

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 8638

Investigation pursuant to 30 V.S.A. §§ 30, 209,)
and 248 regarding the 2.2 MW solar plant)
owned by Charlotte Solar, LLC in Charlotte,)
Vermont

Order entered: 11/20/2015

ORDER OPENING INVESTIGATION AND NOTICE OF HEARING

I. INTRODUCTION AND PROCEDURAL HISTORY

In today's Order, the Vermont Public Service Board ("Board") is initiating an investigation to determine whether the construction and operation of a 2.2 MW solar electric generating facility in Charlotte, Vermont (the "Project"), is consistent with the conditions of its Certificate of Public Good ("CPG") and whether it is appropriate to order any remedial action, to impose a penalty, to revoke or amend the CPG, or to take any other steps authorized by law.

On January 22, 2012, the Board granted a CPG to Charlotte Solar, LLC ("Charlotte Solar") authorizing the construction and operation of the Project subject to conditions.

On September 21, 2015, the Board conducted a post-construction site visit at the Project as contemplated by Condition 1.x. of Charlotte Solar's CPG.

On October 23, 2015, the Department of Public Service (the "Department") filed comments in this matter.

On October 26, 2015, the Town of Charlotte (the "Town") and a group of adjoining landowners (the "Neighbors") filed their respective comments in this matter.

II. DISCUSSION

In 2012, the Board approved the Project after a contested proceeding in which the Town and the Neighbors participated. As part of that case, Charlotte Solar entered into a stipulation with the Town and agreed to implement certain aesthetic mitigation measures as part of the

Project. The Board adopted certain terms of the stipulation as conditions of approval for the Project. Specifically, the CPG contains the following conditions:

1.i. Construction, operation, and maintenance of the proposed Project shall be in accordance with the plans and evidence as submitted in this proceeding. Any material deviation from these plans or a substantial change to the Project must be approved by the Board. Failure to obtain advance approval from the Board for a material deviation from the approved plans or a substantial change to the Project may result in the assessment of a penalty pursuant to 30 V.S.A. §§ 30 and 247.

...

1.x. Within 30 days of completing construction of the Project, Charlotte Solar shall notify the parties and the Board to schedule a post construction site visit. As a result of any such review, the Board may require Charlotte Solar to install additional aesthetic mitigation measures, if warranted.

1.xi. Charlotte Solar shall implement all mitigation steps agreed to in the Stipulation with the Town of Charlotte. The Second Revised Site Plan submitted pursuant to condition ix., above, shall incorporate all site parameters agreed to under Paragraph 1 of the Stipulation, except that the southern boundary of the array shall be shifted northward to reflect the required 10% reduction in size.

After conducting the site visit contemplated in the CPG, the parties in Docket 7844 were provided an opportunity to comment on whether the Project was constructed in accordance with the terms of the CPG. The Department, the Town, and the Neighbors all contend that the Project was not constructed in accordance with the terms of the CPG. Specifically they allege that the aesthetic mitigation stipulated to by Charlotte Solar and the Town was not properly implemented. The Docket 7844 parties recommend that the Board order Charlotte Solar to undertake certain actions to comply with its CPG, as well as order other mitigation to ensure that the Project will have no undue adverse aesthetic impact. They further request that the Board open an investigation pursuant to 30 V.S.A. § 30 to determine whether it would be appropriate to impose a penalty on Charlotte Solar for failure to comply with its CPG.

Charlotte Solar has neither disputed the allegations in the comments of the Department, the Town, or the Neighbors, nor objected to the various requests for relief.

Based upon the facts alleged by the Department, the Town, and the Neighbors, the Board hereby determines that it is appropriate to open an investigation into whether Charlotte Solar has

complied with the terms of its CPG. Depending upon the results of this investigation, the Board may determine that it is appropriate to order remedial action, to impose a penalty pursuant to 30 V.S.A. § 30, to revoke or amend Charlotte Solar's CPG pursuant to 30 V.S.A. §§ 209 and 248 or to take any other steps authorized by law necessary to address this situation. In addition, the Board will also consider whether any additional aesthetic mitigation is necessary, as contemplated by condition 1.x. of the CPG.

The Board will hold a prehearing conference, pursuant to 30 V.S.A. §§ 10, 30, and 209, at 11:00 A.M. on Wednesday, January 13, 2016, in the Board's Hearing Room located on the 3rd Floor of the People's United Bank Building, 112 State Street, Montpelier, Vermont.

SO ORDERED.

Dated at Montpelier, Vermont, this 20th day of November, 2015.

<u>s/James Volz</u>)	
)	PUBLIC SERVICE
)	
<u>s/Margaret Cheney</u>)	BOARD
)	
)	OF VERMONT
<u>s/Sarah Hofmann</u>)	

OFFICE OF THE CLERK

FILED: November 20, 2015

ATTEST: s/Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@vermont.gov)