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VIA ePUC

October 2, 2020

Ms. Judith C. Whitney, Clerk
VERMONT PUBLIC UTILITY COMMISSION
People's United Bank Building, 4th Floor
112 State Street
Montpelier, VT 05620-2701

Re: Case No. 20-2369 - RULE: Proposed revisions to Vermont Public Utility Commission Rule 2

Dear Judy,

On behalf of Sheehey Furlong & Behm P.C., I submit the following comments on the changes the Public Utility Commission ("Commission") has proposed to make to Commission Rule 2.

1. Rule 2.216(C) – Objections to prefiled testimony

The Commission has proposed the following changes to Rule 2.216(C) regarding objections to prefiled testimony:

Objections to the admissibility of prefiled testimony or exhibits, including objections to the admissibility of expert opinions, must be filed in writing at least 14 days before the evidentiary hearing (or, if the evidentiary hearing is cancelled, then at least 14 days before the evidentiary hearing was scheduled to occur under the most recent approved schedule). However, if the prefiled testimony or exhibits are filed in the 21 days directly preceding the evidentiary hearing, then objections must be filed in writing within seven days of the objected-to filing, or at the hearing, whichever is earlier.

From our review of the August 27, 2020 Order Opening Rulemaking for Rule 2, we understand the Commission's concerns regarding the current rule on objecting to testimony. Depending on the nature of a particular case, it may make sense as a practical matter to require objections earlier in time than contemplated under this revised rule. Accordingly, we respectfully recommend the following be added to the proposed rule: "*Unless modified through an approved scheduling order in the case, '[o]bjections to the admissibility of prefiled testimony or exhibits, must be filed in writing at least 14 days before the evidentiary hearing...*'"

2. Rule 2.201(A) Notice of Appearance

The Commission's proposed change to the Notice of Appearance rule provides, "Attorneys must file a notice of appearance with respect to any proceeding in which they are representing a party, or participant." We recommend clarification regarding whether this language requires the filing of a document constituting a notice of appearance separate from the notice of appearance automatically prompted by the ePUC system. In particular, when a new petition is filed, the ePUC system states that the filer acknowledges that entering his/her name in ePUC as the Official Representative "constitutes the filing of a notice of appearance" for the filing, and no separate notice of appearance document is required. Of course, we have no objection to filing a separate notice of appearance; however, we recommend the rule identify whether entering an appearance through the ePUC system satisfies the above-quoted requirement.

We appreciate the significant time and effort the Commission and its staff have spent on this comprehensive update to Commission Rule 2, and we are grateful for the opportunity to submit comments. If you have any questions on these comments, please do not hesitate to contact me.

Sincerely,

SHEEHEY FURLONG & BEHM P.C.



Debra L. Bouffard

DLB/ams