



LEGAL COUNSELORS & ADVOCATES PLC  
P.O. Box 827 • Castleton, VT • 05735

Leslie A. Cadwell  
lac@lac-lea.com  
802-342-3114

August 11, 2023

Holly R. Anderson, Clerk  
Vermont Public Utility Commission  
112 State Street, 4<sup>th</sup> Floor  
Montpelier, VT 05620-2701

Re: Case No. 18-2048-NMP; Response to August 1, 2023 Order re: Compliance with  
CPG Condition 19

Dear Ms. Anderson:

Please accept this letter and accompanying documents in response to the August 1, 2023 order seeking information on compliance with Condition 19 of the certificate of public good (“CPG”) issued to SolarSense VT XXIV, LLC (the “CPG Holder”) on January 10, 2019. The CPG authorizes the CPG Holder to construct and operate a 500-kW (AC) net-metered array in St. Albans, Vermont.

Condition 19 of the CPG required the CPG Holder to inspect the aesthetic mitigation landscape plantings that were installed in August 2019 per the terms of CPG Condition 18 in the years 2020, 2021, and 2022 “to determine the health, vigor, and continued effectiveness of the mitigation,” and it further required CPG Holder to file a certification with “the Commission and parties documenting the results of the inspection and any corrective actions taken.” The CPG Holder regrets that it did not file the annual certifications documenting the results of annual inspections and apologizes for the unintentional oversight.

The CPG Holder’s failure to document and certify annual inspections of the aesthetic mitigation landscape plantings in 2020, 2021, and 2022, did not confer any economic

benefit on the CPG Holder. The financial and reputational cost of not complying with Condition 19 of the CPG will most certainly be greater than the costs of compliance.

The compliance oversight had no material impact on the intended purpose of the aesthetic mitigation landscape plantings, namely, to mitigate views of the array from Lower Newton Road. To that end, the CPG Holder certifies that, with the exception of a single tree, the required landscape plantings have been healthy since they were planted and are continuing to mature. The CPG Holder further certifies that it will take corrective action to replace the dead tree before the end of this year's growing season. An affidavit from the landowner, Thomas Hungerford (owner of Rewes Land, LLC), as well as recent photographs of the plantings, will be filed in support of this representation as soon as the landowner is available to execute the affidavit, which I understand is likely to be after the Commission's office closes at 4:30 PM today.

The CPG Holder's compliance oversight is due to various factors unique to the relevant time period. In late 2019, after the solar array was constructed, ownership interests in the CPG Holder were transferred from its original owner to a limited liability company managed by Green Street Power Partners, LLC ("GSPP"). GSPP is based in Stamford, Connecticut, and owns and operates a portfolio of solar arrays in multiple states. Incorporating a built facility into the GSPP portfolio was, and remains, an atypical process for the company. Typically, GSPP is responsible for constructing its projects and is thus familiar with all applicable permit requirements from the start. It appears that this atypical acquisition was a contributing factor to the oversight identified in the Commission's August 1, 2023 order.

During the post-acquisition period in late 2019-early 2020, GSPP was a growing company that was continuing to develop processes for ensuring compliance with legal requirements applicable to its multi-state assets. In addition, in March 2020, the emerging COVID-19 pandemic shut down GSPP's Stamford operations and required personnel to work remotely. Like other organizations around the world, the company had to figure out new ways to operate the business; processes that worked pre-pandemic had to change to accommodate 100% remote work, and GSPP had repeated employee absences due to COVID-19 infections. The impact of the many COVID-19-related business disruptions in 2020-2022 contributed to the CPG Holder's inadvertent non-compliance with Condition 19 of the CPG. The condition's terms continued to be inadvertently overlooked until the Commission raised the matter in its August 1, 2023 order. Since GSPP's knowledge of the oversight, the requirements under the CPG, including




Condition 19, have been incorporated into GSPP's asset management compliance program for Vermont projects.

The CPG Holder wants to assure the Commission that it takes its compliance obligations seriously. GSPP has substantially bolstered its workforce and asset management compliance program since 2019 to help ensure that all of its solar projects are in compliance with all rules and regulations. In addition, GSPP has initiated an internal compliance review of the all of the CPG conditions across the solar arrays it operates in the state of Vermont to make sure there are no other conditions that were omitted from the asset management compliance program. Should GSPP's review uncover any other CPG violation, it will be brought to the Commission's attention forthwith.

Thank you for the opportunity to explain the circumstances of the CPG Holder's unintentional non-compliance with Condition 19. Please contact me at your convenience if the Commission requires any additional information.

Very truly yours,



Leslie A. Cadwell



AFFIDAVIT OF LESSOR TO SOLARSENSE VT XXIV, LLC

Affidavit of Thomas Hungerford

1. My name is Thomas Hungerford. I am over 18 years old and have personal knowledge of the information contained in this affidavit.
2. I am familiar with the SolarSense VT XXIV, LLC net-metered solar array located along Lower Newton Road in St. Albans, Vermont ("the Solar Project") because my company, Rewes Land LLC, owns the parcel on which the project is sited, and Rewes Land LLC leases the parcel to SolarSense VT XXIV, LLC. The lease was executed on January 24, 2018.
3. The project was constructed and commissioned in 2019, and I have mowed the project site during the summer months since September 2021. Prior to that, the project site was mowed by contractors hired by SolarSense VT XXIV, LLC.
4. The trees planted between the solar array and Lower Newton Road have been healthy since they were installed in August 2019, and are currently thriving, with the exception of one tree that died.
5. I took the photographs of the trees that are attached to this affidavit as Exhibit A on August 4<sup>th</sup> and August 11<sup>th</sup>, 2023. These photographs accurately depict the status of the trees on the dates I took the photographs.
6. I declare that the above statement is true and accurate to the best of my knowledge and belief. I understand that if the above statement is false, I may be subject to sanctions by the Commission pursuant to 30 V.S.A. § 30.

Affirmed on this 11<sup>th</sup> day of August, 2023.

By: \_\_\_\_\_

Name: Thomas Hungerford



EXHIBIT A















