

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 19-3272-PET

Petition of Vermont Department of Public Service to initiate an EEU Demand Resource Plan proceeding for the 2021-2023 performance period	
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Order entered: 03/29/2021

ORDER RESPONDING TO BED’S REQUEST FOR ENLARGEMENT OF TIME

On February 10, 2021, the Vermont Public Utility Commission (“Commission”) issued an order requesting a proposed schedule for this case considering the City of Burlington Electric Department’s (“BED”) request to file a revised Demand Resources Plan (“DRP”) following the enactment of Act 151.

More than one month later, on March 15, 2021, BED filed a proposed schedule. BED represented that the schedule was developed in collaboration with the Department of Public Service (“Department”). On March 18, 2021, BED’s schedule was adopted.

On March 19, 2021, the same date on which BED’s supplemental testimony was due to be filed pursuant to its own proposed schedule, BED filed a motion requesting an enlargement of time to file its supplemental testimony. In its motion, BED states that it needs until March 24, 2021, to provide its testimony to the Department for review.

As counsel for BED notes in the motion, the Commission requires that parties file requests for an extension of time no less than three days prior to the deadline, unless good cause is shown.¹ BED filed its request for an enlargement of time 46 minutes before the filing deadline. The only justification offered for the untimely filing of its motion is that counsel was not informed of the need for more time until the day the motion was filed.

BED’s failure to communicate with counsel is not good cause for granting an extension. BED should have assessed whether the deadline that it selected for filing supplemental testimony was achievable before proposing that deadline in its schedule. The facts and timing were entirely within BED’s control.

¹ Order re: Practice Regarding Requests for Deadline Extension, dated July 14, 2017.

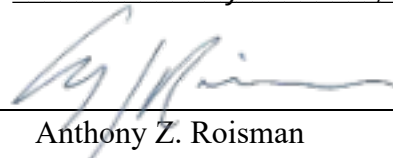
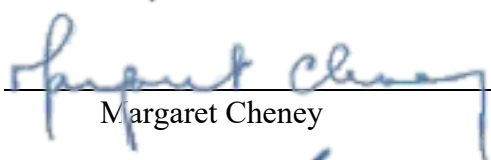
Further, this is not the first time in this case that BED has failed to take seriously a Commission deadline. BED had a deadline of October 9, 2020, to file a revised DRP but did not file this document until October 21, 2020. BED's request to amend its DRP, and thus delay an order in this case, was filed first in another docket and weeks after BED was aware that it was going to make the amendment request. BED's March 15 proposed schedule contained its first deadline four days later, necessitating a quick turnaround from Commission staff to implement the schedule.

The Commission has discretion to grant or deny BED's request for an enlargement of time. In this case, denying BED's request for an enlargement of time, and consequently not accepting BED's supplemental testimony, would leave the record in this case devoid of additional support for BED's pending request—support that the Commission requested as necessary to make a final determination. As BED states in its motion, the extension of BED's first filing deadline will not alter any of the subsequent deadlines in the case. The Commission grants BED's request to file its supplemental testimony on March 24, 2021.

BED is reminded that future requests for deadline extensions must be filed at least three days before the deadline, and whenever practicable, as soon as possible.

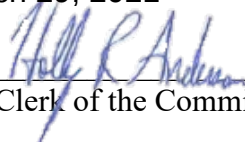
SO ORDERED.

Dated at Montpelier, Vermont, this 29th day of March, 2021.

	)	
Anthony Z. Roisman	)	PUBLIC UTILITY
	)	
	)	COMMISSION
Margaret Cheney	)	
	)	
	)	OF VERMONT
Sarah Hofmann	)	

OFFICE OF THE CLERK

Filed: March 29, 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. 19-3272-PET - SERVICE LIST

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