



January 25, 2016

Chris Recchia, Commissioner  
Department of Public Service  
112 State St.  
Third Floor  
Montpelier VT 05602-2601

Dear Commissioner Recchia,

Thank you for working so hard to develop a Solar Siting Taskforce Report that represents the concerns of all the parties to the process. Despite your best efforts, we do have some outstanding concerns.

The most significant issue for VLCT and its members is the position adopted by our membership at the VLCT Annual Meeting in October, which we have discussed frequently in the last several months. *“Accord automatic party status to affected adjacent municipalities as well as host municipalities in Section 248 proceedings. In the CPG process, the PSB should give “substantial deference” to municipal concerns and determinations. The legislature needs to define this term. In so doing, the PSB should include all local decisions concerning the project within the PSB docket, formulate areas of inquiry based on concerns raised in the local hearing process, and address concerns raised in local determinations and adopted municipal plans in its CPG decision”.*

We do not see any section of the report that suggests an obligation on the part of the Public Service Board (PSB) to adhere to the plans that are developed through the more robust process described in this draft report, or to explain why they are not doing so. That is a problem for city, town and village officials who are being asked to undertake those more substantial efforts.

We have a few other specific suggestions (working from the Jan. 21, 2016 draft report).

The discussion of the Renewable Energy Standard and acres likely to be needed to deploy solar facilities on page 6, does not include any statement to the effect that Vermont can afford to assure facilities are appropriately sited. We believe that acknowledgement would be helpful.

We recommend the following clarifications in the report.

Planning Findings (p. 8)

“3. The Energy Generation Siting Policy Commission’s recommendations pertaining to regional commissions were well considered and should be revisited by the Senate and House Natural Resources and Energy Committees.” We did not agree with the Energy Siting Policy Commission’s recommendations regarding municipal plans as they preferred giving standing to regional plans. We did endorse Louise McCarren’s minority report.

Planning Objectives (p. 8)

Strengthen the capacity of regional planning commissions and municipal planning commissions ~~planners~~ to plan for increasing numbers of appropriately placed solar facilities and provide that information to the Board ~~in a manner that will be more meaningful in the 248 process so that the Board will account for and incorporate those plans in their decisions or explain why they are not incorporating plan provisions.~~

Strengthen Municipal Energy Planning (p. 10 and following)

Explore Feasibility of Town Review of Small Solar Systems

We believe that ten days to review an application and it being deemed issued on the eleventh day is far too short a time period regardless of the venue. I can’t think of another instance where an application is reviewed and decided upon in ten days. We urge you to include language that makes

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Fund, Inc.

clear that “the Taskforce supports the idea of exploring the concept of assigning the responsibility of issuing registrations to towns that agree to take on that responsibility as long as the process does not entail any additional burdens or delays for these smaller systems as compared with the existing PSB registration process”.

We believe that a solar siting best practices working group should develop a consensus based set of guidelines for solar development best practices, to be used by regional and town planners and developers in the development and implementation of updated plan energy and land use elements. (p. 11)

We do not know what is meant by the statement on page 12, “Avoid the use of prescriptive siting requirements and allocations, especially in statute, particularly where context matters. “ There may be appropriate uses of statutory prescriptive requirements. (p. 12) I may well not have been in the room but I do not recall discussion of this language.

Process, Transparency and Public Participation

Findings (p. 13)

Finding 2 should read, “Intervention in a § 248 process ~~can be~~ is expensive, difficult, confusing, and time consuming, particularly for pro se intervenors.”

We urge you to include new items 4 and 5 to read,

4. The process needs to be amended to account for the reality of many distributed energy projects being proposed by private developers that do not fit the traditional utility profile and that frequently have no stake in the host community.

5. The PSB makes minimal effort to alleviate the difficulty or confusion of non-utility experts participating in the CPG process. Nor do they make any effort to ease intimidation inherent in the process or to reduce costs of participation.

We believe that under Objectives, a statement calling on the PSB to update their website and make their dockets searchable would be very helpful.

Proposed Statutory language for non-net metered projects:

Clarification of the Quechee Analysis:

As long as this analysis is being used, an “average person” needs to be defined.

Thank you for your attention to these issues.

Sincerely,



Karen Horn

Director, Public Policy & Advocacy