

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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Order entered: 07/01/2022

**PROCEDURAL ORDER REVISING THE SCHEDULE TO
ALLOW FOR ADDITIONAL DISCOVERY AND TESTIMONY**

I. INTRODUCTION

This proceeding concerns an application filed by Randolph Davis Solar LLC (“Petitioner”) with the Vermont Public Utility Commission (“Commission”) for a certificate of public good (“CPG”) to construct and operate a 500-kW solar group net-metering system in Randolph, Vermont (the proposed “Project”). The evidentiary hearing in this case is currently scheduled for July 12, 2022.

In this Order, I set a revised schedule for the remainder of the proceeding that includes an opportunity for Michael Binder and Joan Allen (“Intervenors”) to file surrebuttal testimony.

II. RELEVANT PROCEDURAL HISTORY

On June 24, 2022, per the schedule, the Petitioner filed rebuttal testimony from three witnesses (Martha Staskus, Dori Barton, and Scott Homsted), as well as a revised site plan. Ms. Staskus’s testimony introduces the revised site plan and explains that the Petitioner’s expert delineated the Binder/Allen wetland vernal pool and buffer and extended the mapping for the previously delineated wetland adjacent to Davis Road in response to Intervenors’ testimony regarding wetlands.¹ The revised site plan reducing the total limits of disturbance for the Project by 0.30 acres.² Mr. Homsted did not file any direct testimony in this case.

¹ Martha Staskus, Petitioner (“Staskus”) pf. at 1-2.

² Staskus pf. at 2.

Also on June 24, 2022, per the schedule, the Intervenor filed rebuttal testimony. In addition, the Vermont Department of Public Service (“Department”) and Vermont Agency of Natural Resources (“ANR”) filed updated comments on the Project.

On June 28, 2022, the Intervenor filed a motion to change the schedule in this proceeding. The Intervenor request that the evidentiary hearing in this proceeding be rescheduled for a later date so that they may have an opportunity to review the most recent filings and to provide surrebuttal testimony. The Intervenor request an opportunity to conduct discovery on the Petitioner’s revised site plan and the rebuttal testimony of Dori Barton and Scott Homsted³ and to file surrebuttal testimony. The Intervenor also raise the issue of whether the revised site plan constitutes an amendment to the petition.

On June 30, 2022, the Petitioner filed a response objecting to the motion to change the schedule. On the same date, the Petitioner filed a request for a waiver of Rule 5.108(B) and an order determining the project changes constitute a minor amendment.⁴

Also on June 30, 2022, ANR and the Department filed a response to the Intervenor’s motion. ANR states that it supports changing the schedule to allow for an additional round of discovery. ANR also explains that it “does not necessarily oppose” an additional round of surrebuttal testimony. The Department supports the Intervenor’s request to amend the schedule to incorporate an additional round of discovery and an opportunity for surrebuttal.

III. REVISED SCHEDULE

In order to allow the Intervenor to conduct limited discovery and respond to the rebuttal testimony, I am postponing the evidentiary hearing.⁵ The schedule for the remainder of this proceeding is revised as follows:

Date	Event
July 6, 2022	Non-Petitioners serve discovery, regarding Petitioner’s rebuttal testimony, on Petitioner; Petitioner serves discovery, regarding Non-Petitioners’ rebuttal testimony, on Non-Petitioners

³ Because Mr. Homsted did not file any direct testimony, Non-Petitioners have not yet had a chance to serve discovery on this witness and have not had an opportunity to respond to Mr. Homsted in their rebuttal testimony.

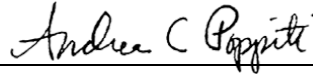
⁴ The schedule provides an opportunity responses to this motion before I issue a determination.

⁵ Although the Department and ANR have not made a request to conduct discovery and file surrebuttal testimony, it is also permitted to do so during the periods in the schedule for Non-Petitioners to do so.

July 8, 2022	Non-Petitioners file comments on the Petitioner's request for a waiver of Rule 5.108(B) and an order re: minor amendment
July 15, 2022	Petitioner responds to rebuttal discovery; Non-Petitioners respond to rebuttal discovery
July 22, 2022	Surrebuttal testimony due to be filed by all parties; State agencies should file updated comments if they decide not to file surrebuttal testimony
August 12, 2022, at 9:30 A.M.	Evidentiary hearing
August 26, 2022	Briefs and proposed findings of fact due to be filed
September 9, 2022	Reply briefs due to be filed

SO ORDERED.


Dated at Montpelier, Vermont, this 1st day of July, 2022.



Andrea Poppiti
Hearing Officer

OFFICE OF THE CLERK

Filed: July 1, 2022

Attest: 

Deputy 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)

PUC Case No. 21-2939-NMP - SERVICE LIST

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