

STATE OF VERMONT
PUBLIC UTILITY COMMISSION
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Case No. 24-1898-PET

Petition of Essex A North Lot Solar, LLC for
a certificate of public good pursuant to
30 V.S.A. § 248 for a 3.5 MW
ground-mounted solar array located off
Robinson Parkway in Essex Junction, Vermont

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MOTION FOR NON-SUBSTANTIAL CHANGE DETERMINATION

Essex A North Lot Solar, LLC (CPG Holder) respectfully requests that the Public Utility Commission (Commission) determine that certain proposed changes to the CPG Holder's permitted point of interconnection (POI) for the project to be constructed in Essex, VT (the Project) are non-substantial and do not require an amendment to the Section 248 certificate of public good (CPG) issued on January 6, 2025 because the changes do not have the potential to result in significant impacts with respect to any of the Section 248 criteria or CPG conditions. The interconnecting utility, Green Mountain Power (GMP), and the Town of Essex support the change in the POI. This motion is supported by the following Declarations submitted on behalf of the CPG Holder: Declaration of Rebecca Gilbert, "Gilbert Dec.", Declaration of Jeremy Owens, "Owens Dec.", and Declaration of Adam Crary, "Crary Dec.". The CPG Holder has shared these materials with the parties and understands that the Agency of Natural Resources and Department of Public Service will respond shortly. The Division of Historic Preservation has no objection.

The CPG Holder respectfully requests expediated approval of this motion for two primary reasons. First, GF Power LLC needs this solar project to comply with Vermont's Renewable Energy Standard, as acknowledged in paragraph 3 of the Final Order issued for this

Project. This Project must be operational by the end of 2026 to meet that requirement, and construction of the interconnection route is critical to meet that deadline. Second, the CPG Holder needs to retain drillers to complete the required boring work associated with the revised POI. Drilling contractors are entering their busy season and currently have availability through late May or early June; however, they may not be able to accommodate this work again until the first quarter of 2027.

The proposed relocated POI would require the following proposed changes:

- Relocation of the approved POI from the existing pole in the southeast quadrant of the Maple Street/police station drive intersection to the existing pole in the northwest quadrant. GMP has confirmed this change will have no system impacts;
- Change in the limits of disturbance approximately 185 feet to the intersection of Maple Street and the police station driveway;
- Relocation of the Project's recloser and meter/riser equipment poles to the southwest quadrant of the intersection of Maple Street and the police station driveway. This intersection has existing electrical infrastructure including distribution and transmission lines;
- Installation of most of the interconnection line underground. The permitted interconnection route consisted of utility poles and overhead wires running from the POI to the customer meter and riser pole, where it would then be buried. The CPG Holder would now install most of the interconnection route underground by a directional bore running southwest from the intersection of Maple Street and the

police station driveway toward the solar array. This change eliminates three overhead poles;

- Reduction in utility poles in the wetland buffer. The permitted plan had four utility poles located in the wetland buffer that runs along the west side of the police station driveway. The revised route now has two utility poles located in the wetland buffer. The only additional wetland buffer impact will now be a temporary 24 square foot, 4 feet deep bore pit next to the primary metering/riser pole to accommodate equipment access during the directional bore installation. The CPG Holder expects that the installation will occur in one day and the hole will be backfilled and revegetated after the conduits are connected and

During the one-day installation of the bore, the CPG Holder will use construction mats under equipment as necessary to avoid excess disturbance or rutting at the corner of Maple Street and the police station driveway. The proposed changes do not involve removing, trimming or grubbing any trees.

The CPG Holder needs to change the POI because it was unable to secure the property rights necessary to build the permitted interconnection infrastructure due to a community safety concern raised by the Town and the Town's Police Chief. Specifically, the concern involved a scenario in which the overhead line extending from the planned POI across the police station drive could come down during a storm event, potentially preventing emergency responders from entering or existing the station. To respond to this concern, the CPG Holder worked collaboratively with GMP, GlobalFoundries, the Town, and the Town's Police Chief to develop a revised interconnection route that is acceptable to all parties.

The post-construction conditions resulting from the proposed changes to the Project are reflected in a plan that compares the as-permitted and as-proposed interconnection changes submitted respectively as Attachment I to the Gilbert Dec filed in support of this motion. The Declarations of Jeremy Owens and Adam Crary explain how these changes relate to the applicable Section 248 criteria, how the changes reduce impacts to regulated natural resources, and support the conclusion that the proposed changes do not have the potential to significantly affect the Commission's analysis of the Section 248 criteria or the general good of the State.

DISCUSSION

Commission Rule 5.413 states in relevant part: "Commission approval is required for any proposed substantial change to a project that has been issued a certificate of public good under 30 V.S.A. § 248. For the purpose of this subsection, a substantial change is a change in the approved proposal that has the potential for significant impact with respect to any of the criteria of Section 248(b) or on the general good of the State under Section 248(a)." Where the proposed change does not have the potential to result in any significant impact with respect to any of the Section 248 criteria, no amendment is needed, and the Commission may issue a non-substantial change determination.¹

The CPG Holder's CPG condition 1 states: "Site preparation, construction, operation, and maintenance of the Project must be in accordance with the plans and evidence submitted in this

¹ *Petition of Williston E Chip Alley Solar, LLC for a certificate of public good, pursuant to 30 V.S.A. § 248, for a 3.125 MW ground mounted solar array in Williston, Vermont*, Case No. 24-1024-PET, Order Granting a Non-Substantial Change Determination, (Sept. 12, 2025) (approving as non-substantial changes, relocation of an access road, an additional 64 solar panels, and relocation of the project's equipment pad within the existing footprint where the changes would result in a slight decrease in the project's footprint); *Petition of Coolidge Solar I, LLC for a certificate of public good, pursuant to 30 V.S.A. § 248, authorizing the installation and operation of a 20 MW solar electric generation facility to be located in Ludlow and Cavendish, Vermont, and known as the "Coolidge Solar Project"*, Case No. 8685, Order Re: Request for Non-Substantial Change Determination (April 6, 2018) (approving as non-substantial changes, the addition of a new, temporary access road, changes to the Project's transmission route, addition of transmission pole, and related equipment).

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.”

The proposed Project changes do not have the potential to result in significant impacts with respect to any of the criteria of Section 248(b) or on the general good of the state under Section 248(a). Relocating the POI does not require changes to the approved landscaping plan, reduces impacts to regulated natural resources, and accommodates the needs of GMP and the Town. The proposed changes also do not affect existing CPG conditions or MOUs. The CPG Holder will submit a minor amendment request to ANR for the Vermont Wetland Permit, and will not begin construction until it obtains such amendment.

The CPG Holder further requests that the Commission admit Attachment I of the Gilbert Dec. (revised plans) into the record so that the Project can be constructed according to the newly revised interconnection plan showing the proposed post-construction conditions as required by Condition 1 of the CPG granted previously in this case.²

WHEREFORE, Essex A North Lot Solar, LLC respectfully requests that the Commission declare that the proposed changes to the Project are not individually or cumulatively substantial changes and thus do not require an amendment to the Section 248 CPG and that the attached exhibit is admitted into the record as the Project’s official site plan for purposes of compliance with CPG Condition 1.

² Id. (Commission admitting new information into the record to comply with CPG condition1).

Dated at Montpelier, Vermont this 20th day of May, 2026.

Essex A North Lot Solar, LLC

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