

STATE OF VERMONT  
PUBLIC UTILITY COMMISSION

Case No. 22-2230-PET

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Petition of Vermont Gas Systems, Inc., pursuant to 30 V.S.A. § 248(i), for approval of an out-of-state renewable gas purchase contract with a term exceeding 5 years	
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Order entered: 06/28/2022

**ORDER ON MOTION FOR EXTENSION OF COMMENT DEADLINE AND  
TWO-WEEK WAIVER OF SECTION 248(i) REGARDING THE CONTRACT EFFECTIVE DATE**

On June 13, 2022, Vermont Gas Systems, Inc. (“VGS”) filed a petition with the Vermont Public Utility Commission (“Commission”), pursuant to 30 V.S.A. § 248(i), for approval of an out-of-state renewable gas contract for a term exceeding five years.

On June 14, 2022, I issued a memorandum requesting that the Vermont Department of Public Service (“Department”) file comments and recommendations on VGS’s petition and an associated motion for confidential treatment no later than June 29, 2022.

On June 28, 2022, VGS filed a motion requesting an extension of the Department’s comment deadline until July 13, 2022. In support of the motion, VGS represents that “VGS has engaged in discussions with the [Department] regarding this Petition and understands that the Department would benefit from having a full 30-day period to consider whether to investigate the proposed contract.”<sup>1</sup> VGS also states that if a two-week extension is granted, then VGS will “waive[], until July 27, 2022, the provision of Section 248(i) that provides that ‘the contract or investment shall be deemed to be approved’ if the Commission does not initiate an investigation within 30-days of the Petition.”<sup>2</sup>

In relevant part, 30 V.S.A. 248(i)(3) provides that:

The Commission, upon its own motion, or upon the recommendation of the Department, may determine to initiate an investigation. *If the Commission does not initiate an investigation within such 30-day period, the contract or investment shall be deemed to be approved.* If the Commission determines to initiate an investigation, it shall give notice of that decision to the company proposing the

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<sup>1</sup> VGS Motion at 1.

<sup>2</sup> *Id.*

investment or contract, the Department, and such other persons as the Commission determines are appropriate.

Section 248(i)(3) establishes a firm 30-day period by which the Commission must decide whether to open an investigation into VGS's petition. For this case, that 30-day period ends on July 13, 2022.

In its motion, VGS proposes to waive this 30-day requirement and set July 27, 2022, as an alternate deadline for the Commission to determine whether to initiate an investigation into the contract. Section 248(i) does not, however, expressly authorize the Commission to approve a waiver of the 30-day period – even if agreed to by the petitioning party. The Commission, therefore, still intends to decide whether to open an investigation into VGS's proposed contract no later than July 13, 2022.

However, additional communications and informational exchanges between the Department and VGS should allow for a more efficient review of VGS's proposed contract and ultimately benefit all parties. The Commission will also benefit from a thoroughly considered recommendation from the Department. Although the Commission will adhere to the statutory July 13, 2022 deadline, it will be able to consider any additional filings from VGS or comments and recommendations from the Department in determining whether to open an investigation so long as they are filed on or before July 5, 2022. Alternatively, if VGS and the Department need additional time to have discussions and exchange information, VGS may withdraw its current petition and refile the contract to reset the 30-day deadline under 30 V.S.A. § 248(i)(3).

VGS's motion, to the extent it seeks to extend the statutory July 13, 2022 deadline by which the Commission must determine whether to open an investigation is denied. The Commission, however, will consider any additional comments or filings from the Department or VGS if they are received on before July 5, 2022, unless VGS withdraws and refiles its contract to reset the Section 248(i)(3) statutory deadline. This order does not, however, affect the deadline for responding to VGS's pending motion for confidential treatment, which remains June 29, 2022.

**SO ORDERED.**

Dated at Montpelier, Vermont, this 28th day of June, 2022.




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Daniel Burke, Esq.  
Hearing Officer

OFFICE OF THE CLERK

Filed: June 28, 2022

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](mailto:puc.clerk@vermont.gov))*

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