

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 21-0861-RULE

Proposed revisions to Vermont Public Utility Commission Rule 5.400	
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Order entered: 03/26/2021

PROCEDURAL ORDER SETTING RESPONSE COMMENT DEADLINE

On February 9, 2021, the Vermont Public Utility Commission (“Commission”) issued an order opening a rulemaking to begin a review of Commission Rule 5.400. The order included a draft of the changes to Rule 5.400 that are proposed by the Commission. On or before March 8, 2021, we received comments from many participants. As part of the Commission’s order opening this proceeding, the Commission indicated that it would likely set a date for responses to the initial round of comments. I have been appointed to act as the hearing officer in this proceeding and today am setting a deadline for responses to that initial round of comments.

In the initial round of comments, participants responded to the Commission’s proposed changes and offered additional suggestions for changes to Rule 5.400. However, the comments received were extensive and the participants have not yet had a chance to respond to each other’s comments or to the additional suggestions made by some of the commenters. For instance, several commenters have suggested that the Commission does not have the authority to implement some of the proposed changes, such as expanding the list of persons or entities entitled to receive advance notice of a Section 248 petition, identifying additional persons or entities that may intervene in a Section 248 proceeding without filing a motion, or requiring Section 248 petitioners to file information about the existence of Act 250 permits that apply to a parcel of land that is the subject of their petition. The Commission would benefit from hearing responses from participants to each other’s comments. The deadline for filing response comments is April 23, 2021.

Additionally, in its February 9, 2021, order initiating this rulemaking, the Commission expressed its intent to conduct a series of workshops as part of this proceeding so that it can develop a well-informed proposal before beginning the formal rulemaking process required by the Administrative Procedure Act. However, the Commission also expressed some concern

about the effectiveness of a video-based workshop process given the potential for a significant number of participants in this proceeding. So far, 19 persons or entities have appeared as participants in this matter. Of those, 12 filed initial comments. The Commission also requests that in addition to filing responsive comments on April 23, 2021, the participants file comments on whether the Commission should move forward with a series of workshops or whether it should wait for the April 23 response comments, review both rounds of comments received, and issue a revised proposed draft rule before scheduling any workshops.

Comments should be filed in this case in ePUC using the “Add Briefs, Comments, or Discovery” action. Comments should not be filed using the “Public Comment” option.

SO ORDERED.

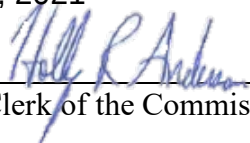
Dated at Montpelier, Vermont, this 26th day of March, 2021.



John J. Cotter, Esq.
Hearing Officer

OFFICE OF THE CLERK

Filed: March 26, 2021

Attest: 
Clerk of the Commission

Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Commission (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: puc.clerk@vermont.gov)

PUC Case No. 21-0861-RULE - SERVICE LIST

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