

**STATE OF VERMONT  
PUBLIC UTILITY COMMISSION**

|                                             |   |                      |
|---------------------------------------------|---|----------------------|
| Petition of Randolph Davis Solar LLC        | ) |                      |
| requesting an extension of the project      | ) |                      |
| commissioning deadline in Case No. 21-2939- | ) | Case No. 26-____-PET |
| NMP                                         | ) |                      |

**PETITION FOR EXTENSION OF COMMISSIONING DEADLINE**

NOW COMES Randolph Davis Solar LLC (the “CPG Holder”) and respectfully requests the Vermont Public Utility Commission (“Commission”) to extend the commissioning deadline for the 500 kW photovoltaic system in Randolph, Vermont (the “Project”) that was issued a certificate of public good (“CPG”) on August 12, 2024, in Case No. 21-2939-NMP. The CPG Holder requests the Commission to extend the commissioning milestone from August 12, 2026, to September 30, 2026.

**Standard of Review**

Commission Rule 5.110(C) states in relevant part:

Abandonment. Non-use of a CPG for a period of one year following the date the CPG is issued will result in the revocation of the CPG without further action by the Commission. For the purpose of this section, for a CPG to be considered used, the net-metering system must be commissioned. A CPG holder may obtain an automatic one-year extension of time by providing written notice to the Commission and the electric company. ... Further extensions will only be granted upon written request and for good cause shown before expiration of the CPG. A CPG holder may abandon a CPG before construction by providing written notice to the Commission, the Department, the Agency of Natural Resources, and the electric company.<sup>1</sup>

In previous cases, “the Commission has found good cause to grant requests for extensions when they are timely filed and when the CPG holder has shown that the need for an extension has arisen from circumstances outside of the CPG holder’s control.”<sup>2</sup> The Commission has previously justified granting extensions of commissioning deadlines due to, among other things, delays due to weather and winter construction.<sup>3</sup> The Commission has also considered whether

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<sup>1</sup> Rule 5.110(C).

<sup>2</sup> *Request of Spear Street Solar, LLC to extend CPG #21-3624-NMP*, Case No. 24-0106-PET, Order of 2/1/24 at 24 (quoting *Request of Middle Road Solar LLC for extension of CPG# 18-0901-NMP*, Case No. 19-4688-PET, Order of 2/27/21 at 4).

<sup>3</sup> *Petition of Trolley Tracks Solar*, Case No. 23-3666, Order of 10/20/23 at 2 (extension granted in part due to “weather delays commonly encountered when constructing solar projects during Vermont’s winter months”);

the developer has invested substantial resources to develop its solar facility and whether allowing the CPG to expire would waste those resources.<sup>4</sup> Finally, Commission Rule 2.100, which governs the Commission’s “Rules of Practice,” also provides that that the Commission’s rules of practice “shall be ***liberally construed to secure the just and timely determination*** of all issues presented to the Commission.”<sup>5</sup>

### **Background Factors Necessitating the Requested Extension**

The CPG contains the standard Commission condition that the Project must be commissioned within one (1) year of the issuance of the CPG, or by August 12, 2025. On June 30, 2025, the CPG Holder filed a notice of a one-year extension to the Project’s commissioning deadline pursuant to Commission Rule 5.110(C), extending the deadline to August 12, 2026. In accordance with Rule 5.110(C), the CPG Holder is requesting this second extension to September 30, 2026, for good cause shown. This petition is supported by the accompanying affidavit of Charles Van Winkle (the “Affidavit”).

Both before and after its issuance, the CPG was contested by adjoining landowners Michael Binder and Joan Allen (the “Landowners”). The Landowners filed a motion to reconsider, which was denied, and then subsequently appealed the case to the Vermont Supreme Court, assigned case number 25-AP-005 on January 3, 2025. The Supreme Court denied the appeal and closed the case on December 5, 2025. Affidavit at 1; 2025 VT 63.

The delays created by the Landowners’ motion for reconsideration and subsequent appeal to the Vermont Supreme Court are outside the control of the CPG Holder and impacted the CPG Holder from proceeding with final engineering, equipment procurement, or investor relations without taking on substantial risk. Affidavit at 1. In addition, the Supreme Court ruling was issued at the beginning of the winter season, approximately four months after the Rule 5.100(C) one-year extension was noticed, resulting in the CPG Holder losing approximately four months of the one-year extension allowed by the Rule.

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*Petition of Halladay Solar*, Case No. 23-3667, Order of 11/20/23 at 1-2 (citing need for extension based in part on “anticipate[d] weather-related delays in completing construction of the Project as a result of conditions during the winter months”).

<sup>4</sup> *Petition of Stamford Main 4957 LLC*, Case No. 23-3427-PET, Order of 11/1/23 at 3 (citing *Petition of DG Vermont Solar, LLC*, Case No. 20-2735-PET, Order of 11/5/20 at 3).

<sup>5</sup> Rule 2.106 (emphasis added).

After the December 5, 2025 Supreme Court ruling, the CPG holder was able to advance “issued for construction” engineering plans and place equipment orders. However, Davis Road, the Facility access, is a dirt road. The Town of Randolph Facebook page noticed the public that they were to start posting roads for “mud season” beginning March 2, 2026. The road remained posted, limiting access of site preparation heavy vehicles, until May 5, 2026. This delayed the start of on-site site preparation work. Affidavit at 1-2. Physical on-site installation of the Facility’s solar equipment such as racking, electrical wiring work, and panels was only able to proceed sporadically over the last two months, also hampered by heavy rainstorms, particularly during June 2026. Affidavit at 2.

Since filing the net-metering petition the CPG Holder has expended over \$923,000 to develop the Project. However, as a result of the delays and winter and rain weather conditions, all of which are beyond the CPG Holder’s control, commissioning is not expected to be complete by August 12, 2026. Affidavit at 2.

**Request for Relief**

For the reasons stated herein, the Petitioner respectfully requests an extension of the Project commissioning deadline from August 12, 2026, to September 30, 2026.

DATED at Burlington, Vermont, this 22<sup>nd</sup> day of July 2026.

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