



**State of Vermont**  
**Department of Public Service**  
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February 5, 2019

Ms. Judith Whitney, Clerk  
Vermont Public Utility Commission  
112 State Street, Floor 4  
Montpelier, Vermont 05620

**Re: Petition of Orchard Road Solar I, LLC for a certificate of public good, pursuant to 30 V.S.A. Sections 219a and 248, to install and operate a 500 kW group net-metered solar electric generation facility on Orchard Road in Middletown Springs, Vermont, to be known as the "Orchard Road Solar Project"**

Dear Ms. Whitney:

Attached please find the response of the Department of Public Service to the supplementary comments of Mr. Russell Lattuca. The Department is filing the original and three copies of the comment, and sending one copy of the same to the parties via regular mail.

Please contact me if you have questions.

Sincerely,

By:   
Allison Bates Wannop, Special Counsel

Enclosures

cc: Service List

**STATE OF VERMONT  
PUBLIC UTILITY COMMISSION**

Docket No. 16-0042-NMP

Petition of Orchard Road Solar I, LLC for a certificate of )  
public good, pursuant to 30 V.S.A. Sections 219a and 248, to )  
install and operate a 500 kW group net-metered solar electric )  
generation facility on Orchard Road in Middletown Springs, )  
Vermont, to be known as the “Orchard Road Solar Project” )

**DEPARTMENT OF PUBLIC SERVICE RESPONSE TO  
SUPPLEMENTARY COMMENTS OF RUSSELL LATTUCA**

The Department herein responds to Mr. Lattuca’s supplementary comments regarding aesthetics and system stability. The Department previously commented on the Amendment Application in this matter on November 30, 2018. This was done in response to the Public Utility Commission’s procedural order which stated that any party “may submit comments to the Commission concerning the Amendment Application, . . . may file an objection, and may request a hearing.”<sup>1</sup> Further, anyone requesting a hearing “must make a showing that the Amendment Application raises a significant issue regarding the Section 248 criteria addressed in the Amendment Application. . . . Such a showing must go beyond general or speculative claims and provide specific information regarding potential impact of the criteria.”

**Aesthetics**

The Department’s November 2018 comment noted that the project is better sited at the present location. Even at the prior location, the Department contended that the Project satisfied

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<sup>1</sup> Procedural Order Re Comment on Proposed Amendment, at 1, *Petition of Orchard Road Solar I, LLC*, Docket 16-0042-NMP (Vt. P.U.C. Nov. 13, 2018).

30 V.S.A. § 248(b)(5), provided the Commission adopted certain mitigation measures.<sup>2</sup> The Department's November 2018 comment noted a few distinct ways the analysis and Project could be improved. But these did not rise to the level of a "significant issue" under 30 V.S.A. § 248(b)(5). The Applicant responded that it would accommodate the Department's requests regarding re-aligning the access road and mitigation near the entrance. The Department does not oppose the Project, provided that it can work with the Applicant to develop the landscaping and maintenance plan.

The Department does not agree with Mr. Lattuca's characterization of its comments. Mr. Lattuca ignores the Department's prior recommendations that the Project's original location satisfied *Quechee*, and that this conclusion is even more supported at the new location.

### **System Stability and Reliability**

Mr. Lattuca states that the Department "does not mention its prior request for additional information regarding how the Applicant will address the FastTrack deficiencies, or the fact that the project proposes a new interconnection point."<sup>3</sup>

The Department's 2017 brief stated that, "The Applicant will implement or pay for all of the recommendations and requirements outlined in the GMP Fast Track Analysis and therefore can connect to the GMP distribution system without adversely affecting system stability and reliability."<sup>4</sup> Furthermore, as stated in the Department's November 2018 comment, the Public Service Board previously found the application raises significant issues only as to

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<sup>2</sup> See *Brief of the Department of Public Service*, at 16–21 *Petition of Orchard Road Solar I, LLC*, Docket 16-0042-NMP (filed Oct. 10, 2017) ("PSD Brief").

<sup>3</sup> Russel Lattuca's Supplemental Comments and Response to Comments of ORS, DPS, and Neighbors, at 53, *Petition of Orchard Road Solar I, LLC*, Docket 16-0042-NMP (filed January 22, 2019).


<sup>4</sup> PSD Brief at 6.

§ 248(b)(1)(orderly development) and § 248(b)(5) (above-ground historic sites, aesthetics).<sup>5</sup>

Within this context, the Department did not see a need to comment on the FastTrack deficiencies or the new interconnection point.

Dated at Montpelier, Vermont, this 5<sup>th</sup> day of February, 2019.

VERMONT DEPARTMENT OF PUBLIC SERVICE

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<sup>5</sup> Order Re: Significant Issues and Notice of Hearing, at 1, 16, *Petition of Orchard Road Solar I, LLC*, No. 16-0042-NMP (Vt. P.S.B. Feb. 22, 2017).