

**STATE OF VERMONT  
PUBLIC UTILITY COMMISSION**

Vermont Public Utility Commission orders and ) Case No. 20-0789-INV  
memoranda issued in response to COVID-19 )  
pandemic )

**VERMONT AGENCY OF NATURAL RESOURCES COMMENTS ON  
REQUESTS TO EXTEND COMMISSIONING DEADLINES**

The Agency of Natural Resources (Agency) hereby submits its comments to the Vermont Public Utility Commission (Commission) in response to its Order Requesting Comments on Requests to Extend Commissioning Deadlines in Case No. 20-0789-INV dated February 1, 2022.

**BACKGROUND**

On January 18, 2022, Renewable Energy Vermont (REV) filed a request that the Commission grant a one-year extension of all commissioning deadlines for net-metering and standard-offer projects whose commissioning deadlines fall on or after January 1, 2022, through December 31, 2022. AllEarth Renewables, Inc. (AllEarth) filed a similar request on January 19, 2022. On February 1, 2022, the Commission issued an Order Requesting Comments on Requests to Extend Commissioning Deadlines in Case No. 20-0789-INV (the Order). Specifically, the Commission requested comments to address how the COVID-19 pandemic is affecting construction activities. The Commission's Order also advised that comments may also propose alternative extensions or recommend that the Commission not grant further extensions.

**DISCUSSION**

The Agency is not in a position to comment specifically on how the COVID-19 pandemic is affecting construction activities. However, should the Commission decide to extend the deadlines, the Agency first notes that inherent in the activities leading up to commissioning, certain new generation facilities may be required by their Certificate of Public Good, Memorandum of Understanding (MOU) executed with the Agency, or various Commission Orders as the case may be, to undertake certain activities with respect to the 30 V.S.A. §248(b)(5) criteria. These could include but are not limited to natural resource assessments, wildlife and plant surveys, field studies and delineations, or sampling or monitoring activities. Some of these activities may have seasonal restrictions associated with conducting them, as well as specific timeframes for reporting the results, all contained within the CPG, MOU, or Order. In addition, there may be restrictions placed on the timing of certain construction activities, if for example, deer wintering yards are present. Finally, given the number of extensions that have been granted previously, ANR permits that have been issued and certain natural resource assessments such as wetland delineations that have been conducted in connection with projects may approach their renewal or expiration date. In those instances, they would need to be renewed.

It is the Agency's request that should the Commission grant REV and AllEarth's motions, that any deadlines, restrictions, or timeframes associated with those seasonal or timed activities would remain in place, and extensions for those activities, if needed, would be addressed on a case-by-case basis, consistent with the Commission's prior

order on this topic. See 12/10/2020 Order Granting Further Extension of Commissioning Deadlines, page 3.

The Agency further requests that any ANR permits received in connection with a specific project, or other 30 V.S.A. §248(b)(5) criteria activities that have been conducted including but not limited to natural resource assessments, wildlife and plant surveys, field studies and delineations, sampling, or monitoring activities, must be renewed in accordance with applicable permitting requirements or process before beginning site preparation, construction, operation, or maintenance of the applicable portions of the project if they are due for renewal or will expire.

The Agency thanks the Commission for the opportunity to provide comments on this issue.

Dated February 11, 2022, at Montpelier, Vermont.

Respectfully submitted,

State of Vermont  
Agency of Natural Resources

Sincerely,



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