average person. For purposes of this analysis, the "average person" is defined as a neutral party viewing the Facility from both public and private vantage points, applying an objective rather than a subjective standard.[19]

[15] Willard pf. at 4.
[16] *Id*.
[17] *Id.*
[18] Department Comments at 2; exh. FHS-SW-2a (Rev.)
[19] *In re Rutland Renewable Energy, LLC*, 2016 VT 50, ¶¶ 21-22, 202 Vt. 59, 147 A.3d 621.

A facility of significant scale such as this has the potential to alter the character of its rural surroundings.[20] We have previously "recognize[d] that scenic qualities of the area are important to its residents and there will always be some resistance to any change in the landscape. However, the *Quechee* test does not guarantee that the aesthetic qualities of an area will not change."[21] The Commission has held that the greater the distance a viewer is from a facility, the less overwhelming the facility, and consequently the lower the likelihood that "an average viewer would find its observation shocking or offensive" even if the facility "may be seen as 'out of character' with the surrounding area."[22]

The visibility of the Facility from both public and private viewpoints is not significant enough to rise to the level of shocking or offensive. Along the 0.39-mile segment of Scotch Hill Road north of the Facility site, the closest solar array will be visible at a distance of half- to three-quarters of a mile.[23] The posted speed limit on the road is 35 miles per hour, and unobstructed views of the Facility site could occur for southbound travelers for approximately 40 seconds while traveling at the speed limit on Scotch Hill Road.[24] The Facility's components will sit low on the horizon from the perspective of these travelers and will be backgrounded by existing topography, vegetation, or a combination of both.[25] The proposed landscape mitigation plantings will provide visual screening in both leaf-on and leaf-off conditions and will significantly reduce the duration of time of any unobstructed views.[26] Potential views of the Facility occur from seven identified locations along U.S. Route 4E and U.S. Route 4W, but all views are either minimized due to vegetative planting, are possible for only a few seconds when traveling at normal speeds, or are largely blocked by intervening vegetation and topography.[27] Unobstructed views of the Facility from the Fair Haven Town Park occur when looking east from an isolated part of the park's northwest zone where a mature hedgerow naturally terminates. The landscape mitigation plan proposes dense landscape plantings along the entire

[20] *See Petition of VT Real Estate Holdings 1 LLC*, Case No. 23-1447-PET, Final Order of 9/15/2025 at 49 (finding that a 20 MW facility, set against a mountain backdrop, alters the character of its surroundings).
[21] *UPC Vt. Wind, LLC*, Docket No. 7156, Order of 8/8/07 at 69.
[22] *In re UPC Vt. Wind, LLC*, 2009 VT 19, ¶¶ 33-34, 185 Vt. 296, 969 A.2d 144.
[23] Exh. FHS-MW-2 at 19
[24] *Id*.
[25] *Id*.
[26] *Id*.
[27] *Id*.

530-foot stretch of this area to provide visual screening in both leaf-on and leaf-off conditions and to harmonize the Facility with the surrounding landscape.[28] Finally, the Facility will only require approximately 3.1 acres of tree clearing, further minimizing potential visual impacts.[29]

The Petitioner asserts that the aforementioned measures have resulted in limited potential visibility from surrounding roads and residences, and that the lack of any effect on identified scenic resources, public lands, or recreation resources limits the potential impacts from the viewpoint of an average person, ultimately concluding that the Facility will not be considered shocking or offensive to the average person. We agree, and conclude that due to the mitigating steps taken, the appropriate siting of the Facility, and the limited potential for public views of the Facility site, the Facility would not be considered shocking or offensive to the average person.

Aesthetics Conclusion

A facility on the scale of the one proposed in this Petition will, by virtue of its sheer size amidst undeveloped topography, produce impacts on the character and aesthetics of the area where it is located. However, the Commission's mandate under the Section 248 review process is clear: We must determine whether those impacts are undue. After careful consideration of the facts submitted in this proceeding, we conclude that (1) although the Facility will be out of character with its surroundings, the Facility will not violate any clear, written community standards intended to preserve the aesthetics or scenic qualities of the area; (2) the Petitioner has taken generally available mitigating measures that a reasonable person would employ to improve the harmony of the Facility with its surroundings; and (3) the Facility will not be so shocking or offensive so as to offend the sensibilities of the average person. As we note above, this standard of review does not require renewable energy projects to be invisible or be completely harmonized with their surroundings. While there will be a negligible amount of visibility of the Facility, areas of potential views will be substantially mitigated through vegetative screening. We conclude that the impacts of the Facility will not be unduly adverse.

[28] *Id*.
[29] Department Comments at 2.

Sound

107. The Facility will not have an undue adverse impact with respect to sound. This finding is supported by additional findings below.

108. Sound impacts from construction activities will be limited in duration to the hours of 7:00 A.M. to 7:00 P.M., Monday through Friday, and 8:00 A.M. to 5:00 P.M. on Saturdays. Construction will not occur on state or federal holidays or on Sundays unless authorized by the Commission upon request. Duncan pf. at 3.

109. During operation, the Facility's equipment will generate sound that may be audible from off-site locations, including the three-phase 46 kV main power transformer, eight transformers with a rating of 3,060 kVA each, and eight inverters. Duncan pf. at 3; exhs. FHS-SW-2a, FHS-SW-2b, and FHS-SW-2c.

110. The estimated daytime and nighttime Facility-related sound levels at the nearest residences are estimated to be 32 dBA during the day and 27 dBA at night. These estimates assume continuous operation of relevant equipment at full load during the day, including the main power transformer and cooling fans, and simultaneous operation of all transformers on the site at night. Duncan pf. at 3; exh. FHS-ED-2.

111. The estimated sound levels at the closest residence and other nearby residences would generally be considered four to six times quieter than conversational speech. Duncan pf. at 4.

112. The estimated sound levels are below community noise guidelines and are comparable to estimated sound levels at other solar facilities previously approved by the Commission. Duncan pf. at 4; exh. FHS-ED-2.

Historic Sites

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

114. The Facility will not cause any direct impacts on above-ground historic resources. Britta Tonn, Petitioner ("Tonn") pf. at 5.

115. Several archaeological studies have been conducted for the Facility, and a total of five previously unidentified, pre-contact archaeological sites were located by Crown Consulting

Archaeology, LLC, one of several architects retained by the Petitioner to perform archaeological assessments. The Petitioner is conducting further archaeological investigations in coordination with DHP. Tonn pf. at 2-4; Tonn supp. pf. at 1-2.

116. There are no above-ground historic resources on the Facility site. Tonn pf. at 5.

117. Nearby above-ground sites, like an early-nineteenth-century barn and a historic, former slate quarry, are not directly adjacent to the Facility site and will not be physically impacted by either the Facility or vegetation plantings. Tonn pf. at 5; exh. FHS-BT-2 at Appendix A.

118. To address and avoid the Facility's potential adverse effects on archaeological resources, the Petitioner and DHP entered into the DHP MOU containing various stipulations related to the Facility. Any changes to the Facility that arise due to compliance with the MOU and/or resulting from mitigation measures approved by DHP are subject to approval by the Commission. Exh. FHS-BT-4; Tonn pf. at 5; Tonn supp. pf. at 2.

119. DHP and the Petitioner agree that the Facility will not cause undue adverse effects on archaeological resources if the Petitioner complies with the stipulations contained in the DHP MOU. Tonn supp. pf. at 3; exh. FHS-BT-4.

120. According to DHP, the Facility will not cause adverse effects on above-ground historic resources with the installation of planned landscape mitigation. Exh. FHS-BT-4.

Discussion

Pursuant to the DHP MOU, which specifies procedures for additional archaeological work at the Facility site, we have included the parties' proposed conditions in the CPG issued for the Facility.

Rare and Irreplaceable Natural Areas

121. The Facility will not result in any undue adverse impacts on rare and irreplaceable natural areas. This finding is supported by additional findings below.

122. There is one natural community type within the Facility's Study Area that could constitute a rare and irreplaceable natural area: the state rate (S2) wet/mesic clayplain forest type mapped in several locations. The Facility has been designed to avoid activities within this rare forest type or its buffers. At the request of the Fish & Wildlife Department ("FWD") Natural Heritage Program, the Facility's vegetation management plan prescribes measures to avoid new

introductions of non-native invasive plants to areas of existing farmland within 100-foot buffers from natural communities that would no longer be farmed during the operation of the Facility. Crary pf. at 11; exhs. FHS-AC-2, FHS-AC-2 (Rev.), and FHS-AC-3 (Rev.).

123. There are no areas that are identified as rare and irreplaceable natural areas within the GMP transmission line upgrade area. Crary pf. at 11; exh. FHS-AC-6.

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

124. The Facility will not have an undue adverse effect on any endangered species or necessary wildlife habitat. This finding is supported by the additional findings below.

125. There is necessary wildlife habitat for grassland birds in the area that will be occupied by the solar array. Crary pf. at 13.

126. The Facility's interconnection equipment and the GMP transmission line upgrades do not involve any areas that are necessary wildlife habitat. Crary pf. at 13; exhs. FHS-AC-2 (Rev.) and FHS-AC-5.

127. The Petitioner will mitigate impacts on grassland bird habitat in accordance with the FWD guidance through a contribution to the Bobolink Project. Crary pf. at 13; exh. FHS-AC-2 (Rev.).

128. Under the ANR MOU, the Petitioner and ANR have agreed that a condition should be included in the CPG requiring the Petitioner to mitigate for every grassland bird breeding season (i.e., May 1 to July 31), including for any portion of a breeding season, during the life of the Facility. The Petitioner will be required to make a payment (or annual payments) totaling $247,200 to the Bobolink Project to mitigate impacts on grassland bird habitat for the first 20 years of the Facility. Starting on the 21st year of the Facility's operation, the condition requires that the Facility make annual payments to the Bobolink Project or other similar fund for 247.2 acres of mitigation at the dollar-per-acre rate in effect at the time of the payment, or implement appropriate grassland bird habitat impact mitigation measures negotiated and agreed to by the parties to the ANR MOU for the remainder of the Facility's operational life, inclusive of the decommissioning process and re-establishment of grassland vegetation. Exh. FHS-ANR-1 at Section (II)(16).

129. There are rare, threatened, or endangered ("RTE") species documented and found or confirmed by the Petitioner's onsite field surveys. There are rare plants, rare birds, rare reptiles, and rare bats documented within the proposed solar array and adjacent lands. There are no RTE species documented within the area of the GMP transmission line upgrades. Crary pf. at 14; exhs. FHS-AC-2 (Rev.), FHS-AC-4 (Rev.), FHS-AC-5, and FHS-AC-6.

130. Both rare and state-protected plants have been identified and mapped at the site. Twenty-five-foot buffers have been incorporated into Facility designs to avoid any direct impacts from construction. Crary pf. at 15; exh. FHS-AC-2 (Rev.).

131. In addition to the buffers, under the ANR MOU, the parties have proposed a CPG condition regarding mitigation measures for RTE plant impacts to be included in the CPG. Under this condition, the Petitioner will perform a baseline survey of non-native invasive species ("NNIS") occurrences within RTE populations, demarcate the buffer around each RTE plant population, install signage, instruct workers not to enter buffer areas, inspect flagging and signage periodically, rinse all vehicles and construction equipment thoroughly prior to entering the Facility site, and not engage in seeding, planting, or active revegetation activities within the RTE plant buffers. During operation and maintenance, the Petitioner will monitor RTE plant populations and take measures to eradicate NNIS if necessary. At the point of Facility decommissioning, an RTE plant survey will be conducted and a plan to avoid, minimize, and mitigate any impacts on RTE plant species will be provided to ANR for approval prior to commencing decommissioning activities. Exh. FHS-ANR-1 at Section II(18)(a)-(c).

132. There are two state-protected rare birds documented in habitats within the overall study area. The Facility will avoid potential breeding-season impacts on the eastern whip-poor-will, a forest-nesting/field-foraging bird, by avoiding tree cutting during the bird breeding/nesting season. The Facility will not be able to avoid the grassland habitat used by the state-protected eastern meadowlark, and thus the Petitioner will apply for a state Takings Permit to cover breeding-season construction activity within this bird's grassland habitat. Crary pf. at 15; exhs. FHS-AC-2 and FHS-AC-5.

133. Under the ANR MOU, the parties have proposed CPG conditions requiring the Petitioner to obtain a Takings Permit for the eastern meadowlark prior to beginning site preparation or construction of the Facility and prohibiting tree cutting or removal during the

eastern whip-poor-will breeding season between May 1 and August 31. Exh. FHS-ANR-1 at Section II (9), (17).

134. Construction of the Facility site has the potential to impact known habitats for the protected, rare eastern rat snake and another protected reptile species. The Petitioner will implement best management practices during construction intended to minimize the potential for an incidental taking of a state-protected snake species. These recommended practices have been developed with some review and input by FWD. The Petitioner will apply for a state Takings Permit that will include proposed measures to mitigate undue incidental takings during construction. Crary pf. at 16; exh. FHS-AC-4 (Rev.).

135. To avoid potential harm to these species during operation of the Facility, the Petitioner will utilize a specific composition of permanent seed mix for the Facility site that will require limited or no mowing during the season when these species are active. The Petitioner will also restrict all tree clearing between April 15 and October 31 to avoid potential impacts on RTE snake species that may be in the trees. Crary supp. pf. at 2; exhs. FHS-AC-3 (Rev.) and FHS-AC-4 (Rev.).

136. Under the ANR MOU, the Petitioner and ANR have agreed to a number of CPG conditions regarding RTE reptile species, including requiring the Petitioner to obtain a Takings Permit for the eastern rat snake and the protected reptile species, limit any tree clearing to the period between November 1 and April 14, and restrict seeding and mowing practices to minimize potential impacts during construction and operation of the Facility. Under these conditions, the Petitioner will also take certain steps to avoid, minimize, and mitigate impacts on these RTE species during decommissioning, including submitting a decommissioning plan to ANR for approval prior to commencing decommissioning and obtaining a Takings Permit, if necessary. Exh. FHS-ANR-1 at Section II (10)-(14).

137. With respect to bats, the Petitioner's database reviews and onsite acoustic monitoring surveys document the probable presence of multiple state-protected or rare bats. Given the early detection of multiple bats of conservation concern, particularly those that are forest dwelling and could be affected by Facility tree-clearing activities, the Petitioner has committed to seasonally restricting tree cutting to the winter's dormant season. The Petitioner will preserve an east-to-west row of trees in the center of the solar array component of the

Facility that could provide important connectivity for travel habitat. Crary pf. at 16; exh. FHS-AC-2 (Rev.).

138. To avoid potential impacts on listed bat species, including the Indiana bat, the Petitioner and ANR have agreed that a condition should be included in the CPG that will limit all tree cutting of potential roost trees ("PRTs") and all trees within 100 feet of a PRT to the period between November 1 and March 31. Exh. FHS-ANR-1 at Section II(15).

139. Based on the Facility's design and construction schedule, and by obtaining the required state Takings Permit authorizations and adherence to the planned best-management practices and other measures, the Facility will not have an undue adverse impact on any known RTE plant or animal species. Crary pf. at 16; exh. FHS-AC-2 (Rev.).

Discussion

The Petitioner and ANR agree that the requirements of the ANR MOU are sufficient to prevent any undue adverse impact on endangered species and necessary wildlife habitat. The Commission has reviewed the ANR MOU, and we are satisfied that the conditions in the ANR MOU will adequately ensure the protection of the RTE plant, reptiles, bats, and grassland birds that live on or near the Facility site. The CPG issued for the Facility will include conditions that incorporate these requirements from the ANR MOU.

Development Affecting Public Investments

[10 V.S.A. § 6086(a)(9)(K)]

140. The Facility will not unnecessarily or unreasonably endanger any public or quasi-public investment in a facility, service, or lands, or materially jeopardize or interfere with the function, efficiency, or safety of, or the public's use or enjoyment of, or access to any such facility, service, or lands. This finding is supported by the additional findings below.

141. The public investments near the Facility include Airport and Munger Roads and the Marsh Pond Wildlife Management Area, which is located roughly 500 feet northwest of the Facility. Wills (Day) pf. at 22.

142. There will be no direct or indirect impacts on the state lands, and use of the roads during construction and operation will be limited and temporary. The Petitioner will pay for any

necessary improvements or repairs to the roads that are related to the Facility. Wills (Day) pf. at 16, 22.

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

143. The Facility will not have any undue adverse effects on the health, safety, and welfare of the public. This finding is supported by the additional findings below.

144. The Facility will be installed to meet the applicable safety standards of the National Electrical Code and National Electrical Safety Code, and utility interconnection standards for safe and reliable operation of solar electric plants. Potter pf. at 8.

145. All switchgear equipment will be inside a locked, UL-listed, code-approved electrical enclosure. Potter pf. at 8.

146. A perimeter fence with a minimum height of seven feet around the Facility array and an eight-foot fence topped with barbed wire around the substations will prevent unauthorized persons from accessing these areas and potentially causing damage to the Facility or harm to themselves. The fences will be posted with appropriate electrical warning signs. Wills (Day) pf. at 5; Potter pf. at 8.

147. A lock box at the gate and a labelled site plan will provide the local fire department access and appropriate information in case of a fire. Potter pf. at 9.

148. The Facility's panels are designed to absorb rather than reflect the sun's energy, which will prevent undue glare. Potter at 8.

149. The Petitioner will become a member of Dig Safe for the life of the Facility and comply with Commission Rule 3.800 as applicable. Department Comments at 4-5.

Primary Agricultural Soils
[30 V.S.A. § 248(b)(5)]

150. The Facility will not have any undue adverse effects on primary agricultural soils ("PAS") as defined in 10 V.S.A. § 6001. This finding is supported by the additional findings below.

151. There are approximately 503 acres of mapped PAS located on the Facility's five parcels. Of these soils, approximately 147.2 acres are located within the Facility's limits of

disturbance and subject to the construction stormwater permit. Wyman pf. at 10; exh. FHS-SW-2a (Rev.).

152. For installation of the underground electrical conduit, the soil horizons will be separated during construction and re-laid in the order they were removed. If sand bedding is required for the electrical conduit installation, then the PAS will be removed and stored on site in a PAS stockpile area. Installation of the access drives, the pad-mounted transformers, secondary containment, substation, and stormwater treatment will also result in disturbance of PAS. Soils will be stockpiled and will be seeded, mulched with straw, stabilized, and preserved in a manner that allows for complete restoration during Facility decommissioning in accordance with AAFM guidelines. Wyman pf. at 10-11; exh. FHS-SW-4.

153. During construction, up to 147.2 acres of PAS may be temporarily disturbed during the installation of Facility equipment and fencing, and due to construction traffic. When the Facility is decommissioned, the electrical conduit, access drive, pad-mounted transformers, secondary containment, substation, and stormwater treatment practices will be removed and the PAS will be restored and maintained in accordance with AAFM guidelines. Wyman pf. at 11; exhs. FHS-SW-4 and FHS-SW-2a (Rev.).

154. The exception would be the access road and stormwater treatment practices associated with the co-located GMP substation. Should the Facility be decommissioned prior to the GMP substation, then shared infrastructure such as the gravel access road and associated stormwater treatment practices would remain in place until such time that the GMP substation is decommissioned. Wyman pf. at 11; exhs. FHS-SW-4 and FHS-SW-2a (Rev.).

155. The Petitioner will submit an off-site mitigation payment for the PAS soils impacted by Facility substation construction (up to 4.97 acres) prior to construction. Because these soils will be permanently impacted, they will not be stockpiled. AAFM MOU; Wyman supp. pf. at 3.

Discussion

The AAFM MOU includes a series of proposed conditions regarding PAS at the Facility site. These conditions relate to the manner in which PAS will be disturbed, extracted, stored, and ultimately replaced on the Facility site. To protect the PAS resources located at the Facility site, the proposed conditions will be included in the CPG for the Facility.

Consistency With Company's Least Cost Integrated Plan
[30 V.S.A. § 248(b)(6)]

156. The Commission has not required non-utilities to have a least-cost integrated resource plan. Therefore, this criterion is inapplicable.

Compliance with Twenty-Year Electric Plan
[30 V.S.A. § 248(b)(7)]

157. The Facility is consistent with the 2022 Comprehensive Energy Plan approved by the Department under 30 V.S.A. § 202(f). This finding is supported by the additional finding below.

158. On August 18, 2025, the Department 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 the Petitioner are consistent with the evidence filed in the proceeding. Section 202(f) Determination.

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

159. The Facility does not involve a waste-to-energy facility; therefore, this criterion is not applicable.

Existing or Planned Transmission Facilities
[30 V.S.A. § 248(b)(10)]

160. The Facility can be served economically by existing or planned transmission facilities without undue adverse effects on Vermont utilities or customers. This finding is supported by the additional finding below.

161. The Facility will interconnect with a new substation that will be constructed and owned by GMP. Seven electric poles along GMP's transmission line will be upgraded to accommodate the Facility. The costs of any electrical system modifications required to interconnect the Facility to the GMP substation will be borne by the Petitioner. Potter pf. at 9; exhs. FHS-LP-2 and FHS-RW-5.

Woody Biomass Facilities
[30 V.S.A. § 248(b)(11)]

162. The Facility will not produce electric energy using woody biomass; therefore, this criterion is not applicable.

Minimum Setback Requirements
[30 V.S.A. § 248(s)]

163. The Petitioner and the Town of Fair Haven entered into a setback agreement that allows a limited portion of the Facility to have a setback that is less than 100 feet along a limited portion of Airport Road. This reduced setback will have no impact on the use of the road or any other landowner interests. Wills (Day) pf. at 17; exh. FHS-RW-6.

164. The Facility complies with all other minimum setback requirements from property lines and highways. Wills (Day) pf. at 9; exh. FHS-SW-2a (Rev.).

Discussion

Section 248(s) of Title 30 requires that, unless there is an agreement to a smaller setback among the applicant, the municipal legislative body, and each owner of property adjoining the smaller setback, the nearest portion of a facility's solar panels or support structure for a solar panel be set back at least 100 feet from any state or municipal highway and at least 50 feet from any property boundary that is not a state or municipal highway. The setbacks proposed for the Facility's solar panels or support structures for the solar panels meet these minimum requirements except for a portion of the Facility along Airport Road. The Petitioner has filed an agreement with the Town of Fair Haven, which owns the land adjoining this area with a smaller setback, agreeing to the smaller setback.

V. DECOMMISSIONING COST ESTIMATE AND LETTER OF CREDIT

165. At the end of the Facility's expected useful life, a determination will be made whether the Facility can be re-powered (after any necessary regulatory approval), or whether it will be decommissioned and the site restored. Wills (Day) pf. at 14-15; exh. FHS-RW-4.

166. When the Facility is decommissioned, the Facility's equipment will be dismantled and removed from the site and sold, re-used, recycled, and/or disposed of in accordance with applicable waste laws and regulations in existence at that time. The Facility site will be restored

to its condition prior to installation of the Facility to the greatest extent practicable. Wills (Day) pf. at 14-15; exh. FHS-RW-4.

167. The Petitioner filed a decommissioning plan for the Facility that includes a decommissioning cost estimate that satisfies the requirements of Commission Rule 5.904(B)(1). Wills (Day) pf. at 14-15; exh. FHS-RW-4.

168. The estimated cost of decommissioning the Facility is $1,678,996.00. The Petitioner has proposed a surety bond as the form of financial security for the decommissioning fund. The Petitioner's decommissioning plan includes a proposed form of a surety bond. Wills (Day) pf. at 14-15; exh. FHS-RW-4.

Discussion

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 in capacity be removed once they are no longer in service and the site be restored, to the greatest extent practicable, to the condition it was in before installation of the facility. Commission Rule 5.904(B)(2) 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. Alternatively, Commission Rule 5.904(B)(3) provides that "[t]he Commission may, in its discretion, approve alternative forms of financial security from" an irrevocable standby letter of credit "if it finds that such alternative forms will provide an assurance of the availability of financial resources for decommissioning that equals or exceeds that provided by" an irrevocable standby letter of credit.

The Petitioner has submitted a plan for decommissioning the Facility with a detailed cost estimate of $1,678,996.00 to decommission the Facility. The Petitioner has also submitted a proposed surety bond as part of its decommissioning plan, which requires approval under Rule 5.904(B)(3).

The Department recommends that the Commission approve the Petitioner's proposed decommissioning plan, including the proposed surety bond.[30]

[30] Department Comments at 5.

Having reviewed the surety bond and the supporting documentation, we find that the Petitioner has satisfactorily addressed the decommissioning fund requirements. We find that the surety bond will provide financial assurances that are equal to or greater than those provided by a letter of credit. Accordingly, the surety bond is approved. The Petitioner must file an original paper version of the executed surety bond with the Commission before starting site preparation.

The Petitioner's plan for decommissioning and the draft surety bond submitted with the plan are consistent with the requirements of Commission Rule 5.904(B). Therefore, we 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). We will also include all applicable conditions from Commission Rule 5.904(B) in the CPG.

VI. MEMORANDA OF UNDERSTANDING AND STIPULATIONS

169. On January 2, 2025, the Petitioner and DHP filed the DHP MOU, which contains provisions to ensure that the Facility does not have an undue adverse effect on historic sites. Exh. FHS-BT-4.

170. On August 8, 2025, the Petitioner and ANR filed the ANR MOU, which contains provisions to protect against undue impacts on natural resources. Exh. FHS-ANR-1.

171. On August 8, 2025, the Petitioner filed an MOU with AAFM, which contains proposed CPG conditions to protect against potential undue impacts on a variety of resources including PAS. On September 5, 2025, the Petitioner filed amendments to the MOU with AAFM. AAFM MOU.

Discussion

We accept the ANR MOU, DHP MOU, and AAFM MOU with all of their provisions and conditions without material change or conditions and require the Petitioner to comply with the terms and conditions of these agreements as a condition of our approval of the Facility.

VII. CONCLUSION

Based upon the evidence in the record, we 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;

(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 project 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.

VIII. ORDER

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

1. In accordance with the evidence and plans submitted in this proceeding, the 20.0 MW AC solar electric generation facility (the "Facility") proposed for construction and operation by VT Real Estate Holdings 2 LLC (the "CPG Holder") off Airport Road in Fair Haven, 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 will be issued in this matter.

2. The surety bond filed by the CPG Holder as Attachment B to Exhibit FHS-RW-4 is approved.

3. 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 17th day of November, 2025.

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

OFFICE OF THE CLERK

Filed: November 17, 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. 24-2945-PET - SERVICE LIST

Parties:

Matthew Bakerpoole
Vermont Department of Public Service
112 State Street
2nd Floor
Montpelier, VT 05620
matthew.bakerpoole@vermont.gov
(for Vermont Department of Public Service)

Zachary Berger
91 College Street
Burlington, VT 05401
zberger@srhlaw.com
(for VT Real Estate Holdings 2 LLC)

William Bischoff, *pro se*
117 Long Sands Road
Unit 7
York, ME 03909
billbisch@aol.com

Donald J. Einhorn, Esq.
Vermont Agency of Natural Resources
1 National Life Drive, Davis 2
Montpelier, VT 05602-3901
donald.einhorn@vermont.gov
(for Vermont Agency of Natural Resources)

Geoffrey Hand, Esq.
SRH Law PLLC
91 College Street
PO Box 545
Burlington, VT 05402
ghand@srhlaw.com
(for VT Real Estate Holdings 2 LLC)

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

Andrew N. Raubvogel, Esq.
SRH Law PLLC
91 College Street
P.O. Box 545
Burlington, VT 05402-0545
araubvogel@srhlaw.com
(for VT Real Estate Holdings 2 LLC)

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

(for VT Real Estate Holdings 2 LLC)