

STATE OF VERMONT
PUBLIC UTILITY COMMISSION
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Case No. 25-2356-PET

Williston G Katie Lane Solar, LLC's Petition for a Certificate of Public Good in accordance with 30 V.S.A. § 248 regarding a proposed 2.9 MW ground-mounted solar array located off Mountain View Road in Williston, Vermont.

**WILLISTON G KATIE LANE SOLAR, LLC'S PROPOSAL FOR DECISION AND CERTIFICATE OF
PUBLIC GOOD**

DATED at Montpelier, Vermont, this 2d day of June, 2026.

Williston G Katie Lane 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 G Katie Lane 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 2.9 MW solar photovoltaic electric generation facility off of Mountain View Road in Williston, Vermont (the "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 October 2, 2025, the Petitioner filed a petition with supporting testimony and exhibits (Petition) requesting a CPG to install and operate the Project.

On October 9, 2025, the petition was deemed administratively complete by Commission staff.

On October 10, 2025, Don Einhorn, Esq. filed an appearance on behalf of the Vermont Agency of Natural Resources (ANR).

On October 13, 2025, Matthew Bakerpoole, Esq. entered an appearance on behalf of the Vermont Department of Public Service (Department).

On October 14, 2025, the Hearing Officer issued Petitioner a request for information regarding Petitioner's compliance with advance notice requirements under Commission Rule 5.400.

On October 22, 2025, Petitioner filed supplemental prefiled testimony from Jake Clark and supplemental prefiled testimony and exhibit Jeremy Owens responding to the Hearing Officer's information request.

On November 6, 2025, the Commission received a public comment from the Chittenden County Regional Planning Commission indicating that, subject to appropriate CPG conditions, the Project is consistent with the regional plan and regional energy plan and would not otherwise interfere with the orderly development of the region.

On October 24, 2025 I issued a notice of hearing for the scheduling conference.

On November 13, 2025, I conducted a scheduling conference.

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 December 3, 2025, I issued a scheduling conference order and established December, 10 2025 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 or requested a site visit or public hearing.

On December 11, 2025, the Department and ANR filed their First Set of Discovery Requests on Petitioner.

On January 5-7, 2026, the Petitioner responded to the First Set of Discovery Requests from the Department and ANR.

On January 6, 2026, Willy Jane Patry entered an appearance on behalf of the Vermont Agency of Agriculture Food & Markets (AAFV).

On January 27, 2026, ANR served its Second Set of Discovery Requests on Petitioner.

On February 11, 2026, Petitioner responded to the First Set of Discovery Requests from ANR.

On March 4, 2026, Petitioner filed an unopposed motion to modify the schedule.

On March 25, 2026, I entered an order granting the motion to modify the schedule as proposed and granting DHP's motion to intervene.

On April 3, 2026, Petitioner served supplemental responses to the Second Set of Discovery Requests from ANR.

On April 23, 2026, Petitioner filed a Memorandum of Understanding (MOU) with ANR.

On April 24, 2026, Petitioner filed a MOU with AAFCM and with DHP.

On April 24, 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.

On April 27, 2026, the Department filed 202(f) letter indicating the Project's compliance with the Vermont Comprehensive Energy Plan.

On April 28, 2026, Adam Crary filed supplemental prefiled testimony and a new exhibit on behalf of Petitioner.

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 WGKL-JC-1 through WGKL-JC-8; Adam Crary's testimony and exhibits WGKL-AC-1 through WGKL-AC-3; Jeremy Owens's testimony

and exhibits WGKL-JO-1 through WGKL-JO-2; and Stephanie Wyman's testimony and exhibits WGKL-SW-1 through WGKL-SW-3. Additionally, the Petition, DHP MOU (exh. WGKL-DHP-1), AAFM MOU (exh. WGKL-AAFM-1), Department Comments and the ANR MOU (exh. WGKL-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. WGKL is a Vermont limited liability company with offices located at 50 Lakeside Avenue, Suite 110, in Burlington, Vermont 05401. Petition; Jake Clark, WGKL (Clark) pf. at 4.

2. WGKL proposes to install and operate a 2.9 MW ground-mounted solar electric generation facility, known as the Williston G Katie Lane Solar Project (the "Project") on approximately 11.1 acres of an approximately 440-acre parcel of land owned by GlobalFoundries (GF) and located off Mountain View Road in Williston, VT (the "Property"). The Petitioner has rights to lease the Property. Prefiled Testimony of Jake Clark 9/30/2025 (Clark pf.) at 4-5.

3. The Project was initiated and designed with the intent of providing GlobalFoundries ("GF"), the sole customer of PUC-regulated electric utility GF Power LLC ("GF Power"), with a source of local solar energy generation to help it achieve its renewable energy goals. Clark pf. at 5.

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.

4. 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 5MW or less in an amount equal to a specified percentage of GF Power's load². Clark pf. at 5.

5. GlobalFoundries is a world leader in feature-rich semiconductor manufacturing with a strong commitment to sustainable and environmentally efficient operations. The use of onsite renewable energy has 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 5.

6. 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 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

² For further discussion please see *Petition of Encore Renewable Energy for a declaratory ruling regarding whether several potential solar projects are separate plans 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).

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.

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

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 6-7.

7. 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 \$106.60 per MWh. Clark pf. at 5; First Supplemental Testimony of Jake Clark 10/22/2025 (Clark pf. supp.) at 5.

8. The electricity generated by the project will be interconnected into existing distribution service along Mountain View Road, and GF Power will take that electricity through existing connections between Green Mountain Power (GMP) distribution service and GF Power. Clark pf. at 6.

9. GMP will need to complete upgrades to an approximately 1,400-foot segment of the distribution line and install a new upgraded regulator bank (Distribution Line Upgrades) to enable the Project's interconnection. exh. WGKL-AC-3.

10. 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 6.

11. 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 7.

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.

12. The closest residence to the solar array is approximately 130 feet from the nearest edge of the panels. exh. WGKL-JC-2.

13. The Project consists of approximately 6,550 non-reflective photovoltaic modules installed on fixed tilt ("FT") racking units spread across two subarrays on the approximate 11-acre Project area. Please see Exhibit WGKL-JC-2 for a site plan. The approximately 51 rows of panels comprising the solar array range in length and run generally east-west, are oriented predominantly to the south, and are fixed at around 25 – 30 degrees. Racking systems will be approximately 3 feet tall on the low side and 10-15 feet tall on the high side and installed on driven post foundations, generally without the use of concrete. Please refer to Exhibit WGKL-JC-3 for typical equipment specifications for the Project. The final site design and equipment selection will occur post-permit issuance, however such design will be substantially the same as shown in Exhibit WGKL-JC-2. Clark pf. at 7; WGKL-JC-2 & 3.

14. For each of the two sub-arrays, electricity will run from the panels in direct current (DC) to a network of string inverters, which are UL1741-SB compliant, dispersed among the array, before being converted to alternating current (AC). 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 a 1400 kVA pad-mounted transformer with secondary oil containment for the northern sub-array, and a 1600 kVA pad-mounted transformer with secondary oil containment for the southern sub-array. Clark pf. at 7-8; Exh. WGKL-JC-6.⁷

⁷ The prefiled testimony of Mr. Clark contains two typographical errors pertaining to this finding. First, it erroneously stated that the string inverters will be "UL1741-SA" compliant. In fact, they will be UL1741-SB compliant. Mr. Clark's testimony also indicated that the northern sub-array would have a 1600 kVA transformer while the southern sub-array will have a 1400kVA transformer, when actually the larger transformer is associated with the southern sub-array as is indicated in the Project One-line diagram contained in WGKL-JC-6. Mr. Clark

15. From the northern sub-array, the project proposes to install 9 new overhead poles with wires on the Global Foundries property originating at the access gate of the northern sub-array and then extending to the south along the access road to the southern sub-array, proximal to the transformer and equipment pad for the southern sub-array. From this point, the interconnection will transition to underground electric, crossing underneath the access road to the western side of the access, and connecting to existing GMP-owned distribution poles near the access road's intersection with Mountain View Road. This is the point of interconnection with GMP. Clark pf. at 8; exh. WGKL-JC-2; exh. WGKL-JC-6.

16. The Project will have its own protective reclosers and pad-mounted primary meters before being coupled at a terminating cabinet and protective switchgear. Clark pf. at 8.

17. The Petitioner will access the Property via Mountain View Road (state highway) and Katie Lane (a privately owned access drive on the property owned by Global Foundries).. Clark pf. at 8; exh. WGKL-JC-2.

18. The petitioner proposes to clear approximately 0.03 acres of tree clearing. Clark pf. at 9; exh. WGKL-JC-2.

19. The Petitioner proposes to install an approximate 7-8' 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 the Project and prevent the public from entering the array. The Petitioner will install a secured gate where the fence meets the access road for the southern array, on the western extent of the project, near the location of the transformer and equipment pad. The

passed away prior to the discovery of these errors so they have not been corrected through supplemental testimony; the correct information is, however, reflected in the Project's One-line diagram at WGKL-JC-6.

Petitioner will install a secured gate where the fence meets the access road for the northern sub-array, at the southern extent of the project, near the location of the transformer and equipment pad. GMP and first responders will be provided with access through the gate. Clark pf. at 9; exh. WGKL-JC-3.

20. The Project does not require lighting and thus the Petitioner does not propose a lighting plan for the Project. Clark pf. at 9.

21. The Project will not require landform grading or changes to site topography. Minimal earthwork will be involved for the installation of the access drives, underground conduit, necessary equipment pads for transformers, and associated stormwater treatment improvements. The access road proximate to the northern sub-array crosses an existing culvert over an intermittent stream / drainage. This culvert will need to be replaced so that the access road can be widened and improved to sustain the needs of the construction of this project and the continued access for maintenance and operation over the life of the project. Clark pf. at 10; exh. WGKL-JC-2.

22. Project includes one 1600 kVA pad mount transformer (northern sub array) and one 1400 kVA pad mount transformer (southern sub-array) 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 transformer. Clark pf. at 10; exhs. WGKL-JC-2 & 3.

23. Once the Project is fully commissioned, operations and maintenance activities will be minimal. The Petitioner will perform routine system performance two to four times per year, which will consist of vegetation management, and mechanical and electrical inspections.

The Petitioner will remotely monitor operations, and in the event of a system malfunction, personnel will visit the site for troubleshooting or repairs. Clark pf. at 11.

Review of Project Under the Section 248 Criteria

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

24. 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.

25. 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, WGKL (Owens) pf. at 3; exh. WGKL-JO-2.

26. 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. WGKL-JO-2.

27. 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 5; exh.

WGKL-JO-2.

Municipal Screening Requirements

[30 V.S.A. § 248(b)(1)(B)]

28. 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)]

29. 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.

30. 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 Tier II-qualified new renewable energy. Clark pf. at 15.

Impact on System Stability and Reliability

[30 V.S.A. § 248(b)(3)]

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

32. The Petitioner filed a complete application for interconnection pursuant to PUC Rule 5.500 on September 23, 2024. The Feasibility Study concluded that the project can move forward without adverse impacts to system stability and reliability and without a system impact study or a facilities study, provided that the following upgrades are installed before operation of the project:

1) Construction of a riser pole from existing GMP vault, three-phase line extension using 1/0 covered wire, a primary metering package, and disconnect switch. The GMP facilities need to be accessible by GMP trucks and the exact location of the take-off pole and line extension poles to be determined by site visit with the Distribution Designer.

2) Installation of a Viper-S PCC recloser. The Project will be responsible for the recurring monthly cost of the SCADA communications to the PCC recloser.

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

The existing 328-amp 19G3 line regulators at taglets 57094, 57095 and 57097 must be upgraded to 438-amp units.

Reconductoring of approximately 25 feet of three-phase overhead line, between taglets 57103 and 737369 from 1/0 AAAC to 477 ACSR Spacer Cable.

4) GMP requires that the inverters used for this project comply with the Inverter Source Requirement Document of ISO New 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). Inverter responses to under voltages while operating in the Permissive Operation mode are specified in the ISO-NE SRD at footnotes a and b.

5) GMP requires 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.

7) Approval of generation notification form with ISO-NE.

8) The Project must also wait for the upgrades identified in: QP 702 Williston F Mountain View Solar LLC to be completed or opt to complete those upgrades as part of this Project.

Upgrades not resulting from the Project but are required before interconnection (GMP or other project's responsibility):

- 1) Reconductoring of primary overhead from taglet 34892 to taglet 57103 (approximately 2,600 feet) to 477ACSR covered wire.
- 2) Implementation of a live line reclose blocking scheme on the 19G3 circuit breakers.

Clark pf. at 16-18; WGKL-JC-6.

33. 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 18.

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

34. 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 \$6510.00 Over a 25-year period, WGKL Solar estimates that the Project will result in approximately \$220,000.00 in local property taxes. Clark pf. at 18.

35. 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 2,900 kW, and the current Uniform Capacity Tax rate of

\$4.00 per kW AC, the Project will pay approximately \$11,600.00 per year into the statewide education fund. Over a 25-year term, WGKL Solar estimates that the Project will pay approximately \$290,000.00 in Uniform Capacity Tax to the statewide education fund. Clark pf. at 18-19.

36. 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 19.

37. 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 19.

**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. Adam Crary 9/23/2025, WGKL, (Crary) at pf. 4; exh. WGKL-AC-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 22.

42. The Project's highest modeled sound pressure level at the closest residence is 37 dBA (exterior) (daytime). The sound 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 21; exh. WGKL-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 22.

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 22-24.

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

45. The Project may use a minimal amount of imported gravel to improve portions of the access road, but otherwise will not utilize natural resources. Clark pf. at 21.

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. Crary pf. at 5; exh. WGKL-AC-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. Crary pf. at 5.

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. WGKL-SW-2; exh. WGKL-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. WGKL-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 two 1,400 and 1,600 kVA pad-mounted transformers will be housed within secondary oil containment, sized to contain 110 percent of their total volume of transformer dielectric fluid, plus a 5-inch rainwater event. Wyman pf. at 4; exh. WGKL-SW-2; exhs. WGKL-JC-2 & 3; Clark pf. at 10.

55. 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. WGKL-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)]

56. 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. Crary pf. at 9-10.

Floodways

[10 V.S.A. § 6086(a)(1)(D)]

57. 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. Crary pf. at 5; exh.

WGKL-AC-2.

Streams

[10 V.S.A. § 6086(a)(1)(E)]

58. 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.

59. One intermittent stream channel in the Project vicinity (2024-SC-11) originates downgradient of the existing access drive and flows north toward the offsite Winooski River, but 2024-SC-11 is not a continuous channel to the river, rather it is a channelized segment within wetlands. Due to the presence of this stream channel, it and its associated riparian wetlands are afforded a 50-foot riparian buffer by the Project. Crary pf. at 6; exh. WGKL-AC-2.

60. The Project avoids any work within the delineated stream and therefore will not result in any direct impact. Indirect impacts will also be avoided through the use of erosion prevention and sediment control measures during construction, the proper sizing of the up-gradient access road culvert to maintain existing wetland hydrology conditions above the stream, and the implementation of riparian buffers. Therefore, the Project will not alter the natural condition of any streams. Crary pf. at 6; exh. WGKL-AC-2.

61. Stream buffer impacts are unavoidable as they are due to the crossing of the riparian wetland system where upgrades are necessary to the existing access road crossing. These impacts are minimized by the Project's proposed use of the existing access road location and co-locating the electric collection line in a narrowed corridor along the access road that will not require cutting of forested area for construction. The Project arrays and vegetation

management areas are designed to entirely avoid riparian buffers, which will maintain and protect existing riparian and stream function, including downstream water quality and wildlife movement functions onsite. Although there will be necessary activities within riparian buffers, there will be no functional impact as the activities are minimal in extent and do not introduce any new impact locations. Crary pf. at 6-7; exh. WGKL-AC-2.

62. The Project has agreed to the following CPG Condition: “The CPG Holder shall comply with the following conditions to avoid impacts on fisheries resources and riparian buffer zones. The riparian buffer zone for Stream 2024-SC-11(I), as depicted in Exhibit WGKL-AC-2 (Natural Resources Assessment), Attachment 1 (Natural Resources Map), shall remain undisturbed except for the following limited activities: Replacing or extending an existing 18-inch culvert, grading, shaping, and the addition of a pervious drive surface which are necessary to effectuate the Project’s access road rehabilitation and extension at the northern array; and Trimming or cutting one single American elm (*Ulmus americana*) tree if are necessary to effectuate the Project’s access road rehabilitation and extension at the northern array. Tree cutting, if necessary, will be cut by hand with a hand saw or chain saw, and the stump will be grubbed with a manual stump grubbing tool.”

Shorelines

[10 V.S.A. § 6086(a)(1)(F)]

63. The Project is not located on a shoreline. Crary pf. at 7; exh. WGKL-AC-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. Crary pf. at 7; exh. WGKL-AC-2.

66. the Project arrays and vegetation management areas have been designed to avoid direct impacts to proposed Class II wetlands and buffers. Crary pf. at 8; exh. WGKL-AC-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. There will be unavoidable buffer impacts to a minor amount of Class II wetland and some buffer impacts associated with the proposed access road upgrades to the existing access and extension of a short segment of access road required for the Project. The overhead collection line corridor will be co-located with this access road, and the maintained corridor narrowed, to minimize new impacts. Exh. WGKL-AC-2.

68. The Petitioner will be required to obtain a Vermont Wetland Permit ("VWP") authorization for those activities that are not Allowed Uses under the Vermont Wetland Rules. All Project work, including work on the Distribution Line Upgrade, will be conducted in accordance with the permit conditions. The Project 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. Crary pf. at 8; exh. WGKL-AC-2.

69. The Petitioner has agreed to the following CPG condition: “Before beginning site preparation or construction of the Project and of the Distribution Line Upgrade necessitated by the Project, the CPG Holder shall obtain from the Agency’s Department of Environmental Conservation a Vermont Wetlands Permit. All impacts associated with site preparation and construction of the Distribution Line Upgrade will be considered by the Agency’s Wetlands Program as cumulative impacts together with the impacts associated with the Project for purposes of the Vermont Wetlands Permit. All Project work, including all Distribution Line Upgrade work, shall be performed in accordance with the terms and conditions of the Wetlands Permit. As to the Distribution Line Upgrade, this condition is limited to the work required to complete the Distribution Line Upgrade and shall not apply to any of GMP’s future operations, maintenance, or construction activities associated with GMP’s distribution facilities once the Distribution Line Upgrade work is complete.” exh. WGKL-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. WGKL-SW-2.

72. The permit will require implementation of Best Management Practices (“BMPs”) to control erosion and discharge of sediment from the construction site through a site-specific Erosion Prevention and Sediment Control Plan as determined by the Project’s risk category. Wyman pf. at 4-5; exh. WGKL-SW-2.

73. The Petitioner has agreed to the following CPG condition: "Before beginning site preparation or construction of the Project and of the Distribution Line Upgrade necessitated by 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." exh. WGKL-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 as well as the existing privately owned access road on the property owned by Global Foundries. 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 24.

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 24.

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. Clark pf. at 25.

78. 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 25.

Aesthetics, Historic Sites, and Rare and Irreplaceable Natural Areas
[10 V.S.A. § 6086(a)(8)]

79. 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

80. The Project will not have an undue adverse impact with respect to the aesthetics or scenic beauty of the area.

81. Under the first part of the Quechee Test, the proposed Project would have an adverse effect on the scenic or natural beauty or aesthetics of the area from the adjacent portion of Mountain View Road. However, the adverse effect would be limited to the area of this road that is closest to the Project, and visibility from more distant locations would be screened by intervening buildings, landform or existing vegetation. Owens pf. at 6; exh. WGKL-JO-2.

82. A review of the Project under the second part of the Quechee Test found that the Project's aesthetic impact would not be unduly adverse. Based on the review of regional and town plans, the Project would not violate any clear written community standard intended to preserve the aesthetics or scenic or natural beauty of the area. The Petitioner has incorporated generally available mitigating steps, including setting the Project back 112' from Mountain View Road, locating overhead electric lines approximately 642' from Mountain View Road, retaining or managing vegetation heights around the array where feasible, and locating the Project in an area where solar generation structures have been visible for the last 10 years. Owens pf. at 6; exh. WGKL-JO-2.

83. The Project would not offend the sensibilities of the average person for several reasons: the limited visibility of the proposed array from a short portion of Mountain View Road where solar array structures are already visible in the landscape; the Project will not intrude into any existing scenic views; similarities between the proposed materials compared with existing materials currently visible in the landscape; and the retention of existing vegetation around the Project where feasible, including areas where vegetation will be managed to maximum heights of 15' and 25'. Owens pf. at 6-7; exh. WGKL-JO-2.

Historic Sites

84. Petitioner consulted with T.J. Boyle Associates who conducted a historic structures review for the Project using data from the Vermont Division for Historic Preservation's Online Resource Center for the Town of Williston. They found that the proposed array structures will not materially encroach on existing views of the four nearby properties of historical significance, the Starr Apartments, the Vos House, the Paya House, and the Brennan

Farm. Of these, only the viewshed of the Paya House will have potential visibility of the proposed arrays. All other properties will be screened from view by intervening vegetation and landform. Clark pf. at 26; Owens pf. at 7; exh. WGKL-JC-5.

85. Though the proposed Project will not be out of context with existing conditions, Petitioner will maintain existing vegetation to a height range between 15-25', as depicted on the site plan between the Paya House and the Project to provide screening of the array. Clark pf. at 26; Owens pf. at 7; exh. WGKL-JC-5; exh. WGKL-DHP-1 ("It is VDHP's opinion that the Project will cause no adverse effects to above-ground historic resources").

86. 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. WGKL-DHP-MOU-1

Rare and Irreplaceable Natural Areas (RINA)

87. 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. Crary pf. at 9; exh. WGKL-AC-2.

Necessary Wildlife Habitat and Endangered Species

[10 V.S.A. § 6086(a)(8)(A)]

88. 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.

89. There are no rare, threatened, or endangered plants known to occur within or adjacent to the Project site. Crary pf. at 9-10; exh. WGKL-AC-2.

90. There is no necessary wildlife habitat within the proposed Project site. Crary pf. at 9; exh. WGKL-AC-2.

Development Affecting Public Investments

[10 V.S.A. § 6086(a)(9)(K)]

91. 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. The nearby existing public investment is Mountain View Road, and the Project will not interfere with the public's use of it. Clark pf. at 28.

Public Health and Safety

[30 V.S.A. § 248(b)(5)]

92. 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.

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

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

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

96. The Petitioner has agreed to the condition requested by the Department that the “the CPG Holder shall register with Dig Safe and comply with 30 V.S.A. Chapter 86 and Commission Rule 3.8000 for the life of the Project.”

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

97. 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.

98. 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 1.5 acres of direct operational phase impacts and 0.3 acres of temporary direct impacts for a total of 1.8 acres of direct impacts. Additionally, the Project may have up to 11.7 acres of indirect impacts for a total of 13.5 acres of potential impacts to PAS within the limits of disturbance. Wyman pf. at 5; exh. WGKL-SW-3.

99. 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, vegetated, and located within the Project perimeter fence. Upon Project decommissioning, soil will be replaced in the reverse order of excavation within each soil map unit. Wyman pf. at 5-6; exh. WGKL-SW-3.

100. 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) Soil stockpiles shall be located within the project fence. Stockpiled soil shall be placed so that its base is at least three feet away from any part of the site that has a slope of 15% or greater.
- (d) 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.
- (e) 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.

- (f) Except for grading to create the access road and related drainage, pad-mounted transformers, and secondary oil containment, 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.
- (g) 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.

(h) 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. WGKL-AAFM-1.

Consistency With Company's Least-Cost Integrated Plan

[30 V.S.A. §248(b)(6)]

101. 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. 28.

Compliance With Twenty Year Electric Plan

[30 V.S.A. §248(b)(7)]

102. 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 April 23, 2026.

103. 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 29.

Can Be Served Economically by Existing or Planned Transmission Facilities
[30 V.S.A. § 248(b)(10)]

104. 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 30.

Minimum Setback Requirements
[30 V.S.A. § 248(s)]

105. 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 30; exh. WGKL-JC-2.

Decommissioning Cost Estimate and Surety Bond

106. 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 30; exh. WGKL-JC-8.

107. 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 30-31; exh. WGKL-JC-8.

108. The Petitioner submitted a decommissioning plan. Clark pf. at 31; exh. WGKL-JC-9.

109. The decommissioning plan includes a detailed cost estimate, which estimates that the cost of decommissioning will be \$126,340.00 at current rates. The cost estimate does not take any salvage value into account. Clark pf. at 31; exh. WGKL-JC-8.

110. 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 31; exh. WGKL-JC-8.

111. Prior to commencing Project construction, the Petitioner shall file and receive Commission approval of an executed surety bond. Clark pf. at 31; exh. WGKL-JC-8.

112. 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. WGKL-ANR-1.

113. 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. WGKL-ANR-1.

114. 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. WGKL-ANR-1.

Memorandum of Understanding

115. The Petitioner entered an MOU with ANR (exh. WGKL-ANR-1); DHP (exh. WGKL-DHP-1); and AAFM (exh. WGKL-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 2.9 MW ground-mounted solar array (the “Project”) proposed for construction and operation by Williston G Katie Lane 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. 25-2356-PET

Petition of Williston G Katie Lane Solar, LLC for a
certificate of public good pursuant to
30 V.S.A. § 248 for a 2.9 MW
ground-mounted solar array located off
Mountain View 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 2.9 MW solar electric generation facility off Mountain View Road, in Williston, Vermont (the "Project") by Williston G Katie Lane 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 7:00 A.M. - 6:00 P.M. on weekdays; 8:00 A.M. - 5:00 P.M. on Saturdays and no construction on Sundays or state or federal holidays
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 WGKL-JC-8.
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 \$126,340.00. 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 WGKL-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 and of the Distribution Line Upgrade necessitated by 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 and of the Distribution Line Upgrade necessitated by the Project, the CPG Holder shall obtain from the Agency's Department of Environmental Conservation a Vermont Wetlands Permit. All impacts associated with site preparation and construction of the Distribution Line Upgrade will be considered by the Agency's Wetlands Program as cumulative impacts together with the impacts associated with the Project for purposes of the Vermont Wetlands Permit. All Project work, including all Distribution Line Upgrade work, shall be performed in accordance with the terms and conditions of the Wetlands Permit. As to the Distribution Line Upgrade, this condition is limited to the work required to

complete the Distribution Line Upgrade and shall not apply to any of GMP's future operations, maintenance, or construction activities associated with GMP's distribution facilities once the Distribution Line Upgrade work is complete.

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 shall comply with the following conditions to avoid impacts on fisheries resources and riparian buffer zones. The riparian buffer zone for Stream 2024-SC-11(I), as depicted in Exhibit WGKL-AC-2 (Natural Resources Assessment), Attachment 1 (Natural Resources Map), shall remain undisturbed except for the following limited activities.
- a. Replacing or extending an existing 18-inch culvert, grading, shaping, and the addition of a pervious drive surface which are necessary to effectuate the Project's access road rehabilitation and extension at the northern array.
 - b. Trimming or cutting one single American elm (*Ulmus americana*) tree if are necessary to effectuate the Project's access road rehabilitation and extension at the northern array. Tree cutting, if necessary, will be cut by hand with a hand saw or chain saw, and the stump will be grubbed with a manual stump grubbing tool.
25. The CPG Holder shall allow the Agency, through its authorized representatives, to enter upon and inspect the Project area upon reasonable notice, in a reasonable manner, and at reasonable times during ordinary business hours to determine compliance with the above conditions.

26. 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 WGKL-AAFM-1.
27. 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.
28. 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.
29. Soil stockpiles shall be located within the project fence. Stockpiled soil shall be placed so that its base is at least three feet away from any part of the site that has a slope of 15% or greater
30. 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.
31. (e) 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.
32. 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.
33. Except for grading to create the access road and related drainage, pad-mounted transformers, and secondary oil containment, 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.

34. 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.

35. 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.

36. 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 WGKL-DHP-1.
37. 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.
38. 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.
39. 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).
40. The archaeological investigations shall be scheduled so that mitigation measures, if any are determined to be necessary, can be satisfactorily planned and accomplished prior

same.

43. This Certificate of Public Good may not be transferred without prior approval of the Commission.

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

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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)