

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 21-1054-NM

Application of rb Technologies, LLC for a certificate of public good for a 44.2 kW solar net-metered electric power system in East Montpelier, Vermont	
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Order entered: 06/14/2021

ORDER GRANTING CERTIFICATE OF PUBLIC GOOD

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

I. PROPOSAL FOR DECISION

II. INTRODUCTION

In this Proposal for Decision, I recommend that the Vermont Public Utility Commission (“Commission”) approve, subject to conditions, an application filed by rb Technologies, LLC (“Applicant”) on March 11, 2021, requesting a certificate of public good (“CPG”), pursuant to 30 V.S.A. §§ 248 and 8010 and Commission Rule 5.100, for a 44.2 kW solar net-metering system located at 1970 Route 14 S in East Montpelier, Vermont (the proposed “Project”).

Notice and copies of the application have been provided pursuant to Commission Rule 5.100. The application stated that any person wishing to submit comments or request a hearing in this matter must file comments with the Commission by April 29, 2021.

On April 6, 2021, Green Mountain Power Corporation filed comments on the Project. (“GMP’s Comments”). GMP’s Comments included several conditions for the Project that must be met before interconnection with the GMP electric distribution system.

On April 19, 2021, the Town of East Montpelier (the “Town”) filed comments on the Project. The Town’s comments included two proposed conditions related to aesthetics and orderly development (“the Town’s Comments”).

On April 26, 2021, the Applicant filed a response to GMP’s Comments and agreed to GMP’s conditions (“Applicant’s Response to GMP”).

On April 29, 2021, the Vermont Division for Historic Preservation filed comments on the Project (“DHP Comments”). According to the DHP Comments, the Project will have no effect on historic resources.

On May 25, 2021, the Applicant filed a response to the Town’s Comments and agreed to the Town’s conditions related to aesthetics and orderly development (“Applicant’s Response to the Town”).

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. The Commission has reviewed the application and accompanying documents and has determined that, pursuant to 30 V.S.A. §§ 248 and 8010 and Commission Rule 5.100, a CPG should be issued without further investigation or hearing. Accordingly, the application and all attached exhibits and amendments are admitted as if presented at a hearing. Additionally, GMP’s Comments, the Applicant’s Response to GMP, DHP’s Comments, the Town’s Comments, and the Applicant’s Response to the Town are admitted.¹

III. 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.

1. The Project will be located on property owned by The Hangar Building, LLC at 1970 Route 14 S in East Montpelier, Vermont. Application at Applicant Information and Property Owner Information sections.

2. The Project will consist of a ground-mounted solar electric system with a total capacity of 44.2 kW AC. Application at Photovoltaic System Information section.

3. The Applicant represents that the Project will comply with the setback requirements of 30 V.S.A. § 248(s) and that the Town of East Montpelier does not have any applicable screening requirements. Application at Setback Information section.

¹ 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.

4. The Project will be located on a preferred site, as defined in Commission Rule 5.103, because it will be located at or near customer load. Application at Environmental Information/Preferred Sites section.

5. Views of the Project from the east and south are screened by an existing building and existing vegetation. Potential views of the Project from the adjacent road and neighboring structures will be mitigated by the planting of five crab apple trees to the north of the array. The Applicant has agreed to maintain the mitigation plantings. Application at Aesthetics Impact, Site Plan, and Applicant's Response to the Town.

6. The Project will be interconnected with GMP's electric distribution system. Application at Applicant Information section.

7. The Applicant has elected to transfer all environmental attributes associated with the Project's output, including any renewable energy credits, to GMP. Application at Application Information section.

8. Jessie Klinck on behalf of rb Technologies, LLC has certified that the Project complies with all of the provisions of the Certification section of the application and that all information provided in the application is true and correct. Application at Certification section.

IV. DISCUSSION AND CONCLUSION

Section 8010 of Title 30 Vermont Statutes Annotated requires that the Commission adopt and implement rules that govern the installation and operation of net-metering systems. These rules are embodied in Commission Rule 5.100.

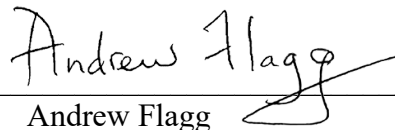
GMP requires that the Project's inverters comply with the Inverter Source Requirement Document of ISO-New England ("ISO-NE SRD"), that the Applicant pay for an upgrade to the distribution transformer, and that the Project be subject to the "shared TGFOV" fee pursuant to the Commission-approved Tariff 19-0441. The Applicant has confirmed that its inverters comply with the ISO-NE SRD, that it will pay to upgrade the distribution transformer, and that it will pay the shared TGFOV fee. To ensure that the Project interconnects safely and reliably, I recommend that the Commission include these requirements in any CPG issued for this Project.

The Town has proposed two conditions of approval intended to mitigate any adverse effects of the Project on aesthetics and orderly development. The conditions concern the maintenance of the Applicant's proposed aesthetic mitigation plantings and a requirement to

decommission the Project at the end of its useful life. The Applicant has agreed to the Town's proposed conditions. To ensure that the Project will not have an undue adverse effect on aesthetics or unduly interfere with orderly development, I recommend that the Commission include these conditions in any CPG issued for this Project.²

Based upon the certifications of the Applicant and the above findings, I recommend 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.

A handwritten signature in cursive script that reads "Andrew Flagg". The signature is written in black ink and is positioned above a horizontal line.

Andrew Flagg
Hearing Officer

² The Town's proposed conditions augment standard Commission CPG language related to Commission Rules 5.800 (aesthetic mitigation) and 5.900 (decommissioning).

V. ORDER


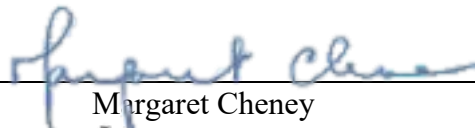
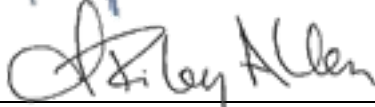
IT IS HEREBY ORDERED, ADJUDGED, AND DECREED by the Vermont Public Utility Commission (“Commission”) that:

1. The findings, conclusions, and recommendations of the Hearing Officer are 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 44.2 kW AC solar net-metering system proposed for construction and operation by rb Technologies, LLC (the “CPG Holder”) at 1970 Route 14 S in East Montpelier, 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 14th day of June, 2021.

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

OFFICE OF THE CLERK
June 14, 2021

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. 21-1054-NM - SERVICE LIST

Parties:

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