

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 21-3484-NMP

Petition of Hartsboro 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 Wallingford, Vermont	
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Order entered: 02/25/2022

FINAL ORDER GRANTING NET-METERING CERTIFICATE OF PUBLIC GOOD

In this Order, the Vermont Public Utility Commission (“Commission”) adopts the following proposal for decision.

PROPOSAL FOR DECISION

I. INTRODUCTION

This case involves an application filed by Hartsboro Solar, LLC (“Applicant”) with the Commission for a certificate of public good (“CPG”), pursuant to 30 V.S.A. §§ 248 and 8010, to install and operate a 500-kW solar group net-metering system in Wallingford, Vermont (the proposed “Project”). The Project is on a gravel-pit preferred site.

Based on the below findings and subject to conditions, I recommend that the Commission conclude that the Project complies with the requirements of Commission Rule 5.100, the application does not raise a significant issue with respect to the applicable criteria of 30 V.S.A. §§ 248 and 8010, and the Project will promote the general good of the State of Vermont.

II. PROCEDURAL HISTORY

On August 31, 2021, the Applicant filed an application for the Project with the Commission.

On September 8, 2021, Commission staff issued a memorandum determining that the application was administratively complete under Commission Rule 5.106.

Notice and copies of the application have been provided pursuant to Commission Rule 5.100. The deadline for filing comments or requesting a hearing in this matter was October 8, 2021.

On September 24, 2021, Janice and Steven Lynch filed a notice of intervention as adjoining landowners of the Project.

On September 27, 2021, the Town of Wallingford filed a notice of intervention.

On September 28, 2021, the Regional Committee, Rutland Regional Planning Commission (“RRPC”) filed public comments on the Project.

On October 4, 2021, the Town of Wallingford withdrew its intervention.

On October 6, 2021, the Vermont Agency of Natural Resources (“ANR”) filed comments on the Project (“ANR Comments”). These included comments on the Project’s qualification as a gravel pit preferred site and a recommended condition to address stormwater discharges. ANR recommended other conditions addressing the Project’s potential impacts on streams, wetlands, and rare plants. ANR also recommended that the Project site be revised to address riverine concerns. Provided the site is revised as requested and the CPG is conditioned as proposed, ANR would find that the Project would not have adverse effects or warrant a hearing regarding the criteria of concern to ANR under 30 V.S.A. § 248(b)(5).

On October 7, 2021, the Applicant filed a motion requesting that the deadline for comments on the Project be extended until December 17, 2021. The Applicant represented that the other parties did not object to the extension. On October 8, 2021, I granted the Applicant’s motion.¹

On October 8, 2021, a member of the Selectboard of the Town of Wallingford filed comments asking questions about the Project’s potential impacts on wetlands, endangered species, the natural environment, and decommissioning.

On November 12, 2021, the Applicant filed notice of a minor amendment to the Project, supplemental prefiled testimony, and a revised site plan. The Applicant proposed to increase the eastern setback of the Project by relocating some of the proposed solar panels, primarily to the north. The revised site plan also shows an updated river corridor boundary as recommended in ANR’s October 6, 2021, comments. The Applicant further stated that it agrees to ANR’s proposed conditions as revised to reflect the changes to the site plan. The Applicant’s filing also answered the questions posed by the member of the Town of Wallingford’s Selectboard.

¹ I also directed the Applicant to file any future deadline extension requests at least three days before the deadline sought to be extended.

On November 16, 2021, ANR filed comments not objecting to the proposed minor amendment of the Project. ANR also stated that it concurs with the revised conditions and found that the Project as revised and conditioned would not have adverse effects or warrant a hearing regarding the criteria of concern to ANR under 30 V.S.A. § 248(b)(5).

On November 22, 2021, the Vermont Department of Public Service (“Department”) filed comments on the Project. The Department stated that, with the exception of the orderly development and aesthetics criteria, it did not identify any issues with the Section 248(b) criteria that it reviews. The Department said it would contact the RRPC, the Town of Wallingford, and the Lynches to confirm that the Applicant’s proposed minor amendment addressed their concerns. The Department would then issue an opinion on the Project’s potential impact on orderly development and aesthetics.

On November 24, 2021, the RRPC filed public comments stating that the Project will not have a significant regional impact and is consistent with the the Rutland Regional Plan (“RRPC Comments”).

On November 29, 2021, the Lynches filed comments stating that their concerns with the Project were addressed by the Applicant’s proposed minor amendment. The Lynches also withdrew their intervention.

On December 17, 2021, the Vermont Division for Historic Preservation (“DHP”) filed comments on the Project. DHP concluded that the Project’s gravel pit site is unlikely to contain intact archeological sites and that the Project will have no effect on any historic sites listed in or eligible for inclusion in the State Register of Historic Places (“DHP Comments”).

On December 21, 2021, I requested that the Department file its comments on orderly development and aesthetics no later than January 21, 2022.

On January 21, 2022, the Department filed additional comments stating that the Project will not have an unduly adverse impact on aesthetics or unduly interfere with orderly development of the region.

No other comments on the application were received by the Commission.

No party has requested an evidentiary hearing or objected to the prefiled testimony and exhibits. Accordingly, the following prefiled testimony and exhibits are admitted as if presented at a hearing: the prefiled and supplemental prefiled testimony of Leonard Knappmiller and

exhibits PET-LVK-1 through 6; the prefiled and supplemental prefiled testimony of Ian Jewkes and exhibits PET-IAJ-1 through 4; the prefiled testimony of Dori Barton and exhibits PET-DSB-1 and 2; the prefiled testimony of Jeremy Owens and exhibits PET-JBO-1 and 2; the ANR Comments, the RRPC Comments, and the DHP Comments.²

III. CONDITIONAL WAIVER OF REVIEW UNDER CERTAIN CRITERIA FOR NET-METERING PROJECTS

Pursuant to 30 V.S.A. § 8010 and Commission Rule 5.111, the Commission has conditionally waived review of the following criteria, and I recommend that the Commission find that no party presented any testimony that warrants rescinding any part of that waiver in this proceeding:

- 30 V.S.A. § 248(b)(2) (need)
- 30 V.S.A. § 248(b)(4) (economic benefit);
- 30 V.S.A. § 248(b)(6) (integrated plan);
- 30 V.S.A. § 248(b)(7) (electric energy plan);
- 30 V.S.A. § 248(b)(9) (waste-to-energy facilities); and
- 30 V.S.A. § 248(b)(10) (transmission facilities).

Therefore, only the criteria applicable to the system under Rule 5.111 are addressed in this Order.

IV. FINDINGS

Pursuant to 30 V.S.A. § 8(c), and based on the record and evidence before me, I present the following proposed findings of fact to the Commission.

Description of the Project

1. The Project is a solar electric generation system with a total capacity of 500 kW AC. Leonard V. Knappmiller, Applicant (“Knappmiller”) pf. at 1-2.
2. The Project will occupy approximately 2.6 acres of a larger 76.5-acre plot at 2800 Hartsboro Road in Wallingford, Vermont. Knappmiller pf. at 2.

² If any party has an objection to any of these documents being entered into evidence, the party shall submit its objection within 14 days of the date this Order is entered.

3. The Project site is in the disturbed portion of an active gravel pit that began operating in 1970 and is not subject to an Act 250 permit. Knappmiller pf. at 2-3; exh. PET-IAJ-2.

4. Gravel extraction operations at the Project site will stop before construction begins. The Project site will be graded and smoothed to establish a surface for construction. Knappmiller pf. at 4.

5. The Project will be accessed from Route 7 via an existing access road that serves the gravel pit. No access improvements are expected. Knappmiller pf. at 3.

6. Limited vegetative clearing in the northeastern corner of the Project site will be done to address shading risks and also along the route of the interconnection line to allow installation of utility poles and the overhead electric line. Readjusting the site of the solar array reduces the amount of vegetation that will be cleared. Knappmiller pf. at 4 and pf. supp. at 7.

7. The Project will be interconnected with Green Mountain Power Corporation's ("GMP") electric distribution system. Knappmiller pf. at 3; exh. PET-LVK-5.

8. The Project will include approximately 1,800 solar modules mounted on a racking system arranged in rows from east to west. The racks will be set on steel foundations that will be pile driven or screwed into the ground. Knappmiller pf. at 3.

9. The Project will use string inverters with a combined capacity of 500 kW to convert the DC solar power to AC power. A bank of pole-mounted transformers at the western end of the Project will step up the inverter output to the appropriate voltage for interconnection with the distribution system. Knappmiller pf. at 3.

10. Power cables within the Project area will be buried underground and extend to a combiner box at an equipment rack along the northwestern end of the Project. A single electrical line will extend to the transformers at a utility pole, with the overhead electrical line and utility poles generally running alongside an existing access drive that services the gravel pit. The electrical line will then interconnect with the existing distribution lines along Route 7. Knappmiller pf. at 3.

11. The solar array will be surrounded by a perimeter fence at least seven feet in height. Knappmiller pf. supp. at 3.

12. Construction of the Project is expected to last two to three months. Construction activities will be limited 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 will occur on Sundays or state or federal holidays. Knappmiller pf. at 4.

13. The Project will produce an estimated maximum sound level at the nearest residence of 26 dBA during the day and 12 dBA at night. Ian A. Jewkes, Applicant (“Jewkes”) pf. at 8; exh. PET-IAJ-3.

Applicable Rate Adjustors

14. The Applicant has elected to transfer the Project’s renewable energy credits (“RECs”) to GMP. Knappmiller pf. at 5.

15. The Project will be located on a preferred site, as defined in Commission Rule 5.103, because it will be located on a gravel pit. Knappmiller pf. at 5; exh. PET-IAJ-4.

Discussion

Pursuant to Commission Rule 5.127(C)(2), because the Project is greater than 150 kW and is located on a preferred site, a siting adjustor of minus three cents per kilowatt hour shall apply to all energy generated by the net-metering system.

Because the Applicant has elected to transfer the ownership of the RECs generated by the net-metering system, there is no REC adjustor, pursuant to Commission Rule 5.127(B).

The siting and REC adjustors will be stated in the Project’s CPG, pursuant to Commission Rule 5.127(B)(2) and (C)(1).

To ensure that the Project complies with the definition of a preferred site, ANR and the Applicant have agreed to a condition requiring a multi-sector general permit. Because ANR and the Applicant agree on the condition, I recommend that the Commission adopt the agreed-upon permit requirement as a condition in any approval of the Project.

Orderly Development of the Region [30 V.S.A. §§ 248(b)(1) and 248(b)(1)(C)]

16. The Project will not unduly interfere with the orderly development of the region. In making this finding, due consideration has been given to the recommendations of the municipal and regional planning commissions, the recommendations of the municipal legislative bodies, and the land conservation measures contained in the plan of any affected municipality. Substantial deference has been given to the land conservation measures and specific policies

contained in the duly adopted regional plan. This finding is supported by the additional findings below.

17. The Project will be in the industrial district designated in the Wallingford Town Plan as suitable for commercial-scale solar development. Knappmiller pf. at 7; exh. PET-LVK-3.

18. The Project is generally consistent with the Rutland Regional Plan because it is sited in an existing gravel pit and will have limited to no offsite visibility. Knappmiller pf. at 8; exh. PET-LVK-4.

19. In response to the notice of minor amendment, the RRPC filed comments stating that the Project will not have a significant regional impact and is consistent with the the Rutland Regional Plan. RRPC Comments.

Municipal Screening Requirements

[30 V.S.A. § 248(b)(1)(B)]

20. No party submitted evidence that the Town of Wallingford has adopted screening requirements for ground-mounted solar electric generation facilities pursuant to either 24 V.S.A. § 4414(15) or 24 V.S.A. § 2291(28) with which the Project would have to comply.

Impact on System Stability and Reliability

[30 V.S.A. § 248(b)(3)]

21. The Project will not have an adverse effect on system stability and reliability. GMP completed a Feasibility Study for the Project and concluded that it can interconnect without adverse impacts on system stability and reliability provided certain conditions are satisfied. The Applicant has agreed to meet those conditions. Knappmiller pf. at 10; exh. PET-LVK-5.

Aesthetics, Historic Sites, Air and Water Purity, the Natural Environment, the Use of Natural Resources, and Public Health and Safety

[30 V.S.A. § 248(b)(5)]

22. Subject to the conditions described below, the Project will not have an undue adverse effect on aesthetics, historic sites, air and water purity, the natural environment, the use of natural resources, or public health and safety, with due consideration having been given to the criteria specified in 10 V.S.A. §§ 1424a(d) and 6086(a)(1) through (8) and (9)(K), impacts on

primary agricultural soils as defined in 10 V.S.A. § 6001, and greenhouse gas impacts. This finding is supported by the additional findings below.

Outstanding Resource Waters

[10 V.S.A. § 1424a(d)] and [30 V.S.A. § 248(b)(8)]

23. The Project will not affect any outstanding resource waters as defined by 10 V.S.A. § 1424a(d) because there are no outstanding resource waters in the Project area. Dori S. Barton, Applicant (“Barton”) pf. at 2-3; exh. PET-DSB-2 at 6.

Air Pollution and Greenhouse Gas Impacts

[30 V.S.A. § 248(b)(5); 10 V.S.A. § 6086(a)(1)]

24. The Project will not result in undue air pollution or greenhouse gas emissions. This finding is supported by the additional findings below.

25. Project construction will result in temporary emissions of air pollutants at minimal levels. Knappmiller pf. at 12.

26. Dust generated by construction equipment will be suppressed in accordance with the Vermont Department of Environmental Conservation (“DEC”) *Vermont Standards and Specifications for Erosion Prevention and Sediment Control*. Knappmiller pf. at 12

27. The operation of the Project will result in infrequent and minimal emissions associated with maintenance operations (e.g., periodic mowing). Knappmiller pf. at 12-13.

Water Pollution

[10 V.S.A. § 6086(a)(1)]

28. The Project will not result in undue water pollution. This finding is supported by findings under the criteria of headwaters through soils, below.

Headwaters

[10 V.S.A. § 6086(a)(1)(A)]

29. The Project is not located in a headwaters area. Exh. PET DSB-2 at 4.

Waste Disposal

[10 V.S.A. § 6086(a)(1)(B)]

30. The Petitioner represents that the Project will meet all applicable health and DEC regulations regarding the disposal of wastes and will not involve the injection of waste materials or any harmful or toxic substances into groundwater or wells. Jewkes pf. at 3.

31. All trash and recyclable waste generated as part of construction will be disposed of at appropriate transfer stations and recycling centers. Jewkes pf. at 3

Water Conservation, Sufficiency of Water, and Burden on Existing Water Supply

[10 V.S.A. § 6086(a)(1)(C), (a)(2), and (a)(3)]

32. The Project will not have an undue adverse effect on water conservation and will not cause an unreasonable burden on the existing water supply because the Project will not require regular water use or result in water disposal. Knappmiller pf. at 13.

33. Water use during construction will be limited to dust control measures. Water use during operations will include the potential need to occasionally clean the solar panels. Water for these purposes will be brought from off-site using small maintenance vehicles. Knappmiller pf. at 13.

Floodways

[10 V.S.A. § 6086(a)(1)(D)]

34. The Project is in a floodway or floodway fringe but will not restrict or divert the flow of flood waters, significantly increase the peak discharge of a river or stream within or downstream from the Project, or endanger the health, safety, or welfare of the public or of riparian owners during flooding. This finding is supported by the additional findings below.

35. The solar array is not located in a floodway or floodway fringe. However, a portion of the new overhead interconnection line will be in these areas. Jewkes pf. at 5.

36. The cross-sectional area of the new utility poles is negligible. The presence of the poles in the 100-year flood zone will not result in elevated flood levels or velocities. Jewkes pf. at 6.

37. The Applicant will obtain a permit under the Vermont Flood Hazard Area and River Corridor rule. Jewkes pf. at 6.

Discussion

To avoid potential impacts on floodways identified at the Project location, ANR and the Applicant have agreed to a condition requiring a floodways permit. Because ANR and the Applicant agree on the condition, I recommend that the Commission adopt the agreed-upon permit requirement as a condition in any approval of the Project.

Streams

[10 V.S.A. § 6086(a)(1)(E)]

38. The Project will maintain the natural condition of all streams and will not endanger the health, safety, or welfare of the public or adjoining landowners because no work is required or proposed in any streams. This finding is supported by the additional findings below.

39. There is a small tributary to the west of the array area. Project activities will not disturb this tributary or its 50-foot riparian zone. Exh. PET-DSB-2 at 5.

40. The Project will use an existing access road that crosses Otter Creek. The overhead interconnection line will also run along the existing access road with new utility poles placed on alternating sides of the road to minimize the need for tree clearing within the riparian zone of Otter Creek. Exh. PET-DSB-2 at 5.

Discussion

To avoid potential impacts on the Otter Creek's riparian buffer zone, ANR and the Applicant have agreed to a stream-related condition. Because ANR and the Applicant agree on the condition, and to protect the stream's riparian buffer zone from inadvertent disturbance that could degrade the natural condition of the stream, I recommend that the Commission adopt the agreed-upon riparian buffer zone protective measure as a condition in any approval of the Project.

Shorelines

[10 V.S.A. § 6086(a)(1)(F)]

41. The Project's access road crosses Otter Creek by necessity. The Project will not have an undue adverse effect on any shorelines because it will not upgrade the access road. Installing the overhead interconnection line along the access road will be done with minimal tree limb cutting and selective tree cutting. The overhead line will not hinder access to Otter Creek or impede recreational opportunities in the creek. Exh. PET-DSB-2 at 6.

Wetlands

[10 V.S.A. § 6086(a)(1)(G)]

42. The Project will not have an undue adverse effect on wetlands. This finding is supported by the additional findings below.

43. There are Class 2 wetlands adjacent to the Project site. The existing access road crosses wetland buffers. Exh. PET-DSB-2 at 7.

44. The Project array has been designed to avoid Class 2 wetlands and their associated 50-foot buffer zones. Exh. PET-DSB-2 at 7.

45. The installation of three utility poles to carry the interconnecting electrical line along the existing access road will result in tree trimming and removal within the wetland buffer area. Exh. PET-DSB-2 at 7.

46. The Applicant will obtain a Vermont Wetland Permit because of the impacts on the wetland buffer area that will occur during installation of the utility poles and interconnection line along the access road. Exh. PET-DSB-2 at 7.

Discussion

ANR and the Applicant have agreed to a condition to avoid potential impacts on the wetlands identified at the project location. Because ANR and the Applicant agree on the condition, and to protect the wetlands, I recommend that the Commission adopt the agreed-upon wetland control measures as a condition in any approval of the Project.

Soil Erosion

[10 V.S.A. § 6086(a)(4)]

47. The Project will not cause undue soil erosion or reduce the capacity of the land to hold water so that a dangerous or unhealthy condition results. This finding is supported by the additional findings below.

48. There will be approximately 3.3 acres of soil disturbance during Project construction, and the Applicant will obtain a Construction General Stormwater permit. After construction, there will be less than one acre of impervious surface and an Operational Stormwater Permit will not be required. Jewkes pf. at 3.

49. Stormwater runoff and erosion control methods used during Project construction will be in accordance with the *Vermont Standards and Specifications for Erosion Prevention and Sediment Control*. Jewkes pf. at 5.

Transportation

[10 V.S.A. § 6086(a)(5)]

50. The Project will not result in undue traffic or congestion because the Project will cause only a small increase in traffic for a short duration during construction. No transportation-related permits are needed for the delivery of equipment or materials. Knappmiller pf. at 13-14.

Educational Services

[10 V.S.A. § 6086(a)(6)]

51. The Project will not place a burden on the ability of a municipality to provide educational services because the Project will not require or affect educational services. Knappmiller pf. at 14.

Municipal Services

[10 V.S.A. § 6086(a)(7)]

52. The Project will not place an unreasonable burden on the ability of the affected municipality to provide municipal or government services because the Project will not require or affect local services. Knappmiller pf. at 14.

Aesthetics, Historic Sites, and Rare and Irreplaceable Natural Areas

[10 V.S.A. § 6086(a)(8)]

53. The Project will not have an undue adverse impact on aesthetics or on the scenic or natural beauty of the area, nor will the Project have an undue adverse effect on historic sites or rare and irreplaceable natural areas. This finding is supported by the additional findings below.

Aesthetics

54. The Project is on a gravel pit preferred site. It will be located on approximately 3 acres of a larger active gravel pit on the east side of Route 7 in Wallingford, Vermont, and will be reached from Route 7 by an existing access road. Exh. PET-JBO-2 at 1.

55. At the closest point, the Project will be set back 1,020 feet from Route 7. The Project will not be visible from Route 7 due to intervening vegetation except at the entrance to the access road during leaf-off conditions. Exh. PET-JBO-2 at 4.

56. There will be only very limited visibility of the Project from other public and private sites because it is screened by vegetation, the intervening terrain, a railroad corridor, and continuing gravel pit operations. Exh. PET-JBO-2 at 5.

Discussion

Because the Project will be in an active gravel pit with very limited visibility, I recommend that the Commission conclude that it will not have an adverse aesthetics impact.

Historic Sites

57. The Project will not have an undue adverse effect on historic properties. The Project's gravel pit site is unlikely to contain intact archeological sites, and the Project will have no effect on any historic sites listed in or eligible for inclusion in the State Register of Historic Places. DHP Comments.

Rare and Irreplaceable Natural Areas

58. The Project will not have an undue adverse effect on rare and irreplaceable natural areas. This finding is supported by the additional findings below.

59. The Project array will be in an active gravel pit that does not host a significant natural community. Exh. PET-DSB-2 at 8.

60. The existing access drive and new interconnection line will be in an area characterized by thickets of honeysuckle and silky dogwood, which are not a significant natural community. Exh. PET-DSB-2 at 8.

61. The Applicant also identified a patch of long-headed thimbleweed northeast of the proposed array site. The species is a rare plant and is located approximately 13 feet north of an area that will be graded for the solar array. The Applicant agreed to conditions in any CPG issued in this case to protect this rare plant species. ANR Comments at 5.

62. The Project will have no adverse impact on a nearby floodplain forest associated with Otter Creek. Exh. PET-DSB-2 at 8.

Discussion

ANR and the Applicant have agreed to two conditions to avoid potential impacts on rare plants identified near the Project location. Because ANR and the Applicant agree on the conditions, and to protect the rare plants, I recommend that the Commission adopt the agreed-upon rare plant protection and monitoring measures as conditions in any approval of the Project.

Necessary Wildlife Habitat and Endangered Species

[10 V.S.A. § 6086(a)(8)(A)]

63. The Project will not have an undue adverse effect on any endangered species or necessary wildlife habitat because none exist in the gravel pit area. Exh. PET-DSB-2 at 10.

Development Affecting Public Investments

[10 V.S.A. § 6086(a)(9)(K)]

64. The Project will not unnecessarily or unreasonably endanger the public or quasi-public investment in any facility, service, or lands, or materially jeopardize or interfere with the function, efficiency, or safety of, or the public's use or enjoyment of, or access to any such facility, service, or lands. This finding is supported by the additional findings below.

65. The Project is being proposed on privately owned land and will not otherwise use or impact any public investments in public resources. Knappmiller pf. at 15.

Public Health and Safety

[30 V.S.A. § 248(b)(5)]

66. The Project will not have any undue adverse effects on the health, safety, and welfare of the public. This finding is supported by the additional findings below.

67. The Project will comply with the applicable requirements of the National Electrical Code and the National Electrical Safety Code. Knappmiller pf. at 11.

68. All inverter and switchgear equipment will be inside locked, UL-listed, code-approved electrical enclosures. Knappmiller pf. at 15.

69. The Project will either be surrounded by a perimeter fence or panel circuitry will be covered by a protective barrier. Knappmiller pf. at 15.

Primary Agricultural Soils
[30 V.S.A. § 248(b)(5)]

70. The Project will not have any undue adverse effects on primary agricultural soils as defined in 10 V.S.A. § 6001 because there are no primary agricultural soils at the Project site. Jewkes pf. at 9.

Minimum Setback Requirements
[30 V.S.A. § 248(s)]

71. The Project will comply with Vermont's statutory setback requirements for ground-mounted solar electric generation facilities because the Project's solar panels or support structures for the solar panels are set back at least 100 feet from the nearest road and at least 50 feet from the nearest property boundary line. Knappmiller pf. at 16.

Discussion

Section 248(s) of Title 30 requires that the nearest portion of a facility's solar panels or support structure for a solar panel be set back at least 100 feet from any state or municipal highway and at least 50 feet from any property boundary that is not a state or municipal highway. The setbacks proposed for the Project's solar panels or support structures for the solar panels meet these minimum requirements.

V. DECOMMISSIONING PLAN

72. The Applicant represents that at the end of the Project's operation, it will remove the Project once it is no longer in service and will restore the site to its condition before installation of the facility to the greatest extent practicable. Project components will be safely disposed of in compliance with applicable regulations in effect at the time the Project ceases operations. Exh. PET-LVK-2.

73. The Applicant will obtain any permits that are required to decommission the Project before beginning decommissioning work. Exh. PET-LVK-2.

Discussion

Commission Rule 5.107(C)(12) states that all applications for net-metering systems with capacities greater than 150 kW include a plan for decommissioning the Project at the end of its useful life. The decommissioning plan must provide for the removal and safe disposal of Project

components and the restoration of any primary agricultural soils if such soils are present within the net-metering system's limits of disturbance.

Commission Rule 5.904(A) states that a project with a capacity equal to or greater than 150 kW and less than or equal to 500 kW shall be removed once it is no longer in service, and the site shall be restored to the condition it was in before installation of the facility to the greatest extent practicable.

The Applicant has provided a detailed plan for decommissioning the Project. I recommend that the Commission approve that plan and require, as a condition of approval, that the Applicant comply with the terms and conditions of its proposed decommissioning plan, identified in the evidentiary record as exhibit PET-LVK-2.

VI. CONCLUSION

Based upon the certifications of the Applicant and the above findings, I recommend that the Commission conclude that, subject to conditions, the Project will comply with the requirements of Commission Rule 5.100 and will promote the general good of the State.

This Proposal for Decision has not been circulated to the parties pursuant to 3 V.S.A. § 811 because it is not adverse to any party.

Date: 25th day of February, 2022



Michael E. Tousley, Esq.
Hearing Officer

VII. ORDER

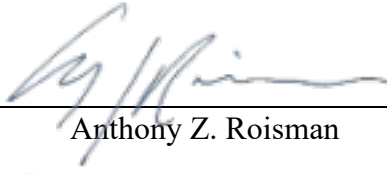
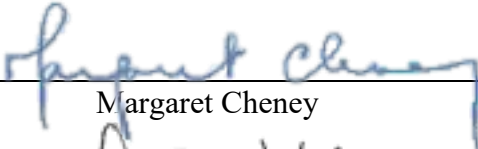
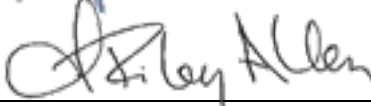
IT IS HEREBY ORDERED, ADJUDGED, AND DECREED by the Vermont Public Utility Commission (“Commission”) that:

1. The findings, conclusions, and recommendations of the Hearing Officer are hereby adopted. All other findings proposed by parties, to the extent that they are inconsistent with this Order, were considered and not adopted.

2. In accordance with the evidence and plans submitted in this proceeding, the 500-kW AC solar group net-metering system proposed for construction and operation by Hartsboro Solar, LLC (the “CPG Holder”) at 2800 Hartsboro Road in Wallingford, Vermont (the “Project”), will promote the general good of the State of Vermont pursuant to 30 V.S.A. §§ 248 and 8010, and a certificate of public good (“CPG”) to that effect shall be issued in this matter.

3. As a condition of this Order, the CPG Holder shall comply with all terms and conditions set out in the CPG issued in conjunction with this Order.

Dated at Montpelier, Vermont, this 25th day of February, 2022.

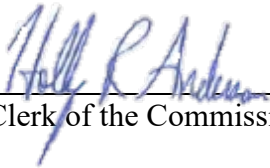
 _____)	Anthony Z. Roisman)	PUBLIC UTILITY
_____)))	
 _____))	Margaret Cheney)	COMMISSION
_____)))	
 _____))	J. Riley Allen)	OF VERMONT
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OFFICE OF THE CLERK

February 25, 2022

Filed:

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)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Commission within 30 days. Appeal will not stay the effect of this Order, absent further order by this Commission or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Commission within 28 days of the date of this decision and Order.

PUC Case No. 21-3484-NMP - SERVICE LIST

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