

**STATE OF VERMONT  
PUBLIC UTILITY COMMISSION**

Case No. 21-2939-NMP

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| Petition of Randolph Davis Solar LLC for a certificate of public good, pursuant to 30 V.S.A. §§ 248 and 8010, authorizing the installation and operation of a 500-kW group net-metered solar electric generation system in Randolph, Vermont |  |
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**THE DEPARTMENT OF PUBLIC SERVICE’S RESPONSE TO MOTION TO INTERVENE**

On October 25, 2021, Joan Allen and Michael Binder (the “Intervenors”) submitted a motion to intervene form and a comment letter noting several concerns with the Project, including issues regarding the Project’s compliance with the Town of Randolph Town Plan, the Project’s potential impact to natural resources and wildlife, and additional questions regarding the suitability of the Project and its construction methods. The Intervenors also note their interest in mitigating impact to a vernal pool located on their property.

The Intervenors’ motion form requests permissive intervention under Commission Rule 2.209(B) where the Public Utility Commission (the “Commission”) reserves the power to grant intervenor status on a permissive basis when an applicant “demonstrates a substantial interest which may be affected by the outcome of the proceeding.” However, because the Intervenors are adjoining landowners to the Project site<sup>1</sup>, the Intervenors’ motion is more appropriately addressed under Commission Rule 5.117(B)(3)(f) where adjoining landowners are entitled to intervene as of right after filing a notice of intervention.

The Department recommends that the Commission treat the Intervenors’ motion as a notice of intervention under Rule 5.117(B) and grant Joan Allen and Michael Binder party status in the this proceeding.

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<sup>1</sup> See List of Adjoining Landowners and Statement of Compliance with Commission Rule 5.107(E), Case No. 21-2939-NMP (Aug. 11, 2021).

[SIGNATURE ON NEXT PAGE]

DATED at Montpelier, Vermont this 8th day of November 2021.

Respectfully Submitted,

VERMONT DEPARTMENT OF PUBLIC SERVICE

By: /s/ Eric B. Guzman  
Eric B. Guzman, Special Counsel  
112 State Street  
Montpelier VT 05602  
(802) 828-3785  
eric.guzman@vermont.gov

cc: ePUC Service List