

**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
CERTIFICATE OF PUBLIC GOOD ISSUED PURSUANT TO 30 V.S.A. § 248**

IT IS HEREBY CERTIFIED that the Public Utility Commission of the State of Vermont (“Commission”) this day found and adjudged that the installation and operation of the proposed facility in Jay, Vermont (“the Project”) will promote the general good of the State of Vermont, and a Certificate of Public Good (“CPG”) is hereby issued to Novus 242 Solar LLC (“N2S” or “CPG Holder”), subject to the following conditions:

1. Site preparation, construction, operation, and maintenance of the Project shall 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. This CPG shall not be transferred without prior approval of the Commission.
3. Prior to beginning site preparation, construction, operation, or maintenance of the Project, the CPG Holder shall obtain all other necessary permits and approvals. Site preparation, construction, operation, and maintenance of the Project shall be in accordance with such permits and approvals, and with all other applicable regulations, including those of the Vermont Agency of Natural Resources (“ANR”) and its Department of Environmental Conservation (“DEC”).
4. Prior to beginning site preparation or construction of the Project, the CPG Holder shall file with the Commission, the parties, and the Town of Jay a letter stating that it has fulfilled all pre-site preparation and pre-construction CPG conditions, and that it intends to commence site preparation and construction of the Project.
5. The CPG Holder shall restrict construction activities and related deliveries 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. No construction shall take place on Sundays or state or federal holidays.

6. 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.
7. The CPG Holder shall remove the facilities authorized by this CPG once they are no longer in service and 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 N2S-AB-5.
8. Before beginning site preparation, the CPG Holder shall file with the Commission and obtain Commission approval for an executed letter of credit or other form of financial security for the decommissioning fund in the amount of \$120,650.00. If the CPG Holder elects to establish the fund using a letter of credit, the letter of credit must be an irrevocable standby letter of credit that: (i) names the Commission as the sole beneficiary of the letter of credit; (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.
9. Every three years the CPG Holder shall file a report with the Commission, the Department of Public Service (“DPS or “Department”), and each party to this proceeding, describing any adjustments and changes to the decommissioning fund in the previous three-year period. This report shall be filed no later than February 28 of the third year following the issuance of the CPG and every subsequent third year.
10. The value of the decommissioning fund shall be adjusted for inflation every three years based upon 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.
11. The Project’s standby letter of credit or other form of security shall be adjusted every three years to reflect changes to the decommissioning fund as provided in condition 10, above. Revisions shall be made no later than February 28 in conjunction with the report required pursuant to condition 9, above. The Commission may require more frequent adjustments due to facility or site conditions.

12. The Commission has the right to draw on the facility's irrevocable standby letter of credit or other form of 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.
13. 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 facility's letter of credit or other form of financial security.
14. Prior to commencing commercial operation of the Project, the CPG Holder shall file with the Commission, the parties, and the Town of Jay a letter stating that it has fulfilled all pre-operation CPG conditions and that it intends to commence operation of the Project.
15. Prior to commencing commercial operation of the Project, the CPG Holder shall enter into an interconnection agreement with Vermont Electric Cooperative that conforms to the requirements of Public Utility Commission Rule 5.500. The CPG Holder shall be responsible for the cost of electrical system upgrades reasonably necessary to implement interconnection for the Project and such other costs appropriately submitted to the CPG Holder in accordance with Commission Rule 5.500 or identified in the ISO-NE cluster study as interconnection costs directly attributable to the Project.
16. Upon completion of the ISO-NE cluster study, the CPG Holder shall share the results with the Department of Public Service.
17. The CPG Holder shall register with Dig Safe and comply with 30 V.S.A. Chapter 86 and Commission Rule 3.800 for the life of the Project.
18. As provided in 30 V.S.A. § 248(t), notwithstanding any contrary provision of law, primary agricultural soils, 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.
19. The CPG Holder shall comply with the terms and conditions of the Memorandum of Understanding ("MOU") with the Vermont Agency of Natural Resources ("Agency" or "ANR") admitted into the evidentiary record as Exhibit N2S-ANR-1.
20. Before beginning site preparation, construction, operation, maintenance, or decommissioning of the Project, the CPG Holder shall obtain all other necessary Agency permits and approvals. Site preparation, construction, operation, maintenance, and

decommissioning of the Project shall be in accordance with such permits and approvals, and with all other applicable regulations.

21. 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.
22. 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.
23. 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.
24. The CPG Holder shall comply with the terms and conditions of the Memorandum of Understanding ("MOU") with the Vermont Agency of Agriculture, Food & Markets ("AAFM") admitted into the evidentiary record as Exhibit N2S-AAFM-1.
25. Prior to commencement of construction of this Project, Primary Agricultural Soils ("PAS") reclamation required by Act 250 Permit number 7R0644 (and subsequent amendments) shall be completed pursuant to said permit conditions.
26. 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.
27. 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](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.

28. 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.
29. 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 or removed from the site and disposed in an approved stump dump facility. 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.
30. 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. 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.
31. Except for grading to create the access road, 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.
32. 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 onsite gravel roads that are constructed with geotextile fabric, a minimum of 10" of gravel, and a 1" or thicker cap of crushed aggregate.

33. 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 percent.
- a. 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 percent, 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.
 - b. The CPG Holder shall serve test results upon AAFM within 60 days of the test by filing on ePUC or 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.

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

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PUBLIC UTILITY COMMISSION
OF VERMONT

OFFICE OF THE CLERK

FILED:

ATTEST: _____

Clerk of the Commission