

STATE OF VERMONT
PUBLIC SERVICE BOARD

CPG #NM-761

Application of Susan Deppe and Steven Oakland for)
a certificate of public good for an interconnected net)
metered photovoltaic electrical power system)

Order entered: 11/24/2009

I. INTRODUCTION

This case involves an application filed by Susan Deppe and Steven Oakland ("Applicants"), on September 25, 2009, requesting a certificate of public good ("CPG"), pursuant to 30 V.S.A. §§ 219a and 248 and Vermont Public Service Board ("Board") Rule 5.100, for a net metering system.¹ The net metering system consists of a photovoltaic system to be located in Colchester, Vermont.

Notice of the application has been sent to all parties as specified in the Board's Rule 5.100. The notice stated that any party wishing to submit comments or request a hearing in this matter needed to file comments with the Board within thirty (30) working days of the date that the notice of the application was sent.

On October 8, 2009, the Vermont Agency of Natural Resources ("ANR") filed comments regarding the application. ANR argues that, after performing a "desktop review" of the project location, the project will "result in further encroachment into the Lake Champlain riparian buffer." ANR contends that while "existing encroachments" may already limit the value of the buffer area, it "does not support further encroachment into an already compromised" area. No comments have been received from any other parties or interested persons.

Pursuant to the net metering application form, in order to request a hearing on an application, respondents "must make a showing that the application raises a significant issue regarding one or more of the substantive criteria applicable" to the project. Further, pursuant to Board Rule 5.109(A)4, in cases "where there are no objections or requests for hearing . . . the Board will issue a certificate of public good following the review period" applicable to the type

1. The application was originally filed on August 26, 2009, but was not completed until September 25, 2009.

of installation. In this case, ANR has raised some generalized concerns regarding intrusions into the riparian buffer zone, but has not shown that the construction of this particular project raises a significant issue with regard to any of the applicable criteria. In addition, ANR has not objected to the installation or requested a hearing in this matter. Therefore, we conclude that the project does not raise a significant issue with respect to the applicable criteria and no further hearings are necessary.

The Board has reviewed the application and accompanying documents and agrees that, pursuant to 30 V.S.A. §§ 219a and 248 and the Board's Rule 5.100, a CPG should be issued without further investigation or hearing.

II. FINDINGS

Based upon the application and its accompanying documents, the Board makes the following findings in this matter.

1. The proposed net metering project will be on property owned by the Applicants and located at 1565 Colchester Point Road in Colchester, Vermont. Application at Section 1.
2. The proposed net metering facility is a new ground-mounted array located approximately 47 feet from the shoreline of Lake Champlain. Application at Section 4.
3. The proposed project consists of a photovoltaic electrical generation system with a system-rated output of 3.192 kW AC. The facility will be interconnected with the Green Mountain Power Corporation electrical distribution system. Application at Section 4 and attachment.
4. Applicants have certified that the project is in compliance with all of the provisions of Sections 3 and 9 of the application. Based on these submissions, we conclude that the project does not raise a significant issue with respect to the environmental criteria of 30 V.S.A. § 248. Application at Sections 3 and 9.
5. Applicants have certified compliance with the insurance requirements as set forth in Section 3 of the application. Application at Section 3.

III. CONCLUSION

In Docket No. 6181,² the Board developed a net metering program in accordance with the statutory requirements of 30 V.S.A. § 219a. This program was further refined by the Board with the adoption of Board Rule 5.100 on March 1, 2001. The goals of the Order and Rule are to encourage private investment in renewable energy resources, stimulate the economic growth of the state and enhance the continued diversification of energy sources used in Vermont. The standards and requirements adopted in the Order and Rule have been determined by the Board to protect public safety and system reliability.

Based upon the findings and evidence, the proposed net metering project will be in compliance with the requirements of the Board's Order in Docket No. 6181 and Rule 5.100, the application does not raise a significant issue with respect to the substantive criteria of 30 V.S.A. § 248, and the proposed project will promote the general good of the state.

IV. ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that the proposed photovoltaic net metering system, in accordance with the evidence and plans submitted in this proceeding, will promote the general good of the State of Vermont pursuant to 30 V.S.A. § 219a, and a certificate of public good to that effect shall be issued in this matter, pursuant to 30 V.S.A. §§ 219a and 248.

2. Investigation into the Use of A Net Metering System for the Purchase and Sale of Electricity from Small Electrical Generating Systems to and from Electric Companies, Docket No. 6181, April 21, 1999.

DATED at Montpelier, Vermont, this 24th day of November, 2009.

<u>s/James Volz</u>)	
)	PUBLIC SERVICE
)	
<u>s/David C. Coen</u>)	BOARD
)	
)	OF VERMONT
<u>s/John D. Burke</u>)	

OFFICE OF THE CLERK

Filed: November 24, 2009

Attest: s/Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.