

2.500 COVID-19 EMERGENCY PROCEDURES**2.501 Purpose, Scope, and Period of Applicability**

(A) Due to the outbreak of the novel coronavirus, COVID-19, the Governor of Vermont declared a state of emergency. The Vermont Supreme Court declared a judicial emergency in Administrative Order 49 and amendments to that order. Although the Governor has lifted the state of emergency, the risk of virus spread and the consequences of the pandemic persist. This revised emergency rule amends various filing and procedural requirements and provides alternative procedures to reduce or eliminate in-person contact between members of the public and Commission staff or other members of the public to reduce the risk of exposure to the COVID-19 virus. A number of measures included in this revised emergency rule have proven beneficial to those who appear before and interact with the Commission. The Commission is undertaking a process of adopting policies and promulgating permanent rules, where appropriate, so that the remaining measures in this revised emergency rule could either be phased out or incorporated into permanent rules. The provisions in this revised emergency rule will be superseded when permanent rules regarding those measures take effect.

(B) This rule shall take effect on the date of its filing, and shall remain in effect for six months, or until the Commission withdraws it. This revised rule supplants in its entirety the prior Emergency Rule 2.500, which became effective September 30, 2022, and will continue to be referred to as Emergency Rule 2.500.

(C) [Repealed.]

2.502 Amendments to Commission Rule 2.202 Relating to Initiation of Proceedings

[Repealed.]

2.503 Amendments to Commission Rule 2.204 Relating to Pleadings and Other Filings; Service and Filing

[Repealed.]

2.504 Amendments to Commission Rule 2.216 Relating to Evidence

(A) [Repealed.]

2.505 Amendments to Commission Rules 5.106 and 5.107 Relating to Method of Service for Net-Metering System Applications and Petitions

(A) Advance Submission.

(1) The Commission amends Commission Rule 5.106(C)(2) as follows. The applicant must cause the advance submission to be served to the entities listed in Commission Rule 5.106(C)(1)(a) through (c) by first-class mail. The applicant must cause the advance submission to be transmitted to the entities listed in Commission Rule 5.106(C)(1)(d) through (i) using the Commission's electronic

- filing system, unless the applicant is making a paper filing in accordance with the Commission's rules, in which case service must be by first-class mail.
- (2) The Commission amends Commission Rule 5.107(B)(2) as follows. The applicant must cause the advance submission to be served to the entities listed in Commission Rule 5.107(B)(1)(a) through (c) by first-class mail. The applicant must cause the advance submission to be transmitted to the entities listed in Commission Rule 5.107(B)(1)(d) through (i) using the Commission's electronic filing system, unless the applicant is making a paper filing in accordance with the Commission's rules, in which case service must be by first-class mail.
- (B) Service of Copies of Applications.
- (1) The Commission amends Commission Rule 5.106(F)(2) as follows. The applicant must provide a copy of the application to the entities named in Commission Rule 5.106(F)(1)(a) through (c) by first-class mail. The applicant must cause copies of the application to be transmitted to the entities listed under Commission Rule 5.106(F)(1)(d) through (i), using the Commission's electronic filing system, or if the applicant is making a paper filing, then using first-class mail.
- (2) The Commission amends Commission Rule 5.107(E)(2) as follows. The applicant must provide a copy of the application to the entities named in Commission Rule 5.107(E)(1)(a), (h), and (i) by first-class mail. The applicant must cause copies of the application to be transmitted to the entities listed under Commission Rule 5.107(E)(1)(b) through (g), using the Commission's electronic filing system, or if the applicant is making a paper filing, then using first-class mail.

2.506 Use of Grand Lists

- (A) Notwithstanding the provisions of Commission Rules 5.106(D)(3) and 5.107(C)(3), or any other rule or order inconsistent with this emergency rule, in circumstances in which the Commission requires that the names and addresses of all adjoining landowners as obtained from the most recent version of the town's grand list be compiled to provide a notice, an applicant may obtain adjoining property owner information online through the Vermont Center for Geographic Information database, municipality-specific databases, the Vermont Department of Taxes grand lists, and/or electronic versions of grand lists maintained by municipalities.
- (B) Notwithstanding the provisions of Commission Rules 5.402(B) and 5.402(F)(3), Commission orders issued in Case No. 17-5090-INV and Case No. 18-2940-INV, or any other rule or order inconsistent with this emergency rule, in circumstances in which the Commission requires that the names and addresses of all adjoining landowners as obtained from the most recent version of the town's grand list be compiled to provide a notice, an applicant may obtain adjoining property owner information online through the Vermont Center for

Geographic Information database, municipality-specific databases, the Vermont Department of Taxes grand lists, and/or electronic versions of grand lists maintained by municipalities.

- (C) An applicant must verify the online information with the relevant municipal office within 60 days before providing the notice. An applicant must document the municipal office verification, including the name of the municipal staff member and date on which the verification occurred, or, alternatively, must document at least three attempts at verifying the online information. Documentation of verification shall be signed and attested to by an applicant in the manner provided in Commission Rule 2.213(C)(6).

2.507 Notarization and Oaths

[Repealed.]

2.508 Commencement of Construction

[Repealed.]

2.509 Amendments to Commission Rule 5.110(C) Relating to Abandonment of Certificates of Public Good

The Commission amends Commission Rule 5.110(C) as follows. Non-use of a CPG for a period of one year following the date the CPG is issued will result in the revocation of the CPG. For the purpose of this section, for a CPG to be considered used, the net-metering system must be commissioned. The Commission may grant by order generic extensions of time as a result of the COVID-19 pandemic. Any other extensions of time will only be granted upon written request and for good cause shown. Before site preparation, a certificate holder may abandon a CPG at any time by filing written notice to the Commission, the Department, the Agency of Natural Resources, and the electric company.

2.510 Amendments to Commission Rule 5.402(B) Relating to Filing Requirements for Petitions to Construct Electric and Gas Facilities Pursuant to 30 V.S.A. § 248

The Commission amends Commission Rule 5.402(B) as follows. A petitioner must provide notice of the proposed project to each adjoining property owner at the time that the petition is filed with the Commission. This notice shall include, at a minimum, a general description of the type and approximate location of the facilities and upgrades proposed, a statement that a petition for approval is being filed with the Commission, instructions on how to download electronically a copy of the complete project plans and petition, and instructions on how an adjoining landowner can contact the petitioner to obtain a copy of the complete project plans and petition if the adjoining landowner is not able to access them electronically. This notice shall also include a reference and a link to the Commission document “Public Participation and Intervention in Proceedings Before the Public Utility Commission,” found on the Commission’s website at <https://puc.vermont.gov/document/public-participation-and-intervention-proceedings-public-utility-commission>. In addition, the notice shall include either

(a) if the petition is filed under Section 248, a reference and a link to the Commission's Section 248 procedures document, found on the Commission's website at: <https://puc.vermont.gov/document/section-248-procedures>; or (b) if the petition is filed under Section 248(j), a reference and a link to the Commission's Section 248(j) procedures document, found on the Commission's website at <https://puc.vermont.gov/document/section-248j-procedures>.

If an adjoining landowner asks the petitioner for a copy of the complete project plans and petition, the petitioner must provide paper copies by first-class mail, or, if the requester has the required technology to read digital copies and has agreed to receive digital copies, the petitioner may provide them via compact disc or thumb drive.