

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Petition of Green Mountain Power for a)
Certificate of Public Good pursuant to 30 V.S.A. §) Case No. 17-2813-PET
248(j), authorizing the installation and operation)
of a battery storage system on the GMPSolar)
Panton Project site located in Panton, Vermont, to)
be known as the “GMP Panton Battery Storage)
Project”)

**VERMONT AGENCY OF NATURAL RESOURCES COMMENTS IN
RESPONSE TO GREEN MOUNTAIN POWER’S MOTION FOR NON-
SUBSTANTIAL CHANGE DETERMINATION**

On July 15, 2020, Green Mountain Power Corporation (“GMP”) filed a motion for a non-substantial change determination (“Motion”) with the Vermont Public Utility Commission (“Commission”) related to proposed equipment changes to the GMP Panton Battery Storage Project (“Battery Project”). In its Motion, GMP requests that the Commission determine that the proposed changes “are non-substantial in nature” or alternatively issue “an amendment to the [Battery Project’s] CPG.”¹

The Vermont Agency of Natural Resources (“Agency”) now provides the following comments in response to the Motion. The Agency’s comments are limited to the potential for the proposed changes to impact the natural environment under Section 248(b)(5). The Agency defers to the Department of Public Service (“Department”) with regard to potential impacts on safety, reliability and all other criteria typically reviewed by the Department.

¹ GMP Motion dated 7/15/2020 at 1-2.

DISCUSSION

Non-Substantial Change

Commission Rule 5.408 defines a substantial change as “a change in the approved proposal that has the potential for significant impact with respect to any of the criteria of Section 248(b) or on the general good of the state under Section 248(a).”² GMP now proposes revisions to the Battery Project consisting of the addition of the following new components: 1) a 1500 kVA pad-mounted transformer and pad-mounted recloser; 2) three pole-mounted reclosers mounted on existing GMP distribution poles; and 3) additional communication equipment in the existing relay cabinet.³

The pad-mounted transformer and pad-mounted recloser will be installed within the area which is already occupied by the larger GMP 5MW solar project and adjacent to existing Battery Project infrastructure.⁴ In addition, the pad-mounted transformer will utilize secondary containment.⁵ There are no sensitive natural resources in the immediate vicinity of the pad-mounted transformer and pad-mounted recloser.⁶

The three pole-mounted reclosers will be placed on existing GMP utility poles on Panton Road and Jersey Street.⁷ There is no tree clearing associated with installation of the pole-mounted reclosers.⁸ The Agency reviewed the three existing GMP pole locations and confirmed there are no known sensitive natural resources at those locations

² PUC Rule 5.408.

³ GMP Motion dated 7/15/2020 at 4. The Agency’s comments are limited to the first two of the three listed items: the pad-mounted transformer and recloser; and the pole-mounted reclosers.

⁴ See, Affidavit of Greg Dixon dated 7/13/2020; GMP Motion dated 7/15/2020 Attachment 1.

⁵ *Id.*

⁶ Both the GMP 5MW solar facility and the Battery Project areas were reviewed for the presence of natural resources in connection with the Section 248 petitions for those facilities. While there is an Osprey nest documented to the east of the area occupied by the combined projects, the additional activities which are now proposed are a sufficient enough distance from the nest to avoid the potential for a significant impact.

⁷ See, Affidavit of Kirk Shields dated 7/14/2020 at 2-3.

⁸ *Id.*

and also determined that it is unlikely that any unidentified sensitive natural resources exist in those locations.

While the changes discussed above (installation of a 1500 kVA pad-mounted transformer and pad-mounted recloser; and installation of three pole-mounted reclosers mounted on existing GMP distribution poles) have the potential to impact the natural environment, the Agency does not believe that they have the potential for *significant* impact to any of the natural resources criteria of Section 248(b)(5). This is because, as explained above, there are no significant natural resources which are at risk of significant impact in the areas where the activities and new infrastructure are proposed. Therefore, the Agency concludes that these changes are not substantial changes that would require an amendment to the Battery Project's CPG.

Material Deviation

Condition 1 of the Battery Project's CPG states:

Construction, operation, and maintenance of the Project shall be in accordance with the plans and evidence submitted in this proceeding. Any material deviation from these plans or a substantial change to the Project must be approved by the Commission. Failure to obtain advance approval from the Commission for a material deviation from the approved plans or a substantial change to the Project may result in the assessment of a penalty pursuant to 30 V.S.A. §§ 30 and 247.⁹

As discussed above, the Agency does not believe that the proposed changes to the Battery Project are substantial changes based on the particular facts and circumstances in this matter. However, even changes which do not rise to the level of substantial require Commission approval when the changes constitute a material deviation "from the plans

⁹ *Petition of Green Mountain Power*, Case No. 17-2813, Amended CPG dated 2/16/2018 at 1.

and evidence submitted in [the] proceeding.”¹⁰ The addition of a pad-mounted transformer that will hold 410 gallons of transformer oil, along with a concrete containment vault,¹¹ represents a broad alteration of the Battery Project and constitutes a material deviation from the Battery Project’s approved plans.¹² The remaining two changes (three new pole-mounted reclosers and additional communication equipment within an existing cabinet) may or may not, when considered separately, result in a broad alteration of the Battery Project as previously approved. However, these changes, when considered together with the first change, constitute a broad alteration.¹³ Therefore, the Agency concludes that the changes to the Battery Project constitute material deviations which require advance approval by the Commission and admission of the GMP testimony (affidavits) and exhibits into the evidentiary record in order to avoid the potential for a future violation of Condition 1 of the Battery Project’s existing CPG.

CONCLUSION

For the reasons discussed above, the Agency concludes that GMP’s proposed changes are not substantial changes that require an amendment to the Battery Project’s existing CPG, at least with respect to the natural resources criteria of Section 248(b)(5). However, the Agency also concludes that the changes to the Battery Project constitute material deviations which require advance approval by the Commission and admission of the GMP testimony and exhibits into the evidentiary record in order to avoid the potential for a future violation of Condition 1 of the Battery Project’s existing CPG.

¹⁰ *Id.*

¹¹ *See*, GMP Motion dated 7/15/2020, Attachment 1, Sheet C-002.

¹² *See*, *Petition of ERWR Whitcomb Farm Solar, LLC*, Case No. 8076, Order dated 9/18/14 at 5.

¹³ *Id.*

The Agency does not object to the Commission's approval of the changes and admission of GMP's testimony and exhibits. The Agency defers to the Department of Public Service with regard to the potential impact of any of GMP's proposed changes on safety, reliability and all other criteria typically reviewed by the Department.

Dated July 29, 2020, at Waterbury, Vermont.

Respectfully submitted,
State of Vermont
Agency of Natural Resources



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