STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 26-0261-PET

Petition of Novus 242 Solar LLC for a certificate of public good, pursuant to 30 V.S.A. § 248, authorizing the installation and operation of a 3.75 MW solar facility in Jay, Vermont	

Order entered: 06/26/2026

ORDER GRANTING CERTIFICATE OF PUBLIC GOOD

In this order, the Vermont Public Utility Commission ("Commission") adopts the following proposal for decision.

PROPOSAL FOR DECISION

I. INTRODUCTION

This case involves a petition filed by Novus 242 Solar LLC ("Novus Solar") requesting a certificate of public good ("CPG"), under 30 V.S.A. § 248 authorizing the construction and operation of a 3.75 MW solar facility off Route 242 in Jay, Vermont (the proposed "Facility").

In this proposal for decision, I recommend that the Commission approve the Facility and issue a CPG, subject to conditions.

II. PROCEDURAL HISTORY

On February 6, 2026, Novus Solar filed a petition with supporting testimony and exhibits.

On May 20, 2026, the Vermont Division for Historic Preservation ("DHP") filed comments stating that the Facility will have no effect on any historic or archeological sites ("DHP comments").

On May 22, 2026, Novus Solar filed a memorandum of understanding between itself and the Vermont Agency of Natural Resources ("ANR"), entered into the record as exhibit N2S-ANR-1 ("ANR MOU").

On May 22, 2026, Novus Solar filed a stipulation between itself and the Vermont Agency of Agriculture, Food and Markets ("AAFM"), entered into the record as exhibit N2S-AAFM-1 ("AAFM stipulation").

On May 22, 2026, the Vermont Department of Public Service ("Department") filed comments stating that it recommends that the Commission approve the Facility and that it did not identify any concerns under the statutory criteria. The Department proposes CPG conditions addressing Dig Safe requirements and a cluster study review of the Facility by ISO-New England. The Department also filed its determination under 30 V.S.A. § 202(f).

On June 5, 2026, Novus Solar filed a proposed order and CPG.

The Commission received no other comments on the petition.

Novus Solar provided advance notice of the peition to the municipality, the regional planning commission, and adjoining landowners pursuant to 30 V.S.A. § 248(f) and Commission Rule 5.402(A) and (B). In addition, these same entities received notice of the petition when it was filed with the Commission. No entity moved to intervene, and the statutory parties — ANR, the Department, and AAFM — have not opposed the Facility, subject to agreed-upon conditions. Based on my independent review and subject to the conditions discussed below, I recommend that the Commission conclude that the Facility meets the substantive criteria of 30 V.S.A. § 248(b) and promotes the public good of the State.

No party has 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: the prefiled and supplemental testimony of Alex Bravakis, Novus Solar ("Bravakis pf." and "Bravakis supp. pf.") and exhibits N2S-AB-1 through N2S-AB-8; the prefiled testimony of Seth Goddard, Novus Solar ("Goddard pf.") and exhibits N2S-SG-1 and N2S-SG-2; the prefiled testimony of Dori Barton, Novus Solar ("Barton pf.") and exhibits N2S-DB-1 and N2S-DB-2; the prefiled testimony of Lucy Thayer, Novus Solar ("Thayer pf.") and exhibits N2S-LT-1 and N2S-LT-2. Additionally, the petition, the Department comments and Section 202(f) determination, DHP comments, exhibit N2S-ANR-1, and exhibit N2S-AAFM-1 are entered into evidence.[1]

Based on the petition and the accompanying record in this proceeding, I have determined that this matter is ready for decision and report the following findings to the Commission in accordance with 30 V.S.A. § 8(c).

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[1] If any party has an objection to any of these documents being entered into evidence, the party must submit its objection within 14 days of the date this order is entered.

III. FACILITY DESCRIPTION

Findings

1. Novus Solar is a Vermont limited liability company with principal offices at 250 Main Street in Montpelier, Vermont, 05602. Bravakis pf. at 1.

2. The Facility is a 3.75 MW (AC) ground-mounted solar generation system off Route 242 in Jay, Vermont. The Facility will occupy approximately 12.78 acres of an approximately 66-acre parcel. Bravakis pf. at 2-3; exh. N2S-AB-2.

3. The Project site was previously used as a gravel and sand pit, and the Facility will use the previously disturbed portions of the site. Bravakis pf. at 2.

4. Novus Solar previously received a CPG for a 500 kW net-metering solar facility at the Facility site in Case No. 24-3725-NM. The Facility will replace the net-metering system. Bravakis pf. at 2.

5. The Facility will interconnect with Vermont Electric Cooperative, Inc.'s ("VEC's") distribution system. The Facility will help VEC achieve its renewable energy goals and comply with Vermont's Renewable Energy Standard ("RES"). Novus Solar and VEC have entered into a long-term power purchase agreement for the Facility output. Bravakis pf. at 11-12; *see* Case No. 25-2862-PPA.

6. The Facility includes: (a) 54 rows of solar panels mounted on single-axis trackers; (b) 15 inverters, rated at 250 kW, each located on inverter racks; (c) two 2000 kVA pad-mounted transformers with secondary oil containment; (d) cabling to connect the arrays to the transformer; and (e) underground wiring from the transformers to the interconnection point with the VEC distribution system. Bravakis pf. at 3-4; exh. N2S-AB-2.

7. The Facility will be enclosed by approximately 7-foot-high agricultural-style fence. The perimeter fences and secured gates will restrict access to the Facility to help ensure public safety. Bravakis pf. at 4.

8. The Facility site will be accessed from an existing gravel access drive off Route 242, which will be extended into the center of the site. A small turnaround area will be added to the end of the drive within the array. Bravakis pf. at 4; exh. N2S-AB-2.

9. The Facility will interconnect with VEC's system at an existing pole on Route 242 near the Facility site. From the Facility transformers, the electric lines will extend underground

along the access road, where the power will transition to overhead lines. Facility interconnection will require approximately six new utility poles. Bravakis pf. at 4; exh. N2S-AB-2.

10. The Facility site will be graded before construction by the landowner as part of the existing Act 250 permit #7R0644 (and subsequent amendments) reclamation requirements for the gravel pit operation. Goddard pf. at 6; exh. N2S-AB-2.

11. The Facility requires approximately 0.19 acre of vegetative clearing inside the Facility fence and approximately 1.89 acres of vegetative management outside the fence to prevent shading of the solar array. The vegetative management involves trees taller than 10 feet cut flush, with the existing ground with all underbrush and stumps remaining. Goddard pf. at 6; exh. N2S-AB-2.

12. The Facility requires approximately 0.65 acre of soil disturbance resulting from grading and earthwork to construct the access road and equipment pads. Goddard pf. at 6; exh. N2S-AB-2.

13. Sound from the Facility will be produced by the inverters and transformers primarily during daylight hours. The maximum sound levels generated by the equipment are estimated to be approximately 32.5 decibels (A-weighted, exterior) at the nearest residential building. Goddard pf. at 3: exh. N2S-AB-2.

14. Facility construction will be between the hours of 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 will occur on Sunday or state or federal holidays. Goddard pf. at 3.

IV. Review of Facility Under Section 248 Criteria

Findings

15. The Facility will not unduly 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. Thayer pf. at 4-6; exh. N2S-LT-2.

16. Jay has not adopted screening requirements for ground-mounted solar electric generation facilities pursuant to either 24 V.S.A. § 4414(15) or 24 V.S.A. § 2291(28) with which the Facility would have to comply. Thayer pf. at 6; exh. N2S-LT-2.

17. The Facility will meet the 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 measure, including but not limited to those developed pursuant to the provisions of 30 V.S.A. §§209(d), 218c, and 218(b). Bravakis pf. at 11-12; exh. N2S-AB-6.

18. The Facility will not have an adverse effect on system stability and reliability. Bravakis pf. 12-15; Bravakis supp. pf. at 1-3; exhs. N2S-AB-7 and N2S-AB-8.

19. The Facility is included in a cluster study review by ISO-New England. Novus Solar will be responsible for any costs attributed to the Facility resulting from the cluster study review. Bravakis pf. at 21; Department comments.

20. The Facility will result in an economic benefit to the State and its residents. Bravakis pf. at 15-16.

21. Subject to the conditions adopted in the CPG, the Facility 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) (A), (B), (C), (D), (E), (F), and (G), 6086(a)(2), (3), (4), (5), (6), (7), (8), and (9)(K), and impacts on primary agricultural soils as defined in 10 V.S.A. § 6001, and greenhouse gas impacts. Bravakis pf. at 17-20; Goddard pf. at 2-11; Thayer pf. at 3-4; exhs. N2S-LT-2, N2S-AB-2, and N2S-BS-2.

22. The Facility will not affect any outstanding resource waters as defined by 10 V.S.A. § 1424a(d). Barton pf. at 6-7; exh. N2S-AB-2.

23. The Facility is consistent with the 2022 Comprehensive Energy Plan approved by the Department under 30 V.S.A. § 202(f). Bravakis pf. at 20-21; Department comments; Department Section 202(f) determination.

24. The Facility is in the transmission-constrained area of the Sheffield-Highgate Export Interface ("SHEI"). Bravakis pf. at 16; Department comments.

25. The power purchase agreement between Novus Solar and VEC includes a SHEI transmission fee of $12.55/kW to be paid to VEC as part of the interconnection costs for the Facility. The fee mitigates the economic impacts of any resulting transmission constraints. Bravakis pf. at 16; Department comments.

26. The Facility can be served economically by existing or planned transmission facilities without undue adverse effects on Vermont utilities or customers. Bravakis pf. at 16; Department comments.

27. The Facility complies with Vermont's statutory setback requirements for ground-mounted solar electric generation facilities because the Facility's solar panels or support structures for the solar panels are set back at least 100 feet from the nearest road and at least 50 feet from the nearest property boundary line. Bravakis pf. at 22; exh. N2S-AB-2.

Discussion

The Commission, as a matter of practice, imposes a series of standard conditions in all CPGs that are issued for solar facilities. These conditions ensure compliance with statutory and rule-based requirements. I recommend that the Commission adopt these standard conditions for the Facility, consistent with past Commission practice, to ensure compliance with relevant Vermont statutory criteria.

The Department recommends a condition in any CPG issued for the Facility to require Novus Solar to register with Dig Safe before any site preparation or construction and comply with 30 V.S.A. §§ 7001 through 7008 and Commission Rule 3.800, as applicable, for the life of the Facility. I recommend that the Commission adopt the proposed CPG condition.

The Facility is included in a cluster study review by ISO-New England. The Department recommends a CPG condition requiring Novus Solar to be responsible for any costs attributed to the Facility resulting from the cluster study review. The Department also recommends a condition requiring Novus Solar to provide the results of the study to the Department. I recommend that the Commission adopt the proposed CPG conditions.

The power purchase agreement between Novus Solar and VEC includes a SHEI transmission fee of $12.55/kW to be paid to VEC as part of the interconnection costs for the Facility. The size of the SHEI transmission fee is consistent with fees recently approved by the

Commission for solar generation facilities located in the SHEI.[2] Because the fee mitigates the economic impacts of any resulting transmission constraints, I recommend that the Commission adopt a CPG condition that requires Novus Solar to pay the mitigation fee as specified in the power purchase agreement and confirm payment with the Commission.

However, the power purchase agreement does not specify how the fee received by VEC will be distributed to the affected distribution utilities. Consistent with past Commission practice, I recommend that VEC be required to file for Commission approval its allocation agreement or a proposal for how the funds it receives will be distributed.[3] The petition should be filed in a separate case within 30 days of VEC's receipt of funds.

Under the terms of the ANR MOU, Novus Solar agrees to CPG conditions to avoid undue adverse impacts on waterways and the natural environment. To ensure that the Facility will not have an undue adverse effect on water purity, the natural environment, or the use of natural resources, I recommend that the Commission accept the terms of the ANR MOU and adopt the proposed CPG conditions.

Under the terms of the AAFM stipulation, Novus Solar agrees to CPG conditions that require measures to avoid impacts on primary agricultural soils during the construction and operation of the Facility. To ensure that the Facility will not have undue adverse effect primary agricultural soils, I recommend that the Commission accept the AAFM stipulation and adopt the proposed CPG conditions.

Novus Solar seeks to construct the Facility instead of a 500-kW solar net-metering facility that received a CPG in Case No. 24-3725-NM. Novus Solar requests that the Commission rescind the CPG issued in Case No. 24-3725-NM if the Facility is granted a CPG. I recommend the Commission rescind the CPG issued in Case No. 24-3725-NM as part of the order approving the Facility.

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[2] *See Petition of Kearsarge PV Orleans LLC for a certificate of public good*, Case No. 24-0039-PET, Order of 12/06/24.

[3] *See Petition of Integrated NRG, LLC for a certificate of public good*, Case No. 18-2775-NMP, Order of 4/19/24; *Petition of Vermont Electric Cooperative, Inc. for allocation of SHEI mitigation fee*, Case No. 23-0064-PET, Order of 2/6/23.

V. DECOMMISSIONING

Findings

28. At the end of the Facility's useful life, a determination will be made whether: (a) it is financially viable to continue to operate the Facility as is; (b) any changes could be made to the Facility (after any necessary regulatory approval) to allow its continued operation; or (c) the Facility will be decommissioned and the site restored. Bravakis pf. at 9-10; exh. N2S-AB-5.

29. When the Facility is decommissioned, the Facility's equipment will be dismantled and removed from the site in accordance with applicable laws and regulations in existence at that time. The site will be restored to its condition before installation of the Facility to the greatest extent practicable. Bravakis pf. at 9-10; exh. N2S-AB-5.

30. Novus Solar filed a decommissioning plan for the Facility that includes a decommissioning cost estimate and satisfies the requirements of Commission Rule 5.904(B)(1). Bravakis pf. at 9-10; exh. N2S-AB-5.

31. The estimated cost of decommissioning the Facility is $120,650.00. Novus Solar proposes a letter of credit as the form of financial assurance instrument for the decommissioning fund. Novus Solar also submitted a proposed form of a letter of credit. Bravakis pf. at 9-10; exh. N2S-AB-5.

Discussion

Commission Rule 5.900 establishes standard requirements for the decommissioning of electric generation facilities. Commission Rule 5.904(B) requires that non-utility-owned generation facilities greater than 500 kW in capacity be removed once they are no longer in service and the site be restored, to the greatest extent practicable, to the condition it was in before installation of the facility. Commission Rule 5.904(B)(2) also requires that requests to construct these facilities include a draft irrevocable standby letter of credit in an amount sufficient to fund the estimated decommissioning and site restoration costs. Alternatively, Commission Rule 5.904(B)(3) provides that "[t]he Commission may, in its discretion, approve alternative forms of financial security from" an irrevocable standby letter of credit "if it finds that such alternative forms will provide an assurance of the availability of financial resources for decommissioning that equals or exceeds that provided by" an irrevocable standby letter of credit.

Novus Solar submitted a plan for decommissioning the Facility with a detailed cost estimate of $120,650.00 to decommission the Facility. Novus Solar also submitted a draft irrevocable standby letter of credit.

Having reviewed the letter of credit and the supporting documentation, I recommend that the Commission find that Novus Solar satisfactorily addressed the decommissioning fund requirements. Accordingly, I recommend that the Commission find that the cost estimate, plan for decommissioning, and the draft letter of credit and drawing certificate submitted with the plan are consistent with the requirements of Commission Rule 5.904(B).

Further, I recommend that the Commission include in any CPG that is issued for the Facility conditions requiring compliance with the terms and conditions of the proposed decommissioning plan and all applicable provisions of Commission Rule 5.904(B). Because the letter of credit filed with the decommissioning plan does not have a named financial institution, I also recommend that the Commission require that the Novus Solar file and receive Commission approval of an executed letter of credit before commencing construction.

VI. Conclusion

Based upon the evidence in the record, I recommend that the Commission conclude that the Facility, subject to the conditions set forth herein, is in the public good and grant a CPG to that effect.

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.

Date: June 26, 2026

Mary Jo Krolewski

Mary Jo Krolewski
Hearing Officer

VII. 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 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 3.75 MW (AC) solar facility proposed for construction and operation by Novus 242 Solar LLC (the "CPG Holder") off 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 will be issued in this matter.

3. The CPG Holder agrees to pay a Sheffield-Highgate Export Interface transmission fee of $12.55/kW as part of the interconnection costs for the Facility. Vermont Electric Cooperative, Inc. must file its proposal for how to allocate the funds it receives as a new petition case in ePUC within 30 days of receiving any such funds.

4. The memorandum of understanding between the CPG Holder and the Vermont Agency of Natural Resources is accepted. The CPG Holder must comply with all the terms of the memorandum of understanding.

5. The stipulation between the CPG Holder and the Vermont Agency of Agriculture, Food and Markets is accepted. The CPG Holder must comply with all the terms of the stipulation.

6. The CPG issued in Case No. 24-3725-NM is rescinded upon issuance of this order.

7. As a condition of this order, the CPG Holder must comply with all terms and conditions set out in the CPG issued in conjunction with this order.

Dated at Montpelier, Vermont, this 26th day of June, 2026.

Edward McNamara	PUBLIC UTILITY
Margaret Cheney	COMMISSION
J. Riley Allen	OF VERMONT

OFFICE OF THE CLERK

Filed: June 26, 2026

Attest: ______________________________
Clerk of the Commission

Notice to Parties: Appeal of this decision to the Supreme Court of Vermont must be filed with 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 Commission within 28 days of the date of this order.

PUC Case No. 26-0261-PET - SERVICE LIST

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