

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 26-1401-INV

Investigation into potential violations of CPG# 21-2939-NMP by Randolph Davis Solar LLC	
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Order entered: 07/14/2026

ORDER OPENING INVESTIGATION

On August 12, 2024, the Vermont Public Utility Commission (“Commission”) issued a Certificate of Public Good (“CPG”) to Randolph Davis Solar LLC (“CPG Holder”) authorizing the construction of a 500 kW solar net-metering facility in Randolph, Vermont (the “Facility”).

The CPG contains the following conditions:

1. Site preparation, construction, operation, and maintenance of the Facility must be in accordance with the plans and evidence submitted in this proceeding. Any material deviation from these plans or a substantial change to the Facility 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 Facility may result in the assessment of a penalty pursuant to 30 V.S.A. §§ 30 and 247.

11. For areas of soil disturbance of primary agricultural soils on the Facility site and to the extent consistent with other more specific conditions set forth herein, the CPG Holder must comply with the Vermont Agency of Agriculture, Food, and Market (“AAFM”) Act 250 Procedure: Reclamation of Vermont Agricultural Soils (rev. Oct. 30, 2014) (“AAFM Guidelines”), except as otherwise provided in more specific conditions herein, currently available online at: [https://agriculture.vermont.gov/sites/agriculture/files/documents/land use/ReclamationGuidelinesforAgriculturalSoils.pdf](https://agriculture.vermont.gov/sites/agriculture/files/documents/land%20use/ReclamationGuidelinesforAgriculturalSoils.pdf). The CPG Holder must also comply with the AAFM Guidelines with respect to sequencing for returning soils at the conclusion of construction and decommissioning.

12. Except for grading to create the access road, the Facility must not include any grading of primary agricultural soils. Any fill or gravel used for roads or staging areas must be separated from native soils by a suitable barrier such as geotextile fabric.

13. Primary agricultural soils must not be stockpiled on slopes greater than 15%.

16. At decommissioning, to return the site to its pre-construction condition to the greatest extent practicable consistent with Commission rules, and to enable use of the site for agricultural purposes, the CPG Holder must:

...

b. Test soil bulk density and, if necessary, mitigate for compaction as follows:

i. Before installation, test to a depth of at least one foot in primary agricultural soil at the following locations (latitude and longitude):

1. Location 1: 43.9037°, -72.5669°
2. Location 2: 43.9037°, -72.5671°
3. Location 3: 43.9036°, -72.5678°¹

On May 21, 2026, the CPG Holder made a filing detailing potential violations of three of the above conditions as well as an additional potential violation that requires surveying to determine. The CPG Holder states (1) that primary agricultural soil horizons were not separated before stockpiling, as required by Condition 11; (2) that the CPG Holder graded primary agricultural soils beyond the access road authorized in Condition 12, including an adjacent laydown area; and (3) that the CPG Holder did not conduct soil bulk density testing in the designated locations before beginning site preparation as specified in Condition 16(b)(i). Finally, the CPG Holder proposes to have a licensed surveyor survey the soil stockpile location to confirm that the slope of the primary agricultural soil storage area does not exceed 15%.

The Commission also received complaints from Michael Binder, an adjoining landowner, alleging similar violations of the CPG. According to Mr. Binder, the CPG Holder has not complied with the CPG conditions related to primary agricultural soils and constructed additional drainage features that were not described in the Facility's approved plans. Mr. Binder requests that the Commission "immediately halt construction at the site until the issues are sorted out and the project amended to meet CPG conditions."²

Based on the disclosures filed by the CPG Holder, we are opening this investigation pursuant to 30 V.S.A. § 30 and Commission Rule 5.138 into the CPG Holder's apparent violations of Conditions 1, 11, 12, and 16 of the CPG as described above. The investigation will

¹ Case No. 21-3405-NMP, CPG dated 8/12/24.

² Case No. 21-3405-NMP, Public Comments filed by Michael Binder dated 5/26/26 at 2.

also examine whether the CPG Holder committed additional violations of Condition 13 or any other CPG condition. The Commission appoints Jake Marren, Esq., to serve as hearing officer in this matter pursuant to 30 V.S.A. § 8(a). A scheduling conference will be held in this matter on August 6, 2026.

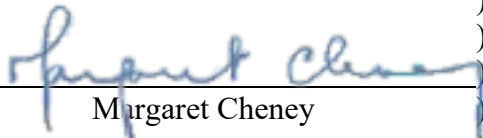
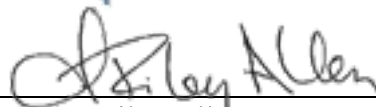
The Commission declines to enjoin construction of the Facility at this time.³ However, the CPG Holder is reminded that pursuant to Commission Rule 5.138, the Commission may “amend or revoke any CPG for a net-metering system, impose a penalty . . . or order remedial activities” in response to a finding of a violation of a CPG condition.

Pursuant to 30 V.S.A. §§ 20 and 21, the CPG Holder will be responsible for court reporter costs incurred by the Commission during the course of this proceeding and billed back to the CPG Holder.

SO ORDERED.

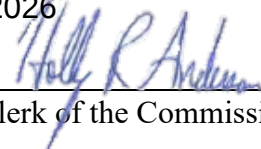
³ Requests for a temporary restraining order or other injunctive relief must be filed in accordance with Rule 2.406.

Dated at Montpelier, Vermont, this 14th day of July, 2026.

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

OFFICE OF THE CLERK

Filed: July 14, 2026

Attest: 

Clerk of the Commission

PUC Case No. 26-1401-INV - SERVICE LIST

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