

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 21-3587-NMP

Petition of Norwich Upper Loveland 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 (AC) group net-metering solar electric generation system in Norwich, Vermont	
---	--

Order entered: 11/21/2022

PROCEDURAL ORDER DENYING NEIGHBOR INTERVENOR MOTIONS

This case involves an application filed with the Vermont Public Utility Commission (“Commission”) by Norwich Upper Loveland Solar, LLC (“Applicant”) for a certificate of public good (“CPG”) to construct and operate a 500 kW solar electric generation project in Norwich, Vermont (the proposed “Project”).

On November 17, 2022, Neighbor Intervenors Stephen Gorman, Joy Kenseth, Dan and Jenn Goulet, Larry Ufford, Samin Kim and Jayoung Joo, and Jay and Heather Benson filed motions to change the schedule in the case and for the production of an amended site plan.

The Neighbor Intervenors’ motions included an affidavit from Mr. Goulet describing a discussion with the Applicant’s employees and an employee of a logging company regarding the logistics of clearing the proposed Project site. The affidavit states that the discussion involved the condition and layout of the access road for the proposed site and infers that additional clearing and preparation work that is not shown on the site map filed in the case may be required. The Neighbor Intervenors request that the December 1, 2022, deadline for non-Applicants to file prefiled testimony be rescheduled and the Applicant be required to file a revised site plan reflecting any changes to the limits of disturbance.

On November 18, 2022, the Applicant filed a response to the Neighbor Intervenors’ motion for the production of an amended site plan. The Applicant argues that the representations in the affidavit do not demonstrate that there has been a modification of the Project and are insufficient to justify the requested relief. The Applicant states that there are currently no alternate clearing or access plans other than plans that have been filed in the case.

The Applicant's response specifically references the Neighbor Intervenors' motion for the production of an amended site plan. The response, however, addresses both of the motions filed by the Neighbor Intervenors. For that reason, and in light of the Neighbor Intervenors' interest in a prompt response,¹ I have interpreted the Applicant's response as responsive to both of the Neighbor Intervenors' motions and resolve both motions in this order.

At this time, no amendment to the Project has been filed and the Applicant represents that no revised site plan has been prepared. This case involves a large number of parties. The schedule was developed and agreed to by those parties, and leaves little room for the adjustment of specific deadlines without disrupting the deadlines that follow. In the absence of an amendment or notice from the Applicant that an amendment will be filed, the schedule will remain as agreed by the parties and indicated in the scheduling order that issued on September 27, 2022.

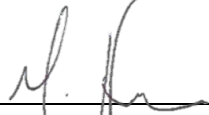
The Neighbor Intervenors should file their prefiled testimony on December 1, 2022, as set forth in the scheduling order, based on the prefiled testimony and evidence that has been submitted by the Applicant. If the Applicant seeks an amendment at a later date, the Neighbor Intervenors will have an opportunity to address the changes through supplemental testimony or as is otherwise appropriate.

The Neighbor Intervenors' motion to change the schedule in the case and motion for the production of an amended site plan are denied.

SO ORDERED.

¹ The Applicant would typically have 14 days to respond to the Neighbor Intervenors' motions, as provided by Rule 7 of the Vermont Rules of Civil Procedure, which is the same date as the deadline for the Neighbor Intervenors' prefiled testimony, December 1, 2022.

Dated at Montpelier, Vermont, this 21st day of November, 2022.



Micah Howe
Hearing Officer

OFFICE OF THE CLERK

Filed: November 21, 2022

Attest: Pamela Lenahan
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. 21-3587-NMP - SERVICE LIST

Parties:

Benjamin Civiletti
Department of Public Service
112 State Street
Montpelier, VT 05620
benjamin.civiletti@vermont.gov

(for Vermont Department of Public Service)

*Alison Stone, General Counsel
Vermont Natural Resources Board
nrb.comments@vermont.gov

(for Vermont Natural Resources Board)

L. Brooke Dingledine, Esq.
Valsangiacomo, Detora & McQuesten, P.C.
P.O. Box 625
Barre, VT 05641
lbrooke@vdmlaw.com

(for Dan & Jenn Goulet) (for Stephen CN
Gorman) (for Laurence and Shelley Ufford)
(for Samin Kim) (for Jayoung Joo) (for John
and Heather Benson) (for Joy Kenseth)

Donald J. Einhorn, Esq.
Vermont Agency of Natural Resources
1 National Life Drive, Davis 2
Montpelier, VT 05602-3901
donald.einhorn@vermont.gov

(for Vermont Agency of Natural Resources)

Kimberly K. Hayden, Esq.
Paul Frank + Collins PC
One Church Street 05402
P.O. Box 1307
Burlington, VT 05401
khayden@pfclaw.com

(for Norwich Upper Loveland Solar LLC)

Aaron Lamperti, *pro se*
557 New Boston Rd
Norwich, VT 05055
aaron.lamperti@gmail.com

John C. Lewis, *pro se*
346 Palm Street
Hollywood, FL 33019
jlewis6577@aol.com

Karin McNeill
Vermont Agency of Natural Resources
1 National Life Drive
Davis 2
Montpelier, VT 05620-3901
Karin.McNeill@vermont.gov

(for Vermont Agency of Natural Resources)

James McTaggart, *pro se*
71 Upper Loveland Road
Norwich, VT 05055-9417
mctagjim@aol.com