

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 26-0736-PET

Petition of Airport RD1 VT Solar, LLC for a certificate of public good, pursuant to 30 V.S.A. § 248, authorizing the construction and operation of a 4.975 MW solar facility in Fair Haven, Vermont	
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Order entered: 06/02/2026

ORDER GRANTING MOTION TO INTERVENE

This case involves a petition filed by Airport RD1 VT Solar, LLC (“Airport Solar”) requesting a certificate of public good (“CPG”) under 30 V.S.A. § 248, authorizing the construction and operation of a 4.975 MW solar facility off Airport Road in Fair Haven, Vermont (the proposed “Facility”).

On May 18, 2026, the Vermont Division for Historic Preservation (“DHP”) filed a motion requesting permissive intervention pursuant to Vermont Public Utility Commission (“Commission”) Rule 2.209(B). DHP states that it is the relevant state entity responsible for reviewing matters concerning historic sites arising under 30 V.S.A. § 248(b)(5) and under Section 106 of the National Historic Preservation Act. DHP argues that it has substantial interests which may be adversely affected by the outcome of this proceeding. DHP maintains that its interests will not be adequately protected by any other party to this proceeding, and DHP has no other way to protect its interests at stake in this proceeding. DHP states that its intervention will not unduly delay the proceeding or prejudice the interests of any existing party or the public.

In a May 21, 2026, filing, Airport Solar states it has no objection to DHP’s request to intervene. No other comments or objections were filed in response to DHP’s motion.

Commission Rule 2.209 governs intervention in proceedings before the Commission. Under Commission Rule 2.209(B), a person may be permitted to intervene in any proceeding: (1) when a statute or Commission rule confers a conditional right to intervene; or (2) when an applicant’s claimed interest shares a question of law or fact in common with the matters that must be resolved in the proceeding. In exercising its discretion, the Commission must consider

whether intervention will unduly delay the proceeding or prejudice the interests of existing parties or of the public. In addition, Commission Rule 5.409 allows certain entities, including DHP, to obtain party status in a proceeding conducted under Section 248 through the filing of a notice of intervention.

Rule 2.209(C) further provides that the Commission may impose certain restrictions on an intervenor's participation in a proceeding. Specifically, the Commission may restrict that party's participation, may require that party to join with other parties with respect to appearance by counsel, presentation of evidence, or other matters, and may otherwise limit that party's participation, all as the interests of justice and economy of adjudication require.¹

I conclude that DHP demonstrates that it has a conditional right to intervene, pursuant to Commission Rules 2.209(B)(1) and 5.409, and DHP's asserted interests in this case share a question of law or fact in common with the matters that must be resolved in the proceeding. Further, I find that DHP's intervention will not unduly delay the proceeding or prejudice the interests of existing parties or the public. Accordingly, I grant DHP's request for permissive intervention, limited to the interests identified in its motion.

SO ORDERED.

Dated at Montpelier, Vermont, this 2nd day of June, 2026.

Mary Jo Krolewski

Mary Jo Krolewski
Hearing Officer

OFFICE OF THE CLERK

Filed: June 2, 2026

Attest: *Pamela Lenahan*
Deputy Clerk of the Commission

¹ The Commission may not require a State agency to be represented jointly with any other party to a case.

PUC Case No. 26-0736-PET - SERVICE LIST

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^Motion to Intervene pending.