

STATE OF VERMONT  
PUBLIC UTILITY COMMISSION

Case No. 20-1611-INV

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Investigation pursuant to 30 V.S.A. §§ 30 and 209 into whether the petitioner initiated site preparation at Apple Hill in Bennington, Vermont, for electric generation in violation of 30 V.S.A. § 248(a)(2)	
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Order entered: 12/08/2020

**PROCEDURAL ORDER ON POST-HEARING DEADLINES**

On Friday, December 4, 2020, the Vermont Public Utility Commission (“Commission”) held a hearing to determine whether the Commission should issue further injunctive relief in this proceeding and, if so, the scope of that relief. The hearing also addressed whether work done by Allco Renewable Energy Limited and its affiliates, which include Chelsea Solar LLC, Apple Hill Solar LLC, and PLH LLC (collectively, the “Developer”), and the Developer’s subsidiaries and contractors, on Apple Hill in Bennington, Vermont, constitutes site-clearing activities without a certificate of public good in violation of 30 V.S.A. § 248(a)(2).

In today’s Order the Commission reiterates procedural deadlines and requirements for the parties to observe that were established in the hearing. In particular, the parties are reminded that their initial post-hearing briefs are due by January 8, 2021, and reply briefs are due by January 19, 2021.

This briefing schedule was premised on the timely completion of additional discovery as discussed at the hearing. Specifically, the Developer represented that it would: (1) file a correction to the website link addressed in a footnote in its recent filings and queried by the parties during the hearing; (2) file the total number of rare plant populations inventoried by Arrowwood Environmental as shown in Figure 1 of its 2019 Apple Hill Solar Rare Plant Monitoring Report, exhibit ANR-14; (3) develop with the Vermont Agency of Natural Resources (“ANR”) a reasonable and timely schedule for ANR to respond to the Developer’s pending discovery requests on ANR; and (4) respond in a reasonable and timely fashion to the discovery request filed by the Intervenors<sup>1</sup> on December 7, 2020.


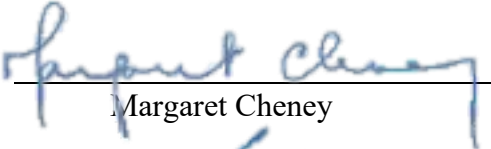
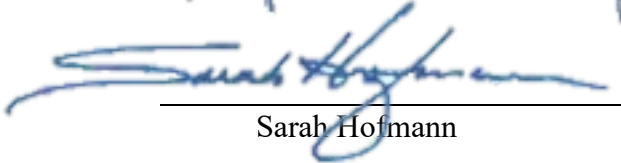
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<sup>1</sup> Apple Hill Homeowners Association, Mount Anthony Country Club, and Libby Harris.

The parties are reminded that the briefing schedule established at the hearing is contingent upon timely response to these discovery issues. On December 7, 2020, the Developer served a corrected version of its most recent discovery on ANR. There is no legal basis for the Developer's request in its most recent discovery that ANR respond no later than December 14, 2020 (just one week after the discovery was served), rather than within the usual timeframe allowed under the Vermont Rules of Civil Procedure. If the parties cannot work out a timely solution to the additional discovery the Developer has requested, and the parties therefore cannot meet the current briefing schedule, the parties will need to file information addressing the delay and proposing an alternate schedule.

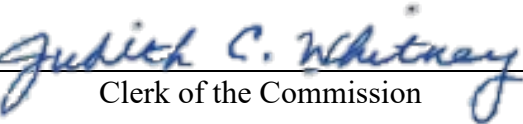
**SO ORDERED.**

Dated at Montpelier, Vermont, this 8th day of December, 2020.

 _____ )	) PUBLIC UTILITY
Anthony Z. Roisman )	
) )	
 _____ )	) COMMISSION
Margaret Cheney )	
) )	
 _____ )	) OF VERMONT
Sarah Hofmann )	
) )	

OFFICE OF THE CLERK

Filed: December 8, 2020

Attest:   
Clerk of the Commission

*Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Commission (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: [puc.clerk@vermont.gov](mailto:puc.clerk@vermont.gov))*

PUC Case No. 20-1611-INV - SERVICE LIST

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