

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Petition of Randolph Davis Solar LLC for a	)	
certificate of public good, pursuant to 30	)	
V.S.A. §§ 248 and 8010, authorizing the	)	Case No. 21-2939-NMP
installation and operation of a 500 kW group	)	
net-metered solar electric generation system	)	
in Randolph, Vermont	)	

CPG HOLDER’S SELF-REPORTING OF CPG NON-COMPLIANCE

NOW COMES Randolph Davis Solar LLC (the “CPG Holder”) and respectfully self-reports non-compliance with Conditions 11 and 12 and 16(b)(i) of its certificate of public good (“CPG”) pertaining to primary agricultural soils (“PAS”), together with proposed corrective action measures.

CPG Conditions 11, 12 and 16(b)(i) provide, respectively:

11. For areas of soil disturbance of primary agricultural soils on the Facility site and to the extent consistent with other more specific conditions set forth herein, the CPG Holder must comply with the Vermont Agency of Agriculture, Food, and Market (“AAFM”) Act 250 Procedure: Reclamation of Vermont Agricultural Soils (rev. Oct. 30, 2014) (“AAFM Guidelines”), except as otherwise provided in more specific conditions herein, currently available online at: [https://agriculture.vermont.gov/sites/agriculture/files/documents/land sse/ReclamationGuidelinesforAgriculturalSoils.pdf](https://agriculture.vermont.gov/sites/agriculture/files/documents/land%20sse/ReclamationGuidelinesforAgriculturalSoils.pdf). The CPG Holder must also comply with the AAFM Guidelines with respect to sequencing for returning soils at the conclusion of construction and decommissioning.

12. Except for grading to create the access road, the Facility must not include any grading of primary agricultural soils. Any fill or gravel used for roads or staging areas must be separated from native soils by a suitable barrier such as geotextile fabric.

16. At decommissioning, to return the site to its pre-construction condition to the greatest extent practicable consistent with Commission rules, and to enable use of the site for agricultural purposes, the CPG Holder must:

...

b. Test soil bulk density and, if necessary, mitigate for compaction as follows:

i. Before installation, test to a depth of at least one foot in primary agricultural soil at the following locations (latitude and longitude):

1. Location 1: 43.9037°, -72.5669°
2. Location 2: 43.9037°, -72.5671°
3. Location 3: 43.9036°, -72.5678°

The CPG Holder did not comply with all elements specified in the Conditions. Specifically: (1) While PAS soils were stockpiled, the PAS soil horizons were not separated before stockpiling, as required by Condition 11; (2) grading of PAS soils extended beyond the access road area authorized in Condition 12 and into the adjacent laydown area; and (3) PAS soil testing, did not occur in designated locations before the commencement of site preparation as specified in Condition 16(b)(i).

In addition to self-reporting these incidents, the CPG Holder respectfully proposes to take the following corrective measures:

(1) To redress Conditions 11 and 12, the CPG Holder proposes to top-dress the access road and laydown area during Project decommissioning with additional topsoil, to be seeded and mulched. The depth of the additional topsoil layer would be determined in consultation with AAFM by conducting soil testing of comparable PAS soils at agreed upon locations. With respect to the laydown area, given the existing site constraints, the CPG Holder proposes to retain the laydown area for equipment and other materials during decommissioning. Subsoils under the PAS layers removed from the laydown area that were utilized to fill locations along the access road will be used to return the laydown area to its approximate original grade at the time of Project decommissioning. The laydown area would be restored at the same time and in the same fashion as the access road, preventing a second disturbance to PAS. A geotextile fabric barrier was installed between native soils and fill/gravel used for the road and staging area;

(2) To redress the PAS soils testing required by Condition 16(b), the CPG Holder proposes to provide soil testing at three comparable undisturbed PAS locations, with such locations for testing to be jointly agreed upon with AAFM; and

(3) The CPG Holder will have an internal compliance monitor to monitor compliance with CPG conditions during the remainder of the Facility's construction and at decommissioning.

In addition to these issues, it has been brought to the CPG Holder's attention that a complainant to the AAFM questioned whether the PAS stockpile is on a slope with a grade greater than 15%, citing a potential violation of CPG Condition 13. The CPG Holder proposes to have a licensed surveyor survey the area of the actual PAS stockpile location utilized to confirm

that the slope of the PAS storage area does not exceed 15% slope, and to submit the survey results to the Public Utility Commission ("PUC").

Finally, the CPG Holder brings to the Commission's attention that the PAS stockpile location is shifted approximately 50 feet northeast, measured from west end to west end, from the "Approx. PAS Storage Area" location shown on the final Site Plan. If deemed necessary by the PUC, the CPG Holder will file a Notice of Non-Substantial Change in accordance with Commission Rule 5.109(B)(2).

The CPG Holder deeply regrets the compliance issues reported in this filing and will work diligently to implement the corrective measures and conform with the CPG conditions going forward. The CPG Holder has worked collaboratively with AAFM to address these matters and has shared its proposed corrective measures with AAFM.

DATED at Burlington, Vermont, this 21st day of May 2026.

Respectfully submitted,

RANDOLPH DAVIS SOLAR LLC

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