

October 20, 2017

Judith Whitney, Clerk  
Vermont Public Utility Commission  
112 State Street  
Montpelier, VT 05620-2701

Re: CPG #16-0042-NMP – Application of Orchard Road Solar I

Dear Ms. Whitney:

Enclosed for filing in the above-referenced matter, please find an original and one copy of the Reply Brief of the Department of Public Service.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'SH', with a stylized flourish extending from the end.

Stephanie Hoffman  
Special Counsel

Enclosures

cc: Attached Service List

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STATE OF VERMONT  
PUBLIC UTILITY COMMISSION

Application of Orchard Road Solar I, LLC for a )  
certificate of public good, pursuant to 30 V.S.A. ) CPG #16-0042-NMP  
§§ 219a and 248, for a 500 kW interconnected )  
group net-metered solar electric generation system )  
in Middletown Springs, Vermont )

**REPLY BRIEF OF THE DEPARTMENT OF PUBLIC SERVICE**

Now comes the Vermont Department of Public Service (the “Department”), by and through its undersigned counsel, and hereby submits to the Vermont Public Utility Commission (the “Commission”) the following reply brief in response to the Application of Orchard Road Solar I, LLC (“Orchard Road” or “Applicant”) for a certificate of public good, pursuant to 30 V.S.A. §§ 219a and 248, for a 500 kW interconnected group net-metered solar electric generation system (the “Project”) in Middletown Springs, Vermont.

The Department files this reply brief to reiterate the conclusion that the proposed Project would not have an unduly adverse effect on the § 248 criteria. The project, although adverse, satisfies each factor of the second prong of the *Quechee* test: it does not violate a clear, written community standard; it takes the generally available mitigating steps available to the reasonable person; and it is not shocking or offensive to the sensibilities of the average person. By meeting these conditions, the Project does not create an undue adverse impact on aesthetics and the scenic and natural beauty of the area.

The Department’s role in proposing alternative mitigation is an appropriate part of its review of such applications. *See, e.g., Petition of Vermont AllSun Solar XII, LLC for a Certificate of Public Good*, CPG#NMP-6314, 2016 WL 4036815, at \*10 (Vt.P.S.B. July 15,

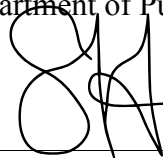
2016) (“The Petitioner will implement a portion of the landscape mitigation plan proposed by the Department . . . .”); *Joint Petition of Vermont Electric Power Co., Inc. and Vermont Transco LLC (Collectively, VELCO) and Central Vermont Public Service Corp. (CVPS)*, Docket No. 7763, 2012 WL 3637610, at \*10 (Vt.P.S.D. Aug. 17, 2012) (“Petitioners shall coordinate this assessment with the Department and use reasonable efforts to consider and incorporate reasonable suggestions for additional mitigation presented by the Department, including landscape mitigation measures . . . .”). Thus, in considering whether an applicant satisfies the reasonable mitigation portion of *Quechee* test, the Commission has historically considered whether landscape mitigation measures proposed throughout the litigation satisfy that aspect of the test.

For the reasons stated above and those in the Department’s initial brief, the Department recommends the Commission conclude that the Project does not raise a significant issue with respect to the substantive criteria of 30 V.S.A. §§ 219a or 248 and that the Project will promote the general good of the State, subject to the recommendations offered in the Department’s initial brief.

Dated at Montpelier, Vermont this 20th day of October, 2017.

Vermont Department of Public Service

By:



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