

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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Order entered: 03/10/2022

**PROCEDURAL ORDER RE: AMENDMENT TO PROJECT AND MOTION TO DISMISS OR STAY**

This case concerns an application filed with the Vermont Public Utility Commission (“Commission”) by Randolph Davis Solar LLC (“Petitioner”) to construct and operate a 500 kW group net-metered solar electric generation system in Randolph, Vermont (the proposed “Project”).

On February 16, 2022, the Petitioner filed a revised Project site plan (Exh. RDS-MS-2 (revised 2-9-22)) and explained that the solar panels have been moved to be situated on slopes less than 25%.

On February 25, 2022, the Petitioner filed supplemental testimony to explain the changes to the site plan and a second revised site plan to show the slope of the land (Exh. RDS-MS-2A). The Petitioner states that it has redesigned the array within the existing limit of disturbance so that the panels are located on areas that do not contain slopes greater than 25%.<sup>1</sup>

Because the revised site plan describes and depicts changes to the physical plans or design of the system, the proposed changes constitute an amendment under Commission Rule 5.103. An amendment is either “major” or “minor.” The procedures for amending a pending application are contained in Commission Rule 5.108.

Under Commission Rule 5.108, an applicant seeking a major amendment must withdraw its application and refile in accordance with the applicable procedures for that type of net-metering system. The filing of a minor amendment must be noticed to all persons who were entitled to receive a copy of the original application and include sufficient information concerning the impact of the proposed changes on any of the Section 248 criteria.

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<sup>1</sup> Staskus supp. pf. at 2-3.

Additionally, pursuant to 30 V.S.A. § 248c, modifications to a solar electric application must be accompanied by a modification fee form with the correct fee at the time of the filing.

By no later than the close of business on **March 18, 2022**, the Petitioner is requested to provide its reasoning as to why the proposed changes constitute either a minor or major amendment pursuant to Commission Rule 5.103. Reply comments should be filed by no later than **March 25, 2022**.

On March 1, 2022, Michael Binder and Joan Allen (“Intervenors”) filed a motion to dismiss or, in the alternative, motion to stay this proceeding. The Intervenors request that the Petitioner’s application be dismissed because it does not fully comply with filing requirements. Specifically, the Intervenors note that the revised site plan does not indicate areas where excavation is required and that the Petitioner has not included detailed plans for drainage and erosion control. The Intervenors also note that the revised site plan shows the slope layer only on the disturbed area near the solar panels and that the Petitioner reduced the resolution of the contour lines. In the alternative, the Intervenors request that the Hearing Officer stay the proceeding until the Petitioner addresses these issues. The Petitioner’s response to the Intervenors’ motion is due to be filed on **March 16, 2022**. Replies to the Petitioner’s response should be filed by no later than **March 23, 2022**.

The deadline for discovery to be served on the Petitioner is due to be filed on March 18, 2022. Parties should proceed with discovery questions as scheduled. A party may request an opportunity for additional discovery for good cause based on the resolution of the amendment to the Project and the motion to stay or dismiss.

**SO ORDERED.**

Dated at Montpelier, Vermont, this 10th day of March, 2022.




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Andrea Poppiti  
Hearing Officer

OFFICE OF THE CLERK

Filed: March 10, 2022

Attest:   
Clerk of the Commission

*Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Commission (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: [puc.clerk@vermont.gov](mailto:puc.clerk@vermont.gov))*

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