

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: 08/12/2024

**CERTIFICATE OF PUBLIC GOOD (“CPG”) ISSUED  
PURSUANT TO 30 V.S.A. §§ 248 & 8010**

IT IS HEREBY CERTIFIED that the Vermont Public Utility Commission (“Commission”) this day found and adjudged that the site preparation, construction, operation, and maintenance of a 500 kW solar group net-metering system by Randolph Davis Solar LLC (“CPG Holder”) at 0 Davis Road, in Randolph, Vermont (the “Facility”), in accordance with the evidence and plans submitted in this proceeding, will promote the general good of the State, subject to the following conditions.

1. Site preparation, construction, operation, and maintenance of the Facility must be in accordance with the plans and evidence submitted in this proceeding. Any material deviation from these plans or a substantial change to the Facility must be approved by the Commission. Failure to obtain advance approval from the Commission for a material deviation from the approved plans or a substantial change to the Facility may result in the assessment of a penalty pursuant to 30 V.S.A. §§ 30 and 247.

2. The net-metering system must comply with all applicable existing and future statutory requirements and Commission Rules and Orders.

3. In the event this CPG is transferred pursuant to Commission Rule 5.110(A), the new CPG Holder must provide written notice of the transfer to Green Mountain Power Corporation

4. 4. In the event this CPG is transferred pursuant to Commission Rule 5.110(B), the new CPG Holder must file the required certificate transfer form with the Commission, the Vermont Department of Public Service, the Vermont Agency of Natural Resources, and Green Mountain Power Corporation within 30 days after acquiring ownership of the system.

5. Pursuant to Commission Rule 5.110(C), if the net-metering system is not commissioned within one year of the date of this CPG, this CPG will be revoked without further action by the Commission. The CPG Holder may obtain an automatic one-year extension of time to commission the system by providing written notice to the Commission and Green Mountain Power Corporation before the one-year anniversary of this CPG's issuance. Further extensions will only be granted by the Commission upon written request and for good cause shown before the expiration of the CPG.

6. All environmental attributes associated with the Facility's output, including any renewable energy credits, will be transferred to Green Mountain Power Corporation pursuant to Commission Rule 5.127(B) with no REC adjustor.

7. Pursuant to Commission Rule 5.127(C), a siting adjustor of negative three cents per kilowatt hour will apply to all energy generated by the net-metering system.

8. As required by 30 V.S.A. § 248(a)(7), within 45 days of the date of this CPG, the CPG Holder must record a notice of the CPG on the form available at <http://puc.vermont.gov/document/cpg-municipal-notice-form> in the land records of each municipality in which a facility subject to the CPG is located. The CPG Holder must file proof of this recording with the Commission.

9. Before commencing operation of the Facility, the CPG Holder must file a certification that it has utilized appropriate safety measures to secure the Facility's electrical equipment. The CPG Holder must install an eight-foot-high wildlife fence or secure energized equipment in a locked enclosure.

10. As provided in 30 V.S.A. § 248(t), despite any contrary provision of the law, primary agricultural soils as defined in 10 V.S.A. § 6001 located on the site of a solar electric generation facility approved under Section 248 must remain classified as such soils, and the review of any change in the use of the site subsequent to the construction of the facility must treat the soils as if the facility had never been constructed.

11. For areas of soil disturbance of primary agricultural soils on the Facility site and to the extent consistent with other more specific conditions set forth herein, the CPG Holder must comply with the Vermont Agency of Agriculture, Food, and Market ("AAFV") Act 250 Procedure: Reclamation of Vermont Agricultural Soils (rev. Oct. 30, 2014) ("AAFV

Guidelines”), except as otherwise provided in more specific conditions herein, currently available online at: [https://agriculture.vermont.gov/sites/agriculture/files/documents/land use/ReclamationGuidelinesforAgriculturalSoils .pdf](https://agriculture.vermont.gov/sites/agriculture/files/documents/land%20use/ReclamationGuidelinesforAgriculturalSoils.pdf). The CPG Holder must also comply with the AAFM Guidelines with respect to sequencing for returning soils at the conclusion of construction and decommissioning.

12. Except for grading to create the access road, the Facility must not include any grading of primary agricultural soils. Any fill or gravel used for roads or staging areas must be separated from native soils by a suitable barrier such as geotextile fabric.

13. Primary agricultural soils must not be stockpiled on slopes greater than 15%.

14. In areas of tree cutting, stump removal will occur simultaneously with tree cutting and other construction activities using light equipment such as a skid steer or small excavator. Grubbing in the proposed tree cutting/grubbing area will minimize soil disturbance to include only what is necessary to effectively remove tree stumps and woody debris to construct the Facility. Tree stumps that are removed must be shaken clean over the area from which they were removed. Stumps must either be chipped or ground up. Chips and ground wood must be used to fill any minor depressions from areas from which trees were removed, widely dispersed so as not to form significant piles, and/or transported off the site for proper disposal. Wood in any form must not be piled on the site after construction is complete.

15. To reduce impacts from soil compaction, the CPG Holder must not use any vehicle or equipment with an axle load (the fraction of gross weight distributed over each axle) of over 12,000 pounds on wet soils at the site. Wet soils exist when the site has seen higher than average rainfall for a trailing 30-day period, based on National Weather Service or similar state or federal rainfall data. This prohibition shall not apply to the use of any on-site gravel roads or staging areas that are constructed with geotextile fabric, a minimum of 10” of gravel, and a 1” or thicker cap of crushed aggregate.

16. At decommissioning, to return the site to its pre-construction condition to the greatest extent practicable consistent with Commission rules, and to enable use of the site for agricultural purposes, the CPG Holder must:

- a. Remove all infrastructure and roads, including any below-ground drilled posts that are part of the racking, consistent with Commission rules and ensure proper off-site disposal of Facility components.
- b. Test soil bulk density and, if necessary, mitigate for compaction as follows:
  - i. Before installation, test to a depth of at least one foot in primary agricultural soil at the following locations (latitude and longitude):
    1. Location 1: 43.9037°, -72.5669°
    2. Location 2: 43.9037°, -72.5671°
    3. Location 3: 43.9036°, -72.5678°
  - ii. At the end of the decommissioning process, the CPG Holder must repeat the subsoil bulk density testing at the same locations where the pre-construction testing was done. If post-decommissioning testing shows material soil compaction (*i.e.*, ten percent or higher increase in bulk density), then the CPG Holder must perform agricultural subsoiling and/or other strategies to remediate compaction until soil bulk density is materially the same as it was at the onset of the Facility.
  - iii. For all tests, the CPG Holder must file test results with the Commission within 60 days of performing the tests. The results of the tests done before installation must be filed in ePUC in the compliance subcase for this case. The results of the tests done at the end of decommissioning must be filed with the Commission, as directed by the Commission at that time.

17. Before beginning site preparation or construction of the Facility, the CPG Holder must obtain all necessary permits and approvals. Site preparation, construction, operation, and maintenance of the Facility must be in accordance with such permits and approvals.

18. The Facility must avoid impacts to Class II wetlands and 50-foot wetland buffer zones, or the CPG Holder must obtain and comply with the provisions of a Vermont Wetlands

Permit for any activity that is not an allowed use designated in Section 6 of the Vermont Wetland Rules.

19. The Facility is in zone 3 of the surface water source protection area for Royalton Fire District 1 (water system identification number VT0005330). In accordance with the Vermont Hazardous Waste Management Regulations, the CPG Holder must immediately report any hazardous material spill at the Facility site to the Department of Environmental Conservation's ("DEC") Spills Response Team and the Royalton Fire District 1.

20. No Facility site preparation, construction, or decommissioning activity shall occur within the deer wintering area or its 300-foot buffer during the deer wintering period from December 15 to April 15, except with the prior written approval of the Vermont Fish and Wildlife Department ("VFWD"). During the deer wintering period from December 15 to April 15, access must be limited to once per month for maintenance or upgrades. When emergency circumstances or essential non-routine repairs require additional access during this time, the CPG Holder must notify VFWD within 24 hours of the visit.

21. Where perimeter fencing is installed for the Facility, the CPG Holder must install a minimum eight-foot-high fence, with mesh size no smaller than six inches by six inches extending from the ground level up to three feet and higher.

22. The CPG Holder must maintain an undisturbed, naturally vegetated riparian zone along the stream southwest of the proposed solar array and shown on the site plan. The riparian zone shall be measured inland, perpendicular to, and horizontally 50 feet from the stream's top of bank or, in areas where a wetland is contiguous to the stream, from the upland edge of the delineated wetland, and shall extend to the water's edge at base flow conditions. The term "undisturbed" means no activities that may cause or contribute to ground or vegetation disturbance, or soil compaction, including but not limited to construction; earth-moving activities; storage of materials; tree trimming or canopy removal; tree, shrub, or groundcover removal; plowing or disposal of snow; grazing; and mowing.

23. The CPG Holder must not disturb or affect vernal pools and their 100-foot buffer zones.

24. The CPG Holder must restrict construction activities and related deliveries for the Facility to the hours between 7:00 A.M. and 7:00 P.M. Monday through Friday and between


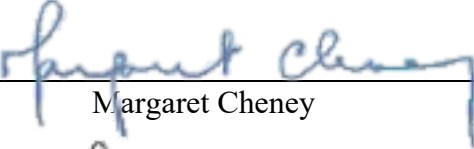

8:00 A.M. and 5:00 P.M. on Saturdays. No construction activities or deliveries are allowed on Sundays, state holidays, or federal holidays.

25. The CPG Holder must implement and must pay for any system upgrades determined by the interconnecting utility to be necessary to safely interconnect the net-metering system, other than those determined by the interconnecting utility to be necessary to correct a pre-existing condition.

26. Once the Facility is no longer in service, facilities must be removed from the site, and the site must be restored, in accordance with Commission Rule 5.904(A).

27. The CPG Holder must pay all invoices (if any) from any State agency that (a) are related to this proceeding and (b) are not still under review by the Commission.

Dated at Montpelier, Vermont, this 12th day of August, 2024.

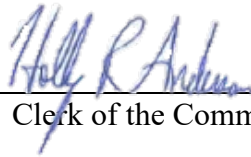
 _____ )	)
Edward McNamara	) PUBLIC UTILITY
_____ )	)
 _____ )	)
Margaret Cheney	) COMMISSION
_____ )	)
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J. Riley Allen	) OF VERMONT

OFFICE OF THE CLERK

August 12, 2024

Filed:

Attest:

  
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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](mailto:puc.clerk@vermont.gov))*

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

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