

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 20-2369-RULE

Proposed revisions to Vermont Public Utility)
Commission Rule 2)

VERMONT AGENCY OF NATURAL RESOURCES'S RESPONSE COMMENTS

Pursuant to the Public Utility Commission's ("Commission") November 12, 2020 Procedural Order, the Vermont Agency of Natural Resources ("Agency") submits the following comments in response to the first round of stakeholder comments.

As noted in the Procedural Order, several parties to this rulemaking process have recommended that references to the Vermont Rules of Civil Procedure ("V.R.C.P.") be removed, either in part or completely, from the proposed rule. The Agency does not agree with such a recommendation, and instead supports the continued inclusion and applicability of the V.R.C.P. as contemplated in the draft proposed rule. The V.R.C.P. serves as an important backstop in the creation of a comprehensive procedural framework for both the Commission and party participants to operate in any given proceeding. Inclusion of the V.R.C.P. in Rule 2 provides direction to the parties in instances where Rule 2 does not speak directly to a procedural matter that may arise in a proceeding. Specifically, sections 2.103 and 2.104 outline with sufficient clarity when the V.R.C.P. apply so that parties are well informed as to when reliance on either Rule 2 or the V.R.C.P. is appropriate.

Discussion of any further revisions to the rule's language at the Commission's scheduled workshop may help to resolve some parties' specific concerns. Likewise, AllEarth Renewable's concerns related to proposed section 2.109 – particularly with respect to the impact of midstream changes to the VRCP on pending cases – would likely benefit from further discussion at the

workshop. However, the Agency does not endorse the wholesale removal of the general applicability of the V.R.C.P. to Commission proceedings.

Dated at Montpelier, Vermont, this 4th day of December 2020.

Respectfully submitted,

VERMONT AGENCY OF NATURAL RESOURCES

By: _____

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