

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Petition of Novus 242 Solar LLC for a)
certificate of public good, pursuant to 30)
V.S.A. § 248, authorizing the installation) Case No. 26-0261-PET
and operation of a 3.75 MW solar facility in)
Jay, Vermont)

PETITIONER NOVUS 242 SOLAR LLC'S
PROPOSED FINDINGS OF FACT AND ORDER

June 5, 2026

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I. List of Materials in Evidence (all parties)

The following items were admitted into evidence and make up the record in this matter.

Novus 242 Solar LLC
Prefiled Direct Testimony of Alex Bravakis (02/06/2026)
Supplemental Testimony of Alex Bravakis (04/17/2026)
N2S-AB-1: Resume of Alex Bravakis
N2S-AB-2: Site Plans and Cross Sections
N2S-AB-3: Representative Equipment Specifications
N2S-AB-4: One-Line Diagram
N2S-AB-5: Decommissioning Plan
N2S-AB-6: VEC Letter to Interested Parties
N2S-AB-7: VEC Preliminary Interconnection Screening
N2S-AB-8: VEC System Impact Study
Prefiled Direct Testimony of Seth Goddard (02/06/2026)
N2S-SG-1: Goddard Resume
N2S-SG-2: Sound Study
Prefiled Direct Testimony of Dori Barton (02/06/2026)
N2S-DB-1: Lew-Smith Resume
N2S-DB-2: Natural Resources Assessment
Prefiled Direct Testimony of Lucy Thayer (02/06/2026)
N2S-LT-1: Resume of Lucy Thayer
N2S-LT-2: Aesthetics and Orderly Development Report
N2S-ANR-1: Memorandum of Understanding
N2S-AAFM-1: Stipulation
Department of Public Service Determination under 30 V.S.A. § 202(f) (6/1/2026)
Affidavits of Alex Bravakis, Seth Goddard, Dori Barton & Lucy Thayer

II. Introduction

This docket concerns a Petition filed by Novus 242 Solar LLC (“N2S” or “Petitioner”), pursuant to 30 V.S.A. § 248 and Rule 5.400 of the Public Utility Commission (“Commission” or “PUC”), requesting the Commission to issue a Certificate of Public Good (“CPG”) for the installation and operation of a 3.75 megawatt (MW) solar electric generation facility to be located off of Vermont Route 242 in the town of Jay, Vermont, known as the Novus 242 Solar Project (the “Project”). Petitioner has proposed the Project as a potential replacement for a 500 kW net metering facility that was previously approved for the same site and was issued a Certificate of Public Good by the Commission in Case No. 24-3725-NM (the “NM Project”). The Commission has reviewed the materials filed by the Petitioner and approves the petition for the 3.75 MW Project to replace the NM Project as follows.

III. Procedural History

On April 17, 2025, the Commission issued a CPG to Petitioner to construct the NM Project.

On February 6, 2026, the Petitioner filed a petition with supporting testimony and exhibits (the “Petition”) requesting a CPG to install and operate a 3.75 MW solar electric generation facility on the same former gravel pit location as the NM Project in Jay, Vermont. Petitioner requested that the Commission waive any requirements under Rule 5.400 for a completed interconnection study for good cause and find the Petition administratively complete due to timing concerns for qualification of expiring federal tax credits.

On March 6, 2026, the Commission issued an Order Granting N2S's Request for a waiver of specific provisions pursuant to Commission Rules 2.107 and 5.415 and concurrently issued a memorandum finding the Petition administratively complete.

On March 17, 2026, a scheduling conference was held, and the Commission set a schedule for the proceeding. Appearances were entered by Victoria Westgate, Esq., and Zachary Berger, Esq., SRH Law PLLC, on behalf of Novus 242 Solar LLC; Caroline Daniels, Esq., Vermont Department of Public Service ("DPS" or the "Department"); Kimberly Johnson, Esq., Vermont Agency of Natural Resources ("ANR"); and Willy Jane Patry, Esq., Vermont Agency of Agriculture, Food & Markets ("AAFM").

On April 3, 2026 respectively AAFM and DPS filed discovery requests which N2S responded to on April 24, 2026.

On April 17, 2026, N2S filed supplemental testimony of Alex Bravakis, along with the System Impact Study ("SIS") prepared by Vermont Electric Cooperative ("VEC").

On May 20, 2026, the Vermont Division for Historic Preservation ("VDHP") filed comments on the Project. VDHP concluded that it has no archaeological concerns with the Project and that the Project will not have an adverse effect on any above-ground historic resources or historic sites listed in or eligible for inclusion in the State Register of Historic Places ("VDHP Comments").

On May 22, 2026, Petitioner filed a Memorandum of Understanding between Petitioner and ANR ("N2S-ANR MOU").

On May 22, 2026, Petitioner filed a Stipulation agreement between Petitioner and AAFM ("N2S-AAFM Stipulation").

On May 22, 2026 the Department filed comments on the Project. The Department recommends that the petition be approved without further hearing or investigation subject to requested conditions in the CPG.

On June 1, 2026 the Department filed a Section 202(f) Determination letter making the determination that the Project is consistent with the Vermont Electric Plan, provided the actions of Petitioner are consistent with the evidence filed in this proceeding.

On June 5, 2026, N2S filed its Proposed Findings of Fact and Order and a Proposed CPG.

On ____, 2026, the Commission entered the prefiled testimony and exhibits into the evidentiary record.

IV. Position of Other Parties in the Proceeding

VDHP filed comments on May 20, 2026. VDHP concluded that it has no archaeological concerns with the Project and that the Project will not have an adverse effect on any above-ground historic resources or historic sites listed in or eligible for inclusion in the State Register of Historic Places. See VDHP Comments.

N2S and ANR entered into the N2S-ANR MOU dated May 22, 2026. The N2S-ANR MOU includes proposed CPG conditions related to site preparation and construction and obtaining ANR stormwater permits, all of which are included in the Final Order and CPG now entered by the Commission. The N2S-ANR MOU states that, subject to compliance with the conditions contained therein, ANR agrees that the Project will avoid an undue adverse effect on the natural environment and the use of natural resources under Section 248(b)(5), with due consideration having been given to the criteria specified in 10 V.S.A. §§ 1424a(d) and 6086(a)(1) through (8) and greenhouse gas impacts. Exh. N2S-ANR-1.

N2S and AAFM entered into the N2S-AAFM Stipulation dated May 21, 2026. The N2S-AAFM Stipulation includes proposed CPG conditions related to site preparation and construction, soil stockpiling practices, and reclamation of primary agricultural soils (“PAS”) all of which are included in the Final Order and CPG now entered by the Commission. The N2S-AAFM Stipulation states that, subject to compliance with the conditions contained therein, AAFM agrees that the Project as described in the plans and specifications submitted with the Petition will not have an undue adverse effect on primary agricultural soils under 30 V.S.A. § 248(b)(5). Exh. N2S-AAFM-1.

On May 22, 2026, DPS filed comments finding that the Project does not raise a significant issue with respect to the statutory criteria traditionally subject to DPS’s review and that the Project will promote the public good, subject to a recommendation that the Petitioner be required to join DigSafe for the life of the project. DPS also requested a CPG condition requiring N2S to share the results of the ISO New England Inc. (“ISO-NE”) cluster study with the Department and to pay for any costs attributed to the Project as a result of the ISO-NE cluster study. Finally, DPS filed a Section 202(f) Determination confirming that the Project is consistent with the Vermont Electric Plan.

No other parties participated in the proceeding.

V. Proposed Findings of Fact

Based on the Petition and the associated prefiled testimony and exhibits and the absence of any factual disputes, this matter is ready for decision. Based on the evidence of record, the Hearing Officer hereby reports the following findings to the Commission in accordance with 30 V.S.A. § 8(c).

A. General Findings

Project Description

1. N2S is a Vermont limited liability company with principal offices at 250 Main Street in Montpelier, Vermont, 05602. Petition for CPG.
2. N2S proposes to construct and operate a 3.75 megawatt (MW) (AC) solar electric generation project, to be known as the Novus 242 Solar Project ("Project"), located off Route 242 in Jay, Vermont. Petition for CPG.
3. N2S has proposed to build the Project in lieu of the NM Project. If the Project is approved, N2S has requested that the CPG for the NM Project be rescinded. Petition for CPG.
4. The nameplate capacity for the Project is 3.75 MW AC. The expected net energy output of the Project is 5,972 (\pm) megawatt hours of electricity (MWh) per year. Bravakis pf. at 6.
5. Petitioner and VEC have entered into a Power Purchase Agreement ("PPA") for the Project, which was submitted to the Commission on November 18, 2025 pursuant to Commission Rule 5.202. Bravakis pf. at 11.
6. The Site was previously used as a gravel and sand pit, and the fenced-in Project area will utilize the previously disturbed portions of the Site; approximately 12.87 (\pm) acres of an approximately 66-acre parcel of land. N2S has the option to lease the Project area. Bravakis pf. at 2-3; exh. N2S-AB-2; Petition for CPG.
7. The Project will be accessed through an existing driveway into the gravel pit area that will be extended by approximately 12,777 square feet to lead into the Project Site. Bravakis pf. at 3.

8. The Project will interconnect to the VEC's system at an existing pole on Route 242. Petition for CPG; exh. N2S-AB-2.
9. The Project is located approximately 525-ft from Vermont Route 242, the closest traveled way, and about 292-ft to the nearest residence off of Mountain View Drive. Bravakis pf. at 3; exh. N2S-AB-2.
10. The Project complies with the property line and public road setback requirements set forth in 30 V.S.A. § 248(s). Bravakis pf. at 22; exh. N2S-AB-2.
11. The Project's equipment consists of the following: 54 rows of solar panels running north to south, mounted on single axis trackers; 15 inverters rated at 250 kW (AC) each, two 2,000 kVA pad-mounted transformers; equipment pads and/or racks, and above- and below-ground electrical lines from the array to the VEC distribution system. Bravakis pf. at 3-4; exh. N2S-AB-2; exh. N2S-AB-3.
12. Power will run underground along the access road extension from the transformers to the end of the existing access drive, where the power will transition to overhead lines. The power will then run above-ground on approximately six new utility power poles to the point of interconnection. Bravakis pf. at 4; exh. N2S-AB-2.
13. The Project will be enclosed within a fixed knot, wire-style fence that will be a minimum of 7' high in order to meet the National Electric Safety Code. The fencing will be secured and kept relatively close to ground level to avoid access by large wildlife and to prevent access to the Project. Bravakis pf. at 4; exh. N2S-AB-2; exh. N2S-AB-3.
14. All switchgear equipment will be inside a locked UL-listed, code-approved electrical enclosure. Bravakis pf. at 19.

15. The transformers will be installed with a secondary containment system. Bravakis pf. at 3-4; exh. N2S-AB-2.

16. Construction of the Project is expected to take approximately several weeks following receipt of all necessary regulatory approvals. Bravakis pf. at 7.

17. Construction activities for the Project will be limited to the hours between 7:00 A.M. and 7:00 P.M., Monday through Friday, and between 8:00 A.M. and 5:00 P.M. on Saturdays, as needed. Construction will not occur on state or federal holidays or Sundays unless authorized by the Commission upon request. Goddard pf. at 3.

18. The system will be monitored remotely in real time, with an online system. The system will inform management about, for example, a sudden drop in power output, or an unusual output amount from one series of modules to the next. Site visits will be conducted on an as-needed basis. Bravakis pf. at 7.

19. A long-term operations and maintenance contract will be in place with a maintenance company that will be responsible for keeping the system operating properly and for keeping the site mowed and the access road maintained. Bravakis pf. at 7.

Decommissioning

20. At the end of the Project's expected useful life, a determination will be made whether the Project can be re-powered (after any necessary regulatory approval), or whether it will be decommissioned and the site restored. Bravakis pf. at 9.

21. At the time the Project is decommissioned, the Project equipment will be dismantled and removed from the site and sold, re-used, recycled, and/or disposed of in accordance with

applicable waste laws and regulations in existence at that time. Bravakis pf. at 10; exh. N2S-AB-5.

22. N2S's Decommissioning Plan outlines the decommissioning process and provides an estimate of the cost of decommissioning the Project. A decommissioning fund in this amount will be in place prior to beginning site preparation or construction and secured by a letter of credit or other form of security approved by the Commission. Bravakis pf. at 9; exh. N2S-AB-5.

23. On May 22, 2026, DPS filed comments stating that N2S's proposed Decommissioning Plan and Fund is reasonable and includes an acceptable form of security.

B. Section 248 Criteria

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

24. The Project will not unduly interfere with the orderly development of the region and will not cause any direct impacts on the capacity of the region to develop. This finding is supported by the additional findings below.

25. The Project will not violate any specific land conservation measures contained in the Northeastern Vermont Development Association ("NVDA") Regional Plan or the Jay Town Plan. Thayer pf. at 5; exh. N2S-LT-2.

26. The NVDA Regional Plan does not contain any specific land conservation measures or policies that would be affected by the Project. The Project is located within an area mapped as "Prime Solar" with "possible state constraints." It is not located in protected or otherwise described conservation areas or open space under the Regional Plan and will avoid undue adverse impacts to significant natural communities and sites. Thayer pf. at 5; exh. N2S-LT-2.

27. There are no specific land conservation measures in the Town Plan that would be affected by the Project, and the Project is not located in protected or otherwise described conservation areas or open space. Thayer pf. at 5-6; exh. N2S-LT-2.

28. The NVDA Regional Plan, Regional Energy Plan, and Town Plan do not identify the Project area as having specific limitations, planned conservation measures, or being unsuitable for solar development. Based on this review, the plans do not contain land conservation measures or specific policies that apply to or would be impacted by the Project, and the Project will not unduly interfere with the orderly development of the region. Thayer pf. at 4-6; exh. N2S-LT-2.

Need for the Project – 30 V.S.A. § 248(b)(2)

29. The Project is needed to meet demand for renewable energy generation in the region and in Vermont and may help to meet the renewable energy goals in the Vermont Comprehensive Energy Plan. Bravakis pf. at 11-12.

30. N2S had previously proposed a 500 kW net-metering facility on the Site. However, following discussions with VEC, N2S was informed that VEC was interested in a larger project in order to secure more renewable energy through a long-term PPA to help meet VEC's obligations under the Vermont Renewable Energy Standards ("RES") and to take advantage of expiring tax credits. Bravakis pf. at 11.

31. N2S and VEC have entered into a PPA for the Project. Bravakis pf. at 11.

System Stability and Reliability – 30 V.S.A. § 248(b)(3)

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

33. VEC completed a SIS for the Project, dated April 13, 2026. Bravakis supp. pf. at 1; exh. N2S-AB-8.

34. The SIS concluded that the Project can safely interconnect to the VEC system provided certain system upgrades are completed prior to interconnection. Bravakis supp. pf. at 1; exh. N2S-AB-8.

35. The costs of any electrical system modifications required to interconnect the Project to the VEC system will be borne by N2S and these improvements will be completed prior to interconnection. Bravakis pf. at 14.

36. The Project is included in a cluster study review by ISO-NE of many smaller distribution level generation facilities. This study is anticipated to be completed by June of 2026. Petitioner has discussed this with VEC and understands from VEC they do not expect there to be any adverse impacts identified by ISO-NE due to the Project's interconnection to the distribution level system. Bravakis pf. at 14.

37. Petitioner has included conditions in its proposed CPG requiring Petitioner to share the results of the ISO-NE cluster study with the Department and requiring Petitioner to be responsible for any costs attributed to the Project as a result of the ISO-NE cluster study.

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

38. The Project will provide an economic benefit to the State. This finding is supported by the additional findings below.

39. The Project will provide a range of economic benefits for the State and its residents, including employment opportunities and municipal and state tax payments. Bravakis pf. at 15.

40. During the development and construction phases, N2S will retain (directly or through contractors) dozens of Vermont-based firms and individuals to work on engineering, environmental, aesthetic, legal/permitting, and construction-related tasks when commercially feasible. Bravakis pf. at 15-16.

41. N2S will also pay state property taxes for the Project that are expected to be \$15,000 (\$4/kW) per year, and municipal taxes based upon a valuation of the Project which has not yet been finalized. Bravakis pf. at 16.

42. Petitioner is working with VEC to try to develop this Project in time to take advantage of federal tax credits that will help VEC add another long-term cost-stabilized generation resource to its portfolio before the economic benefits of the tax credits expire. The Project will provide economic benefits to VEC customers in that the PPA price for this Project is anticipated to be lower than future projects that cannot obtain the credits that help lower the overall cost of developing the Project. Bravakis pf. at 15; exh. N2S-AB-6.

43. The PPA includes a "SHEI Transmission Fee" of \$12.55/kWac to be paid by Petitioner to VEC as part of the interconnection costs for the Project. With this fee, the Project will offset any adverse economic impacts from any transmission constraints resulting from the Project's location. Bravakis pf. at 16.

Aesthetics, Historic Sites, Air and Water Purity, the Natural Environment, and Public Health and Safety – 30 V.S.A. § 248(b)(5)

44. The Project, subject to conditions, 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. This finding is supported by the additional findings below.

Outstanding Resource Waters – 10 V.S.A. § 1424a(d)

45. The Project will not have an undue adverse impact on Outstanding Resource Waters. No Outstanding Resource Waters will intersect the Project and as such the Project will not affect any segment of any Outstanding Resource Waters. Barton pf. at 6-7; exh. N2S-DB-2.

Air Pollution – 10 V.S.A. § 6086(a)(1)

46. The Project will not result in undue air pollution due to dust or other air pollutants. Goddard pf. at 2-3.

47. The proposed construction of the Project would result in temporary emission of minimal levels of air pollutants. These emissions will be limited to the times that vehicles are on the site and running and only for the construction period. Goddard pf. at 2.

48. As this site was previously used as a gravel extraction site, the level of emissions will not be inconsistent with the type of activity on this site previously. Goddard pf. at 2-3.

49. During operation of the Project, there will be no emission of air pollutants other than from occasional maintenance vehicles (e.g. mowers). These temporary and infrequent emissions will not result in any undue adverse impact on air pollution. Goddard pf. at 3.

50. The Project will not have an undue adverse impact due to noise. Goddard pf. at 3; exh. N2S-SG-2.

51. The sound generated by the Project construction will be of limited duration and will be comparable to the sound generated by light construction equipment. Goddard pf. at 3.

52. During operation of the Project, the only components that generate sound that may be audible from off-site locations (i.e., beyond the Project parcel) are the transformers, inverters and the motors on the single axis trackers. The inverters will not produce sound during nighttime hours. Goddard pf. at 3-4.

53. The Project-related sound levels at the nearest residence, with conservative assumptions, are estimated to be approximately 32.5 dBA (daytime) and 18.2 dBA (nighttime). Goddard pf. at 4; exh. N2S-SG-2.

54. These sound levels are generally low and are in the quiet to very quiet range compared to everyday noises. Goddard pf. at 4.

55. The Project's estimated noise levels during both daytime and nighttime are consistent with other similar projects previously approved by the Commission. Based on these estimated sound levels, there will not be an undue adverse impact as a result of noise generated by the Project's operation. Goddard pf. at 4-5; exh. N2S-SG-2.

Water Pollution – 10 V.S.A. § 6086(a)(1)

56. The Project will not result in undue water pollution. This finding is supported by the additional findings below.

57. The Project is designed so that it will not have an undue adverse effect on and/or is not located near any outstanding resource waters, headwater areas, floodways or flood fringes, stream banks, or shorelines. Exh. N2S-DB-2.

58. The Project will not require the use of water for its construction or operation phases (other than water that might be used for dust suppression, which will be brought to the site if needed), and will not result in water disposal. Goddard pf. at 7.

59. The Project will not have an undue adverse impact with regard to any of the water-related criteria discussed below. Goddard pf. at 5; exh. N2S-DB-2.

60. The transformers will be installed with a secondary containment system. Bravakis pf. at 4; exh. N2S-AB-2.

Headwaters – 10 V.S.A. § 6086(a)(1)(A)

61. The Project is located in a headwaters area as the watershed area for the Project site is less than one square mile. The Project site is however below 1,500 feet elevation, is not located in a watershed of a public water supply and is not characterized by steep slopes. Barton pf. at 3; exh. N2S-DB-2.

62. The Project will not reduce the quality of ground or surface water and will meet all applicable health and environmental water quality regulations. Barton pf. at 3; exh. N2S-DB-2.

63. For these reasons, the Project will have no adverse impact on headwater areas. Barton pf. at 3; exh. N2S-DB-2.

Waste Disposal – 10 V.S.A. § 6086(a)(1)(B)

64. The Project will not have an undue adverse impact with regard to waste disposal. This finding is supported by the additional findings below.

65. Project operations will not generate solid waste, will not involve the injection of waste materials into groundwater or wells, and will not generate sanitary waste. Goddard pf. at 5.

66. As there will be no buildings associated with the Project, no on-site wastewater disposal system is required for the Project and thus a Wastewater System and Potable Water Supply Permit is not required. Goddard pf. at 5.

67. Any metal or cardboard generated from the Project construction will be recycled. All construction waste that cannot be recycled will be disposed of in an approved sanitary landfill. During operation of the Project, there are no anticipated activities that will generate waste materials requiring disposal. Goddard pf. at 5.

68. Tree trunks and large limbs will be removed from the site and utilized for firewood, while smaller woody debris will be ground into chips and utilized to fill minor depressions in areas from which trees were removed, widely disbursed so as not to form significant piles, and/or transported off site for proper disposal. All stumps removed from the site will be shaken clean over the area from which they were removed and disposed of in an approved stump dump facility. Goddard pf. at 6.; N2S-AAFM Stipulation.

**Water Conservation, Sufficiency of Water Supply, and
Burden on Existing Water Supply – 10 V.S.A. §§ (a)(1)(C), (a)(2), (a)(3)**

69. The Project may use a small amount of water during the construction phase if required for dust control and for occasional cleaning of panels during Project operations. In both instances, any small amount of water needed will be brought to the site. Otherwise, the Project will not utilize any water supplies (on-site or off-site) during construction or operation and will not require connection to a well or municipal water supply, and will therefore not have any impact on water conservation, sufficiency, or existing supply. Goddard pf. at 7.

Floodways – 10 V.S.A. § 6086(a)(1)(D)

70. The Project is not located within a flood zone or floodway and or river corridor and will not restrict or divert the flow of floodwaters or significantly increase the peak discharge of a river or stream within or downstream from the area of development. Barton pf. at 3.

71. The Project will not have any adverse impacts on floodways or river corridors, nor will it endanger the health, safety, and welfare of the public or riparian owners as it relates to flood events or fluvial erosion. Barton pf. at 3.

Streams – 10 V.S.A. § 6086(a)(1)(E)

72. There are no surface waters within the Project area. The closest stream/river is a tributary to the Jay Branch approximately 100' to the south of the Project. The Project will not result in any clearing of forest vegetation within the riparian buffer zones (as measured 50' from top of bank/top of slope) of stream resources. Therefore, the Project will have no adverse impacts on stream resources. Barton pf. at 4; exh. N2S-DB-2.

Shorelines – 10 V.S.A. § 6086(a)(1)(F)

73. The site of the proposed Project is not located on a shoreline. Thus, the Project will not result in undue adverse impacts to shorelines. Barton pf. at 4, exh. N2S-DB-2.

Wetlands – 10 V.S.A. § 6086(a)(1)(G)

74. The Project will not have an undue adverse impact on wetlands. This finding is supported by the additional findings below.

75. The Project will have no impacts on Class II wetlands or associated buffer zones. Barton pf. at 4-5; exh. N2S-DB-2; exh. N2S-AB-2.

76. The Class III wetlands within the Project site are isolated depressions that lack any significant wetland functions and values. Petitioner has engaged with the US Army Corps of Engineers (“USACE”) and obtained a formal jurisdictional determination on the Class III wetlands in the Project area, which concludes that the Class III wetlands are not subject to USACE jurisdiction under Section 404 of the Clean Water Act. For these reasons, the proposed

Project will have no undue adverse impact on significant wetland resources. Barton pf. at 4-5; exh. N2S-DB-2; exh. N2S-AB-2.

Soil Erosion – 10 V.S.A. § 6086(a)(4)

77. The Project will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water such that a dangerous or unhealthy condition may result. This finding is supported by the additional findings below.

78. The Project will be constructed in accordance with the Vermont Standards & Specifications for Erosion Prevention and Sediment Control (2025). Goddard pf. at 8.

79. The Project will be subject to an ANR Moderate Risk Construction Stormwater General Permit or Individual Construction Stormwater Permit (“INDC”). No work shall commence until the Project receives its Moderate Risk or INDC permit. Goddard pf. at 7-8.

80. The majority of the total potential earth disturbance within the limits of disturbance will be from construction traffic. Specific potential earth disturbances from installation of Project infrastructure and equipment will include installation of the at grade access road ($\pm 12,777$ sf), installation of electrical equipment skid and associated secondary oil containment (± 880 sf), underground trenching of the electrical conduit ($\pm 4,000$ sf), construction staging areas, concentrated work areas, fencing, and miscellaneous other disturbances for construction vehicle travel and post installation. Goddard pf. at 8; exh. N2S-AB-2.

81. Stormwater runoff and erosion control methods that will be used during construction include: temporary soil stabilization with mulch within 14 days of initial site disturbance, a temporary stabilized construction entrance, and silt fence downslope of all proposed disturbances

and when work is proposed within 100' of a downslope wetland. Goddard pf. at 8-9; exh. N2S-AB-2.

82. Construction will also be phased so that no more than five acres of concurrent disturbance will occur if the Project applies for a Moderate Risk Construction Stormwater Permit. No more than 10 acres of concurrent disturbance shall occur if the Project applies for an INDC permit. These are established and proven measures accepted by ANR to prevent soil erosion from occurring and address any potential construction-related stormwater runoff effectively before it reaches receiving waters. Implementation of these measures will prevent undue soil erosion and protect water quality. Goddard pf. at 8-9; exh. N2S-AB-2.

83. The implementation of erosion prevention and sediment control measures during construction, and accordance with the EPSC Plan, will ensure that all sediment is contained on the site during construction. Thus, the Project will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition could result. Goddard pf. at 7-9; exh. N2S-AB-2.

84. The Project will create approximately 0.31 acres of added impervious surfaces due to the 12' wide access road and concrete equipment pads for the transformers and miscellaneous electrical equipment. There are approximately 0.63 acres of existing impervious surface on the Project parcel. Following construction, there will be 0.94 acres of total impervious surface on the parcel. As there is less than half an acre of new impervious surface added to the parcel and the total impervious on the parcel post construction will be less than 1 acre, no operational stormwater permit will be required. Goddard pf. at 9; exh. N2S-AB-2.

85. In the N2S-ANR MOU, the Parties proposed the following CPG conditions regarding stormwater permitting:

Before beginning site preparation or construction of the Project, the CPG Holder shall obtain from the Agency authorization for the Project under either an Individual Construction Stormwater Permit ("INDC"), if concurrent earth disturbance will exceed 5 acres, or a Moderate Risk Construction Stormwater General Permit ("Moderate Risk"), if concurrent earth disturbance will not exceed 5 acres. No site preparation or construction work shall commence until the applicable permit has been issued.

And

All Project work shall be performed in accordance with the terms and conditions of the applicable stormwater permit and any subsequent amendments. If the Project proceeds under an INDC permit, concurrent earth disturbance shall not exceed 10 acres.

Exhibit N2S-ANR-1.

Transportation Systems – 10 V.S.A. § 6086(a)(5)

86. The Project will not cause unreasonable congestion or unsafe conditions with respect to transportation systems. This finding is supported by the additional findings below.

87. Access to the site will be from an existing drive off Route 242 that has been used by large vehicles for the gravel extraction operation that has been present on the site for many years. Exh. N2S-AB-2; Bravakis pf. at 18.

88. Petitioner anticipates approximately 40-45(+/-) tractor trailers will deliver modules, racking, and inverters to the site over several weeks. Bravakis pf. at 18.

89. Following construction, the traffic to the site will be less than the extraction operation, and will be limited to maintenance and repair visits a few times a year. Therefore, the Project will not result in any unreasonable congestion or unsafe traffic conditions. Bravakis pf. at 18.

Educational Services – 10 V.S.A. § 6086(a)(6)

90. The Project will not result in the addition of any new, school-aged children to the municipal school system that would impact the provision of educational services. Bravakis pf. at 18.

Municipal Services – 10 V.S.A. § 6086(a)(7)

91. The Project will not require any municipal water or sewer services, new roadway acceptance or maintenance by the Town of Jay, nor require any unique fire or police services beyond those typically required of other businesses. Bravakis pf. at 18.

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

Aesthetics

92. The Project will not have an undue adverse impact on the scenic or natural beauty of the area or on aesthetics. Thayer pf. at 3-4; exh. N2S-LT-2. This finding is supported by the additional findings below.

93. As detailed in my report, the Project will not be visible from public roads. Limited partial and buffered visibility of the Project is expected during leaf-off conditions from two residences north of the Project site off the private drive Mountain Road. Thayer pf. at 3; exh. N2S-LT-2.

94. The Project will not have an adverse impact to the visual or scenic quality of the area. Visibility of the Project is highly limited, and the Project is sited on a previously disturbed area that qualifies as a “preferred area” under the Jay Town Plan. As such, the Project will not have an adverse impact on the aesthetics and scenic and natural beauty of the area. Thayer pf. at 3; exh. N2S-LT-2.

95. The Project would not violate any clearly written community standard in the Town or Regional Plan intended to preserve the aesthetics or scenic beauty of the area. The Project is not part of the Town's open space resources, and there are no goals, policies or recommendations that the proposed Project would clearly violate in either the Town or Regional plan with regard to orderly development. Finally, the Project would not offend the sensibilities of the average person. The Project would not be offensive or shocking because it does not have extensive visibility from public locations and would not appear significantly out of character with its surroundings or significantly diminish the scenic qualities of the area in which it is proposed. Thayer pf. at 4; exh. N2S-LT-2.

Historic Sites

96. The Project will not have any adverse effect with regard to historic sites. This finding is supported by the additional findings below.

97. There are no above-ground historic buildings on the parcel, and the Project will not be visible from public roads in the surrounding area or from any residences other than two houses on a private road (Mountain View Drive) that currently have views of the extraction operation.

98. VDHP reviewed the site and confirmed via email that it had no cultural resource concerns with respect to that Project. VDHP Comments.

99. The Project will have no adverse effect on historic sites listed in or eligible for inclusion in the State Register of Historic Places. Bravakis pf. at 17; VDHP Comments.

Rare and Irreplaceable Natural Areas

100. There are no significant natural communities that would be considered Rare and Irreplaceable Natural Areas within the Project Area and thus, there will be no adverse impacts on Rare and Irreplaceable Natural Areas. Barton pf. at 5; exh. N2S-DB-2.

Necessary Wildlife Habitat and Endangered Species – 10 V.S.A. § 6086(a)(8)(A)

101. The Project will not destroy or significantly imperil necessary wildlife habitat or any endangered species. This finding is supported by the additional findings below.

102. There is no necessary wildlife habitat (“NWH”) present within the Project area. Thus, the Project will not result in any undue adverse impacts to NWH. Barton pf. at 5; exh. N2S-DB-2.

103. The Project area is within predicted summer ranges for both Northern long-eared bat (State and Federally listed) and Tricolored bat (State listed). Vermont Fish and Wildlife Department has issued guidance that project clearing constituting greater than 1% of the total forested area within a 1 square mile radius of a project triggers review for habitat loss of this endangered species. The Project involves minimal tree clearing (~2.08 acres) which represents approximately 0.12% of the forested area within a 1-mile radius of the project. The proposed clearing is minimal in nature and does not trigger additional conservation measures. Barton pf. at 6; exh. N2S-DB-2.

104. The Project is not in an area that potentially provides summer roosting habitat for Indiana bat, there are no old or abandoned buildings potentially providing roosting habitat for little brown bat proposed for demolition, and there are no known bat hibernacula or maternity

roosts within one mile of the Project site. The Project will have no undue adverse impact on rare, threatened, or endangered (“RTE”) animal species. Barton pf. at 6; exh. N2S-DB-2.

Primary Agricultural Soils – 30 V.S.A. § (b)(5)

105. The Project will not have an undue adverse impact on PAS. This finding is supported by the additional findings below.

106. There are ±18.60 acres of mapped PAS on the Project parcel, with ±13.22 acres of mapped PAS within the limits of disturbance (“LOD”) that are potentially subject to disturbance as a result of the Project. Goddard pf. at 10-11; exh. N2S-AB-2.

107. Approximately 0.4 acres of PAS will be disturbed to create the access road, install the equipment pads, and conduit trenching. Soils disturbed for trenching will be separated by their horizons and re-laid in the same order following installation of the buried lines/conduit. If sand bedding is used, then the PAS shall be removed by horizon and stored in a PAS stockpile area as shown on the site plan. Goddard pf. at 11; exh. N2S-AB-2.

108. All other PAS removed during construction will be stockpiled within the Project fence line and preserved on site in accordance with the AAFM guidelines for the life of the Project. At Project decommissioning, these soils will be restored to the site in accordance with the AAFM guidelines. Goddard pf. at 10; exh. N2S-AB-2; N2S-AAFM-1.

109. Petitioner and AAFM have entered into an MOU that includes other proposed conditions regarding the treatment of PAS during construction, operation, and decommissioning of the Project. N2S-AAFM-1.

110. Subject to compliance with the proposed conditions in the MOU, AAFM concurs that the Project will not have an undue adverse impact on PAS. Exh. N2S-AAFM-1.

111. All proposed CPG conditions set forth in the AAFM MOU are incorporated into the Petitioner's proposed CPG.

Development Affecting Public Investments – 10 V.S.A. § 6086(a)(9)(K)

112. The Project will not endanger the public or quasi-public investment in adjacent lands, services, or facilities, or materially jeopardize or interfere with the public's use and enjoyment of those lands, services, or facilities. Bravakis pf. at 20.

113. The Project is located on private land and at the end of a private road (Mountain View Drive). No public roads or other public resources will be physically impacted by the Project, nor will there be any material increase in traffic. Therefore, the Project will not endanger or interfere with the public's use or enjoyment of this public investment. Bravakis pf. at 20; exh. N2S-AB-2.

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

114. The Project will not have an undue adverse effect with regard to the use of natural resources. This finding is supported by the additional findings below.

115. The Project proposes minimal vegetative management and clearing and is proposed on a previously disturbed extraction site. Exh. N2S-AB-2.

116. The Project will not have an undue adverse impact on headwaters, floodways, streams, shorelines, wetlands, rare and irreplaceable natural areas, rare threatened and endangered species and necessary wildlife habitat, or outstanding resource waters. Overall, the Project will not have an undue adverse impact with respect to the use of natural resources or on the natural environment. See also Barton pf. at 2-7; exh. N2S-DB-2.

Greenhouse Gas Impacts – 30 V.S.A. § 248(b)(5)

117. The Project will not have an undue adverse effect with regard to greenhouse gases (“GHG”). This finding is supported by the additional findings below.

118. The Project will result in a new generation resource that will produce electricity for Vermont without emitting greenhouse gases during operation. Adding renewable energy resources like this Project will help reduce the need for carbon-based sources of electric energy and decrease Vermont’s reliance on fossil fuel-based generation sources. Bravakis pf. at 19.

Public Health and Safety – 30 V.S.A. § 248(b)(5)

119. The Project will not have an undue adverse effect on public health and safety. This finding is supported by the additional findings below.

120. All switchgear equipment will be inside locked UL-listed, code-approved electrical enclosures. Electrical lines that connect the string combiners to the inverters and switch gear enclosure, and from the mounted transformer to the point of interconnection will be located inside underground conduit. Bravakis pf. at 19.

121. The fencing will be posted with appropriate electrical warning signs and/or placards. The fence will be locked and accessible only by Project personnel. As a result, there will be no undue adverse risk that the public, or wildlife, will access the Project equipment. Bravakis pf. at 19.

122. DPS has proposed, and Petitioner’s proposed CPG incorporates, a condition that requires N2S and its successors or assigns to register with Dig Safe and comply with 30 V.S.A. Chapter 86 and Rule 3.800 for the life of the Project.

Least-Cost Integrated Resource Planning – 30 V.S.A. § 248(b)(6)

123. Petitioner is not a regulated distribution utility, and therefore this criteria does not apply to the Project. Bravakis pf. at 20.

Comprehensive Energy Plan – 30 V.S.A. § 248(b)(7)

124. The Project will be compliant with the Comprehensive Energy Plan (“CEP”). This finding is supported by the additional findings below.

125. The Project will contribute to meeting the state’s long-term renewable energy goals because it is a renewable solar energy project that is located near load. The Project furthers key objectives of the CEP, which calls for meeting state energy goals largely through an increase in renewable resources. Bravakis pf. at 20.

126. The CEP includes a goal of meeting 100% of energy needs through carbon-free resources by 2032, with at least 75% from renewable energy. Bravakis pf. at 20-21.

127. As one of the last projects that may be able to take advantage of the current federal tax credits, this Project will also help further the goals of securing cost-effective and affordable resources and minimizing conversion of natural lands by utilizing a previously disturbed site. In addition, the payment of a SHEI Transmission Fee to VEC as part of the PPA is consistent with the recommendations in the CEP to consider economic mitigation fees in grid constrained areas such as the SHEI. Bravakis pf. at 21.

128. On June 1, 2026, DPS filed a Section 202 (f) Determination letter confirming that the Project is consistent with the 2022 Vermont Electric Plan.

Transmission Facilities – 30 V.S.A. § 248(b)(10)

129. The Project can be served economically by existing or planned transmission facilities without undue adverse effect on Vermont utilities or customers. This finding is supported by the additional findings below, and the findings above regarding Section 248(b)(3).

130. The Project will interconnect to the VEC distribution system and will not interconnect to the transmission system. Bravakis pf. at 21; exh. N2S-AB-2.

131. The costs of any electrical system modifications required to interconnect the Project to the VEC distribution system will be borne by N2S. Bravakis pf. at 21.

132. The PPA includes a SHEI Transmission Fee of \$12.55/kWac to be paid by Petitioner to VEC as part of the interconnection costs for the Project. With this fee, the Project will offset any adverse economic impacts from any transmission constraints resulting from the Project's location. Bravakis pf. at 16.

133. Petitioner has included conditions in its proposed CPG requiring Petitioner to share the results of the ISO-NE cluster study with the Department and requiring Petitioner to be responsible for any costs attributed to the Project as a result of the ISO-NE cluster study.

Setbacks – 30 V.S.A. § 248(s)

134. The Project will comply with the statewide minimum setback requirements of 30 V.S.A. § 248(s). Bravakis pf. at 22.

135. The Project's solar panels are set back at least 50' from each property boundary and approximately 525-ft from the edge of the nearest municipal highway (Route 242). Bravakis pf. at 22; exh. N2S-AB-2.

VI. Conclusions

Based upon all of the above evidence, and with the conditions I recommend that the Commission include as part of its approval of the Project, I conclude that the Project meets the following section 248(b) criteria, to the extent they apply:

- (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;
- (b) is required to 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 land management measures;
- (c) will not adversely affect system stability and reliability;
- (d) will result in an economic benefit to the state and its residents;
- (e) will not have an undue adverse effect on aesthetics, historic sites, air and water purity, the natural environment, and the 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);
- (f) is consistent with the principles of least-cost integrated resource planning;
- (g) is in compliance with the electric energy plan approved by the DPS under § 202 of Title 30 V.S.A.;
- (h) does not involve a facility affecting or located on any segment of the waters of the State that has been designated as outstanding resource waters by the Secretary of Natural Resources;

- (i) does not involve a waste-to-energy facility; and
- (j) can be served economically by existing or planned transmission facilities without undue adverse effect on Vermont utilities or customers.

VII. Order

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Utility Commission (“Commission”) of the State of Vermont that:

1. The findings and recommendations of the Hearing Officer are adopted. All other findings proposed by parties, to the extent that they are inconsistent with this Order, were considered and are not adopted.
2. In accordance with the evidence and plans submitted in this proceeding, the 3.75 MW solar electric generation facility (the “Project”) proposed for construction and operation by Novus 242 Solar LLC (the “CPG Holder”) off Vermont Route 242 in Jay, Vermont, will promote the general good of the State of Vermont pursuant to 30 V.S.A. § 248, and a certificate of public good (“CPG”) to that effect shall be issued in this matter.
3. Concurrently with this Order, the Commission shall issue an order in Case No. 24-3725-NM revoking the NM CPG.
4. 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.

Dated at Montpelier, Vermont, this _____ day of _____, 2026.

_____]]
_____]]
_____]]
_____]]

PUBLIC UTILITY COMMISSION
OF VERMONT

OFFICE OF THE CLERK

FILED:

ATTEST: _____

Clerk of the Commission