

STATE OF VERMONT
PUBLIC UTILITIES COMMISSION

Case No. 25-2346-PET

Petition of Northland Solar LLC
for a certificate of public good,
pursuant to 30 V.S.A. 248, authorizing
the installation and operation of
a 4.999 MW solar electric generation
facility in Lowell, Vermont

**TOWN OF LOWELL, LOWELL CEMETERY ASSOCIATION, LOWELL GRADED
SCHOOL BOARD, DOUGLAS & DEBORAH MANNING, MICHAEL & PAMELA
TETREULT, AND MADONNA SULLIVAN'S RESPONSE TO PETITIONER'S
RESPONSE TO MOTION FOR SUBSTANTIAL CHANGE DETERMINATION AND
COMMENTS ON PROPOSED SCHEDULE**

The Town of Lowell and Intervenors respectfully submit this response to Petitioner's filing dated May 26, 2026.

Petitioner characterizes the revisions submitted with rebuttal testimony as "non-substantial" changes responsive to testimony filed by other parties. While Motioning Parties acknowledge that rebuttal testimony may properly respond to issues raised by intervenors, the revisions submitted by Petitioner go well beyond minor clarifications or limited responsive adjustments.

Petitioner submitted four new rebuttal testimonies totaling approximately 73 pages, together with numerous new exhibits, revised simulations, revised site plans, revised acreage calculations, and revised equipment specifications. These filings include changes to the panel system itself, changes to the site layout, and changes affecting approximately five acres of the project area. Motioning Parties respectfully submit that these revisions are substantial in both scope and effect and warrant review pursuant to PUC Rules 2.204(G) and 5.412.

The issue before the Commission is not whether Petitioner intended the revisions to reduce impacts or respond to testimony. Rather, the issue is whether the revised project differs materially from the project originally presented in the Petition such that parties, adjoining landowners, and the Commission require adequate opportunity to review and respond to the revised proposal.

Motioning Parties further note that the rebuttal testimony and exhibits were filed immediately before Memorial Day weekend. As a practical matter, the holiday weekend significantly reduced the already limited time available for review. Motioning Parties' aesthetics expert did not receive the materials until May 26, 2026. Under Petitioner's proposed schedule, discovery requests concerning extensive revised testimony and

exhibits would effectively be due within approximately one week of receipt by the expert.

The Town of Lowell and Intervenors are not represented by teams of retained consultants working full time on Section 248 proceedings. Intervenors and Town representatives are attempting to participate meaningfully in this process while maintaining full-time employment and fulfilling municipal obligations. Motioning Parties have complied with all deadlines established in this proceeding and continue to make good-faith efforts to respond in a timely and organized manner.

Motioning Parties respectfully disagree with Petitioner's characterization that requests for additional time and procedural review constitute delay tactics. The procedural protections contained in Rules 2.204(G) and 5.412 exist precisely to ensure orderly review where material project revisions are introduced after a petition has already been filed and evaluated by parties and experts.

Motioning Parties also remain concerned that adjoining landowners who received notice of the revised project may not understand whether or how they may seek participation in this proceeding if they believe the revised project affects their interests differently than the originally filed proposal. The fact that Petitioner voluntarily issued notice demonstrates recognition that the revisions may affect adjoining landowners in ways not previously presented.

Additionally, Motioning Parties respectfully submit that the determination of whether project revisions are "substantial" rests with the Commission, not the Petitioner. While Petitioner repeatedly asserts that the changes are non-substantial, the Commission must evaluate whether the revised project has the potential for significant impacts under Section 248 criteria and whether additional process is appropriate.

Motioning Parties are not arguing that every immaterial correction or minor adjustment requires formal amendment procedures. However, revised project layouts, revised panel specifications, revised visual simulations, and revised acreage calculations are not comparable to the minor examples cited by Petitioner in its response. These are material revisions requiring meaningful review.

With respect to scheduling, Motioning Parties have not yet had adequate opportunity to evaluate Petitioner's revised proposed schedule in consultation with experts and intervenors. However, Motioning Parties respectfully submit that the current deadlines proposed by Petitioner do not provide sufficient time for meaningful expert review, preparation of discovery requests, or evaluation of the revised project materials.

Accordingly, Motioning Parties respectfully request that the Commission:

- (1) determine that Petitioner's revised filings constitute amendments to the Petition under Rule 2.204(G);
- (2) determine that the revisions constitute a substantial change under Rule 5.412;
- (3) require adequate notice and procedural opportunity for affected persons and parties

to respond to the revised project proposal; and
(4) establish a revised procedural schedule that provides all parties a fair and meaningful opportunity to review and respond to the extensive revised filings submitted by Petitioner.

Dated at Lowell, Vermont this 27th day of May, 2026.

Respectfully submitted,

/s/Jennifer Blay

Jennifer Blay

/s/Byron Dolan

Byron Dolan

/s/Shauga Richardson

Shauna Richardson

/s/Douglas Manning

Douglas Manning

/s/Michael Tetreault

Michael Tetreault

/s/Madonna Sullivan

Madonna Sullivan