

STATE OF VERMONT  
PUBLIC UTILITY COMMISSION

Case No. 21-2939-NMP

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 INTERVENORS' MOTION TO CHANGE SCHEDULE**

On June 28, 2022, Michael Binder and Joan Allen (the “Intervenors”) filed a motion to change the schedule in this matter to include an additional round of discovery and an opportunity to submit surrebuttal testimony in response to Randolph Davis Solar LLC’s (the “Petitioner”) rebuttal testimony filed on June 24, 2022.

Specifically, the Intervenors seek an opportunity to serve discovery on the Petitioner’s witnesses, Dori Barton and Scott Homsted, for the purpose of finding “the facts and data relied upon, what assumptions were made by the expert, and what standards were relied upon” in forming the basis of the Petitioner’s testimony. The Petitioner’s rebuttal testimony was submitted for the stated purpose of addressing the direct prefiled testimony filed by the Intervenors with respect to the proposed project’s erosion and stormwater impacts and natural resource impacts. The Intervenors assert that an additional round of discovery will assist in their preparation for an evidentiary hearing. Additionally, the Intervenors cite to the Petitioner’s revised site plan and accompanying testimony<sup>1</sup> submitted on June 24, 2022 amending the project’s limits of disturbance and extending the initial mapping for the wetland delineation as a basis for their request for additional discovery and surrebuttal.

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<sup>1</sup> Rebuttal Prefiled Testimony of Martha Staskus, Case No. 21-2939-NMP (June 24, 2022); *See also* Project Site Plan, Exhibit RDS MS-2 (rev. 6-17-22).

On June 30, 2022, the Petitioner submitted a request for waiver of Commission Rule 5.108(B) and order deeming the amendments proposed in its revised site plans as “minor” amendments. The Petitioners assert that the revised site plan incorporates a 100’ buffer and delineates a vernal pool identified by the Intervenors. As such, the limits of disturbance results in an 80’ retraction on the northern most corner of the project site.

In light of the currently proposed amendments to the project, the Department supports granting the Intervenors an opportunity to assess whether outstanding concerns remain through discovery, and if any remain, provide surrebuttal testimony detailing those existing issues. Granting the Intervenors a brief opportunity to serve an additional round of discovery and provide surrebuttal testimony may assist in narrowing the remaining issues in advance of an evidentiary hearing without an unreasonable delay to this proceeding. The Department supports the Intervenors’ request to amend the schedule to incorporate an additional round of discovery and an opportunity for surrebuttal.

DATED at Montpelier, Vermont this 30th day of June 2022.

Respectfully Submitted,

VERMONT DEPARTMENT OF PUBLIC SERVICE

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cc: ePUC Service List