

STATE OF VERMONT  
PUBLIC UTILITY COMMISSION

Case No. 20-1611-INV

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Investigation pursuant to 30 V.S.A. §§ 30 and 209 into whether the petitioner initiated site preparation at Apple Hill in Bennington, Vermont, for electric generation in violation of 30 V.S.A. § 248(a)(2)	
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Order entered: 10/03/2022

**PROCEDURAL ORDER GRANTING INTERVENORS' NOTICE OF WITHDRAWAL AND DIRECTING RESPONDENT TO FILE PROPOSED SCHEDULE FOR PENALTY PHASE OF THIS PROCEEDING**

On April 1, 2021, the Vermont Public Utility Commission (“Commission”) issued an order in this proceeding finding that Allco Renewable Energy Limited and its affiliates (collectively, “Allco”) had begun site preparation without a certificate of public good (“CPG”), and enjoined Allco from any further site preparation without a CPG (the “Injunction Order”). The Commission also directed the parties to confer and file a proposed schedule for the penalty phase of this proceeding by no later than the close of business on April 16, 2021.

On April 2, 2021, Allco filed notice that it was appealing the Injunction Order to the Vermont Supreme Court.<sup>1</sup> On April 16, 2021, Allco filed a motion (the “Allco Motion”) requesting that the Commission stay the penalty phase of these proceedings because, according to Allco, the “Commission has been divested on all matters relating to the scope of the Appeal.”<sup>2</sup> On December 3, 2021, the Vermont Supreme Court dismissed Allco’s appeal because there was not yet a final appealable order from the Commission in this case.<sup>3</sup>

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<sup>1</sup> Allco had previously appealed our issuance of a temporary restraining order in this case. On November 5, 2020, the Vermont Supreme Court dismissed that appeal “without prejudice to refile it if a preliminary injunction is granted.” *In re Investigation Pursuant to 30 V.S.A. §§ 30 and 209 into whether Petitioner Initiated Site Preparation at Apple Hill in Bennington, VT (Allco Renewable Energy Limited et al.)*, Supreme Court Docket No. 2020-242, November Term, Entry Order of 11/5/20 at 2.

<sup>2</sup> Allco Motion at 2. This motion was signed by Michael Melone, Esq., on behalf of Allco Renewable Energy Limited. The motion was written as a request of Otter Creek Solar LLC, a subsidiary of Allco that is not a party in this proceeding. The Allco subsidiaries that are participating in this proceeding include Chelsea Solar LLC, Apple Hill Solar LLC, PLC Vineyard Sky LLC, and PLH LLC, but not Otter Creek Solar LLC. We consider the reference to Otter Creek Solar LLC to be an administrative filing error and that the motion was requested by Allco Renewable Energy Limited, which is a party to this proceeding.

<sup>3</sup> See *In re Investigation Pursuant to 30 V.S.A. §§ 30 and 209 into whether Petitioner Initiated Site Preparation at Apple Hill in Bennington, VT (Allco Renewable Energy Limited et al.)*, 2021 VT 92, at ¶ 1.

In today's order, I grant the Intervenors' September 21, 2021, notice of withdrawal from this proceeding.<sup>4</sup> The Intervenors represent that their withdrawal is pursuant to a settlement agreement with Allco that requires that the Intervenors no longer participate in this case. I find that no prejudice will accrue to any party by virtue of the Intervenors' withdrawal. Accordingly, their request to withdraw from this proceeding is granted.

I also direct Allco to confer with the parties and file a proposed schedule for the penalty phase of this proceeding by no later than the close of business on Friday, October 21, 2022.

**SO ORDERED.**


Dated at Montpelier, Vermont this 3rd day of October, 2022.



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Michael E. Tousley, Esq.  
Hearing Officer

OFFICE OF THE CLERK

Filed: October 3, 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)*

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<sup>4</sup> The Intervenors are Apple Hill Homeowners Association, Mount Anthony Country Club, and Libby Harris.

PUC Case No. 20-1611-INV - SERVICE LIST

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