



November 18, 2016

Mrs. Judith Whitney, Clerk  
Vermont Public Service Board  
112 State Street, 4<sup>th</sup> Floor  
Montpelier, VT 05620

**Re: Proposed Rules – Maintenance of Aesthetics Mitigation and Decommissioning**

Dear Public Service Board Members,

Renewable Energy Vermont thanks the Public Service Board for the opportunity to comment on proposed rules regarding aesthetics mitigation and decommissioning of generation facilities. As new requirements are contemplated for new renewable energy generation facilities, it is important to consider the impacts on project costs, particularly for smaller projects.

While REV does not object to consistent rules for solar projects, we note that no legislative findings or recommendations from the extensive dialogue of the Solar Siting Task Force indicated any widespread problems associated with aesthetics mitigation maintenance or project decommissioning. Therefore REV recommends that the Board maintain flexibility to require enhanced mitigation compliance or find that mitigation or decommissioning is not necessary, depending on a Facility's specific characteristics or location.

In addition to the comments below, REV offers specific redline edits to the rules as enclosed.

*Aesthetics*

The rule seems to presume that every project needs aesthetic mitigation, and that every project warrants enhanced post-construction documentation, which notably exceeds requirements for many existing renewable energy projects. As proposed by the Department of Public Service, the aesthetics rule unnecessary new costs by requiring hiring of licensed landscape architects or foresters for several years after the project is built, irrespective of project size or other considerations. Other individuals such as project managers, host property owners, or other workers are capable of sufficiently inspecting plantings post construction to document planting survival.

*Decommissioning*

REV does not object to decommissioning requirements for larger projects in order to project public safety and the environment. However, there is no compelling showing to lower the Board's current threshold of projects greater than 1 MW for requiring decommissioning plans. REV requests consideration of exemptions for certain types of projects (including solar) located on "preferred locations" identified by the legislature and Board in other rules. Certain renewable energy projects



that are located on previously-developed or disturbed sites do not necessitate decommissioning requirements.

If projects do not impose undue adverse impacts after operations cease, there is no rational basis for the PSB to require anything with respect to decommissioning. Such requirements for certain renewable energy projects far exceed that imposed for infrastructure or other permanent building in Vermont. With the exception of large wind generation, renewable energy projects that are not visible, or those with extensive aesthetic landscaping plans should not be subject to mandatory decommissioning beyond a property owner's interest.

Decommissioning plans and the associated financial security create ongoing costly burdens, particularly for smaller projects. Annual inflation adjustments for decommissioning funds is unwieldy, costly, and unnecessary. REV request that the Board limit financial security updates to no more frequently than every three years, which will sufficiently reduce risk to the public.

REV concurs with other commenters that the proposed rules apply prospectively, only to new facilities applying for CPGs in 2017 and not existing permitted projects or those currently in the permitting process. Again, thank you for the opportunity to comment.

Respectfully submitted,

Olivia Campbell Andersen  
Executive Director  
Renewable Energy Vermont

*Renewable Energy Vermont represents businesses, non-profits, utilities, and individuals committed to reducing our reliance on dirty fossil fuels by increasing clean renewable energy and energy efficiency in Vermont. Vermont's clean energy economy supports at least 17,715 sustainable jobs at 2,519 businesses, representing approximately 6% of Vermont's workforce. Together, we will achieve 90% total renewable energy (electric, thermal, transportation) by 2050.*