

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: 08/05/2022

ORDER AND NOTICE OF WORKSHOP

On June 16, 2022, the Vermont Public Utility Commission (“Commission”) issued a third draft of proposed amendments to Commission Rule 5.400 and established July 8, 2022, as the deadline for comments on draft amendments.

After reviewing the comments filed in response to the June 16 draft, the Commission has determined that an additional workshop to discuss two remaining topics would be helpful. The topics are: (1) the possible requirement for the filing of “as-built” construction plans and narrative descriptions of changes for projects requiring a Section 248 certificate of public good (“CPG”), and (2) filing requirements for linear projects.

Workshop participants should be prepared to discuss the following:

As-built project plans and narrative descriptions of changes.

1. Do utilities and/or project developers track changes to projects that are made during the construction phase that were not depicted on the original project plans submitted to the Commission as part of a Section 248 petition? If yes, describe how those changes are tracked.
2. When a project is completed, do utilities and/or project developers create a final “as-built” plan for a project?
3. Do “as-built” plans document every change to a project made during construction or only some changes?
4. If only some changes are documented, please describe how a decision is made whether to document the change.
5. If changes to a project are made during construction but are not documented, how do utilities and/or project developers complete inspections or repairs without full documentation of a project’s construction?

6. Do utilities and/or project developers create or maintain a final plan that shows the as-built version of a project that has undergone changes during construction that is similar in detail to the plans filed with a petition for a Section 248 CPG? If yes, describe how that plan is created. If no, please explain the effort that would be required to create such a plan.

7. Please explain the effort required to provide a narrative description of changes depicted on the type of plan described in the preceding question.

Linear project filing requirements.

Several participants filed comments in response to the newly proposed filing requirements for linear projects. The Commission drafted proposed section 5.404 in recognition of the unique nature of linear projects and their potential to span long distances, making the general filing requirements of the draft amended rule potentially burdensome without providing a corresponding benefit.

Some participants expressed concern over the proposed use of the words “typical” and “unique” to establish when certain information must be filed, when the proposed draft does not also provide definitions for those terms. Participants should come to the workshop with proposed definitions for discussion purposes.

Other participants expressed a concern that producing the information sought by the proposed draft would result in increased burdens on petitioners without any added value to the Commission in terms of information it would receive when compared to the level of information that is filed by petitioners under the current rule. Participants should come to the workshop prepared to discuss the differences between what they currently file for linear projects and what the draft rule language would require them to file, as well as the comparative burdens associated with each. Participants should keep in mind that the Commission’s intent is to gather the information necessary for the public to fully understand proposed projects and for the Commission and parties to fully evaluate projects under the applicable statutes without creating undue burdens on parties.

NOTICE OF WORKSHOP

I will convene a workshop on October 3, 2022, beginning at 9:30 A.M. and ending at 12:00 noon to discuss the above-identified topics. If participants wish to file comments in

writing in advance of the workshop, they should do so using the “Add Briefs, Comments, or Discovery” action in this case in ePUC. Comments should not be filed using the “Public Comment” option. The workshop will be conducted via videoconference using the GoToMeeting platform. The Clerk of the Commission will issue a separate notice with the date and time of the workshop and information on how to participate using the GoToMeeting platform.

SO ORDERED.

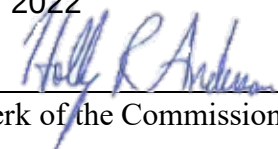
Dated at Montpelier, Vermont, this 5th day of August, 2022.



John J. Cotter, Esq.
Hearing Officer

OFFICE OF THE CLERK

Filed: August 5, 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)

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