

**STATE OF VERMONT  
PUBLIC UTILITY COMMISSION**

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

Case No. 25-2346-PET

**NORTHLAND SOLAR LLC’S SUPPLEMENTAL RESPONSE TO TOWN &  
INTERVENOR FILINGS**

Pursuant to the Order of May 29, 2026 issued by the Hearing Officer in this matter setting a comment deadline for the filings made on May 26, 2026 by the Town of Lowell (the “Town”) and Intervenors Lowell Cemetery Association, Lowell Graded School Board, Douglas and Deborah Manning, Michael and Pam Tetreault, and Madonna Sullivan (together “Moving Parties”), Petitioner Northland Solar LLC (“Petitioner” or “NS”) hereby supplements its prior responses as filed on May 26, 2026 and May 28, 2026.

With respect to the Moving Parties’ assertion that the responsive changes NS has made to reduce the Project size in an attempt to address aesthetic concerns raised by these same parties, NS relies on the reasoning set forth in detail in its May 26<sup>th</sup> response as to why these are not “substantial changes” within the meaning of Commission Rule 5.412 and do not constitute an “amendment” to NS’s petition. Nonetheless, regardless of whether the Hearing Officer agrees with Petitioner or not, there is no cause for further delay. As confirmed in NS’s May 28<sup>th</sup> filing, as a courtesy and in a continued attempt to be responsive to the Town, NS provided notice to all recipients of the advance notice of the Project and to the two new landowners for properties that

have changed ownership since the filing of the Petition as noted by the Town.<sup>1</sup> As the notice required for a “substantial change” under the Rule has been provided, the issue of whether the changes are “substantial” or not is essentially moot since there is no further action required. Likewise, although NS maintains that it would be inconsistent with common practice and would strongly go against both Commission Rule 2.106 and public policy interests of encouraging petitioners to be open to addressing the concerns of other parties, should the Hearing Officer decide that the responsive changes to the Project design constitute an “amendment” under Rule 2.204(G), the Hearing Officer need only grant permission for Petitioner’s filing in the order responding to these filings. Thus, if the Hearing Officer finds that NS’s rebuttal testimony and responsive changes should constitute an “amendment,” NS respectfully requests that the Hearing Officer grant approval for the filing and adopt the remainder of the schedule forthwith.

Finally, NS wishes to supplement its previous response regarding the proposed schedule. In the May 26<sup>th</sup>, 2026 filing, NS proposed a fair and balanced schedule that included the discovery requested by the Moving Parties with reasonable timelines for deadlines. However, as the comment and reply period for Moving Parties’ motion imposed by the Hearing Officer in the May 29<sup>th</sup> Order has pushed the schedule back by at least three weeks, the initial deadlines in NS’s proposed schedule have passed. NS therefore respectfully requests that the Hearing Officer adopt essentially the same schedule (moved slightly to accommodate the July 4<sup>th</sup> holiday) but with dates starting after the end of the comment and reply period.

---

<sup>1</sup> Notice was mailed to all parties that received the 45-day notice for the Project on May 26, 2026. The two new landowners identified by the Town were mailed notice on June 1, 2026.

## REVISED PROPOSED SCHEDULE

Event	Previously Proposed Deadline	Revised Proposed Deadline
Discovery requests on Petitioner's rebuttal filing due	June 3, 2026	<b>June 24, 2026</b>
Responses to Discovery requests on Petitioner due	June 12, 2026	<b>July 8, 2026</b>
Non-Petitioners file surrebuttal testimony	June 17, 2026	<b>July 15, 2026</b>
Discovery requests on Non-Petitioners surrebuttal filing due	June 24, 2026	<b>July 22, 2026</b>
Responses to Discovery requests on Non-Petitioners due	July 6, 2026	<b>July 31, 2026</b>
Parties file witness order and anticipated timing of witness examinations, and comprehensive exhibit list and stipulations as to admission of testimony and exhibits	July 15, 2026	<b>August 5, 2026</b>
Evidentiary hearing	Between July 21-24, 2026	Week of <b>August 24-28</b> or <b>August 31-September 4<sup>2</sup></b>
Deadline to file briefs	14 days after evidentiary hearing transcripts are received	14 days after evidentiary hearing transcripts are received
Deadline to file reply briefs	10 days after initial briefs are filed	10 days after initial briefs are filed

Petitioner again submits that the above proposed schedule is reasonable and respectfully requests the Hearing Officer adopt this schedule. All parties other than the Moving Parties, including the Agency of Natural Resources, Agency of Agriculture, Food & Markets, and the

---

<sup>2</sup> Due to long standing plans, Petitioner's counsel and some witnesses are not available the week of August 17-21. Furthermore, Mr. Lew-Smith is not available to attend an evidentiary hearing the week of August 10-14; however, depending on the need for Mr. Lew-Smith to appear, a hearing this week would work for all other witnesses for Petitioner.

Department of Public Service had previously consented to a far shorter schedule as filed by Petitioner on May 22, 2026, under which an evidentiary hearing was proposed at the end of this month. Petitioner has attempted to reasonably accommodate the scheduling requests of the Moving Parties. The above revised schedule now sets surrebuttal testimony over 7 weeks after Petitioner filed the rebuttal testimony, which is more than sufficient time to review Petitioner's filing and to prepare a response. Any further material delay will unduly prejudice Petitioner's interests. Petitioner therefore asks the Hearing Officer to adopt the compromise proposal set forth above and to issue a scheduling order as soon as possible.

Dated at Burlington, Vermont this 12<sup>th</sup> day of June, 2026.

By: 

Victoria Westgate, Esq.  
Zachary Berger, Esq.  
SRH Law PLLC  
91 College Street  
Burlington, VT 05401  
802-860-1003  
[vwestgate@srhlaw.com](mailto:vwestgate@srhlaw.com)  
[zberger@srhlaw.com](mailto:zberger@srhlaw.com)  
*Counsel for Northland Solar LLC*