

**2.100 Scope and Construction of Rules****TABLE OF CONTENTS**

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**2.101 Applicability**

These rules apply in all proceedings before the Commission.

**2.102 Definitions**

- (A) Commission: the Vermont Public Utility Commission and any Commissioner, hearing officer, clerk, or other Commission employee or agent authorized to act on behalf of the Commission.
- (B) Contested case: a proceeding, including ratemaking and licensing, in which the legal rights, duties, or privileges of a party are required by law to be determined by an agency after an opportunity for hearing.
- (C) ePUC: the Commission's electronic case management filing system.
- (D) Filing (when used as a noun): any petition, application, complaint, motion, exhibit, report, or any other document required or permitted to be filed with the Commission in connection with any proceeding within the Commission's jurisdiction. This includes any ePUC submission. This does not include other electronic communications with the

Commission that are not part of a proceeding within the Commission's jurisdiction. A filing is not part of the evidentiary record unless it is admitted into evidence.

- (E) Final order: an order from which an appeal lies. Unless the Commission specifies that an order is final (as to the entire matter or as to certain parties), an order is not final if there will be additional proceedings (other than compliance filings) in the same matter.
- (F) Person: individual, group, corporation, cooperative, partnership, firm, association, or other entity or organization.
- (G) Proceeding: any case, docket, rulemaking, or other matter that is before the Commission.
- (H) Reply: a filing made in reply to another party's response.
- (I) Response: a filing made in response to another party's motion or other filing.
- (J) State: the State of Vermont.

### **2.103 Vermont Rules of Civil Procedure Do Not Apply**

These rules are comprehensive. Where applicable, specific provisions of the Vermont Rules of Civil Procedure (including additions and amendments to those rules from Administrative Orders of the Vermont Supreme Court) have been adapted and written into these rules. The Vermont Rules of Civil Procedure therefore do not apply to Commission proceedings. These rules apply instead. However, any party may request the application of the Vermont Rules of Civil Procedure (in whole or in part) to a particular case, and the Commission may exercise its discretion to grant or deny that request. Further, to the extent that a provision of these rules is adapted from a related provision in the Vermont Rules of Civil Procedure, the Commission will look to caselaw (from the Commission and from the courts) as relevant precedent in interpreting these rules. Additionally, whenever the Vermont Rules of Civil Procedure are amended or updated through an Administrative Order of the Vermont Supreme Court or otherwise, the Commission may, in its discretion, incorporate any amended or new provisions of the Vermont Rules of Civil Procedure into these rules by Commission order. Unless there is a need to act immediately, the Commission will issue a proposed order for comment from stakeholders before the Commission issues a final order incorporating any amended or new provisions.

### **2.104 Conflicting Authority**

In the event of a conflict, any more specific Commission rule or Commission order shall prevail over these rules and over otherwise applicable provisions of the Vermont Rules of Civil Procedure.

**2.105 Proceedings Governed by These Rules**

All proceedings are presumed to be governed by these rules. Proceedings may also be governed by other Commission rules, Vermont Supreme Court orders, Commission orders, applicable statutes, or any other rules or requirements that the Commission may order.

**2.106 Construction**

These rules shall be liberally construed to secure the just, timely, and inexpensive determination of all issues presented to the Commission.

**2.107 Waiver of Rules**

To prevent unnecessary hardship or delay, to prevent injustice, or for other good cause, the Commission may waive the application of a rule under such conditions as it may require, unless precluded by the rule or by statute. In an ongoing proceeding, to obtain a waiver, a person must file a motion pursuant to Rule 2.206. When there is not an ongoing proceeding, a waiver can be requested by filing a petition pursuant to Rule 2.202. Any motion or petition for a waiver must be accompanied by a concise explanation of the basis for the waiver.

**2.108 Severability**

If any of these rules is found by a court of competent jurisdiction to be illegal or void, the remainder are unaffected and continue in full force and effect.

**2.109 Immediate Applicability and Repeal of Previously Issued Rules**

When amendments to these rules of practice are made, those amendments go into effect immediately. Those amendments apply to pending proceedings, and all previously adopted rules of practice and amendments are repealed to the extent they are amended, unless the Commission determines (on its own or at the request of a party or participant) that a previous rule should continue to apply to a pending proceeding to avoid injustice or substantial inconvenience. For pending cases known as “legacy” cases in which the Commission has allowed the parties to file on paper, rather than in ePUC, the requirement to make filings in ePUC does not apply. For pending cases in which the Commission has already made substantive rulings based on a previous version of these rules, those substantive rulings remain in place and are not subject to reconsideration based solely on a change in these rules.

**2.110 Use of ePUC for All Commission Proceedings**

The provisions of these rules presume the use of ePUC unless specifically stated otherwise. All Commission proceedings and all filings in Commission proceedings must use ePUC, unless:

- (A) a filing is required to be made in paper by statute or under Rule 2.202,
- (B) a party or participant obtains a waiver under Rule 2.107 to allow for paper filings (for instance, because the person does not have high-speed internet in their home or office),

- (C) the filing is a consumer complaint or public comment,
- (D) a party or participant seeks confidential treatment of the filing (in which case a redacted version must still be filed in ePUC, but the allegedly confidential document must be filed in accordance with Rule 2.226), or
- (E) the filing is made by a bank or other financial institution and consists of a letter of credit or other legal documents requiring an original signature.