

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Case No. 21-3587-NMP

Petition of Norwich Upper Loveland 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 (AC) group net-metering solar electric generation system in Norwich, Vermont	
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**VERMONT DEPARTMENT OF PUBLIC SERVICE’S RESPONSE
TO JOHN & HEATHER BENSON’S MOTION TO INTERVENE AND REQUEST FOR HEARING**

On January 3, 2022, John and Heather Benson (“Intervenors”) filed a motion to intervene in the above-captioned proceeding. Also on January 3, 2022, Intervenors requested a hearing on several criteria under 30 V.S.A. § 248(b). The Vermont Department of Public Service (“Department”) hereby responds to both filings.

As a preliminary matter, both the motion to intervene and the request for hearing reference economic benefit, which is evaluated under § 248(b)(4). Pursuant to Vermont Public Utility Commission (“Commission”) Rule 5.111 and 30 V.S.A. § 8010(c)(3)(A), the Commission has conditionally waived review of § 248(b)(4) for net-metering systems. The Commission rescinds waiver of criteria only when a significant issue has been raised as to a given criterion. While Intervenors’ motion to intervene raises a general question about the proposed project’s impact on cost to ratepayers, and their request for hearing lists economic benefit as a topic to be addressed, it is the Department’s position that Intervenors have not raised a significant issue or claim which would warrant rescinding the conditional waiver of § 248(b)(4).

The Department does not object to Intervenors’ motion to intervene or request for hearing with respect to 30 V.S.A. §§ 248(b)(1) (orderly development) or (b)(5) (aesthetics, and public health and safety).¹ Pursuant to Commission Rule 5.119, however, “[a] hearing requested by a party will be granted provided that the request raises: (1) one or more substantive issues under the applicable Section 248 criteria; or (2) a substantive issue that is within the Commission’s jurisdiction to resolve.” Further, “[r]equests must be supported by more than general or

¹ Issues relating to historic sites, the natural environment, and natural resources under § 248(b) are outside of the Department’s areas of expertise.

speculative statements.”² The Department submits that Intervenors’ filings do not provide the necessary detail for the parties to identify the nature of the issues to be addressed at an evidentiary hearing. Therefore, the Department respectfully requests that the Commission seek further information from Intervenors and limit the scope of any hearing to substantive issues that are raised under the applicable § 248 criteria or are within the Commission’s jurisdiction to address.

DATED at Montpelier, Vermont this 1st day of February, 2022.

Respectfully Submitted,

VERMONT DEPARTMENT OF PUBLIC SERVICE

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² See Commission Rule 5.119(B).