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**State of Vermont
Public Utility Commission**

MEMORANDUM

To: All net-metering applicants

Cc: Vermont Department of Public Service, Vermont Agency of Natural Resources, Act 99 service list, all pending net-metering advance notice cases

From: Jake Marren, Staff Attorney

Re: Checklist for applications for net-metering systems with a capacity of greater than 50 kW

Date: May 31, 2018

Pursuant to the Vermont Public Utility Commission's ("Commission") order of May 1, 2018, in Case Number 18-0086-INV, Commission staff have developed a checklist to assist persons applying for a certificate of public good ("CPG") authorizing the construction of a net-metering system with a capacity of greater than 50 kW. This checklist is intended for information purposes only. The standards and procedures for CPG applications are contained in Commission Rule 5.100. In the event there is a conflict between the attached checklist and the Commission's rules, the Commission's rules control.

Please be advised that due to the number of applications that may be filed by July 2, 2018, the Commission's staff may not be able to issue all completeness determinations within the normal 5-business day period.¹ You are encouraged to file as early as possible and to include with your application materials a copy of the completed checklist. This will facilitate the timely review of net-metering CPG applications for administrative completeness.

Attachment: Applicant Checklist

¹ The Commission's May 1 Order stated that complete CPG applications filed prior to July 1, 2018, will be eligible to receive the net-metering incentives that existed prior to July 1, 2018. Because June 30, 2018, falls on a Saturday, the Commission will treat complete applications filed by the close of the next business day, at 4:30 PM, on July 2, 2018, as eligible to receive the net-metering incentives that existed prior to July 1, 2018.

Applicant Checklist for Net-Metering CPG Application

Instructions

This checklist is for net-metering systems that are greater than 50 kW and not solar systems mounted on a roof or hydroelectric facilities. Please see Commission Rule 5.107 to review the specific applicable standards and procedures. You should submit this document with your application to facilitate the review of your filing. Please indicate in the right column where in your application materials the relevant information is contained. For example, Testimony of Jane Doe at page 2 or Exhibit JD-5 at page 3.

General Information

References

<p>5.107(C)(1) Applicant name Legal name (and the “doing business as” name, if different), contact information, Vermont business registration number (if applicable), and a description of the company or person making the application. For example: XYZ Corporation (d/b/a ABC Solar) Headquarters at 123 Maple Lane, Anytown, VT 05600 Service Agent: Jane Doe, Esq. VT Business ID#: 12345</p>	
<p>5.107(C)(2) Host landowner and, if applicable, Act 250 permit number</p> <ul style="list-style-type: none"> • Name and address of the legal owner of the land upon which the proposed net-metering system will be built. • If the host parcel is governed by an Act 250 land use permit, the number of the Act 250 permit. 	
<p>5.107(C)(3) Adjoining landowners Names and addresses of all adjoining landowners from the most recent version of the town’s grand list.</p>	
<p>5.107(C)(4) Advance notice Certification that advance notice requirements have been met for the application type.</p> <ul style="list-style-type: none"> • Check abutters list versus the site plan to verify that all adjacent parcels on the site plan have received notice. 	
<p>If the Project is on a preferred site, please indicate which type: ___building ___parking lot ___landfill ___developed tract ___brownfield ___gravel pit ___municipal plan site ___joint letter of support site ___National Priorities List Site ___ >50% of output allocated to host customer or adjacent property</p> <p>Please provide sufficient information demonstrating that the project meets the applicable criteria set forth in Commission Rule 5.103.</p>	

5.107(C)(5) Site plans

Plans must be formatted so that they display all required information clearly.

5.107(C)(5)(a) Proposed facility location and any project features.	
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<p>5.107(C)(5)(b) Property boundaries and setback distances from those boundaries to the corner of the nearest project-related structure, distances to any nearby residences, and dimensions of all proposed improvements.</p> <p>____ feet to nearest road; ____ feet to nearest property boundary</p>	
<p>5.107(C)(5)(c) Proposed utilities, including approximate distance from source of power, sizes of utility service available and required, and approximate locations of any proposed utility or communication lines.</p>	
<p>5.107(C)(5)(d) A description of any areas where vegetation is to be cleared or altered, including the limits of disturbance and the total acreage.</p> <p>A description of any proposed direct or indirect alterations to or impacts on wetlands or other natural resources protected under 30 V.S.A. § 248(b)(5), including the limits of disturbance and the total acreage of any disturbed area. "Other natural resources" include rare and irreplaceable natural areas, necessary wildlife habitat (including deer wintering areas), and areas hosting threatened or endangered species.</p>	
<p>5.107(C)(5)(e) Detailed plans for any drainage of surface and/or sub-surface water and plans to control erosion and sedimentation both during construction and as a permanent measure.</p>	
<p>5.107(C)(5)(f) Locations and specific descriptions of ____proposed screening, ____landscaping, ____groundcover, ____fencing, ____exterior lighting, and ____signs.</p> <p>If such features are not proposed, mark "n/a."</p>	
<p>5.107(C)(5)(g) Plans of any proposed access driveway, roadway, or parking area at the project site, including grading, drainage, and traveled width. If proposing improvements to existing roads, provide a description of improvements and show all proposed fill areas on the site plan.</p> <p>A cross-section of the proposed access drive indicating the width, depth of gravel, paving, or surface materials. For proposals to improve an existing road, the cross-section must show existing and proposed conditions.</p>	
<p>5.107(C)(5)(h) The latitude and longitude coordinates for the Project.</p>	
<p>5.107(C)(5)(i) The presence and total acreage of primary agricultural soils to be physically disturbed in connection with the construction and operation of the Project, the amount of those soils to be disturbed, and any other proposed impacts to those soils. "Primary agricultural soils" is defined in 10 V.S.A. § 6001.</p>	
<p>5.107(C)(5)(j) The approved site plan from any Act 250 Land Use Permit applicable to the host parcel.</p>	

5.107(C)(6) Elevation drawings

<p>5.107(C)(6)(a) Elevation drawings for each proposed structure.</p>	
<p>5.107(C)(6)(b) The elevation drawings must be to appropriate scales but no smaller than 1"/20'.</p>	

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<p>5.107(C)(6)(c) Two elevation drawings of the proposed structures drawn at right angles to each other, showing the ground profile to at least 100 feet beyond the edge of any proposed clearing, and showing any guy wires or supports. The elevation drawings must show height of the structure above grade at the base, and describe the proposed finish of the structure.</p>	
<p>5.107(C)(6)(d) The elevation drawings must indicate the relative height of the facility to the tops of surrounding trees as they presently exist.</p>	
<p>5.107(C)(6)(e) Each plan sheet must be clearly labeled with the project title, date, revision date(s), scale, and name of the person or firm that prepared the plan.</p>	

Rule 5.107(C)(7) Testimony and exhibits addressing all relevant Section 248 criteria

<p>248(b)(1) Orderly Development; 5.107(C)(8)</p> <ul style="list-style-type: none"> • Must state whether the Project will comply with any applicable land conservation measures contained in applicable town and regional plans. • Must respond to any comments from municipal legislative and planning bodies, as well as regional planning bodies. • Must provide relevant excerpts of town and regional plans. • Must address compliance with municipal screening by-laws or state that there are no such bylaws. 	
<p>248(b)(2) Need</p> <ul style="list-style-type: none"> • Only applicable if customer retains ownership of Renewable Energy Credits (RECs); otherwise this criterion is conditionally waived. • If applicable, the Applicant must explain why the Project is required to meet the need for present and future demand for electric service that could not otherwise be provided in a more cost-effective manner through energy conservation programs and measures and energy-efficiency and load management measures. 	
<p>248(b)(3) System Stability; 5.107(C)(10)</p> <ul style="list-style-type: none"> • If Project will be larger than 150 kW, must provide letter from the utility stating that interconnection is possible. • If Project will be smaller than 150 kW, then no information is required. 	
<p>248(b)(5) Aesthetics, Historic Sites, Air and Water Purity, the Natural Environment, Use of Natural Resources, Public Health and Safety</p> <ul style="list-style-type: none"> • Testimony and exhibits must address each of the criteria listed below. 	
<p>248(b)(5) Air Purity and Greenhouse Gases</p> <ul style="list-style-type: none"> • Testimony and exhibits must identify all sources of air pollution created by the project and state why such air pollution does not constitute an undue adverse effect on air purity. • Testimony and exhibits must identify all sources of greenhouse gases and state why such greenhouse gas emissions do not constitute an undue adverse effect on air purity and the natural environment. 	

Applicant Checklist for Net-Metering CPG Application Greater Than 50 kW

<p>248(b)(5) Water Purity</p> <ul style="list-style-type: none"> • Testimony and exhibits must describe all impacts to water purity and explain why those impacts are not undue. 	
<p>10 V.S.A. § 6086(a)(1)(A) Headwaters</p> <ul style="list-style-type: none"> • Applicant should state whether the project will be located on lands devoted to intensive development. If yes, then this criterion is satisfied. • Must state whether the Project will be in a headwaters area. A Project is in a headwaters area if any of the following apply: <ul style="list-style-type: none"> ○ headwaters of watersheds characterized by steep slopes and shallow soils; ○ drainage areas of 20 square miles or less; ○ waters above 1,500 feet elevation; ○ watersheds of public water supplies designated by the Agency of Natural Resources; or ○ areas supplying significant amounts of recharge waters to aquifers. • If the Project will be in a headwaters area, then the Applicant must address compliance with any applicable Department of Health and Department of Environmental Conservation regulations regarding reduction of the quality of the ground or surface waters. Testimony must clearly identify which regulations are applicable and state why the Project will comply with such regulations. 	
<p>10 V.S.A. § 6086(a)(1)(B) Waste Disposal</p> <ul style="list-style-type: none"> • Must state whether waste will be disposed of in accordance with applicable Department of Environmental Conservation regulations. • Must identify all sources of waste. 	
<p>10 V.S.A. § 6086(a)(1)(C) Water Conservation</p> <ul style="list-style-type: none"> • Must state whether or not a Project will use water and how it will be supplied. • If a Project will regularly use water, must state whether the design has considered water conservation, incorporates multiple use or recycling where technically and economically practical, utilizes the best available technology for such applications, and provides for continued efficient operation of these systems. 	
<p>10 V.S.A. § 6086(a)(1)(D) Floodways</p> <ul style="list-style-type: none"> • Must state whether the Project will be in a floodway or floodway fringe. This includes 100-year floodplains and ANR-mapped river corridors. • If the Project will be in a floodway, then must demonstrate that the Project will not restrict or divert the flow of flood waters, and endanger the health, safety and welfare of the public or of riparian owners during flooding. • If the Project will be in a floodway fringe, then must demonstrate that the Project will not significantly increase the peak discharge of the river or stream within or downstream from the area of development and endanger the health, safety, or welfare of the public or riparian owners during flooding. 	

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<p>10 V.S.A. § 6086(a)(1)(E) Streams</p> <ul style="list-style-type: none"> • Must identify all streams on or near the project site. • If the Project is on or adjacent to the banks of a stream, then must demonstrate that the Project will, whenever feasible, maintain the natural condition of the stream, and will not endanger the health, safety, or welfare of the public or of adjoining landowners. 	
<p>10 V.S.A. § 6086(a)(1)(F) Shorelines</p> <ul style="list-style-type: none"> • Must state whether the Project will be located on or near a shoreline. • If the Project will be located on a shoreline, then must demonstrate that it is necessary for the Project to be located on or near shoreline; and that the Project will: <ul style="list-style-type: none"> ○ retain the shoreline and the waters in their natural condition; ○ allow continued access to the waters and the recreational opportunities provided by the waters; ○ retain or provide vegetation which will screen the development or subdivision from the waters; and ○ stabilize the bank from erosion, as necessary, with vegetation cover. 	
<p>10 V.S.A. § 6086(a)(1)(G) Wetlands; 5.107(C)(9)</p> <ul style="list-style-type: none"> • Must address whether the Project will be located in or near any wetlands or their buffers. Class 1, 2, and 3 wetlands and associated 50-foot buffer zones in the vicinity of the Project must be identified. • Must describe how the Project will comply with the Vermont Wetland Rules, if applicable. • Must provide a wetland delineation or letter from qualified consultant stating that no delineation is necessary. 	
<p>10 V.S.A. § 6086(a)(2) Sufficiency of Water</p> <ul style="list-style-type: none"> • Must demonstrate that there is water available for the reasonably foreseeable needs of the Project. 	
<p>10 V.S.A. § 6086(a)(3) Burden on Existing Water Supply</p> <ul style="list-style-type: none"> • Must demonstrate that the Project will not be an unreasonable burden on an existing water supply, if one is to be utilized. 	
<p>10 V.S.A. § 6086(a)(4) Soil Erosion or Reduction in the Capacity of Land to Hold Water</p> <ul style="list-style-type: none"> • Must demonstrate why the Project will not result in unreasonable soil erosion or reduce the capacity of the land to hold water so that a dangerous or unhealthy condition may result. • Must address whether construction and operational stormwater regulations are applicable and, if so, how the Project will comply with those regulations. 	
<p>10 V.S.A. § 6086(a)(5) Transportation</p> <ul style="list-style-type: none"> • Must demonstrate that the Project will not cause unreasonable congestion or unsafe conditions with respect to use of the highways, waterways, railways, airports and airways, and other means of existing or proposed transportation. 	
<p>10 V.S.A. § 6086(a)(6) Educational Services</p> <ul style="list-style-type: none"> • Must demonstrate that the Project will not cause an unreasonable burden on the ability of a municipality to provide educational services. 	

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<p>10 V.S.A. § 6086(a)(7) Municipal Services</p> <ul style="list-style-type: none"> • Must demonstrate that the Project will not place an unreasonable burden on the ability of the local governments to provide municipal or governmental services. 	
<p>10 V.S.A. § 6086(a)(8) Aesthetics</p> <ul style="list-style-type: none"> • Must demonstrate that the Project will not have an undue adverse effect on the scenic or natural beauty of the area and aesthetics. • Must address the <i>Quechee Analysis</i>, as set forth in Commission Rule 5.112. 	
<p>10 V.S.A. § 6086(a)(8) Historic Sites</p> <ul style="list-style-type: none"> • Must demonstrate that the Project will not have an undue adverse effect on historic sites, which include historic structures, historic districts, and archaeological sites. 	
<p>10 V.S.A. § 6086(a)(8)(A) Necessary Wildlife Habitat and Endangered Species</p> <ul style="list-style-type: none"> • Must demonstrate that the Project will not destroy or significantly imperil necessary wildlife habitat or any threatened or endangered species. • Must state whether there is any necessary wildlife habitat present at or near the project site and whether there is evidence that any threatened or endangered species may be present at the project site. 	
<p>10 V.S.A. § 6086(a)(8) Rare and Irreplaceable Areas</p> <ul style="list-style-type: none"> • Must state whether there are any rare and irreplaceable natural areas at or near the Project site and how the Project will affect such areas. 	
<p>10 V.S.A. § 6086(a)(9)(K) Development Affecting Public Investments</p> <ul style="list-style-type: none"> • Must demonstrate that the Project will not unnecessarily or unreasonably endanger or interfere with public investments (public roads, public buildings, public lands, etc.). 	
<p>248(b)(5) Public Health and Safety</p> <ul style="list-style-type: none"> • Must address the effect of the Project on public safety. Glare can be an issue if near roads or airports. 	
<p>248(b)(5) Primary Agricultural Soils</p> <ul style="list-style-type: none"> • Testimony and exhibits must describe all impacts to primary agricultural soils and explain why such impacts do not constitute an undue adverse effect on the natural environment. 	
<p>248(b)(8) Outstanding Resource Waters</p> <ul style="list-style-type: none"> • Must state whether the project will affect or be located on any segment of water that has been designated as an outstanding resource water. 	
<p>248(s) Setbacks</p> <ul style="list-style-type: none"> • Must describe how the Project complies with the minimum setback requirements (See Commission Rule 5.113). 	

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Other Filing Requirements

<p>5.107(C)(7) Draft Order and CPG The Applicant must file proposed findings of fact and a proposed certificate of public good (“CPG”).</p> <ul style="list-style-type: none"> • The draft order should address all applicable criteria and cite supporting evidence for each finding. • Examples of Commission orders may be found online at: https://epuc.vermont.gov/?q=node/95. 	
<p>5.107(C)(7) Notarized affidavits All testimony and exhibits must be supported by an affidavit from each witness.</p>	
<p>5.107(C)(11) Response to recommendations of municipalities and adjoining landowners. A document summarizing the comments and recommendations received in response to the 45-day notice. The document must respond to the issues raised in those comments and recommendations and must state what steps the Applicant has taken to address those issues or why the Applicant is unable to do so.</p>	
<p>5.107(C)(12) Decommissioning plan All applications for projects with capacities greater than 150 kW must include a decommissioning plan that provides for the removal and safe disposal of project components that meets the requirements of Commission Rule 5.904(A). Commission Rule 5.904(A) states: “Facilities in this category shall be removed once they are no longer in service, and the site shall be restored to its condition prior to installation of the facility to the greatest extent practicable.”</p> <p>All applications for projects with capacities greater than 150 kW must include a plan for the restoration of any primary agricultural soils, if such soils are present within the Project’s limits of disturbance.</p>	
<p>5.107(C)(13) Statement of consistency with Act 250 Land Use Permit If the host parcel is subject to an Act 250 Land Use Permit, the Applicant must file a document describing whether the construction of the Project will interfere with the satisfaction of any condition contained in the Act 250 Land Use Permit. If the construction will interfere with the satisfaction of any Act 250 Land Use Permit condition, the Applicant must explain what steps it will take to address such issues or why the Applicant is unable to do so.</p>	
<p>Copy of Agency of Natural Resources Fee Form 30 V.S.A. § 248b. Prior to July 1, 2018, applicants seeking a CPG for a system with a capacity of more than 139 kW must pay a fee to the Agency of Natural Resources. Starting July 1, 2018, the threshold for fees is any system with a capacity of greater than 50 kW. Applicants should include a copy of the fee form with their application. Do not send payment to the Commission; payment should be directed to the Agency of Natural Resources.</p>	
<p>Election regarding ownership of renewable energy credits 5.127(C). The Applicant must indicate in its application whether it will retain or transfer renewable energy credits.</p>	

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5.700 Sound Rule

For wind projects only, applications shall include testimony and exhibits demonstrating compliance with the requirements of the Commission's Rule on Sound Levels from Wind Generation Facilities.