



August 4, 2023

Holly R. Anderson
Clerk of the Commission
112 State Street
Montpelier, VT 05620-2701

Re: Proceeding to design the potential Clean Heat Standard, Case No. 23-2220-RULE and Investigation into the Clean Heat Standard Default Delivery Agent Costs and Quantities, Case No. 23-2221-INV

Dear Ms. Anderson,

In response to the Public Utility Commission's ("Commission's") request for comments within its June 30, 2023, opening orders in Case No. 23-2220-RULE and Case No. 23-2221-INV, Vermonters for a Clean Environment ("VCE") provides comments under the copied and italicized Commission text below.

Case No. 23-2220-INV

First, we solicit feedback on the efficiency and transparency of using this proceeding to centralize information related to the potential Clean Heat Standard.

VCE requests that in the interests of transparency, no requests for confidentiality be approved. All information should be open to the public, and nothing held as confidential.

Second, considering the array of issues to be covered in these proceedings as required by Act 18, we seek feedback on what other elements of this process (aside from the topics covered in 23-2221-INV and the appointment of a Default Delivery Agent, which we anticipate will be carried out in another distinct proceeding) may need to be considered in a separate proceeding.

Throughout the legislative testimony in the last two years, it has become evident that consumer interests have not been adequately represented in the development of the Clean Heat Standard. We therefore suggest that it is the appropriate time and place to initiate a separate investigation into the creation of an independent Office of Consumer Advocate, such as exist in New Hampshire,¹ Connecticut² and other NE states.

The role of the Consumer Advocate has been effective in other states in protecting the interests of consumers, and is distinct from the current Office of Public Advocate within the Department of Public Service that serves the governor's interests. The lack of a Consumer Advocate in the development of the Clean Heat Standard has, in VCE's opinion, put the PUC in a challenging position to come up with a fair and equitable rule.

¹ <https://www.oca.nh.gov/>

² <https://portal.ct.gov/occ>

A separate investigation into the role of a Consumer Advocate specific to the numerous aspects of the Clean Heat Standard would benefit the legislature and the public.

Third, we seek input on which individuals and organizations should be contacted as part of our effort to recruit members for the Equity Advisory Group and the Technical Advisory Group.

VCE would be pleased to serve on the Technical Advisory Group, in particular John Brabant who has a wealth of expertise in technical issues associated with the categories required to be represented, and as a 25-year regulator at the Agency of Natural Resources brings a valuable perspective to the development of regulations and rules.

We request that the Technical Advisory Group membership to be considered first exclude members of the groups that developed the Clean Heat Standard in the private working group.³ Regulatory Assistance Project, Energy Action Network, Energy Futures Group, Vermont Gas Systems and Vermont Natural Resources Council are all invested in the Clean Heat Standard and are assuredly going to be weighing in and robustly participating in this process.

To achieve a thorough evaluation of the issues, it would be most beneficial to the public interests to populate the Technical Advisory Group with people who have not had a seat at the table, and who will provide a much-needed fresh set of eyes on the issues that must be considered to comply with the legislation. VCE believes that by allowing others with expertise to participate in the technical evaluations, with the opportunity for comment from members of groups responsible for this policy, the best outcomes will be achieved.

Case No. 23-2221-INV

We request comments from stakeholders and members of the public as to the scope and process to be followed in this proceeding. In particular, we request comments on whether there are other matters from Act 18 that are appropriately addressed within the scope of this proceeding rather than in Case No. 23-2220-RULE, or perhaps another proceeding.

Please see our comment about a separate proceeding to investigate the creation of an Office of Consumer Advocate.

We also request comments on whether we should follow any contested-case-like procedures for this proceeding.

VCE supports a contested-case procedure for this proceeding.

Sincerely,

Annette Smith
Executive Director

³ <https://vce.org/Clean%20Heat%20Standard%20Meeting%20Notes%20with%20TOC.pdf>