

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Petition of VT Real Estate Holdings 2 LLC)
for a certificate of public good, pursuant to)
30 V.S.A. § 248, authorizing the installation) Case No. 24-2945-PET
and operation of a 20 MW ground-mounted)
solar array in Fair Haven, Vermont)

**MOTION FOR NON-SUBSTANTIAL CHANGE DETERMINATION, OR IN THE
ALTERNATIVE, AMENDMENT TO THE CERTIFICATE OF PUBLIC GOOD**

Certificate of Public Good (“CPG”) Holder VT Real Estate Holdings 2 LLC (“FHS” or “CPG Holder”) hereby requests that the Commission issue a determination that a proposed revision to the route for the underground electric collector line between the Fair Haven Solar Project (“Project”) and the point of interconnection from an adjacent property to within the rights-of-way (ROWs) of Airport and Munger Roads is a non-substantial change. This change, summarized below and further described in the attached affidavits of Andrew Day and Adam Crary, does not materially alter the Project design from the plans previously approved by the Commission in this case, and does not have the potential for significant impact under any Section 248 criteria. Therefore, FHS respectfully requests that the Commission confirm that the change to the underground collection line route is non-substantial and non-material in nature. In the alternative, if the Commission determines that these changes are substantial or material, FHS requests that the Commission issue an amendment to the Certificate of Public Good approving this change.

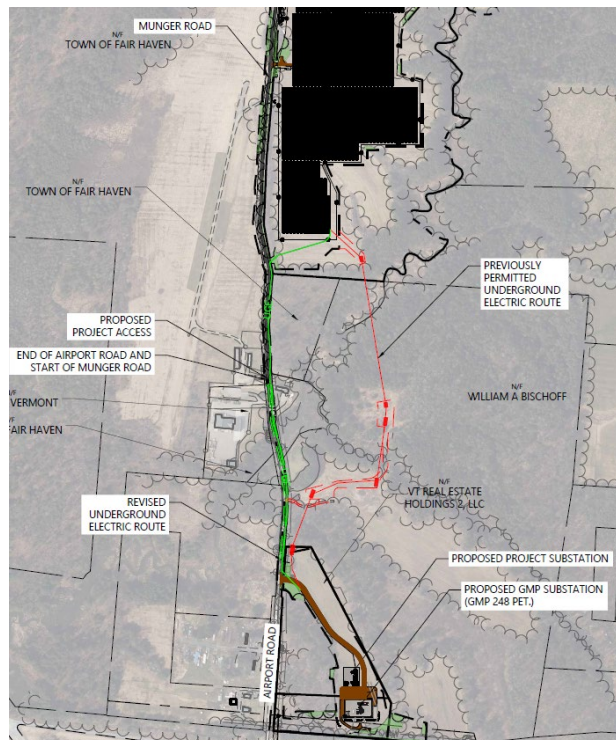
Summary of Law

Condition 1 of the CPG issued for the Project on November 17, 2025 requires Commission approval for any material deviation from the approved Project plans or substantial change to the facility. *See also* Commission Rule 5.413 (requiring Commission approval for a substantial change to a project that has been issued a CPG under Rule 5.400). Commission Rule 5.413 defines a

substantial change as “a change in the approved proposal that has the potential for significant impact with respect to any of the criteria of Section 248(b) or on the general good of the State under Section 248(a).” The Commission has stated in prior cases that “a ‘material deviation’ occurs when a change, or an accumulation of changes, results in a broad alteration to the previously approved Project.” *Petition of Georgia BESS, LLC*, Case No. 22-0915-PET (Order of 5/2/22).

Summary of Changes

In the approved plans for the Project (Exh. FHS-SW-2a (Rev.)), an underground electric collector line was to run for approximately 2,705 feet from the Project array fence to the point of interconnection at the Project substation via an adjacent parcel of land between the substation parcel and the Project parcel. FHS is proposing to relocate the underground electric line to travel within the Airport/Munger Road corridors. *See* screenshot below of Collection Line Route Comparison Plan, *Attachment A* (proposed revised route indicated in green, previously approved route indicated in red).



The as-approved plans routed the collection line under Mud Brook and across an adjacent property between the array parcel and the substation parcel. However, following issuance of the CPG, FHS engaged in discussions with the Town of Fair Haven to explore relocation of the line within the ROWs of the town roads, which would allow for a shorter length of line, avoid the need to horizontal directional drill (“HDD”) under Mud Brook, and would help maximize the location of the line within existing disturbed areas in the road prism, thereby minimizing new environmental impacts.

The Town of Fair Haven has now approved the relocation of the collection line to within segments of the Airport/Munger Road ROWs, as reflected in the revised route proposed in *Attachment A*. As part of this approval of the proposed electric line route, FHS has agreed to pave Airport Road and a section of Munger Road following Project construction and to contribute to other community improvements. *Affidavit of Andrew Day* (“*Day Affidavit*”) at ¶¶ 5-6. Thus, the relocation of the collection line will provide some additional community benefit as compared to the prior route.

On behalf of FHS, VHB studied the potential for natural resource impacts resulting from the revised proposed collection line route. *See Attachment B* (Natural Resource Map); *Attachment C* (Comparison Table); *Affidavit of Adam Crary* (“*Crary Affidavit*”) at ¶¶ 4-5. The revised underground electric route will be slightly shorter in length by approximately 170 feet and will largely reduce the amount of previously approved impacts to natural resources, as further detailed below and in the attached affidavits. *See Crary & Day Affidavits*. VHB is also working with the Vermont Division for Historic Preservation (“VDHP”) to determine any areas along the revised collection line route that will require additional study for potential archeological resources, which FHS will complete prior to construction in coordination with

VDHP according to the Memorandum of Understanding already in place with VDHP as part of the CPG (*see* CPG Conditions 52-57). As confirmed by Mr. Crary and Mr. Day, these impacts will not rise to the level of having potential for substantial impact under any Section 248 criteria compared to the as-approved plans.

Discussion

Based on the applicable legal standard, the proposed relocation of the collection line constitutes a “non-substantial” change and does not amount to a material deviation from the approved Project plans. The relocation does not change the overall Project design, generation capacity, footprint of the solar array, substation location, or interconnection approach. Instead, it reroutes the underground collection line from an off-road alignment to a route that is largely within the existing road prisms of Airport and Munger Roads. As described below, this relocation largely avoids or reduces potential impacts to natural resources and does not introduce new or materially increased effects under the Section 248(b)(5) criteria.

As an initial matter, the revised route will have no effect on Headwaters, Outstanding Resource Waters, Shorelines, or Rare and Irreplaceable Natural Areas as there are no such resources within the Line Relocation Study Area. *Crary Affidavit* at ¶ 9. The revised route will also not result in a change to the aesthetic impacts or the amount of proposed new impervious surface from the previously approved route as both lines will be undergrounded. *Id.* ¶ 10; *Day Affidavit* at ¶¶ 10, 13.

The revised route will also eliminate the small amount of required tree clearing previously proposed for the line (0.028 acres) and will reduce potential impacts to primary agricultural soils (“PAS”) specific to the installation of the collection line. *Crary Affidavit* at ¶¶ 20-21. The revised electric line traverses west a short distance through an agricultural field to the Munger Road ROW

instead of running southeast and across Mud Brook. It will thus include a temporary direct impact of approximately 0.06 acres of PAS, which is a reduction from the original proposed route. No direct impacts to PAS are anticipated for the remainder of the revised route beyond the 0.06-acres of temporary disturbance. Furthermore, there are no new potential indirect impacts associated with the revised electric line. *Crary Affidavit* at ¶¶ 21-24.

No stream alteration permit will be required to cover the relocated collection line impacts. Similar to the approved alignment which proposed wetland and stream avoidance design measures, the revised alignment avoids impacts to Mud Brook and an unnamed tributary by crossing over existing stream culverts via underground trenching within the existing road fill. *Crary Affidavit* at ¶ 13. The revised route will also be located fully within the road prism in riparian buffer areas. The proposed change will thus reduce the impacts to functioning riparian buffers that were not previously developed from 5,410 feet to zero feet. *Crary Affidavit* at ¶ 14.

The revised route will include more linear feet of line length within Class II wetland buffers (approximately 355 linear feet more than the approved plan), but the length of line transecting through Class II wetland areas will be reduced by approximately 418 linear feet, thereby resulting in comparable distances to the original route. Both the approved and proposed revised alignments utilize wetland and buffer impact avoidance design measures. The proposed revised electric line will be installed by underground trenching within the upgraded Munger Road segment and the existing Airport Road prism in these areas. The Project therefore anticipates that installation of the line within the Airport Road prism will avoid impacts requiring a separate Vermont Wetland Permit. *Crary Affidavit* at ¶¶ 11-12. Portions of the electric line may need to be covered under the Vermont Wetland Permit for the overall solar Project, primarily those coincident with impacts from the upgrades to Munger Road, which the Project will include in its permit application. *Id.*

Therefore, while the revised line route will have slightly different impacts on wetland buffers and wetland areas, the impacts have not substantially or materially increased from the as-approved plans and do not have the potential for substantial impact to wetlands.

The revised route will increase the distance of line within a floodway area, from approximately 222 feet to approximately 408 feet. However, the presence of the line within and under the floodway was already previously proposed and will be covered by a Flood Hazard and River Corridor (“FHARC”) permit, if necessary. *Crary Affidavit* at ¶ 15. As required under the Memorandum of Understanding with the Agency of Natural Resources and incorporated into the CPG conditions for the Project, FHS will obtain this permit, including for the revised collector line if necessary, prior to construction and will adhere to any specific conditions in it.

Finally, as described above, the relocated collection line will provide some additional community benefit as compared to the previously approved route through paving of Airport Road and other community improvements. *Day Affidavit* at ¶ 6.

Based on the above, the relocation of the underground electric line does not raise the potential for significant impacts under any applicable Section 248 criteria. The potential impacts to natural resources are either reduced or comparable to the impacts from the as-approved line route, and the proposed relocation route is shorter and will utilize an existing roadway. For these reasons, the proposed revised line route is a non-substantial change to the Project plans.

Conclusion

FHS proposes revising the route for the electric collection line from running across an adjacent property between the array parcel and the substation parcel to within the ROWs of Airport and Munger Roads. This proposed change will largely reduce impacts to natural resources compared to the approved route. For the reasons set forth above, the cumulative effect of the

changes related to the proposed revised route is not a broad alteration of the previously approved Project and does not have potential for significant impact under any Section 248 criteria. Thus, the proposed change is non-substantial.

FHS respectfully requests that the Commission issue an order confirming that the revised route for the underground collection line between the Project array and the Project substation, as described above and in the affidavits and attachments provided by Mr. Day and Mr. Crary, is not a substantial or material change to the Project. Alternatively, if the Commission determines that these changes would be either a material or substantial change, FHS requests that the Commission issue an amendment to the CPG approving these changes.

Dated this 23rd of July, 2026 in Burlington, Vermont.

BY:



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