

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Petition of Randolph Davis Road Solar LLC for a Certificate of public good, pursuant to 30 V.S.A. §§ 248 and 8010, authorizing the Installation and operation of a 500kW group Net-metered solar electric generation system in Randolph, Vermont

Case No. 21-2939-NMP

**NEIGHBOR INTERVENORS' REQUEST FOR
JUDICIAL NOTICE OF A COMMISSION ORDER**

January 23, 2024

Now come Neighbor Intervenors Joan Allen and Michael Binder, *pro se*, and respectfully request the Commission take Judicial Notice of exhibit NI Judicial Notice-1 which is a Commission Order in Case No. 19-0855-RULE, dated May 17, 2023.

The Order states: [emphasis added]

In recent years, the Commission has been concerned about the amount of forest that has been cleared to make space for certain large net-metering projects on “preferred sites”. When it originally adopted the “preferred site” incentive framework, the Commission intended to ensure that the very largest ground-mounted net-metering systems – between 150 kW and 500 kW – were sited so as to have minimal environmental impacts. However, because the “preferred site” definition lacked a standard addressing forest clearing, projects involving **as many as nine acres of forest clearing** have received certificates of public good and the attendant “preferred site” financial subsidies.

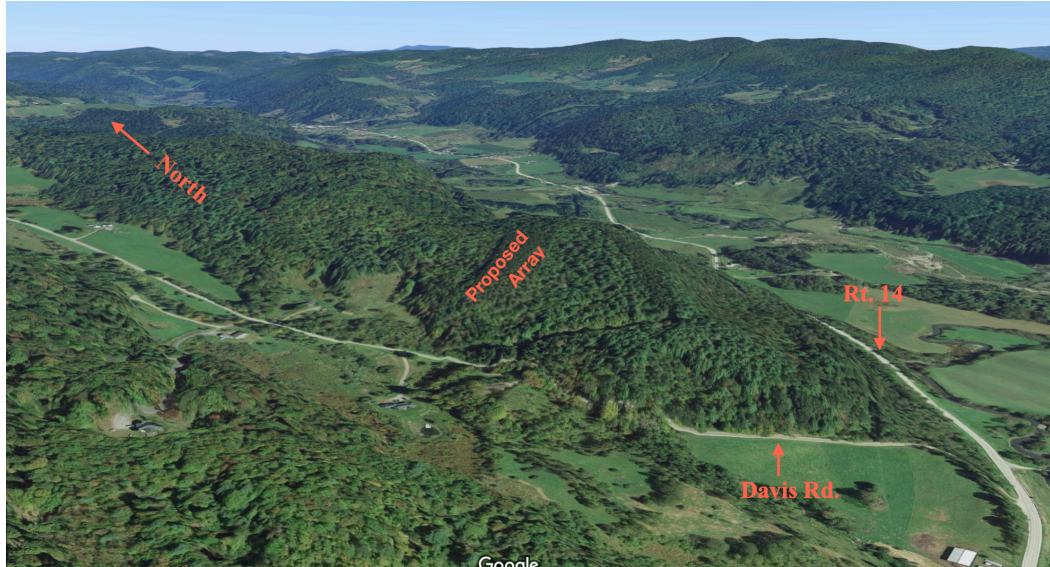
and also states:

“The Commission maintains that greater carbon reductions are achieved by developing solar projects with minimal forest clearing, and that it is counter-productive to clear a forested area to build a solar project.”

The Commission, in proposing the new Rules, recognizes that significant deforestation in pursuit of a solar project does not promote the general good of the State of Vermont. Although the **11.6 acres of deforestation** in the present application could not be a Preferred Site under the new Rules, the Rules currently in effect do not explicitly prohibit significant deforestation on

preferred sites. Of course, under both the current Rules and the new Rules, in order to be awarded a CPG, a project must promote the general good of the State of Vermont.

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Conclusion

The Commission deserves praise for defining and explicitly prohibiting significant deforestation in the new Rules, but even under the current Rules there is no requirement for the Commission to explicitly enumerate every possible circumstance that does not promote the general good of the State of Vermont.

Significant deforestation is as counter-productive today as it will be when the new Rules go into effect. Awarding a CPG for this project today is inconsistent with the Commission's understanding today that 11.6 acres of deforestation is counter-productive and does not promote the general good of the State of Vermont.

Dated at Randolph, Vermont this
23rd day of January, 2024

/s/ Joan Allen

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Dated at Randolph, Vermont this
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/s/ Michael Binder

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