

Adopted Filing – Coversheet

Instructions:

In accordance with Title 3 Chapter 25 of the Vermont Statutes Annotated and the “Rule on Rulemaking” adopted by the Office of the Secretary of State, this filing will be considered complete upon filing and acceptance of these forms with the Office of the Secretary of State, and the Legislative Committee on Administrative Rules.

All forms shall be submitted at the Office of the Secretary of State, no later than 3:30 pm on the last scheduled day of the work week.

The data provided in text areas of these forms will be used to generate a notice of rulemaking in the portal of “Proposed Rule Postings” online, and the newspapers of record if the rule is marked for publication. Publication of notices will be charged back to the promulgating agency.

**PLEASE REMOVE ANY COVERSHEET OR FORM NOT
REQUIRED WITH THE CURRENT FILING BEFORE DELIVERY!**

Certification Statement: As the adopting Authority of this rule (see 3 V.S.A. § 801 (b) (11) for a definition), I approve the contents of this filing entitled:

**Rule 5.400 PETITIONS TO CONSTRUCT ELECTRIC AND GAS
FACILITIES PURSUANT TO 30 V.S.A. § 248**

_____/s/Anthony Z. Roisman_____, on 12/21/2023_____
(signature) (date)

Printed Name and Title:

Anthony Z. Roisman

Chair, Vermont Public Utility Commission

RECEIVED BY: _____

- ☐ Coversheet
- ☐ Adopting Page
- ☐ Clean text of the rule (Amended text without annotation)
- ☐ Letter regarding changes to the final proposed

1. TITLE OF RULE FILING:

**Rule 5.400 PETITIONS TO CONSTRUCT ELECTRIC AND GAS
FACILITIES PURSUANT TO 30 V.S.A. § 248**

2. PROPOSED NUMBER ASSIGNED BY THE SECRETARY OF STATE

23P 018

3. ADOPTING AGENCY:

Vermont Public Utility Commission

4. RECORDS EXEMPTION INCLUDED WITHIN RULE:

*(DOES THE RULE CONTAIN ANY PROVISION DESIGNATING INFORMATION AS CONFIDENTIAL;
LIMITING ITS PUBLIC RELEASE; OR OTHERWISE, EXEMPTING IT FROM INSPECTION AND
COPYING?)* No

IF YES, CITE THE STATUTORY AUTHORITY FOR THE EXEMPTION:

PLEASE SUMMARIZE THE REASON FOR THE EXEMPTION:

5. LEGAL AUTHORITY / ENABLING LEGISLATION:

*(THE SPECIFIC STATUTORY OR LEGAL CITATION FROM SESSION LAW INDICATING WHO THE
ADOPTING ENTITY IS AND THUS WHO THE SIGNATORY SHOULD BE. THIS SHOULD BE A
SPECIFIC CITATION NOT A CHAPTER CITATION).*

30 V.S.A. §§ 2(c), 9, 11(a), and 248.

6. THE FILING HAS NOT CHANGED SINCE THE FILING OF THE FINAL
PROPOSED RULE.

7. THE AGENCY HAS NOT INCLUDED WITH THIS FILING A LETTER
EXPLAINING IN DETAIL WHAT CHANGES WERE MADE, CITING CHAPTER
AND SECTION WHERE APPLICABLE, INCLUDING CHANGES IN ECONOMIC
IMPACT.

8. THE LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES
DID NOT OBJECT TO THE FINAL PROPOSAL.

9. PROCEDURAL HISTORY OF ADOPTION:

ICAR Filing: 5/4/2023

Proposal Filed with Office of the Secretary of State: 6/22/2023

Notices Posted Online: 6/28/2023

Notices Published in the Newspapers of Record: 7/6/2023

A Hearing WAS Held.

Hearings Held (*PLEASE USE ADDITIONAL SHEETS TO PROVIDE THE DATE, TIME, AND LOCATION OF ALL HEARINGS, IF THIS FORM IS INSUFFICIENT TO LIST ALL HEARINGS HELD*):

Date: 8/8/2023

Time: 06:30 PM

Street Address:

Zip Code:

URL for Virtual: <https://meet.goto.com/787536725>

OR call (877) 309-2073 and enter PIN# 787-536-725

Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual:

Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual:

Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual:

Deadline for Public Comment: 8/15/2023

Final Proposal —

Filed with Secretary of State: 11/02/2023

Filed with LCAR: 11/01/2023

Dates of LCAR Review: 11/30/2023, 12/14/2023, ,
,

Adopted Rule —

Filed with Secretary of State: 12/21/2023

Filed with LCAR: 12/21/2023

10. EFFECTIVE DATE: 03/01/2024

(A RULE MAY TAKE EFFECT 15 DAYS AFTER ADOPTION IS COMPLETE OR AT A LATER TIME PROVIDED IN THE TEXT OF THE RULE SEE 3 V.S.A. §845(d) FOR DETAILS).

Adopting Page

Instructions:

This form must accompany each filing made during the rulemaking process:

Note: To satisfy the requirement for an annotated text, an agency must submit the entire rule in annotated form with proposed and final proposed filings. Filing an annotated paragraph or page of a larger rule is not sufficient. Annotation must clearly show the changes to the rule.

When possible, the agency shall file the annotated text, using the appropriate page or pages from the Code of Vermont Rules as a basis for the annotated version. New rules need not be accompanied by an annotated text.

1. TITLE OF RULE FILING:

**Rule 5.400 PETITIONS TO CONSTRUCT ELECTRIC AND GAS
FACILITIES PURSUANT TO 30 V.S.A. § 248**

2. ADOPTING AGENCY:

Vermont Public Utility Commission

3. TYPE OF FILING (*PLEASE CHOOSE THE TYPE OF FILING FROM THE DROPDOWN MENU
BASED ON THE DEFINITIONS PROVIDED BELOW*):

- **AMENDMENT** - Any change to an already existing rule, even if it is a complete rewrite of the rule, it is considered an amendment if the rule is replaced with other text.
- **NEW RULE** - A rule that did not previously exist even under a different name.
- **REPEAL** - The removal of a rule in its entirety, without replacing it with other text.

This filing is **AN AMENDMENT OF AN EXISTING RULE** .

4. LAST ADOPTED (*PLEASE PROVIDE THE SOS LOG#, TITLE AND EFFECTIVE DATE OF
THE LAST ADOPTION FOR THE EXISTING RULE*):

#17-049, 30-000-5400, REQUIREMENTS FOR PETITIONS TO
CONSTRUCT ELECTRIC AND GAS FACILITIES, 9/1/17; December
2017 [agency name change from Public Service Board;
rule renumbered from 30 000 056]