

STATE OF VERMONT
PUBLIC UTILITY COMMISSION
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Case No. 25-2774-PET

Petition of Williston H Solar, LLC for a
certificate of public good pursuant to
30 V.S.A. § 248 for a 2.75 MW
ground-mounted solar array located off
Redmond Road in Williston, Vermont

WILLISTON H SOLAR, LLC'S PROPOSAL FOR DECISION AND CERTIFICATE OF PUBLIC GOOD

DATED at Montpelier, Vermont, this 13th day of April, 2026.

Williston H Solar, LLC

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FINAL ORDER GRANTING CERTIFICATE OF PUBLIC GOOD

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

PROPOSAL FOR DECISION

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I. INTRODUCTION

This case involves a petition filed by Williston H Solar, LLC (“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 2.75 MW ground-mounted solar array located off Redmond Road in Williston, Vermont (the proposed “Project”).

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

II. PROCEDURAL HISTORY

On November 6, 2025, the Petitioner filed a petition with supporting testimony and exhibits (Petition) requesting a CPG to install and operate the Project.

On November 19, 2025, the petition was deemed administratively complete by Commission staff.

On November 21, 2025, Don Einhorn, Esq. filed an appearance on behalf of the Vermont Agency of Natural Resources (ANR).

On November 24, 2025, Alex Wing, Esq. entered an appearance on behalf of the Vermont Department of Public Service (Department).

On November 25, 2025, Maxwell I. Krieger, Esq. entered an appearance on behalf of the Vermont Division for Historic Preservation (DHP), the DHP filed a Motion to Intervene, and no party objected.

On January 6, 2026, DHP and the Petitioner submitted a memorandum of understanding (MOU).

On January 15, 2026, I issued a notice of hearing for the scheduling conference.

On January 29, 2026, I conducted a scheduling conference.

On February 4, 2026, I issued a scheduling conference order and established February 9, 2026 as the deadline for motions to intervene and requests for public hearing and site visit. No entity other than DHP filed a motion or notice for intervention by this date or requested a site visit or public hearing.

On February 18, 2026, the Department, AAFM, and ANR filed their First Set of Discovery Requests on Petitioner.

On March 2-3, 2026, the Petitioner responded to the First Set of Discovery Requests from the Department, AAFM, and ANR.

On March 3, 2026, the Petitioner submitted a revised one-line diagram as exhibit WHS-JC-6.

On March 13, 2026, the Petitioner submitted a revised feasibility study as revised exhibit WHS-JC-5.

On March 18, 2026, Petitioner filed a MOU with ANR.

On March 26, 2026, Petitioner filed a MOU with AAFM.

On March 27, 2026, the Department filed comments and requested that the Commission grant the Petitioner a CPG for the Project with one recommended condition regarding Dig Safe that the Petitioner does not object to as discussed in the findings below.

No further comments on the petition were received by the Commission.

No party 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: Jake Clark's testimony and exhibits WHS-JC-1 through WHS-JC-9 (with revised exhibits WHS-JC-5 and JC-6); Carla Fenner's testimony and exhibits WHS-CF-1 through WHS-CF-2; Jeremy Owens's testimony and exhibits WHS-JO-1 through WHS-JO-2; and Stephanie Wyman's testimony and exhibits WHS-SW-1 through WHS-SW-3. Additionally, the Petition, DHP MOU (exh. WHS-DHP-1), AAFM MOU (exh. WHS-AAFM-1), Department Comments and the ANR MOU (exh. WHS-ANR-1) are entered into evidence subject to timely objection by the parties.¹

III. FINDINGS

Based upon the evidence of record, I hereby report the following proposed findings to the Commission in accordance with 30 V.S.A § 8 (c).

Background and Project Description

1. WHS is a Vermont limited liability company with offices located at 50 Lakeside Avenue, Suite 110, in Burlington, Vermont 05401. Petition; Jake Clark, WHS (Clark) pf. at 4.

2. WHS proposes to install and operate a 2.75 MW ground-mounted solar electric generation facility, known as the Williston H Solar Project (the "Project") on approximately 11 acres of an approximately 440-acre parcel of land owned by GlobalFoundries (GF) (the "Property"). The Petitioner has rights to lease the Property. Clark at 6.

3. The Project was initiated and designed with the intent of providing GF, the sole customer of Commission-regulated electric utility GF Power, LLC (GF Power), with a source of local solar energy generation to help it achieve its renewable energy goals. GF Power is a

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

relatively new Commission-regulated electric utility serving a single industrial customer, GF.

GF is a world leader in feature-rich semiconductor manufacturing with a strong commitment to sustainable and environmentally efficient operations. Semiconductor manufacturing is an electric-energy-intensive industry and GF's Journey to Zero Carbon Emissions program is multifaceted, focusing on improving energy efficiency, sourcing renewable and low-carbon energy, and enhancing manufacturing emissions' controls. On an annual basis, GF uses more electricity than the entire City of Burlington. As a result, GF Power has the third-largest utility load among Vermont distribution utilities.² Clark pf. at 6-7.

4. This Project allows GF to add cost-effective new renewables in Vermont while locating generation projects as close as possible to the load, thereby reducing power grid impacts within Vermont. The use of renewable energy offers significant advantages, including the stabilization of energy costs and meeting the growing expectations of GF customers to produce products using renewable energy. Clark pf. at 8.

5. The Project is also being undertaken to help GF Power comply with Vermont's Renewable Energy Standard (RES), 30 V.S.A. §§ 8004-8005, including requirements for the utility to purchase distributed renewable energy from plants 5 MW or less in an amount equal to a specified percentage of GF Power's load.³ Specifically, the RES requires GF Power to comply

² *Petition of GlobalFoundries U.S. 2 LLC requesting a certificate of public good, pursuant to 30 V.S.A. § 231, for a newly created, wholly owned subsidiary of GlobalFoundries, GF Power, to operate as a public service company, under regulation appropriate to its function*, 21-1107-PET, Order of 10/21/22 (the "GlobalFoundries Order"). Pursuant to 3 V.S.A. § 810, the Commission may take judicial notice of findings in its prior orders.

³ For further discussion please see *Petition of Encore Renewable Energy for a declaratory ruling regarding whether several potential solar projects are separate plants and qualify as Tier II resources under Rule 4.400 and 30 V.S.A. § 8005* Case No. 23-3974-PET, Declaratory Ruling Regarding the Applicability of the Definition of Tier II Resources Under Vermont's Renewable Energy Standard to Certain Potential Solar Facilities (Jan. 26, 2024) ("Dec Action Order"). Please note that H.289, which became law on June 17, 2024 and has an effective date of July 1, 2024, includes new Tier II in-state renewable energy requirements for GF that require 20% by 2035.

with the so-called Tier II requirements under which a utility must obtain 20% of its energy from “distributed renewable generation,” as defined in 30 V.S.A. § 8005, by 2035.⁴ This Project is one of several that GF Power has contracted with Encore to have designed, permitted, and constructed for the purpose of complying with its RES Tier II obligations.⁵ Clark pf. at 7-8.

6. The Project is structured so that the Petitioner plans to sell the output of the solar Project to GF Power under a Power Purchase Agreement (PPA) at a competitive rate of \$0.10821/kwh. Clark pf. at 8.

7. The electricity generated by the Project will be interconnected into Green Mountain Power's (GMP) Chip Aly substation, located off Redmond Road. GF Power will take that electricity through existing connections between GMP distribution service and GF Power. Clark pf. at 8.

8. The Project was identified as a “potential solar facility” —Project H—in the Commission's Declaratory Ruling in Case No. 23-3974, where the Commission concluded that this Project was a single plant so long as the Project plans submitted in the Section 248 case were identical to the plans submitted in Case No. 23-3974 with respect to the factors that define a single plan.⁶ The plans for this Project meet that standard. Clark pf. at 8-9.

9. The Petitioner will transfer the renewable energy credits associated with this Project to GF Power pursuant to the PPA between Petitioner and GF Power. Clark pf. at 9.

10. The closest residence to the solar array is approximately 915 feet from the nearest edge of the panels. Clark pf. at 13; exh. WHS-JC-2.

⁴ See footnote 3 and Dec. Action Order at finding 3.

⁵ Dec. Action Order at finding 4. For location, size, and interconnection information related to other planned projects, please see Exhibit WHS-JC-5.

⁶ Dec. Action Order at finding 6.

11. The Project consists of approximately 6,344 non-reflective photovoltaic modules installed on fixed-tilt ground-mounted racking units within a fenced area spread across the approximately 11-acre Project area. The approximately 50 rows of panels comprising the solar array range in length and run generally east-west. They are oriented predominantly to the south and are fixed at around 30 degrees. Racking systems will be approximately 3 feet tall on the low side and 15 feet tall on the high side and installed on driven post racking, generally without the use of concrete. The final site design and equipment selection will occur post permit issuance; however, such design will be substantially the same as shown in Exhibit WHS-JC-2. Clark pf. at 9-10; exhs. WHS-JC-2 & 3.

12. Electricity will run from the panels in direct current to a bank of inverters, which are UL1741-SB compliant, located near the center of the array, roughly halfway between the northern extent and the southern extent of the Project, before being converted to alternating current. Cabling will then run in protective conduit to a switchgear, which will include the data acquisition system and other auxiliary equipment. Electricity will then run underground to one 2,750 kVA pad-mounted transformer with secondary oil containment. Clark pf. at 10.

13. From the transformer, the electricity will run southwest on overhead poles and wires, spanning across a forested ravine, and interconnect to the GMP-owned substation on Chip Aly Rd. Petitioner will own all equipment up to a vault adjacent to the GMP substation. Clark pf. at 10; ex. WHS-JC-6.

14. The Petitioner will access the Property using an existing entrance into the fields along Redmond Road, at the southern extent of the project. The Petitioner is proposing to use this existing point of access to minimize the need for additional civil work to install a new access

point. From the existing access point connecting to Redmond Road up to the location of the centrally located transformer, the petitioner proposes to install crushed stone access road surfaces. Clark pf. at 11; exh. WHS-JC-2.

15. The Project requires the Petitioner to perform approximately 4.2 acres of tree cutting and grubbing and 1.5 acres of tree trimming. Clark pf. at 11; exh. WHS-JC-2.

16. The Petitioner will install an approximately 7- to 8-foot-high agricultural style wire-knot perimeter fence affixed to driven fence posts. The perimeter fencing would restrict access to and from the Project to secure it and prevent the public from entering the array. The Petitioner will install a secured gate where the fence meets Redmond Road, along the Project's southern extent. First responders will be provided with access through the gate. Clark pf. at 11; exh. WHS-JC-3.

17. The Project does not require lighting and thus the Petitioner does not propose a lighting plan for the Project. Clark pf. at 11.

18. The Project will require grading to make the slope of the access road safe for construction and maintenance vehicles from Redmond Road to the transformer. Minimal earthwork or soil disturbance will be involved for the installation of underground conduit, necessary equipment pad for the transformer, and associated stormwater treatment improvements. Clark pf. at 12; exh. WHS-JC-2.

19. The Project includes one 2,750 kVA pad-mounted transformer that uses a biodegradable dielectric fluid. The Petitioner also proposes to install a secondary oil containment system sufficient to hold a minimum of 110% of the transformer coolant volume

plus five inches of free board for the pad-mounted transformer. Clark pf. at 12; exhs. WHS-JC-2 & 3.

20. The Petitioner acknowledges that the Commission's typical construction hours are limited to 7:00 A.M.–7:00 P.M. on weekdays; 8:00 A.M.–5:00 P.M. on Saturdays, and no construction on Sundays or state or federal holidays. The Petitioner requests for this Project that it be allowed to perform construction seven days a week within the same hourly restrictions of 7:00 A.M.–6:00 P.M. on weekdays; 8:00 A.M.–5:00 P.M. on Saturday and Sundays, and with the same restrictions applying to state and federal holidays. The Project is in a heavily industrialized campus that operates 24 hours a day, seven days a week, and 365 days a year. The nearest residence is approximately 915 feet away and construction acoustics are unlikely to be problematic at this range due to intervening topography and dense vegetation. Clark pf. at 13.

21. Once the Project is fully commissioned, operations and maintenance activities will be minimal. The Petitioner will conduct routine system performance one to two times per year, which will consist of vegetation management, mechanical, and electrical inspections. The Petitioner will remotely monitor operations; in the event of a system malfunction, personnel will visit the site for troubleshooting or repairs. Clark pf. at 13.

Discussion

We find that the restriction of construction on Sundays and holidays is not necessary given the Facility's location within the GlobalFoundries property. In addition, we find that

construction on these days will not result in any undue adverse impacts under the substantive criteria of 30 V.S.A. § 248.⁷

Review of Project Under the Section 248 Criteria

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

22. The Project will not 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.

23. The 2018 ECOS Regional Energy Plan (Regional Plan) received a Certificate of Energy Compliance for the Regional Plan from the Department of Public Service. Jeremy Owens, WHS (Owens) pf. at 3-4; exh. WHS-JO-2.

24. The Regional Plan and approved portion energy portion does not contain any land conservation measures or specific policies applicable to the Project parcel. The Project parcel is not under conservation easements or restrictions, and the Project would not violate conservation measures in the Regional Plan. The Project complies with the Regional Plan. Owens pf. at 4; exh. WHS-JO-2.

⁷ *Petition of Essex C Parking Lot Solar, LLC for a certificate of public good, pursuant to 30 V.S.A. § 248(j), authorizing the construction and operation a 3 MW solar facility in Essex Junction, Vermont, Case No. 25-1977, Page 2 (adopting similar construction hours for similar project).*

25. The Project is consistent with the Town of Williston Town Plan and Energy Plan (August 19, 2025) (the "Town Plan"). The Town Plan contains no clearly applicable land conservation measures or specific policies that apply to the Project site. Owens pf. at 4-5; exh. WHS-JO-2.

Municipal Screening Requirements

[30 V.S.A. § 248(b)(1)(B)]

26. The Town of Williston has not adopted screening requirements for ground-mounted solar electric generational facilities pursuant to either 24 V.S.A. § 2291(28) or 4415(15) with which the Project would have to comply. Owens pf. at 5.

Need for Present and Future Demand for Service

[30 V.S.A. § 248(b)(2)]

27. The Project 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 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.

28. The Project is being implemented specifically to comply with GF Power's RES Tier II obligations. Vermont law requires these obligations to be met through "new renewable energy" with a plant capacity of five MW or less and a direct connection to the distribution or subtransmission system of a Vermont utility. The Project qualifies as "new renewable energy" and thus satisfies GF Power's need for more TierII-qualified new renewable energy. Clark pf. at 19.

Impact on System Stability and Reliability

[30 V.S.A. § 248(b)(3)]

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

30. The Petitioner filed a complete interconnection application pursuant to Commission Rule 5.500 on October 1, 2024. GMP commissioned a Feasibility Study to evaluate potential impacts of the Project to the grid and concluded that the Project would not result in adverse impacts to the system and can move forward, without a System Impact Study or Facilities Study, on the condition that the following measures are completed before interconnection:

1) Construction of a three-phase underground line extension approximately 50 feet in length using 1/0 aluminum cable. The line extension would begin at the proposed point of interconnection for the Williston E Chip Alley Solar Project and extend southeast along the existing driveway to the intersection of Redmond Road and connect onto the former 19G3 distribution line.

2) Installation of a pad-mounted Viper-S PCC recloser, primary metering package, and disconnect switch. The Project will be responsible for the recurring monthly cost of the SCADA communications to the PCC recloser. The GMP facilities need to be accessible by GMP trucks, and the exact location of the take-off pole and line extension poles need to be determined by a site visit with the Distribution Designer.

3) The following upgrades to the primary system and Williston substation are required:

The existing 3-phase cable from 88G2 feeder breaker to the Williston E Chip Alley Solar Project POI must be upgraded to 750 MCM cable (approximately 200 feet). The existing 150-amp 88G2 feeder regulators must be upgraded to 328-amp units.

4) England (ISO-NE SRD). As part of the ISO-NE SRD requirements, GMP requires the Project to enter “momentary cessation” for over-voltage conditions while operating in the “Permissive Operation” mode (Table III: Inverters’ Voltage Ride-through Capability and Operational Requirements). GMP requires the inverters to enter “Permissive Operation with Momentary Cessation” with a Maximum Response of 0.1s. If the proposed inverters are not capable of this Maximum Response Time, a Category III inverter shall be used instead, which can comply with this requirement (IEEE 2018 6.4.2 Table 16).

5) GMP requires that the Project’s inverters reconnect using a Soft-Start Ramp rate of 2% of maximum current output per second with a modified reconnection time of six minutes.

6) The Project is required to execute a Project Notice to Proceed with the appropriate GMP distribution designer when the Project is physically ready for interconnection to GMP’s system.

The Project must wait for the upgrades identified in the QP 701 Feasibility Study for Williston E Chip Alley Solar, LLC to be completed or opt to complete those upgrades as part of this Project. Clark pf. at 20-21; rev. exh. WHS-JC-5.

31. The Petitioner will pay for these upgrades and will work with GMP to ensure their completion prior to interconnection, and the Petitioner will enter into an interconnection agreement with GMP prior to construction. Clark pf. at 21.

32. By letter dated April 17, 2025, ISO-NE determined under Section I.3.9 of the ISO Tariff “that implementation of the [Project] will not have a significant adverse effect upon the reliability or operating characteristics of the Transmission Owner’s transmission facilities, the transmission facilities of another Transmission Owner, or the system of a Market Participant.” Clark pf. at 21; rev. exh. WHS-JC-5.

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

33. The Project will result in an economic benefit to the State and its residents. The Project will pay annual local and municipal property taxes to the Town as required under 32 V.S.A § 3481. Using the discounted cash flow methodology prescribed in 32 V.S.A § 3481(1)(D), along with guidance provided by the Department of Taxes, and current property tax rates, the Petitioner estimates that the local property taxes due from the Project in the first year will be approximately \$12,870. Over a 25-year period, the Petitioner estimates that the Project will result in approximately \$400,000 in local property taxes. Clark pf. at 21-22.

34. The Project will pay an annual Uniform Capacity Tax as required under 32 V.S.A § 8701. The revenue generated by this tax will go into the statewide education fund. With the

proposed AC capacity of the Project at 2,700 kW, and the current Uniform Capacity Tax rate of \$4.00 per kW AC, the Project will pay approximately \$11,000 per year into the statewide education fund. Over a 25-year term, the Petitioner estimates that the Project will pay approximately \$275,000 in Uniform Capacity Tax to the statewide education fund. Clark pf. at 22

35. During the design and development phases, the Petitioner has hired many Vermont and regional firms to work on the environmental, aesthetic, legal, engineering, and permitting components of the Project. Additional electricians and workers will be needed during Project construction, as well as during the ongoing maintenance and operation of the Project. The Project's construction phase will also likely contribute to local economic activity via lodging, meals, and other ancillary purchases made by contractors. Clark pf. at 22.

36. GF continues to compete in an industry where the average selling price of products is an important determinant in sales. One of the major factors affecting the selling price is the cost of electricity. Therefore, managing electricity costs is a significant strategic focus for GF to help it maintain its competitiveness and continue to operate in Vermont. This is one of the core reasons GF petitioned the Commission to operate its own utility. Further, due to the Project's location on the GF campus and its ability to help serve on-site load, the Petitioner expects the Project to provide a benefit to the entire transmission grid because it will not require significant upgrades and leaves transmission capacity and space for other projects in the region. Clark pf. at 22-23.

37. In addition, GF is Vermont's largest private employer. Providing strong environmental sustainability practices creates an advantage in acquiring and retaining talented

employees who then extend environmental initiatives beyond the workplace. In addition, its customers are increasingly seeking products manufactured with new and low-carbon energy. Renewable projects like the one proposed in this Petition deliver these benefits. Clark pf. at 23.

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)]

38. Subject to the conditions described below, the Project 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. § 1424(a)(d)]

39. The Project will not affect any outstanding resource waters as defined by 10 V.S.A. § 1424a(d) because there are no outstanding waters in the Project area. Carla Fenner, WHS, (Fenner) at pf. 4; exh. WHS-CF-2.

Air Pollution and Greenhouse Gas Impacts

[30 V.S.A. § 248(b)(5); 10 V.S.A. § 6086(a)(1)]

40. The Project will not result in undue air pollution, sound, or greenhouse gas emissions. This finding is supported by the additional findings below.

41. The Project will not involve any industrial/manufacturing emissions, excessive dust and smoke during construction, dust or noise from blasting, odors or excessive noise from construction activity. Moreover, the proposed Project will help reduce the need for carbon-based sources of electric energy, contributing to improved air quality. Clark pf. at 24.

42. The Project's highest modeled sound pressure level at the closest residence is 27 dBA (exterior) (daytime). The noise levels calculated at the nearest residence will be below both the maximum limits of 45 dBA (exterior) and 30 dBA (interior) as required by the Commission. Clark pf. at 24; exh. WHS-JC-7.

43. Other than minor temporary emissions during construction, the Project will not emit greenhouse gases. In fact, this Project will enable Vermont to lessen its reliance on greenhouse gas-emitting generation. Clark pf. at 25.

44. The Petitioner shall follow the following greenhouse gas reporting protocols because the Agency of Natural Resources will require it to do so:

(a) The Petitioner shall provide ANR with the following Project "as-built" information within 60 days of the commissioning date of the Project to assist the Agency with compiling and analyzing greenhouse gas impacts:

- i. Solar panel manufacturer and model;
- ii. Solar panel cell technology (e.g. mono-Si, multi-Si, CdTe, etc.);
- iii. Rated solar panel output (in watts);
- iv. Number of solar panels installed;
- v. Array mounting type (fixed, 1-axis tracking, 2-axis tracking, ground, roof, other);
- vi. For fixed or 1-axis tracking, panel orientation, and mounting angle;
- vii. Rack system manufacturer and model;
- viii. Rack system components, including the number of aluminum rails, steel mounting posts, etc.;
- ix. Number and type of any other mounting components (e.g. concrete ballasts and foundation blocks);

- x. Manufacturer, model, and number of inverters;
- xi. Manufacturer, model, and number of transformers;
- xii. Mass of concrete used (for ballasts, foundations, mounting pads, etc.);
- xiii. Percent of Portland cement composition of concrete;
- xiv. Description, quantity, and source of any recycled materials used (e.g., recycled content concrete, recycled aluminum racking, etc.);
- xv. Amount (length) and gauge of wiring used for project;
- xvi. Components for connection to grid (circuit boxes, circuit breaker panels, metering equipment, etc.);
- xvii. Distance (e.g., truck miles traveled) for transport of system components to site; and
- xviii. Distance to grid connection.

(b) By January 30 of each year, ANR may request that Petitioner provide an annual report for the previous calendar year of operations to ANR. The annual report shall contain the information set out below, which will be used to assist ANR with compiling and analyzing greenhouse gas impacts. Petitioner will have 60 days from the date of ANR's request to supply the information, excepting the Renewable Energy Credit information, which may be submitted by July 31 of each year. Should ANR not request the information set out below by January 30, Petitioner will not have any obligation to provide an annual report from the previous year of operations. The information to be provided includes the following:

- i. Electric generation in kWh for the prior year, broken down by month and the sale of any Renewable Energy Credits associated with generation; and
- ii. Any information about the replacement of PV panels, inverters, transformers, or a complete racking system. In instances of failure and replacement of equipment (e.g. PV panels, inverters, etc.), Petitioner shall provide descriptions of both the failed and replacement components at the same level of detail as required by the "as-built" reporting requirements of condition (a), above. This provision does not require Petitioner to provide information about de minimis replacement of system components (e.g., replacement of racking system hardware), or information regarding regular maintenance activities.

- (c) Should ANR not request the information in (a), above, in any two consecutive years after Project commissioning, Petitioner's reporting obligations for all subsequent years shall automatically cease.
- (d) ANR and Petitioner, by mutual agreement, may cancel or amend Petitioner's reporting obligations set out at (a) at any time.
- (e) ANR shall not use the information provided by Petitioner in (a) above to make any claims or report of benefits (including, but not limited to, benefits related to the renewable attributes of the Project's electric generation and greenhouse gas reductions associated with the Project) accruing to Vermont, or any other entity, resulting from the Project generating electricity from photovoltaic generation.

Clark pf. at 25-27.

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

45. The Project will require a limited amount of natural resources of gravel and crushed stone for the installation of the access drive to the Project site. Clark pf. at 25.

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

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

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

47. The Project will not result in undue adverse effects to headwaters. This finding is supported by the additional findings below.

48. The Project is not located in a headwaters location. Fenner pf. at 4; exh. WHS-CF-2.

49. Although the Project is not in a headwaters location, the Project will be constructed to not adversely impact ground or surface water quality, and will meet applicable health and Department of Environmental Conservation (DEC) regulations. Fenner pf. at 4.

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

50. The Project will meet all applicable health and Vermont Department of Environmental Conservation regulations regarding the disposal of waste and will not involve the injection of waste materials or any harmful or toxic substances into groundwater or wells. This finding is supported by additional findings below.

51. The Project operation will not generate sanitary waste. Wyman pf. at 3.

52. Because the amount of existing and proposed impervious surfaces encompassing the GF campus totals more than the 1-acre threshold, the Project will be required to treat all new impervious areas. The majority of the GF campus has coverage under a National Pollutant Discharge Elimination System (NPDES) Permit 3-1295; however, the portion of the parcel where the Project is located is not currently included within the permitted area. Therefore, authorization under and compliance with Vermont's Operational Stormwater Permit 3-9050 will be required to treat stormwater runoff from the new impervious surfaces. Wyman pf. at 3-4; exh. WHS-SW-2; exh. WHS-ANR-1.

53. The Project will generate minor amounts of scrap and waste material during installation, and this waste will be disposed of or recycled at an approved disposal facility in accordance with Vermont solid waste management rules. Woody debris generated by any

potential shrub and tree clearing or trimming will be either offered to the landowners for use as firewood, or chipped, piled, or transported off site. The Project is not anticipated to generate waste during operation. Wyman pf. at 4; exh. WHS-SW-2.

54. The Project on its own does not require an SPCC Plan. Regardless, the Project transformer will be placed within a secondary containment structure to prevent the release of transformer oil to the environment. The 2,750 kVA pad-mounted transformer will be housed within secondary oil containment, sized to contain 110% of the largest anticipated volume of a potential release of transformer dielectric fluid, plus a 5-inch rainwater event. Wyman pf. at 4; exh. WHS-SW-2; exhs. WHS-JC-2 & 3; Clark pf. at 12.

55. There are no surface water or groundwater protection areas within the vicinity of the Project. ANR-mapped private water supply wells are located in the Project's vicinity. One well is mapped as being located within the Project footprint; however, field studies completed by VHB have not located the well as mapped or within the Project area. VHB anticipates that the ANR-mapped wells in this area are or were associated with the buildings to the southwest, and that the mapping is inaccurate. The proposed transformer is not located within wetlands, wetland buffers, streams, or stream buffers. The distance from sensitive receptors and proposed secondary containment structure will prevent the unlikely release of oil to waters of the U.S. or other sensitive receptors. Furthermore, the transformer fluid will be non-hazardous. Accordingly, the proposed transformer does not pose a potential for adverse impacts to sensitive receptors. Exh. WHS-SW-2; exhs. WHS-JC-2 & 3.

56. The Petitioner has agreed to the following CPG condition: "Before beginning site preparation or construction of the Project, the CPG Holder shall obtain from the Agency's

Department of Environmental Conservation an Operational Stormwater Permit 3-9050. All Project work shall be performed in accordance with the terms and conditions of the Operational Stormwater Permit.” exh. WHS-ANR-1.

Water Conservation, Sufficiency of Water, and Burden on Existing Water Supply

[10 V.S.A. §§ 6086(a)(1)(C), (a)(2), & (a)(3)]

57. The Project will not burden existing water supplies and will not have an undue adverse effect on water conservation because it does not require a water supply. Fenner pf. at 11.

Floodways

[10 V.S.A. § 6086(a)(1)(D)]

58. The Project is not within a floodway, floodway fringe, or river corridor and therefore will not restrict or divert the flow of floodwaters, significantly increase the peak discharge of a river or stream within or downstream from the Project, or endanger the health, safety, or welfare of the public or of riparian owners during flooding. Fenner pf. at 5; exh. WHS-CF-2.

Streams

[10 V.S.A. § 6086(a)(1)(E)]

59. The Project will maintain the natural condition of all streams and will not endanger the health, safety, or welfare of the public or adjoining landowners because no work is required or proposed in any streams. This finding is supported by additional findings below.

60. The top-of-bank of a section of perennial stream was delineated to the west of the Project, and intermittent and ephemeral stream channels were delineated within the study area to the east and west/southwest of the Project. A 50-foot riparian buffer is applied to delineated perennial and intermittent streams (other than the 100-foot riparian buffer for the Winooski River). The Project is designed to avoid construction activities within streams and has avoided

and minimized activities within riparian buffers to the extent practicable. Fenner pf. at 6; exh. WHS-CF-2.

61. The Project avoids any work within delineated streams and therefore will not result in any direct impact. Indirect impacts will be avoided through the use of erosion prevention and sediment control measures during construction and by minimizing activities within riparian buffers to the extent practicable. Fenner pf. at 6; exh. WHS-CF-2.

62. Stream buffer impacts are unavoidable due to the Project's interconnection location to the west on the other side of a delineated perennial stream from the array, as well as due to necessary minimal cutting along the successional field edge on the east and west side of the array for mitigation of risk of equipment damage and for operational-phase shade management. A total of approximately 776 square feet of clearing and 23,566 square feet of trimming or cutting is proposed (0.54 acre total) within riparian buffer areas. Notably, the proposed cutting and trimming in a riparian buffer to accommodate the Project's overhead interconnection line would only cut woody vegetation tall enough to interfere with the lines, leaving compatible shorter shrubs and saplings uncut, and, therefore, an intact canopy of woody vegetation shading the riparian buffer. The riparian buffer cutting to the east and west of the array will consist only of the successional field edge, within a generally lower-functioning portion of the full buffer width. Fenner pf. at 7; exh. WHS-CF-2.

Shorelines

[10 V.S.A. § 6086(a)(1)(F)]

63. The Project is not located on a shoreline. Fenner pf. at 7; exh. WHS-CF-2.

Wetlands

[10 V.S.A. § 6086(a)(1)(G)]

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

65. The Petitioner has designed the Project to avoid any activity within wetlands. Fenner pf. at 8; exh. WHS-CF-2.

66. The Petitioner has designed the Project to minimize activity within Class II wetland buffers, but complete avoidance of Class II wetland buffers is not practicable. There will be approximately 260 square feet of woody vegetation clearing (with stumping and grubbing) and approximately 9,998 square feet of tree trimming/topping/cutting (no stumping or grubbing) for Project construction and operation within wetland buffers. In addition to woody vegetation management, the Project will impact up to 11 square feet of buffer for the installation of 11 fence posts for the Project's perimeter fence. Fenner pf. at 8; exh. WHS-CF-2.

67. Although the Project will result in unavoidable impacts to Class II wetland buffer zones, the Petitioner has implemented a number of avoidance and minimization measures into the Project design to ensure the Project, as proposed, will avoid impacts to wetlands and minimize impacts to buffers. Exh. WHS-CF-2.

68. The Petitioner will be required to obtain a Vermont Wetlands Permit authorization for those buffer activities that are regulated under the Vermont Wetland Rules. All Project work will be conducted in accordance with those permit conditions, which will protect on-site wetland functions. The Petitioner will not begin construction until it obtains applicable permits. The Petitioner has already submitted forecasted impacts from this Project to the DEC as

part of an overall “master plan” type application for a VWP, which will be revised with the additional detail of this proposed design. Accordingly, the Project will conform to the Vermont Wetland Rules and, as described above, will not have an undue adverse effect on wetlands.

Fenner pf. at 9; exh. WHS-AC-2.

69. The Petitioner has agreed to the following CPG condition: “Before beginning site preparation or construction of the Project, the CPG Holder shall obtain from the Agency’s Department of Environmental Conservation a Vermont Wetlands Permit. All Project work shall be performed in accordance with the terms and conditions of the Wetlands Permit.” exh. WHS-ANR-1.

Soil Erosion

[10 V.S.A. § 6086(a)(4)]

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

71. The Project will require authorization under the DEC Construction General Permit (CGP). Wyman pf. at 4; exh. WHS-SW-2.

72. As part of this authorization, the Project will implement EPSC best management practices (BMPs) to control soil erosion and discharge of sediment from the construction site through a site-specific EPSC Plan. Wyman pf. at 5; exh. WHS-SW-2.

73. The Petitioner has agreed to the following CPG condition: “Before beginning site preparation or construction of the Project, the CPG Holder shall obtain from the Agency’s Department of Environmental Conservation an Individual Construction Stormwater Discharge

Permit 3-9050. All Project work shall be performed in accordance with the terms and conditions of the Construction Stormwater Permit.” exh. WHS-ANR-1.

Transportation

[10 V.S.A. § 6086(a)(5)]

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

75. The Petitioner proposes to deliver materials to the Project site using Mountain View Road and Redmond Road. The Project is not expected to require oversize or overweight deliveries. The Project will not require road closures or lane shutdowns for extended periods of time. No other long-term interruptions or impacts to highways or local roads are anticipated.

Clark pf. at 27.

Educational Services

[10 V.S.A. §§ 6086(a)(6)]

76. The Project will not place an unreasonable burden on the ability of a municipality to provide educational services because the Project will not require or affect education services.

Clark pf. at 28.

Municipal Services

[10 V.S.A. §§ 6086(a)(7)]

77. The Project will not place an unreasonable burden on the ability of the affected municipality to provide municipal or government services because the Project will not require or affect local services. The Project will not require any municipal water or sewer services, new roadway acceptance or maintenance by the Town of Williston, nor require any fire or police

services beyond those typically required of other businesses. The Petitioner will provide first responders access to the Project site in the event of an emergency. A lockable disconnect switch will allow shutdown of the Project in case of fire or other emergency. Clark pf. at 28.

Aesthetics, Historic Sites, and Rare and Irreplaceable Natural Areas

[10 V.S.A. § 6086(a)(8)]

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

Aesthetics

79. The Project will not have an undue adverse impact with respect to the aesthetics or scenic beauty of the area. Under the first part of the Quechee Test, the Project would not have an adverse effect on the scenic or natural beauty or aesthetics of the area. The Project is well located on an existing remote portion of the Project's parcel in an area that does not have substantial off-site visibility from nearby public or privately accessible places. As such, the Project does not require aesthetic mitigation measures. Owens pf. at 5-6; exh. WHS-JO-2.

Historic Sites

80. No above-ground historic sites will be adversely impacted by the Project. The Petitioner consulted with T.J. Boyle Associates (TJBA) who conducted a historic structures review of data available on the Vermont Division for Historic Preservation's (VDHP) Online Resource Center for the Town of Williston. This review of the VDHP Online Resource Center resulted in the identification of two nearby properties of historical significance that are listed on the State Register: the VonSchoppe House and the Old Redmond Farm (Farmhouse and Barn).

These were the only two listed or obviously eligible sites identified in the Project area that would potentially be visible in the Project context. Clark pf. at 29; Owens pf. at 7; exh. WHS-JC-8.

81. Those above-ground historic structures are respectively 2,060 feet and 1,300 feet from the nearest array structure, with limited visibility from publicly-accessible vantage points and with screening provided by existing deciduous and evergreen vegetation and intervening landform. For that reason, the Project does not propose mitigation related to these historic structures. Clark pf. at 29; Owens pf. at 7; exh. WHS-JO-3; exh. WHS-DHP-1 (“It is VDHP’s opinion that the Project will cause no adverse effects to above-ground historic resources”).

82. The Project will have no effect on any below-ground historic sites with the following condition from the DHP MOU:

- (a) Petitioner shall conduct archaeological investigation(s) and prepare related reports to identify, evaluate, and mitigate, if necessary, impacts to archaeological sites within the Project area. Petitioner’s archaeological consultant shall submit any scope of work to the VDHP for review and approval before commencing the work.
- (b) Prior to the completion of all relevant archaeological investigations, the Petitioner, in consultation with the VDHP, shall identify the project 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.

- (c) All relevant archaeological studies to identify, evaluate, or mitigate impacts to archaeological sites shall be carried out by a qualified consulting archaeologist. All such studies and associated reports shall follow the VDHP Guidelines for Conducting Archaeological Studies in Vermont (2017). A digital copy of the final report shall be submitted to the VDHP. Any archaeological reports submitted to the Public Utility Commission shall have specific archaeological site locational information redacted in accordance with 22 V.S.A. § 761(b) and 1 V.S.A. § 317(c) (20).
- (d) The archaeological investigations shall be scheduled so that mitigation measures, if any are determined to be necessary, can be satisfactorily planned and accomplished prior to site preparation and construction of the Project. Any archaeological sites within the Project area shall not be impacted until mitigation measures have been completed. Proposed mitigation measures must be approved by the VDHP 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. exh. WHS-DHP-MOU-1

Rare and Irreplaceable Natural Areas (RINA)

83. The Project will not have an undue adverse impact on rare and irreplaceable natural areas because there are no rare and irreplaceable natural areas within the Project area. Fenner pf. at 9; exh. WHS-CF-2.

Necessary Wildlife Habitat and Endangered Species

[10 V.S.A. § 6086(a)(8)(A)]

84. The Project will not have an undue adverse impact on any endangered species or critical wildlife habitat. This finding is supported by the additional findings below.

85. There are no rare, threatened, or endangered plants known to occur within or adjacent to the Project site. Fenner pf. at 9-10; exh. WHS-CF-2.

86. The Project's location is more than 1 mile from any known occupied summer or winter bat habitat, and the extent of proposed woody vegetation cutting does not exceed the threshold that would require implementation of additional surveys or conservation measures, per the Fish and Wildlife Department's guidance for avoiding impacts to the northern long-eared bat. Nonetheless the Project will adhere to a time-of-year restriction to avoid impacts during summer roosting habitat use or other measures. Fenner at 10; exh. WHS-CF-2.

87. There is no necessary wildlife habitat within the proposed Project site. Fenner pf. at 9; exh. WHS-CF-2.

Development Affecting Public Investments

[10 V.S.A. § 6086(a)(9)(K)]

88. The Project will not unnecessarily or unreasonably endanger any public or quasi-public investment in the 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, the facility, service, or lands. There are no nearby public investments. Clark pf. at 31.

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

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

90. The Petitioner will perform all work in accordance with the National Electrical Safety Code and National Electric Code. Clark pf. at 20.

91. The Project will be secured by an existing perimeter fence with appropriate electrical warning signs. Clark pf. at 20.

92. The Project will use anti-reflective coating on panels to reduce glare. Clark pf. at 20.

93. The Petitioner has agreed to the condition requested by the Department that the "CPG Holder or assigns become a member of Dig Safe and comply with 30 V.S.A. sections 7001-7008 (Chapter 86) and Commission Rule 3.8000 for the life of the Project."

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

94. The Project will not have any undue adverse effects on primary agricultural soils as defined in 10 V.S.A. § 6001. This finding is supported by the additional findings below.

95. There are primary agricultural soils (PAS) present within the Project area according to mapping from the Natural Resources Conservation Service . As proposed, the Project will have approximately 2.3 acres of direct operational phase impacts and 0.2-acres of temporary direct impacts for a total of 2.5 acres of direct impacts. Additionally, the Project may

have up to 7.6 acres of indirect impacts for a total of 10.1 acres of potential impacts to PAS within the limits of disturbance. Wyman pf. at 5; exh. WHS-SW-3.

96. The Petitioner will mitigate temporary disturbance from trenching by temporarily stockpiling PAS on-site and within the same NRCS soil map unit per horizon and then replacing soil at the end of construction in the reverse order of excavation. The Petitioner will stockpile soils excavated for operational-phase (Project lifespan) impacts by stockpiling soil segregated per horizon. The stockpiles will be stabilized and vegetated. Upon Project decommissioning, soil will be replaced in the reverse order of excavation within each soil map unit. Wyman pf. at 5; exh. WHS-SW-3.

97. The Petitioner agrees with the following conditions:

- (a) As provided in 30 V.S.A. § 248(t), notwithstanding any contrary provision of law, PAS, as defined in 10 V.S.A. § 6001, located on the site of a solar electric generation facility approved under this section shall remain classified as such soils, and the review of any change in the use of the site after construction of the facility shall treat the soils as if the facility had never been constructed.
- (b) For areas of PAS disturbance on the project site, the CPG shall 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 shall also comply with the AAFM Guidelines when sequencing returned soils at the conclusion of

construction or project 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.

- (c) 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 Project 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 Project. Tree stumps that are removed will be shaken clean over the area from which they were removed. Stumps will either be chipped or ground up. Chips and ground wood will 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. Wood in any form shall not be piled on the site after construction is complete.
- (d) If installing electric conduit or other features with fill or other imported material of any kind in areas of PAS, the CPG Holder shall remove soil in a manner that separates soil horizons, stockpile the layer(s) displaced by the layer of imported material for the life of the Project, 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 shall 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.

- (e) Except for grading to create the access road and permitted stormwater improvements, the project shall not include any grading of PAS. Any fill or gravel used for roads or staging areas shall be separated from native soils by a suitable barrier such as geotextile fabric.
- (f) To reduce impacts to PAS from soil compaction, the CPG Holder shall 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 shall not apply to the use of any on-site gravel roads that are

constructed with geotextile fabric, a minimum of 10 inches of gravel, and a 1 inch or thicker cap of crushed aggregate.

- (g) Prior to construction and again at the end of decommissioning, the CPG Holder shall test bulk density of the soil on each mapped soil unit containing primary agricultural soils within the Project limits to ensure that the primary agricultural soils on the site are materially the same after the Project as they were before construction. "Materially the same" means an increase in soil bulk density of no more than 10%.

1) The CPG Holder shall 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 Project 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 will collect two 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 primary agricultural soils on the Project site where axle loads of construction vehicles or equipment will not exceed 12,000 pounds, the CPG Holder shall collect and test one sample for each mapped soil unit before construction and shall otherwise follow the same testing protocols.
 - iii) At the end of the decommissioning process, the CPG Holder shall 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 shall conduct agricultural subsoiling and/or other strategies to decompact soil until soil bulk density is materially the same as it was prior to Project construction.
- 2) The CPG Holder shall serve test results upon AAFM within 60 days of the test, as follows:
- i) By email to counsel of record in this matter, as listed in PUC records at the time of service; and
 - ii) By email to AGR.Notice@vermont.gov, as may be updated in PUC records at the time of service. exh. WHS-AAFM-1.

Consistency With Company's Least-Cost Integrated Plan

[30 V.S.A. §248(b)(6)]

98. The Petitioner does not have an integrated resource plan and the Commission has not required non-utilities to have a least-cost integrated resource plan.⁸ Nonetheless, it is the Petitioner's understanding that GF Power has not completed an IRP and is not required to submit its first such plan to the Commission until July 1, 2026. Based on the Petitioner's understanding of the needs of GF Power's sole customer and the utility's plan to meet those needs through contracting for substantial amounts of renewable energy via competitively priced PPAs on customer-owned sites close to customer load, thereby avoiding substantial costs and environmental impacts related to transmission, it is anticipated that this Project will be consistent with GF Power's forthcoming IRP. Clark pf. 31-32.

Compliance With Twenty Year Electric Plan

[30 V.S.A. §248(b)(7)]

99. The Project is consistent with the 2022 Comprehensive Energy Plan as approved by the Department under 30 V.S.A. § 202(f). Determination Under 30 V.S.A. § 202(f) signed by TJ Poor, dated March 23, 2026.

100. The Project will contribute to meeting the State's long-term renewable energy goals because it is a proposed solar project that is located near load. Specifically, the Project furthers the key objectives in the CEP, which calls for meeting Vermont's long-term energy needs largely with renewable resources as embodied in the high-level goals set in the 2011 and 2016 CEPs, and reaffirmed in the 2022 CEP (page 2): "Meet 25% of energy needs from

⁸ Case No. 22-3427, Petition of ER Danyow Road Solar, LLC for a certificate of public good, pursuant to 30 V.S.A. § 248, for a 5 MW ground-mounted solar array located in Sheldon, Vermont, Final Order (4.24.23).

renewable sources by 2025, 45% by 2035, and 90% by 2050.” The Project is consistent with CEP thematic goals including affordability, in-state generation, diversity of supply, grid resiliency, and low emissions. Moreover, as the Project is being built close to load on GF’s facilities, it furthers the CEP’s “goal of a secure and affordable electric grid that can efficiently integrate, use, and optimize high penetrations of distributed energy resources to enhance the state’s resilience and reduce greenhouse gas emissions.” CEP 2022, page 13. Clark pf. at 32.

Can Be Served Economically by Existing or Planned Transmission Facilities

[30 V.S.A. § 248(b)(10)]

101. The Project can be served economically by existing or planned transmission facilities without undue adverse effects on Vermont utilities or customers. The Project is not sited within the Sheffield-Highgate Export Interface. Clark pf. at 33.

Minimum Setback Requirements

[30 V.S.A. § 248(s)]

102. The Project complies with Vermont’s statutory setback requirements for ground-mounted solar electric generation facilities, which require that the facility be set back more than 100 feet from the nearest road and more than 50 feet from the nearest property boundary line. Clark pf. at 33; exh. WHS-JC-2.

Decommissioning Cost Estimate and Surety Bond

103. At the end of the Project’s useful life, the Petitioner will assess whether it is financially viable to continue to operate the Project; whether any changes could be made to the Project to allow its continued operation after necessary approvals; or whether the Project should be decommissioned. Clark pf. at 33; exh. WHS-JC-9.

104. At the time the Project is decommissioned, the Petitioner will remove the Project and restore the site to its condition before the Project was installed to the greatest extent practicable as required by Commission Rule 5.904(B). Clark pf. at 33-34; exh. WHS-JC-9.

105. The Petitioner submitted a decommissioning plan. Clark pf. at 33; exh. WHS-JC-9.

106. The decommissioning plan includes a detailed cost estimate, which estimates that the cost of decommissioning will be \$115,365 at current rates. The cost estimate does not take any salvage value into account. Clark pf. at 33; exh. WHS-JC-9.

107. The Petitioner filed a draft surety bond that names the Commission as the sole beneficiary, includes an auto-extension provision or “evergreen clause,” and is bankruptcy-remote. Clark pf. at 34; exh. WHS-JC-9.

108. Prior to commencing Project construction, the Petitioner shall file and receive Commission approval of an executed surety bond. Clark pf. at 34; exh. WHS-JC-9.

109. The Petitioner has agreed to the following CPG condition: “No later than six months in advance of the Project’s decommissioning, the CPG Holder shall complete and provide to the Vermont Department of Environmental Conservation Wetlands Program, an updated wetlands assessment to determine if any of the Project infrastructure is located within any Class I or II wetlands or their buffer zones.” exh. WHS-ANR-1.

110. The Petitioner has agreed to the following CPG condition: “If, at the time of Project decommissioning, any Project infrastructure is determined to be located within a Class I or II wetland or its buffer zone, then the CPG Holder shall obtain from the Wetlands Program a jurisdictional determination as to whether the decommissioning activities require a Vermont

Wetland Permit, in which case the CPG Holder shall obtain such permit prior to performing any decommissioning activities and comply with its terms and conditions. If, at the time of decommissioning, any Project infrastructure is determined to be located within a Class I or II wetland or its buffer zone and a Vermont Wetland Permit is not required, the CPG Holder shall, sufficiently in advance of decommissioning, submit a wetlands restoration plan to the Wetlands Program for review and approval as an Allowed Use under the Vermont Wetland Rules (see Section 6.23 of the current Vermont Wetland Rules). The restoration plan shall address the removal of the solar array and other Project infrastructure located in any wetland, and shall, at a minimum, contain the following elements:

- A. Identification of phasing and staging areas;
- B. Utilization of methods that prevent rutting in the wetland, including removal of structures during frozen or dry conditions, or use of construction mats or similar techniques to minimize soil disturbance;
- C. Revegetation of all disturbed areas within the wetland and buffer zone with appropriate conservation seed mix(es); and
- D. Provisions for inspection by the Agency prior to and following site restoration.” exh. WHS-ANR-1.

111. The Petitioner has agreed to the following CPG condition: “If any Project infrastructure is located within a Class I or II wetland or its buffer zone at the time of Project decommissioning, then decommissioning of the Project shall not take place until the Agency’s

Wetland Program has issued a Vermont Wetland Permit or has approved a wetlands restoration plan as an allowed use under the Vermont Wetland Rules, whichever is applicable.” exh. WHS-ANR-1.

Memorandum of Understanding

112. The Petitioner entered an MOU with ANR (exh. WHS-ANR-1); DHP (exh. WHS-DHP-1); and AAFM (exh. WHS-AAFM-1).

Discussion

I recommend that the Commission accept the MOUs and require the Petitioner to comply with the terms and conditions of the MOUs as a condition of its approval of the Project.

IV. CONCLUSION

Based upon the evidence in the record, I recommend that the Commission conclude that the Project, subject to the conditions set forth herein, complies with 30 V.S.A. § 248 and will promote the general good of the State:

(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, and substantial deference having been given to the land conservation measures and specific policies contained in the duly-adopted regional plan;

(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) 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 have been designated as outstanding resource waters by the Secretary of Natural Resources;

(j) does not involve a waste-to-energy facility;

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

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

(m) is consistent with statutory minimum setback requirements.

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

VI. ORDER

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

1. The findings, conclusions, and recommendations of the Hearing Officer are hereby adopted. All other findings proposed by parties, to the extent that they are inconsistent with this Order, were considered and not adopted.

2. In accordance with the evidence and plans submitted in this proceeding, the 2.75 MW ground-mounted solar array (the "Project") proposed for construction and operation by Williston H Solar, LLC (the "CPG Holder"), will promote the general good of the State of Vermont pursuant to 30 V.S.A. § 248 and a certificate of public good to that effect shall be issued in this matter.

3. As a condition of this Order, the CPG Holder shall comply with all terms and conditions set out in the CPG issued in conjunction with this Order.

4. DATED at Montpelier, Vermont, this ____ day of _____, 2026.

_____) PUBLIC UTILITY
COMMISSION
OF VERMONT
)

OFFICE OF THE CLERK

FILED:

ATTEST:

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.

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Case No. 25-2774-PET

Petition of Williston H Solar, LLC for a
certificate of public good pursuant to
30 V.S.A. § 248 for a 2.75 MW
ground-mounted solar array located off
Redmond Road in Williston, Vermont

Certificate of Public Good ("CPG") Issued
Pursuant to 30 V.S.A. §§ 248 & 8010

IT IS HEREBY CERTIFIED THAT the Vermont Public Utility Commission ("Commission") of the State of Vermont found and adjudged that the site preparation, construction, operation, and maintenance of a 2.75 MW solar electric generation facility off Redmond Road, in Williston, Vermont (the "Project") by Williston H Solar, LLC (the "CPG Holder"), in accordance with the evidence and plans submitted in this proceeding, will promote the public good of the State, subject to the following conditions:

1. Site preparation, construction, operation, and maintenance of the Project 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 Project 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 Project 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 Project, the CPG Holder must obtain all other necessary permits and approvals. Site preparation, construction, operation, and maintenance of the Project 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 and Sundays. Construction activities or deliveries on state holidays or federal holidays must follow the same restrictions.
 4. The CPG Holder is responsible for all costs of distribution and transmission system upgrades that are necessary to address adverse impacts on system stability and reliability due to the Project, as determined by the system impact study and facilities study.
 5. Before operating the Project, the CPG Holder must enter into an interconnection agreement with Green Mountain Power Corporation that conforms to the requirements of Public Utility Commission Rule 5.500. The CPG Holder is responsible for the cost of electrical system upgrades reasonably necessary to implement interconnection of the Project 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 WHS-JC-9.
 7. Before beginning site preparation, the CPG Holder must file with the Commission and obtain Commission approval for an executed surety bond or other form of financial

- security in the amount of \$115,365. Any surety bond or other form of financial security used to secure the decommissioning fund must be an irrevocable surety bond or other form of financial security that: (i) names the Commission as the sole beneficiary of the surety bond or other form of financial security; (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 Project’s standby surety bond 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 Project’s irrevocable surety bond 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 Project's letter of credit or other form of financial security.
 13. Before beginning site preparation, the CPG Holder must file with the Commission, the parties, and the Town of Williston a letter stating that it has fulfilled all pre-site preparation CPG conditions, and that it intends to begin site preparation for the Project.
 14. Before operating the Project, the CPG Holder must file with the Commission, the parties, and the Town of Williston a letter confirming that it has fulfilled all pre-operation CPG conditions and that it intends to begin operation of the Project.
 15. As required by 30 V.S.A. § 248(a)(7), within 45 days of the date of this Order, the CPG Holder shall 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. The CPG Holder must file proof of this recording with the Commission.
 16. As provided in 30 V.S.A. § 248(t), notwithstanding any contrary provision of the law, primary agricultural soils 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 the use of the site subsequent to the construction of the facility must treat the soils as if the facility had never been constructed.

17. The CPG Holder must comply with the terms contained in the memorandum of understanding with ANR, identified in the evidentiary record as exhibit WHS-ANR-1.
18. Before beginning site preparation or construction of the Project, the CPG Holder shall obtain from the Agency's Department of Environmental Conservation a Construction Stormwater Discharge Permit 3-9020. All Project work shall be performed in accordance with the terms and conditions of the Construction Stormwater Permit.
19. Before beginning site preparation or construction of the Project, the CPG Holder shall obtain from the Agency's Department of Environmental Conservation an Operational Stormwater Permit 3-9050. All Project work shall be performed in accordance with the terms and conditions of the Operational Stormwater Permit.
20. Before beginning site preparation or construction of the Project, the CPG Holder shall obtain from the Agency's Department of Environmental Conservation a Vermont Wetlands Permit. All Project work shall be performed in accordance with the terms and conditions of the Wetlands Permit.
21. No later than six months in advance of the Project's decommissioning, the CPG Holder shall complete and provide to the Vermont Department of Environmental Conservation Wetlands Program, an updated wetlands assessment to determine if any of the Project infrastructure is located within any Class I or II wetlands or their buffer zones.
22. If, at the time of Project decommissioning, any Project infrastructure is determined to be located within a Class I or II wetland or its buffer zone, then the CPG Holder shall obtain from the Wetlands Program a jurisdictional determination as to whether the

decommissioning activities require a Vermont Wetland Permit, in which case the CPG Holder shall obtain such permit prior to performing any decommissioning activities and comply with its terms and conditions. If, at the time of decommissioning, any Project infrastructure is determined to be located within a Class I or II wetland or its buffer zone and a Vermont Wetland Permit is not required, the CPG Holder shall, sufficiently in advance of decommissioning, submit a wetlands restoration plan to the Wetlands Program for review and approval as an Allowed Use under the Vermont Wetland Rules (see Section 6.23 of the current Vermont Wetland Rules). The restoration plan shall address the removal of the solar array and other Project infrastructure located in any wetland, and shall, at a minimum, contain the following elements:

- a. Identification of phasing and staging areas;
- b. Utilization of methods that prevent rutting in the wetland, including removal of structures during frozen or dry conditions, or use of construction mats or similar techniques to minimize soil disturbance;
- c. Revegetation of all disturbed areas within the wetland and buffer zone with appropriate conservation seed mix(es); and
- d. Provisions for inspection by the Agency prior to and following site restoration.

23. If any Project infrastructure is located within a Class I or II wetland or its buffer zone at the time of Project decommissioning, then decommissioning of the Project shall not take place until the Agency's Wetland Program has issued a Vermont Wetland Permit or has approved a wetlands restoration plan as an allowed use under the Vermont Wetland Rules, whichever is applicable.

24. The CPG Holder must comply with the terms contained in the memorandum of understanding with the AAFM MOU identified in the evidentiary record as exhibit WHS-AAFM-1.
25. For areas of PAS disturbance on the project site, the CPG Holder shall 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 shall also comply with the AAFM Guidelines when sequencing returned soils at the conclusion of construction or project 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.
26. 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 Project 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 Project. Tree stumps that are removed will be shaken clean over the area from which they were removed. Stumps will either be chipped or ground up. Chips and ground wood will 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. Wood in any form shall not be piled on the site after construction is complete.

27. If installing electric conduit or other features with fill or other imported material of any kind in areas of PAS, the CPG Holder shall remove soil in a manner that separates soil horizons, stockpile the layer(s) displaced by the layer of imported for the life of the Project, and replace the remaining soil horizons in their original sequence to fill the trench after installation of the conduit or other features.
28. When decommissioning, the CPG Holder shall 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.
29. Except for grading to create the access road and permitted stormwater improvements, the project shall not include any grading of PAS. Any fill or gravel used for roads or staging areas shall be separated from native soils by a suitable barrier such as geotextile fabric.
30. To reduce impacts to PAS from soil compaction, the CPG Holder shall 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 shall not apply to the

use of any on-site gravel roads that are constructed with geotextile fabric, a minimum of 10 inches of gravel, and a 1 inch or thicker cap of crushed aggregate.

31. Prior to construction and again at the end of decommissioning, the CPG Holder shall test bulk density of the soil on each mapped soil unit containing primary agricultural soils within the Project limits to ensure that the primary agricultural soils on the site are materially the same after the Project as they were before construction. "Materially the same" means an increase in soil bulk density of no more than 10%.

1) The CPG Holder shall 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 Project 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 will collect two 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 primary agricultural soils on the Project site where axle loads of construction vehicles or equipment will not exceed 12,000 pounds, the CPG Holder shall collect and test one sample for each mapped

soil unit before construction and shall otherwise follow the same testing protocols.

iii) At the end of the decommissioning process, the CPG Holder shall 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 shall conduct agricultural subsoiling and/or other strategies to decompact soil until soil bulk density is materially the same as it was prior to Project construction.

- 2) The CPG Holder shall serve test results upon AAFM within 60 days of the test, as follows:
- i) By email to counsel of record in this matter, as listed in PUC records at the time of service; and
 - ii) By email to AGR.Notice@vermont.gov, as may be updated in PUC records at the time of service.

32. The CPG Holder must comply with the terms contained in the memorandum of understanding with the DHP MOU identified in the evidentiary record as exhibit WHS-DHP-1.

33. Petitioner shall conduct archaeological investigation(s) and prepare related reports to identify, evaluate, and mitigate, if necessary, impacts to archaeological sites within the Project area. Petitioner's archaeological consultant shall submit any scope of work to the VDHP for review and approval before commencing the work.

34. Prior to the completion of all relevant archaeological investigations, the Petitioner, in consultation with the VDHP, shall identify the project 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.
35. All relevant archaeological studies to identify, evaluate, or mitigate impacts to archaeological sites shall be carried out by a qualified consulting archaeologist. All such studies and associated reports shall follow the VDHP Guidelines for Conducting Archaeological Studies in Vermont (2017). A digital copy of the final report shall be submitted to the VDHP. Any archaeological reports submitted to the Public Utility Commission shall have specific archaeological site locational information redacted in accordance with 22 V.S.A. § 761(b) and 1 V.S.A. § 317(c) (20).
36. The archaeological investigations shall be scheduled so that mitigation measures, if any are determined to be necessary, can be satisfactorily planned and accomplished prior to site preparation and construction of the Project. Any archaeological sites within the Project area shall not be impacted until mitigation measures have been completed. Proposed mitigation measures must be approved by the VDHP 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.

37. The CPG Holder shall register with Dig Safe and comply with 30 V.S.A. Chapter 86 and Commission Rule 3.8000 for the Project's life.
38. 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.
39. This Certificate of Public Good may not be transferred without prior approval of the Commission.

DATED at Montpelier, Vermont, this _____ day of _____, 2026.

_____)
) PUBLIC UTILITY
) COMMISSION
) OF VERMONT
)

OFFICE OF THE CLERK

FILED:

ATTEST: _____

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