

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Case No. 24-2797-PET

Petition of Vermont Renewable Gas, LLC for	)
a Certificate of Public Good Pursuant to 30	)
V.S.A. § 248 for an Electric Generation	)
Facility in Lyndon, Vermont	)

**VERMONT RENEWABLE GAS, LLC’S
REPLY IN SUPPORT OF MOTION TO ADMIT SUPPLEMENTAL PREFILED
TESTIMONY OF ALEXANDER SKOROKHODOV AND OPPOSITION TO
INTERVENORS’ MOTION TO STRIKE**

Vermont Renewable Gas, LLC (“VRG”) respectfully submits this Reply in Support of its Motion to Admit Supplemental Prefiled Testimony of Alexander Skorokhodov (“Motion to Admit”) and in opposition to the Intervenor’s Motion to Strike Portions of Petitioner’s Primary Posthearing Brief, Findings of Fact, and Proposed Certificate of Public Good filed by Intervenor Steven Dolgin and Madeline Hastings (“Neighbors”) (“Motion to Strike”).

The Neighbors’ opposition conflates a limited revision to the Project’s Decommissioning Plan and Estimate with their broader contention that the Commission’s September 19, 2025 Order nullifying the Standard Offer contract required VRG to revise its entire petition, and reopen substantive issues already addressed in this proceeding. The proposed supplemental testimony of Mr. Skorokhodov together with the associated proposed revision to the Decommissioning Plan and Estimate in Exhibit VRG-AS-9 Supplement No. 1 (“Proposed Decommissioning Plan Revision”) does not alter the design or operations, or change the scope, methodology, or estimated cost of decommissioning of VRG’s proposed 2.2 MW electric generation facility (“Project”) – the same project described in VRG’s original petition and supported through the evidence submitted over the course of this proceeding.

Instead, the proposed revision simply removes two references in the originally submitted Decommissioning Plan and Estimate to a contract that no longer exists. The proposed revision replaces the reference to the now-voided Standard Offer Contract with language providing that decommissioning will occur upon the permanent cessation of commercial operations, an event

that VRG does not expect to occur before the end of a minimum 20-year operating life, which is the same planning horizon used in the original Decommissioning Plan and Estimate.

For these reasons, described more fully below, the Commission should admit Mr. Skorokhodov's supplemental testimony and Proposed Decommissioning Plan Revision and deny the Neighbors' Motion to Strike. This limited supplementation will conform the record to the Project's current circumstances, will not unfairly prejudice the Neighbors, who had ample notice that VRG would propose this revision, and will assist the Commission in establishing an appropriate and accurate decommissioning condition in the Certificate of Public Good for this Project.

I. The Supplemental Testimony Makes a Limited Procedural Correction, Not a Substantive Change to the Project

The purpose of Mr. Skorokhodov's supplemental testimony is narrow. The original decommissioning plan was prepared when VRG expected to operate the Project under a Standard Offer contract. After the Commission declared that contract void in its decision, *Investigation of the standard-offer contract between Vermont Renewable Gas, LLC and the Standard Offer Facilitator, Case No. 24-3359-INV, Order Nullifying Standard-Offer Contract (Sept. 19, 2025)*, the plan's reference to decommissioning at the end of the Standard-Offer Contract term no longer accurately reflects the Project's circumstances. In discovery, the Vermont Department of Public Service ("DPS") asked whether the nullification changed the Project's expected term of operation and, if so, requested an updated plan. VRG responded that the Project's expected technical and economic life remains at least 20 years, that VRG would retain a minimum 20-year term for decommissioning cost estimation, and further responded that VRG would update Exhibit VRG-AS-9 to tie decommissioning to the permanent cessation of commercial operations rather than to a Standard Offer contract term. *VRG Responses to DPS's First Set of Information Requests, Q.DPS.VRG.1-1 (December 3, 2025)*. DPS's post-hearing brief likewise recommends this update. *DPS Post-Hearing Brief (October 1, 2026) at 7*. Consistent with its discovery commitment, VRG submitted supplemental testimony and a revised plan replacing those references with a requirement that the facility be decommissioned upon the permanent cessation

of commercial operations. *See Supplemental Prefiled Testimony of Alexander Skorokhodov* (“*Skorokhodov Supp. pf*”); *see also Ex. VRG-AS-9 Supplement No. 1* (“*Ex. VRG-AS-9 Supp. 1*”). The supplement does not introduce any new Project features. It does not change the Project’s location, physical footprint, generating technology, or proposed operations. Nor does it change the decommissioning scope, cost-estimation methodology, or estimated decommissioning cost. The supplemental testimony expressly confirms that these elements remain unchanged. DPS has since confirmed that it is satisfied with the revised plan. *DPS Reply Brief* (Oct. 8, 2026) at 7.

The Neighbors nevertheless characterize the revised plan as a substantive change, simply because it removes the reference to a now voided contract. *Intervenors’ Opposition to Petitioner’s Motion to Admit Supplemental Prefiled Testimony of Alexander Skorokhodov* (“*Neighbors’ Opposition*”) at 4. The Neighbors’ characterization mistakes the duration of a power-purchase agreement for the operating life of a generating facility and the obligation to decommission it. The original plan tied decommissioning to the expiration of a particular contract. The revised plan instead ties decommissioning to the event that makes it necessary: the permanent cessation of commercial operations, which VRG expects to occur no earlier than 20 years after the Project begins commercial operation. In his supplemental testimony, Mr. Skorokhodov confirms that the Project equipment has an expected technical and economic life of at least 20 years and that the revised estimate continues to assume a minimum 20-year operating life. *Skorokhodov Supp. pf* at 2. The proposed change to the decommissioning plan is one of form, not substance.

II. Good Cause Supports Admission of the Supplement After the Hearing

Given the limited purpose for which the supplemental testimony and Decommissioning Plan revision are offered, VRG has shown good cause for allowing this supplementation. The Neighbors argue, however, that the evidentiary record closed at the August 24, 2026 hearing and that VRG has not shown good cause for supplementing it now. *Neighbors’ Opposition* at 2-3 (*citing Rules 2.206(F) and 2.216(F)*). The Commission’s rules do not impose the bar the Neighbors suggest. The record closes after the hearing “[u]nless the Commission, on its own initiative or upon a timely motion by a party, determines otherwise.” *Rule 2.216(F)*. Further, the

rules are to be “liberally construed to secure the just, timely, and inexpensive determination of all issues presented to the Commission.” *Rule 2.106*.

Good cause supports admission here for four reasons:

- (1) Notice of this revision to the Decommissioning Plan and Estimate was provided during discovery. VRG committed to this revision in its responses to DPS’s first set of information requests, served on all parties on December 3, 2025, well before the hearing. *VRG Responses to DPS’s First Set of Information Requests, Q.DPS.VRG.1-1 (December 3, 2025)*. The Neighbors had the opportunity to raise issues regarding the proposed revision earlier in the proceeding but did not;
- (2) The revision was filed in response to a request from DPS, which represents the public interest. DPS recommended the update in its post-hearing brief and has stated that it is satisfied with the revised plan. *DPS Post-Hearing Brief at 7; DPS Reply Brief at 7*.
- (3) The revision is ministerial. The supplemental testimony conforms one exhibit to a fact already established by the Commission’s own order nullifying the Standard Offer contract in Case No. 24-3359-INV; and,
- (4) The supplemental testimony is timely. As part of its post-hearing recommendations, DPS proposed that VRG update Exhibit VRG-AS-9 so that decommissioning would occur “upon permanent cessation of commercial operations, expected to be at least 20 years from commissioning.” *DPS Post-Hearing Brief at 7*. VRG prepared Supplement No. 1 to track that language and filed it with the parties’ post-hearing briefs so the record would match DPS’s final recommendation. Finally, as noted above, the substance of the revision had already been disclosed to all parties in discovery.

The Neighbors’ reliance on *In re Town of Killington*, 2003 VT 87A, is misplaced because that case involves entirely different facts. The Court in *Town of Killington* addressed excusable neglect in the context of a missed appellate filing deadline. Here, the question is whether the Commission should exercise its authority over the evidentiary record to admit a limited supplement that was disclosed before the hearing and follows DPS’s recommendation. The

circumstances here, including the advance disclosure, limited scope of revision, and absence of identified prejudice requiring additional evidence, favor admission.

III. The Commission Should Deny Neighbors' Effort to Use VRG's Limited Supplement as an Excuse to Introduce New Evidence

Contrary to the Neighbors' argument, the simple revision of the Decommissioning Plan and Estimate proposed by VRG in Mr. Skorokhodov's supplemental testimony does not implicate issues such as greenhouse gas impacts, feedstock availability, or orderly development. *Neighbors' Opposition at 4*. The Neighbors strain to support this argument through speculation, ignoring the fact that the proposed revision does not change the elements of the project relevant to those issues including the Project's proposed feedstock, technology, operations or emissions control measures. Given that these elements of project are not proposed to change, the proposed revision to the language of the Decommissioning Plan and Estimate does not in any way affect the analysis of the Project's greenhouse gas impacts submitted by VRG in support of its petition. Indeed, because the revised plan retains the same minimum 20-year planning horizon, any analysis in the record that assumes a 20-year operating life, including Exhibit VRG-EK-1, is unaffected.

The Neighbors assert that they would be prejudiced because they cannot conduct discovery or submit additional testimony concerning the implications of the Revised Decommissioning Plan. *Neighbors' Opposition at 4*. Their argument assumes that the revision changes the Project in a substantive way that requires new evidence on greenhouse gas impacts, feedstock availability, orderly development, and the general good of the State. *Id. at 4-5*. A review of Mr. Skorokhodov's proposed supplemental testimony does not support that assumption but instead demonstrates that the revised plan simply changes the event that triggers decommissioning. The proposed supplement does not change the decommissioning scope, the cost methodology, or estimated cost. *See Skorokhodov Supp. pf; see also Ex. VRG-AS-9 Supp. 1*. The revised Decommissioning Plan also retains the minimum 20-year operating-life assumption made for the purpose of estimating decommissioning costs. *Id.*

The Neighbors have not identified a specific factual dispute concerning those limited revisions that requires additional discovery or testimony. Furthermore, as explained above, the fact that the revised language no longer ties decommissioning to the end of the Standard Offer contract does not create a new technical issue regarding the Project's greenhouse gas impacts or feedstock supply. The matters raised by the Neighbors concern the Project's substantive design and operations and are not affected by the wording of the event triggering decommissioning.

For these reasons, the Neighbors have no basis for their request to submit additional evidence. There is likewise no need for the Neighbors' alternative request for a decommissioning plan "calibrated to twenty years." *Neighbors' Opposition at 5*. The revised plan already uses a minimum 20-year horizon to size the decommissioning estimate. What it removes is a fixed end date tied to a contract that no longer exists. Requiring decommissioning on a calendar date, rather than upon the permanent cessation of operations, would not further the purpose of a decommissioning condition, which is to ensure that the site is properly restored whenever operations end.

Admitting Mr. Skorokhodov's supplemental testimony and supplement to the Decommissioning Plan and Estimate does not require the Commission to revisit the broader set of issues raised by the Neighbors in their challenge to VRG's petition. The Commission should not allow Neighbors to leverage a response to VRG's limited request to supplement the Decommissioning Plan and Estimate in order to introduce substantive evidence at this late date. The Commission should instead evaluate and accept the proposed supplement for its stated and ministerial purpose — removing a contractual reference rendered obsolete by the Commission's prior order.

Finally, even if the Commission declines to admit the supplemental materials, reopening the record would still be unnecessary, because the Commission may include its standard decommissioning conditions in the CPG.

IV. Neighbors' Motion to Strike Should be Denied

The Neighbors' Motion to Strike seeks removal of all references to Mr. Skorokhodov's supplemental testimony and revised decommissioning plan from VRG's post hearing brief, proposed findings of fact and conclusions of law, and proposed CPG. *Motion to Strike at 1*. Their motion is expressly based on the same argument advanced in Neighbors' opposition to admit supplemental evidence. The Neighbors identify no independent basis to strike the references if the Commission grants the motion to admit. Their request to strike is therefore derivative of their objection to the supplement and should be denied for the same reasons.

The Motion to Strike also fails due to a lack of any basis. The only rule Neighbors cite, Rule 2.204(E)(1), permits the Commission to strike "redundant, immaterial, impertinent, or scandalous matter." *Rule 2.204(E)(1)(e)*. References to a pending motion, expressly identified in VRG's Post-Hearing Brief as pending¹, fall into none of those categories, and the Decommissioning Plan and Estimate is directly material to the CPG.

V. Conclusion

For the reasons stated above, VRG respectfully requests that the Commission:

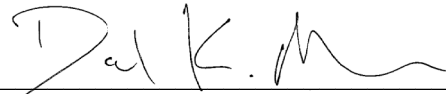
- Grant VRG's Motion to Admit Supplemental Prefiled Testimony of Alexander Skorokhodov and Exhibit VRG-AS-9, Supplement No. 1;
- Deny the Neighbors' request to reopen the evidentiary record for discovery and surrebuttal testimony concerning the supplemental materials; and
- Deny the Neighbors' Motion to Strike references to the supplemental testimony and revised decommissioning plan from VRG's post-hearing brief, proposed findings of fact and conclusions of law, and proposed CPG.

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¹ VRG's post-hearing brief disclosed that the Motion to Admit was pending and that the supplemental materials had not yet been admitted. VRG Post-Hearing Brief at 20 n.4.

Dated at Montpelier, Vermont this 21st day of October 2026,

Vermont Renewable Gas, LLC

A handwritten signature in black ink, appearing to read 'D. K. M.', written over a horizontal line.

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