

**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 DAN & JENN GOULET’S REQUEST FOR HEARING**

The Vermont Department of Public Service (“Department”) hereby responds to the request for hearing filed by Dan and Jenn Goulet (“Adjoining Landowners”) on January 3, 2022.

The request for hearing references several criteria under 30 V.S.A. § 248(b), including § 248(b)(4) (economic benefit). 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 the hearing request lists economic benefit as a criterion to be addressed, no further detail or explanation is provided. It is the Department’s position that Adjoining Landowners have not raised a significant issue under § 248(b)(4) which would warrant rescinding the conditional waiver.

The Department does not object to the request for hearing with respect to 30 V.S.A. §§ 248(b)(1) (orderly development) or (b)(5) (aesthetics, and public health and safety).<sup>1</sup> 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 speculative statements.”<sup>2</sup> The Department submits that the request for hearing does not provide the necessary detail for the other 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 Adjoining

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

<sup>2</sup> See Commission Rule 5.119(B).

Landowners 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 1<sup>st</sup> day of February 2022.

Respectfully Submitted,

VERMONT DEPARTMENT OF PUBLIC SERVICE

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cc: ePUC Service List