

**State of Vermont**  
**Department of Public Service**  
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September 6, 2016

Ms. Judith Whitney, Clerk  
Vermont Public Service Board  
112 State Street  
Montpelier, VT 05620-2701

Re: Petition of Orchard Road Solar I, LLC – 500 kW AC Group Net-Metered Solar  
Photovoltaic Facility to be located at 30 Orchard Road in Middletown Springs, Vermont  
CPG #16-0042-NMP

Dear Ms. Whitney:

On July 15, 2016 Orchard Road Solar I, LLC (the Petitioner) filed a Petition under 30 V.S.A. §§ 219a and 248 and Public Service Board (Board) Rule 5.100 for a certificate of public good authorizing the installation and operation of a 500 kW (AC) solar electric generation facility to be located at 30 Orchard Road in Middletown Springs, Vermont (the Project). The Department sought and received an extension on the deadline to file comments until 9/6/16 and appreciates this courtesy from the Board.

The Department received comments filed by the Vermont Division of Historic Preservation on July 26, 2016. We are also in receipt of the Motion to Intervene by the Town of Middletown Springs, but note that no hearing has been requested and no concerns with any specific Section 248 criteria have been identified by the Town. The Department is also aware of the comments filed by the Rutland Regional Planning Commission dated 8/2/16, the 8/1/16 email of Karen and Robert Galloway, and the multiple communications from adjoining landowner Richard Spitalny.

Our review of the petition did not reveal any significant issues with the substantive criteria of 30 V.S.A. § 248 on which the Department typically makes recommendations, with the exception of the interconnection item noted below. That review primarily focused on, but was not limited to the criteria listed in § 248 (b)(1) relating to Orderly Development, § 248 (b)(3) relating to System Stability and Reliability and the sub criteria of § 248 (b)(5) and 10 V.S.A. § 6086 (a)(8) that pertains to Aesthetics. The Department offers the following comments and recommendations.

First, with respect to the compliance of the proposed facility with 30 V.S.A. § 248(b)(3) relating to System Stability and Reliability, the Department notes that the Fast Track Study



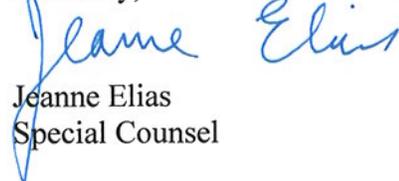
report states that this project fails Criteria #3 but does not detail what needs to occur in order for Green Mountain Power (GMP) the interconnecting utility to accept the project at this location. The Department recommends that the Board require the petitioner to file, prior to construction of the project, documentation of the engineering details of all upgrades necessary to allow the interconnection at this location. The detail needs to include, at a minimum, the flicker calculation compared to the recommended level of IEEE 1543; and the margin of protection GMP calculates between the load compared to the relay pick-up settings.

With respect to the aesthetics criteria of 30 V.S.A. § 248(b)(5), we agree with the Applicant's assertion in its letter of 8/18/16 that the information submitted with the application pertaining to aesthetics is sufficient for the Board to conclude that the application is complete.

While the 8/1/16 email from Karen and Robert Galloway appeared to refer to an aesthetic impact from the proposed project, no further comment was submitted from the Galloways. Similarly, Richard Spitalny's comments expressed concerns about aesthetics, but Mr. Spitalny did not elect to intervene in this proceeding, nor did he take advantage of the Applicant's offer to meet with him at his residence to discuss visual mitigation of the proposed facility. While Mr. Spitalny's residence is located only 400' from the proposed project, part of the area between that residence and the project is forested, and the Applicant's aesthetic mitigation proposal depicts a row of Eastern White Pines that would appear to adequately screen the array from Mr. Spitalny's view shed. (*See Testimony of Mark Kane- Exhibit ORS MK-2 Aesthetics Assessment Report: Site Plan-Figure 1 and Mitigation Planting Plan-Figure 10*). It also appears that the Applicant remains willing to meet with Mr. Spitalny to attempt to address any outstanding issues with respect to aesthetics. The Department appreciates the Applicant's attention to Mr. Spitalny's concerns.

Thank you for the opportunity to comment on this matter; please do not hesitate to contact me if you have any questions.

Sincerely,

  
Jeanne Elias  
Special Counsel

cc: Orchard Road Solar I LLC – Geoff Hand, Esq. and Victoria Westgate, Esq.  
Vermont Agency of Natural Resources  
Division of Historic Preservation  
Green Mountain Power Corporation  
Richard Spitalny  
Middletown Springs Selectboard  
Rutland Regional Planning Commission