



**State of Vermont
Public Utility Commission**

MEMORANDUM

To: Participants in Public Utility Commission proceedings
From: John Cotter, Deputy General Counsel
Re: Access to grand lists for identifying adjoining landowners
Date: April 7, 2020

Both the State of Vermont and the federal government have declared a state of emergency due to the outbreak of the new coronavirus known as COVID-19. The Vermont Public Utility Commission (“Commission”) recognizes the importance of helping to slow the spread of COVID-19 in Vermont. Social distancing is one step that helps slow the spread of this virus.

The Commission is examining its procedural requirements to identify those that require close personal contact and to review whether those requirements could be temporarily modified during this public health emergency without adversely affecting other parties’ procedural rights.

Currently, a number of petitions require the petitioner or applicant to identify the owners of land adjoining the site of a proposed project by consulting the grand list of the municipality in which a project is proposed. These include some or all applications or petitions to construct generation or transmission facilities pursuant to 30 V.S.A. § 248,¹ net-metering facilities pursuant to 30 V.S.A. §§ 8010 and 248,² meteorological towers pursuant to 30 V.S.A. § 246,³ and telecommunications facilities pursuant to 30 V.S.A. § 248a.⁴

According to the Secretary of State’s website, some town clerks’ offices are open by appointment only while others are closed to the public with some limited services available by telephone or online.⁵

The Commission is concerned about the potential for close personal contact that arises when an individual visits a town clerk’s office to consult a grand list and property tax maps, even by appointment only. The Commission is also concerned about adjoining landowners being able to

¹ Commission Rule 5.402(B) and (F)(3).

² Commission Rule 5.106(D)(3) and 5.107(D)(3).

³ Case No. 17-5090-INV, *Amended order establishing standards and procedures for issuance of a certificate of public good for a temporary meteorological station pursuant to 30 V.S.A. § 246*, Order of 12/6/17 (Notice Requirements (b)).

⁴ Case No. 18-2940-INV, *Sixth Amended Order implementing standards and procedures for issuance of a certificate of public good for communications facilities pursuant to 30 V.S.A. § 248a*, Order of 9/21/18 at IV.C.

⁵ See <https://sos.vermont.gov/secretary-s-desk/about-the-office/covid-19-response/> at “Municipal Assistance.”

receive appropriate notices, both in advance of the filing of a petition when required and at the time a petition is filed. Given the amount of experience that many practitioners before the Commission possess in identifying the names and addresses of adjoining landowners, the Commission is now asking these practitioners for information and recommendations on how to ensure that both concerns are addressed.

The Commission requests that you answer the following questions to the best of your ability by April 21, 2020, by filing them as public comments in Case No. 20-0789-INV in ePUC.

1. In your experience, what percentage of town clerks' offices are open for land records research? Is this by appointment or otherwise?
2. If you have visited a town clerk's office by appointment, what was your experience with close personal contact? Was social distancing properly maintained?
3. If you have visited a town clerk's office recently, what specific concerns did you have?
4. Have you contacted any town clerks either online or by telephone to request the names and addresses of any owners of property adjoining either your or a client's project site? If yes, how did the clerk respond to your request?
5. Have you attempted to use online municipal records to identify adjoining landowners? If yes, how successful were you in your efforts?
6. If you have attempted to use online municipal records to identify adjoining landowners, did you find it complex or relatively easy? Compare the amount of time it took you to perform the task using online records versus traveling to a clerk's office in person.
7. In your experience, are online databases that allow you to search for the names and addresses of adjoining landowners widely available in Vermont municipalities, or is the availability limited? Please estimate how widely available these resources are.
8. Given any difficulties you have experienced in identifying adjoining landowners as a result of town clerks' offices either being closed or operating by appointment only, what recommendations do you have for ensuring that adjoining landowners receive proper notifications, either in advance of a petition being filed or at the time a petition is filed as currently required under statute or Commission rule?

The Commission appreciates your time and thoughts in answering these questions. Please provide any additional information that you believe would be helpful that is not specifically called for in these questions.