

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

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| Petition of Chelsea Solar LLC, pursuant to 30 |) | Case No. 17-5024-PET |
| V.S.A. § 248, for a certificate of public good |) | |
| authorizing the installation and operation of the |) | |
| “Willow Road Project,” a 2.0 MW solar electric |) | |
| generation facility located off Willow Road in |) | |
| Bennington, Vermont |) | |

**VERMONT AGENCY OF NATURAL RESOURCES RESPONSE TO
PETITIONER MOTION TO REOPEN**

The Vermont Agency of Natural Resources (“Agency”) provides the following response to the Chelsea Solar, LLC (“Petitioner”) June 24, 2021, motion to reopen proceedings. The Agency recommends that the Public Utility Commission (“Commission”) deny the motion for the following reasons.

Petitioner argues that the Commission’s reason for denying Petitioner’s CPG request for its Willow Road Project no longer exists because the Apple Hill project’s CPG has been “vacated.” Simply stated, this is untrue. The Apple Hill case is presently on appeal to the Vermont Supreme Court and a final decision has not yet issued. Thus, the Commission’s final order concerning the status of a CPG for the Apple Hill project has not been vacated. Even assuming that the Commission’s denial of a CPG for Petitioner’s Willow Road Project was based entirely on the issuance of a CPG for the adjacent Apple Hill project, Petitioner’s motion is, at best, premature at this time.

Petitioner’s motion also ignores the fact that it is an affiliate of Allco Renewable Energy Limited and other associated entities, which are all under common ownership and

control¹ and which: 1) have petitioned the Commission for two standard-offer contracts and three CPGs at the 27-acre parcel where the Willow Road Project is proposed;² 2) have paid \$850,000.00 for the distribution utility to construct a line extension to the 27-acre parcel for the purposes of serving the Willow Road and Apple Hill solar projects;³ and 3) intend to continue to pursue those solar projects at the 27-acre Apple Hill parcel.⁴ Therefore, even if a denial of a CPG for the Apple Hill project becomes final, the fact still exists that the Petitioner, through its affiliated entities, continues to pursue solar projects at the 27-acre parcel, thus undermining Petitioner's argument that the Willow Road Project could not "be a single plant connecting to the same Green Mountain Power line"⁵ with some other project on that parcel.

Finally, the Commission's June 12, 2019, denial order in this case (which was issued without prejudice) already provides the Petitioner with a pathway by which it can continue to pursue a CPG for its Willow Road Project.

The Developer may seek to amend the Petition either (1) by formally merging the Apple Hill Facility and the Willow Road Facility as a single project and seeking authorization for a 4.0 MW plant unsupported by either standard-offer contract, or (2) demonstrating that the Willow Road Facility does not share equipment or infrastructure with the Apple Hill Facility.⁶

Petitioner makes no mention of this in its motion to reopen and therefore fails to meet its burden to justify its request for such an extraordinary remedy when a less

¹ *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)*, Case No. 20-1611-INV, Tr. 12/4/2020 at 98-101 (Melone).

² *Id.* Order of 4/1/2021 at 2 n. 5.

³ *Id.* at 12 finding 9.

⁴ *Id.* at 20 n. 33.

⁵ Petitioner Motion at 1.

⁶ *Petition of Chelsea Solar, LLC*, Case No. 17-5024-PET, Order of 6/12/19 at 56 n. 71.

disruptive pathway for further Commission review of the Willow Road Project already exists.⁷

Dated July 30, 2021, at Waterbury, Vermont.

Respectfully submitted,
State of Vermont
Agency of Natural Resources



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⁷ *J.L. v. Miller*, 158 Vt. 601 (1992). Petitioner also fails to explain what process it proposes be followed if this case were to be reopened and what additional evidence or information, if any, it intends to offer. Rather, Petitioner simply states – without explanation or justification – that a CPG should be issued.