

STATE OF VERMONT PUBLIC
UTILITY COMMISSION

Case No. 21-3883-RULE

Proposed creation of Vermont Public Utility Commission Rule Concerning Energy Storage	
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Order entered: 08/20/2025

ORDER NOTICING FORMAL RULEMAKING PROCESS

I. INTRODUCTION

In today's order, the Vermont Public Utility Commission ("Commission") notifies the participants in this proceeding that it will begin the formal rulemaking process by filing a draft proposed Commission Rule 9.000, the Energy Storage Rule, with the Vermont Interagency Committee on Administrative Rules and the Vermont Secretary of State. The Commission also responds to comments received during the informal rulemaking process.

The draft Rule 9.000, attached to this order, represents the Commission's consideration of all comments made in this proceeding. The Commission will process the formal rulemaking using its electronic case management system, ePUC, and will do so using the same case number that has been used in this informal process (Case No. 21-3883-RULE). Therefore, any person or entity that is a participant in this case will continue to receive notices of all documents issued by the Commission or filed by participants in the case.

II. DISCUSSION

The Commission opened this proceeding to develop a rule governing the installation and operation of energy storage facilities in Vermont.¹ The Commission issued several requests for comments, conducted two workshops, hosted a five-part series of webinars in conjunction with Sandia National Laboratories, and sought comment on first draft rule.

The proposed rule implements the legislative authority to promulgate a storage rule found in 30 V.S.A. § 8011 and creates a simplified process for siting storage facilities with capacities ranging from 100 kW to 1 MW as required by 30 V.S.A. § 248(u). Section 8011(a) allows the Commission to "adopt and implement rules that govern the installation and operation of energy

¹ Case No. 21-3883-RULE, Order of 9/17/21.

storage facilities of all sizes.”² If the Commission decides to implement rules governing energy storage facilities, those rules must, consistent with the requirements of 30 V.S.A. § 248(u), “establish standards and procedures governing application for and issuance or revocation of a certificate of public good for certain energy storage facilities under the provisions of section 248 of this title.”³ The Commission may: (1) waive the requirements of 30 V.S.A. § 248 that are not applicable to energy storage facilities, including criteria that are generally applicable to public service companies; (2) modify otherwise applicable notice and hearing requirements found in Title 30; and (3) seek to simplify the Section 248 application and review process.⁴ The Commission may also set a size threshold below which storage facilities will not need to seek a certificate of public good under Section 248.⁵

The proposed Rule 9.000 addresses the siting requirements of Sections 8011(d) and 248(u) by creating an application process for battery energy storage devices equal to or greater than 100 kW and up to 5 MW that are installed in an existing or proposed structure, substation, or radio tower site without any earth disturbance or vegetation clearing; and a separate application process for battery energy storage facilities equal to or greater than 100 kW and no more than 5 MW that require earth disturbance or vegetation clearing for installation. Battery energy storage facilities with a nameplate rating greater than 5 MW and non-battery energy storage facilities with a nameplate rating of 100 kW and greater must file a Section 248 petition consistent with the requirements of Rule 5.400.

In addition to the siting provisions that must be included in any storage rule adopted by the Commission, the topic areas permissible for inclusion in an energy storage rule are: (1) the respective duties of retail electricity providers and energy storage facility owners or operators; (2) the electrical and fire safety, power quality, interconnection, metering, and decommissioning of energy storage facilities; (3) the resolution of disputes between energy storage facility owners and operators and the interconnecting provider; (4) energy storage aggregators and the operation

² 30 V.S.A. § 8011(a).

³ *Id.* at § 8011(d).

⁴ *Id.* at §§ 8011(d) and 248(u).

⁵ *Id.* at § 8011(b).

of aggregations; and (5) energy storage facilities paired with other resources, such as net-metering and standard-offer plants, including retrofits of existing plants.⁶

The proposed rule addresses the topic areas identified in Section 8011(c) by establishing other requirements for all energy storage facilities that address: (1) interconnection; (2) safety standards; (3) respective duties of distribution utilities, transmission utilities, and energy storage facility owners and operators and energy storage aggregators; (4) participation in wholesale energy markets; and (5) decommissioning.

The Commission thanks all the participants for their thoughtful comments and insights throughout the informal portion of this rule amendment process. Comments were provided by the Vermont Department of Public Service (“Department”), the Vermont Agency of Natural Resources (“ANR”), the City of Burlington Electric Department (“BED”), Green Mountain Power Corporation (“GMP”), Renewable Energy Vermont (“REV”), Vermont Electric Cooperative (“VEC”), Vermont Electric Power Company (“VELCO”), and the Vermont Public Power Supply Authority (“VPPSA”). Below, we summarize by topic area the comments and changes made in response to the first draft rule issued by the Commission. Where comments raised substantial issues but the Commission disagreed with those comments, the Commission provides its explanation for why it has not adopted those recommendations.

Definitions

The Commission adopted (1) ANR’s recommendations for defining earth disturbance and vegetation clearing; (2) the Department’s recommendation to use the definitions from 30 V.S.A. § 201 when defining energy storage aggregation and energy storage aggregator; (3) GMP’s recommendation to refer to capacity based on nameplate rating; (4) VPPSA’s recommendation to distinguish between battery and non-battery storage systems; and (5) VELCO’s recommendation to distinguish between transmission and distribution utilities. The Commission did not adopt GMP’s recommendation concerning maximum export capacity because that definition concerned interconnection requirements and was not necessary in the rule.

⁶*Id.* at §8011(c).

Siting provisions for systems 100 kW to 5 MW

The Department, GMP, VEC, and VELCO support the proposed application procedures for battery energy storage facilities equal to or greater than 100 kW and no more than 1 MW. The Department recommends that these provisions include (1) an affirmative list of criteria to be addressed; (2) a letter from the interconnecting utility addressing any interconnection issues; and (3) notice to the Vermont Division of Fire Safety when an installation is in a public building. REV recommends increasing the maximum size of energy storage facilities that may apply using an application from 1 MW to 5 MW, noting that the footprint of a 5 MW battery storage facility is less than half an acre. VELCO recommends that (1) battery energy storage facilities at existing substations and radio tower sites qualify for the expedited application process; (2) VELCO receive notice of certain applications; (3) clarity and parity for the criteria that apply to utility and non-utility facilities; (4) the addition of a catch-all provision requiring any other information required by statute, rule, or Commission order; and (5) a provision that requires information about plans for aggregation. VPPSA expresses concern about the applicability of new rules that expand regulatory requirements for systems below 5 MW and encourages a balance of system safety and reliability with an avoidance of excessive barriers to installation.

The Commissions adopts most of the commenters' recommendations. Sections 9.302 and 9.303 of the proposed rule provide two separate application processes for battery energy storage facilities that are (1) equal to or greater than 100 kW and up to 5 MW that are installed in an existing or proposed structure, substation, or radio tower site without any earth disturbance or vegetation clearing; and (2) equal to or greater than 100 kW and no more than 5 MW requiring earth disturbance or vegetation clearing. For these facilities, the proposed rule also conditionally waives certain substantive criteria of Section 248(b) during review, unless substantive objections are filed and otherwise directed by the Commission. In developing this section of the proposed rule, the Commission seeks to simplify and expedite the Section 248 review process, balancing considerations for public safety, system stability and reliability, and environmental impacts. The Commission concludes that it is appropriate to conditionally waive certain Section 248(b) criteria, including Section 248(b)(7) (compliance with the State's electric energy plan) and Section 248(b)(10) (served economically by existing or planned transmission facilities without undue adverse effects on Vermont utilities or customers). Section 248(b)(7) is conditionally

waived because the comprehensive energy plan generally recognizes a need for storage and the Department is in the best position to raise issues on this criterion. Section 248(b)(10) is conditionally waived because the interconnecting utilities are provided notice of interconnection applications and are in the best position to raise issues whether the facility can be served economically by existing or planned transmission facilities.

Standard CPG conditions

The proposed rule allows an applicant to commence construction of the facility on the 46th day following the filing of an administratively complete application if no substantive objections are filed and unless otherwise directed by the Commission. The Department, GMP, and VEC support the inclusion of standard conditions for any CPG issued or deemed issued under the rule. The Commission adopts the list of CPG conditions recommended by the Department for inclusion in Section 9.306 of the proposed rule.

Interconnection requirements

The Department, GMP, and VEC agree that the interconnection requirements of Commission Rule 5.500 are sufficient to address energy storage systems. Section 9.201 of the proposed rule requires that all energy storage facilities must comply with applicable interconnection requirements, including Commission Rule 5.500.

Safety codes and standards

Section 9.202 of the proposed rule includes safety codes and standards recommended by the Department, GMP, and VEC. As the Department and REV recommend, this section also includes language to address how and when revisions to standards apply. REV also notes that 2023 NFPA 855 15.4.1(4), which addresses the installation of energy storage systems in one- and two-family dwellings, outlines acceptable locations for energy storage systems that include enclosed utility closets and storage or utility spaces, subject to approval by any “Authority Having Jurisdiction.” REV states that this approach to approving energy storage system is undesirable and urges the Commission to consider how the rule could encourage uniformity in this matter. The Commission did not make any changes to the rule to address this issue. NFPA 855 15.4.1 appears to provide Vermont Division of Fire Safety with oversight authority on the

installation of energy storage systems in one- and two-family dwellings and we find no need to encourage uniformity with Commission's oversight authority.

Respective duties of utilities and energy storage owners or operators

Section 9.203 of the proposed rule includes provisions recommended by the Department that require (1) storage facilities and aggregations to coordinate with the host distribution utility and follow metering and telemetry requirements established by the host utility, and (2) each interconnecting utility must maintain current records of the number, individual capacity, cumulative capacity, and disconnections of energy storage facilities and energy storage aggregations installed within its service territory. Section 9.203 clarifies that the requirements of this section applies to both distribution and transmission utilities. The Department, GMP, and VEC anticipate that most disputes within the Commission's jurisdiction can be addressed through Rule 5.516(F). which resolves interconnection disputes. Section 9.203 includes a provision for resolving any disputes arising under the proposed rule and recognizes interconnection disputes will resolved under the provisions in Commission Rule 5.500.

Energy aggregators and aggregations

In Section 9.203 of the proposed rule, the Commission adopts provisions recommended by the Department, BED, GMP, VEC, and VPPSA that require energy storage aggregators to identify for the interconnecting utility, initially and ongoing, all energy storage facilities participating in the energy storage aggregation. The proposed rule allows distribution utilities to adopt requirements for the periodic collection of this information from aggregators. The Commission also adopts provisions recommended by the Department and VEC that storage facilities and aggregations to coordinate with the host interconnecting utility, and to follow metering and telemetry requirements established by the utility. In addition, the Commission adopts provisions recommended by the Department that require each distribution utility to maintain current records of the number, individual capacity, cumulative capacity, and disconnections of energy storage facilities and energy storage aggregations installed within its service territory and make those records available to the transmission utility, Commission and Department upon request.

The Department and GMP do not support the storage rule identifying operating practices for energy storage systems and aggregations and recommend that operating requirements or practices should be established through the interconnection process. VEC recommends that the Commission should establish rules regarding operating practices to enable visibility into the actions of aggregated resources and to provide for the potential management of those resources, *e.g.*, in an emergency. Section 9.203 of the proposed rule does not include requirements for operating practices and instead requires that operation of an energy storage facility or an energy storage aggregation be coordinated with the host interconnecting utility because operating practices for storage systems and aggregations are system specific and are appropriately established by the utility during the interconnection process. The requirements established during the interconnection process (under the operator protocols of the interconnection agreement) should provide visibility into the actions of aggregated resources and provide for the potential management of those resources by the host utility, including during an emergency. We note that Commission Rule 5.518 provides procedures for emergency disconnection that applies to energy storage facilities.

Participation in wholesale markets

The Department, BED, VEC, and VPPSA raise concerns about including requirements in the storage rule that address storage aggregators and aggregations participation in wholesale markets, particularly to ensure there are no conflicts created with respect to the Federal Energy Regulatory Commission's ("FERC") implementation of Order 2222.⁷ Under the requirements of Order 2222, ISO - New England is prohibited from allowing participation in any wholesale services markets from an energy storage aggregation of customers located in the metering domain of a Vermont distribution utility that distributed 4 million MWh or less in the previous fiscal year, unless the Commission has authorized such participation. This prohibition currently applies to all Vermont distribution utilities.

Section 9.204 of the proposed rule does not include any specific requirements for participation in wholesale markets. Instead, the proposed rule recognizes allowed and prohibited activities for an energy storage facility or aggregation. Section 9.204(A) of the rule recognizes

⁷ Order 2222, 172 FERC ¶ 61,247 (Sept. 17, 2020).

that retail and wholesale dual participation may be allowed under certain circumstances, for individual energy storage facilities and aggregations when authorized by the Commission. For example, some battery storage aggregations operated by Vermont utilities are both active in the regulation services market and serve as load reducers on the distribution system. Section 9.204(B) also identifies the exception for market participation without Commission approval. Section 9.204(C) recognizes retail and wholesale compensation cannot occur at the same time.

Section 9.204(C), the Commission also adopts also the language clarifications recommended by VELCO that restrict retail compensation for those entities that choose to participate in the wholesale market. In addition, Section 9.204 keeps any references to federal law at a more general level, rather than citing specific regulations.

Decommissioning

The Department supports using the structure and substance of Commission Rule 5.900 for decommissioning, but states that some storage-specific adaptation may prove beneficial. The Department states consideration should be given moving 150-kW threshold under Rule 5.904(A), which imposes a decommissioning requirement, down to 100 kW for storage facilities. The Department supports applying to energy storage facilities the cost estimate and security requirements of Rule 5.904(B) at the 500-kW threshold.

Section 9.205 of the proposed rule includes decommissioning requirements for energy storage facilities that are contained within the rule, rather than referencing to the requirements for energy generation facilities in Commission Rule 5.900. There are three separate requirements: (1) utility-owned energy storage facilities with a nameplate rating equal to or greater than 100 kW; (2) non-utility-owned energy storage facilities with a nameplate rating equal to or greater than 100 kW and up to 5 MW; and (3) for non-utility-owned energy storage facilities with a nameplate rating of 5 MW or greater. Consistent with the threshold required for a CPG, an energy storage facility equal to or greater than 100 kW will be required to be decommissioned at the end of service. For non-utility-owned energy storage facilities with a nameplate rating of 5 MW or greater, the Commission will incorporate decommissioning requirements as conditions of CPGs issued pursuant to Section 248, as applicable. For energy storage facilities co-located with existing or proposed electric generation facility, Section 9.205

requires facilities in this category to follow the applicable requirements under Commission Rules 5.100 or 5.900.

Other comments and recommendations

In Section 9.301 of the proposed rule, the Commission adopts the provision recommended by the Department that applications and petitions must include a request for a CPG pursuant to 30 V.S.A. § 231, unless the applicant is a regulated electric utility, or the proposed energy storage facility is a part of a Qualifying Facility. Under the proposed rule definitions, Qualify Facility means a cogeneration facility or a small power production facility within the definitions contained in 18 C.F.R. Part 292 and 30 V.S.A. § 209(a)(8).

Under Section 9.101(A) of the proposed rule, the Commission adopts VPPSA recommendation to add “aggregation” to the list of activities that the rule governs. The language now reads that the “rule implements the provisions of 30 V.S.A. § 248(u) and the installation, construction, operation, and aggregation of energy storage facilities in Vermont.” The Commission does not adopt the recommendation by VELCO to add additional language to Section 9.101(A). The language is clear that unless otherwise specified, facilities covered by the rule are exempt from the provisions of Commission Rule 5.400 and does not need additional clarity by adding this exemption includes the requirement to amend a CPG of existing collocated non-storage infrastructure. The rule is sufficiently clear without VELCO’s proposed changes.

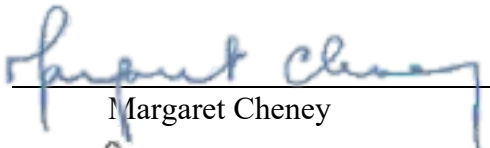
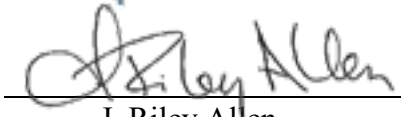
The Commission adopts VELCO’s recommended changes to Rule 9.101(B) by adding a statutory savings clause modeled on the language contained in 1 V.S.A. § 215.

III. CONCLUSION

Further comments and participation in Rule 9.000 will follow the formal rulemaking procedures described in the Vermont Administrative Procedure Act. As noted above, the Commission will process the rulemaking in ePUC and will retain case number (21-2883-RULE).

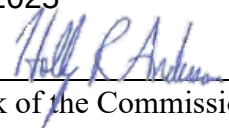
SO ORDERED.

Dated at Montpelier, Vermont, this 20th day of August, 2025.

 _____	)	
Edward McNamara	)	PUBLIC UTILITY
	)	
 _____	)	COMMISSION
Margaret Cheney	)	
	)	
 _____	)	OF VERMONT
J. Riley Allen	)	

OFFICE OF THE CLERK

Filed: August 20, 2025

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)

9.000 RULE REGARDING THE INSTALLATION, CONSTRUCTION, OPERATION, AND AGGREGATION OF ENERGY STORAGE FACILITIES**9.100 GENERAL PROVISIONS****9.101 Purpose, Scope, and Applicability**

- (A) Rule 9.000 implements the provisions of 30 V.S.A. § § 248(u) and 8011 all energy storage facilities in Vermont, including facilities installed under a distribution utility program, tariff, or pilot.
- (1) Sections 9.201 through 9.204 govern the interconnection, safety standards, operation, and aggregation for all energy storage facilities.
- (2) Section 9.205 governs the decommissioning of energy storage facilities with a nameplate rating of 100 kW or greater.
- (3) Section 9.300 governs energy storage facilities with a nameplate rating of 100 kW or greater that are required to obtain a certificate of public good pursuant to 30 V.S.A. § 248. Unless otherwise specified, facilities covered by the provisions of this section of the rule are exempt from the provisions of Public Utility Commission Rule 5.400.
- (B) If any portion, or application, of this rule is found by a court of competent jurisdiction to be illegal or void, the remainder is unaffected and continues in full force and effect, so long as it can be given effect without the invalid provision or application.

9.102 Definitions

For the purposes of this rule, the following definitions apply:

“Adjoining landowner” means a person who owns land in fee simple if that land shares a property boundary with the tract of land on which an energy storage facility is proposed to be located or is adjacent to that tract of land and the two properties are separated only by a river, stream, railroad line, or public highway. Adjoining landowners must be identified using the host town’s certified grand list as it existed no more than 60 days before the date of the advance submission or online through the Vermont Center for Geographic Information database, municipality-specific databases, the Vermont Department of Taxes grand lists, or electronic versions of grand lists maintained by municipalities. An applicant must verify with the relevant municipality that the online database provides accurate and current information

regarding parcel ownership within that municipality. Documentation of verification must be signed and attested to by an applicant.

“Advance submission” means a document filed with the Public Utility Commission and submitted to a list of required recipients at least 45 days before the filing of a petition or application with the Public Utility Commission for a certificate of public good for an energy storage system.

“Aggregation of energy storage” means a virtual resource formed by combining multiple stationary energy storage devices at different points of interconnection on the distribution system.

“ANSI” means the American National Standards Institute.

“Applicant” means a person, persons, or entity that has filed a petition or application with the Commission seeking a certificate of public good under 30 V.S.A. § 248 for an energy storage facility.

“Co-located” means an energy storage facility that is electrically connected with an existing or proposed electric generation facility or other energy storage facility.

“Commission” means the Public Utility Commission of the State of Vermont and its employees.

“Conditionally waived” means the Commission waiver of the requirements for the presentation of evidence under specifically identified criteria of 30 V.S.A. § 248, a specific review of a proposed energy storage facility by the Commission under those criteria, and the development of specific findings of facts for those criteria, unless the Commission finds that a proposed energy storage facility raises a significant issue under a conditionally waived criterion.

“Certificate of public good” or “CPG” means a certificate of public good issued by the Commission pursuant to 30 V.S.A. §§ 248 and 8011.

“CPG holder” means one who holds a CPG. The certificate holder must have legal control of the energy storage system.

“Department” means the Vermont Department of Public Service.

“Distribution utility” means an electric utility that operates the distribution system in its service territory and is rate-regulated by the Commission and may be a host interconnecting utility.

“Earth disturbance” means construction activities including clearing, grading, and excavating, but does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility. Examples of earth disturbance include disturbance associated with distribution line upgrades, upgrades to provide access to an existing structure for facility installation, any required excavation or grading, and all other earth disturbance necessary to install or interconnect the facility.

“Energy storage aggregator” means an entity other than a distribution utility that is operating an energy storage aggregation of 100 kW or greater aggregate nameplate capacity.

“Energy storage facility” means a stationary device or system that captures energy produced at one time, stores that energy for a period of time, and delivers or may deliver that energy as electricity to the grid for use at a future time. Energy storage facility includes (1) battery storage that is capable of charging or discharging at any MW level within its specified range and operating continuously across that range (e.g., lithium-ion battery storage) and (2) non-battery storage that cannot operate continuously across its charge/discharge range and is typically comprised of both a storage system and a generator asset (e.g., compressed air facility’s storage tank and generation turbine).

“FERC” means the Federal Energy Regulatory Commission.

“Interconnection” means the process undertaken by a host electric utility to study, design, and construct the electrical facilities necessary to connect an energy storage facility with a distribution or transmission system so that parallel operation can occur.

“ISO-NE” means ISO New England, Inc.

“IEEE” means Institute of Electrical Electronics Engineers.

“Nameplate rating” means the total capacity of all constituent units of an energy storage facility, regardless of whether that capacity is limited by any operational methods.

“NFPA” means the National Fire Protection Association.

“Qualifying facility” means a cogeneration facility or a small power production facility within the definitions contained in 18 C.F.R. Part 292 and 30 V.S.A. § 209(a)(8).

“Section 248” means 30 V.S.A. § 248.

“Stand-alone” means an energy storage facility that is not co-located with an existing or proposed electric generation facility or other energy storage facility.

“Vegetation clearing” means site preparation or construction activities that include trimming, cutting, or removing trees or other pre-existing vegetation, regardless of whether such activities result in soil or ground disturbance, but does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

“VELCO” means the Vermont Electric Power Company, which operates the transmission system in Vermont and may be a host interconnecting utility.

9.200 INTERCONNECTION, OPERATION, AGGREGATION, AND DECOMMISSIONING OF ENERGY STORAGE FACILITIES

9.201 Interconnection of Energy Storage Facilities

All energy storage facilities must comply with applicable interconnection requirements, including Commission Rule 5.500. All CPGs deemed issued under this rule are conditioned on the CPG holder complying with all interconnection requirements of the host interconnecting utility.

9.202 Safety Standards for Energy Storage Facilities

The following standards are applicable to all energy storage facilities installed and operated in the State of Vermont.

- (1) NFPA 855 Standard for the Installation of Stationary Energy Storage Systems;
- (2) NFPA 70 National Electrical Code;
- (3) IEEE National Electrical Safety Code ANSI C2;
- (4) Applicable interconnection codes and standards contained in Rule 5.500; and
- (5) Any other code or standard ordered by the Commission.

When any listed version of the above codes and standards is superseded by a revision approved by the standards-making organization, then the revision will be applied where these codes and standards are referenced in this rule. Applications and petitions for CPGs under Rule 9.300 that are date-and-time stamped on or before six months after the revision date may follow the previous version of the standard, unless an immediate threat to safety and reliability exists that requires the retrofit of all similarly situated equipment. Applications and petitions for CPGs under this rule that are date-and-time stamped later than six months after the revision date must follow the revised standard.

9.203 Respective Duties of Distribution Utilities, Transmission Utilities, and Energy Storage Facility Owners and Operators and Energy Storage Aggregators

- (A) The operation of an energy storage facility or an energy storage aggregation must be coordinated with the host interconnecting utility. This coordination includes:
- (1) Providing and updating the distribution utility in whose territory the facility or aggregation is located with the identity and contact information of the owner of the energy storage facility and energy storage aggregator. Energy storage aggregators must identify for the host interconnecting utility all energy storage facilities participating in the energy storage aggregation. Distribution utilities may adopt requirements for the periodic collection of this information from aggregators.
 - (2) Operating an energy storage facility or an energy storage aggregation in a manner consistent with the limitations and operating requirements established by the host interconnecting utility.
 - (3) Operating an energy storage facility or an energy storage aggregation in a manner that accounts for any known limitations of the distribution and transmission system and ensures reliability and system stability.
 - (4) Entering into coordination agreements with the host interconnecting utility if required by the utility.
- (B) An energy storage facility or an energy storage aggregation must follow the metering and telemetry requirements of the host interconnecting utility. These requirements may include:
- (1) Coordination of meter data transmittal if an energy storage facility or an energy storage aggregation is authorized to participate in wholesale electricity markets;
 - (2) Protection of retail customer information; and
 - (3) Coordination of metering data to ensure the host interconnecting utility meets its ISO-NE obligations for load reporting.
- (C) Each distribution utility must maintain current records of the number, individual capacity, cumulative capacity, and disconnections of energy storage facilities and energy storage aggregations within its service territory. These records must be

made available to a transmission utility, the Commission, and the Department upon request.

- (D) For any disputes arising under this rule, a party may seek resolution by written petition to the Commission, with copies to the other party and the Department, stating the issues in dispute.

9.204 Participation in Wholesale Electricity Markets

- (A) An energy storage facility or an energy storage aggregation may provide both retail and wholesale services (including participation in regionally organized wholesale capacity, energy, and ancillary services markets) to the extent such dual participation is allowed by the Commission or a Vermont distribution utility tariff and complies with all applicable ISO-NE tariffs.
- (B) Exceptions to Section 9.204 (A). In accordance with FERC regulations, ISO-NE is prohibited from allowing participation in any wholesale services markets by an energy storage aggregation of customers located in the metering domain of a Vermont distribution utility that distributed 4 million MWh or less in the previous fiscal year, unless the Commission has authorized such participation.
- (C) If an energy storage facility or energy storage aggregation is participating in and receiving compensation from any wholesale services market, it may not at the same time receive retail services compensation for the same products or services.

9.205 Decommissioning of Energy Storage Facilities

- (A) Requirements for utility-owned energy storage facilities with a nameplate rating equal to or greater than 100 kW. Facilities owned by utilities must be removed once they are no longer in service. The Commission may require a utility to implement some or all of the requirements applicable to non-utility facilities set forth in (C), below, or alternative means to ensure the removal of facilities that are no longer in service. The Commission will incorporate such requirements as conditions of CPGs issued pursuant to Section 248, as applicable. For utility-owned energy storage facilities with a nameplate rating equal to or greater than 100 kW and up to 5 MW, a CPG issued pursuant to Section 248 or deemed issued under this rule is subject to the conditions contained in Sections 9.306(5) and (6) of this rule unless otherwise ordered by the Commission.

- (B) Requirements for non-utility-owned energy storage facilities with a nameplate rating equal to or greater than 100 kW and up to 5 MW. Facilities in this category must be removed once they are no longer in service, and the site must be restored to the condition that existed before installation of the facility to the greatest extent practicable. A CPG issued pursuant to Section 248 or deemed issued under this rule is subject to the conditions contained in Sections 9.306(5) and (6) of this rule unless otherwise ordered by the Commission.
- (C) Requirements for non-utility-owned energy storage facilities with a nameplate rating of 5 MW or greater. Facilities in this category must be removed once they are no longer in service, and the site must be restored to the condition that existed before installation of the facility to the greatest extent practicable. The Commission will incorporate decommissioning requirements as conditions of CPGs issued pursuant to Section 248, as applicable.
- (D) Requirements for energy storage facilities with a nameplate rating equal to or greater than 100 kW and co-located with an existing or proposed electric generation facility. Facilities in this category must follow the applicable requirements under Commission Rules 5.100 or 5.900. The Commission will incorporate such requirements as conditions of CPGs issued pursuant to Section 248, as applicable, and as required under Section 9.305 of this rule.

9.300 CERTIFICATES OF PUBLIC GOOD FOR BATTERY AND NON-BATTERY ENERGY STORAGE FACILITIES

9.301 Purpose, Scope, and Applicability

- (A) This section applies to battery and non-battery energy storage facilities with a Vermont interconnection and nameplate rating of 100 kW or greater that are required to obtain a certificate of public good pursuant to 30 V.S.A. § 248.
- (B) Applications and petitions under this rule must include a request for a CPG pursuant to 30 V.S.A. § 231, unless the applicant is a regulated electric utility, or the proposed energy storage facility is a part of a qualifying facility.

9.302 Applications for Battery Energy Storage Facilities with a Nameplate Rating equal to or greater than 100 kW and up to 5 MW to be Installed in an Existing or Proposed Structure, Substation, or Radio Tower Site Without any Earth Disturbance or Vegetation Clearing Required for Installation or Interconnection

- (A) **Applicability.** This section applies to battery energy storage facilities with a nameplate rating equal to or greater than 100 kW and up to 5 MW to be installed in an existing or proposed structure, substation yard, or radio tower site without any earth disturbance or vegetation clearing required for installation or interconnection.
- (B) **Form and content.** An application for a CPG under this section must be filed with the Commission in accordance with the Commission's current filing procedures, using the application form prescribed by the Commission, and must contain all the information required by this rule and the instructions for that form.
- (C) **Service of notice.** The following persons and entities are entitled to notice as required in this section.
 - (1) The host interconnecting utility and VELCO;
 - (2) The Department;
 - (3) The Vermont Agency of Natural Resources;
 - (4) The Commission; and
 - (5) The Vermont Division of Fire Safety, when installation is in a public building.
- (D) **Advance submission requirements.** The applicant must provide an advance submission in accordance with the following requirements:
 - (1) **Persons and entities entitled to the receipt of the advance submission.** The applicant must provide notice of the advance submission to the persons and entities set forth in Section 9.302(C)(1) through (5).
 - (2) **Method of service of advance submission.** Service of the advance submission on the persons and entities set forth in Section 9.302(C)(1) through (5) will occur through the Commission's electronic filing system, known as ePUC.
 - (3) **Contents of the advance submission.** The advance submission must state that the applicant intends to file a Section 248 application with the Commission, must identify the location of the facility site, and must provide a description of and site plan for the proposed facility in sufficient detail so that the recipient is able to make an informed judgment as to any potential impact the construction or operation of the facility may have on any interest of the recipient that is within the Commission's jurisdiction to address. The submission must provide contact information and state that the recipient may file inquiries or comments

with the applicant about the facility and that the recipient will also have an opportunity to file comments with the Commission once the application is filed.

- (4) Timing of advance submission and application. If, within 180 days of the date of the advance submission, the applicant has not filed a complete application for the facility, the advance submission will be treated as withdrawn without further action required by the Commission.
- (E) Filing requirements. Applications must contain the following information. Failure to provide any required information will result in the application being deemed incomplete:
- (1) A narrative describing the facility in plain terms;
 - (2) Proof of approval to interconnect the energy storage facility to the host interconnecting utility's system pursuant to Commission Rule 5.500;
 - (3) A certification that the installation and operation of the energy storage facility will comply with the applicable provisions of NFPA 855, the National Electrical Code, and the National Electrical Safety Code;
 - (4) A certification that the energy storage facility will not require specialized fire protection services;
 - (5) If the applicant is not a utility, proof that the applicant will comply with the decommissioning requirements of Section 9.205;
 - (6) If the energy storage facility is participating in an aggregation, the name and contract information of the aggregator; and
 - (7) Any other relevant information required by the Commission's application form.
- (F) Substantive criteria of Section 248(b) applicable to applications filed under Section 9.302. Pursuant to 30 V.S.A. § 8011, which provides that the Commission may waive the requirements of Section 248(b) that are not applicable to energy storage systems, the Commission will review all applications filed under this section for compliance with the following statutory criteria, all other criteria being conditionally waived:
- (1) Section 248(b)(1) (orderly development of the region);
 - (2) Section 248(b)(3) (system stability and reliability);
 - (3) Section 248(b)(5) (limited to public health and safety); and

- (4) For applications filed by distribution or transmission utilities, the following additional criteria:
 - (a) Section 248(b)(2) (need);
 - (b) Section 248(b)(4) (economic benefit); and
 - (c) Section 248(b)(6) (least-cost integrated resource plan).
- (G) Review for administrative completeness. The Commission will review all applications filed under this section for administrative completeness. If the application is found to be incomplete, the applicant will be informed of the deficiencies and will be given an opportunity to cure them. The Commission will not take any further action on an incomplete application unless and until the applicant files the missing information and the Commission determines that the application is administratively complete. Unless the Commission determines otherwise, a Commission determination that an application is incomplete does not invalidate the advance submission already provided by the applicant. When the Commission has determined that an application is administratively complete, the Commission will provide notice of that determination to the applicant. A determination that an application is administratively complete is not a legal determination regarding the sufficiency of the information included in the application. The Commission may request additional information from the applicant at any time in a proceeding.
- (H) Service of notice of application. Upon determination that an application is administratively complete, notice of the application will be provided through the Commission's electronic filing system to the entities listed in Section 9.302(C)(1) through (5).
- (I) Timeframes. A recipient of the notice of the application under this section will have 30 days to file comments raising a substantive issue or an objection to the contents of the application or the conditional waiver of any otherwise applicable substantive criteria of Section 248(b). If no substantive issues or objections are filed and unless otherwise directed by the Commission, a CPG will be deemed issued by the Commission without further proceedings, findings of fact, or conclusions of law

and the applicant may commence construction of the facility on the 46th day following the filing of an administratively complete application.

- (J) Hearings. If the Commission, on its own or in response to comments, determines that a significant issue exists with respect to the application, the Commission may hold an evidentiary hearing limited to the identified significant issues. No site preparation or construction of the energy storage facility may begin until the Commission issues a CPG for the facility.

9.303 Applications for Battery Energy Storage Facilities with a Nameplate Rating Equal to or Greater than 100 kW and no more than 5 MW Requiring Earth Disturbance or Vegetation Clearing for Installation or Interconnection

- (A) Applicability. This section applies to battery energy storage facilities with a nameplate rating equal to or greater than 100 kW and no more than 5 MW and where earth disturbance or vegetation clearing is required for installation or interconnection.
- (B) Form and content. An application for a CPG under this section must be filed with the Commission in accordance with the Commission's current filing procedures, using the application form prescribed by the Commission, and must contain all the information required by this rule and the instructions for that form.
- (C) Service of notice. The following persons and entities are entitled to notice as required in this section:
- (1) The municipal legislative bodies and municipal and regional planning commissions in the communities where the facility will be located;
 - (2) All adjoining landowners;
 - (3) The host landowner(s);
 - (4) The Department;
 - (5) The Vermont Agency of Natural Resources;
 - (6) The Vermont Natural Resources Board;
 - (7) The Vermont Division for Historic Preservation;
 - (8) The Vermont Agency of Agriculture, Food and Markets;
 - (9) The Vermont Division of Fire Safety, when installation is in a public building;
 - (10) The host interconnecting utility and VELCO; and
 - (11) The Commission.

- (D) Advance submission requirements. The applicant must provide an advance submission in accordance with the following requirements:
- (1) Persons and entities entitled to receipt of the advance submission. The applicant must provide notice of the advance submission to the persons and entities set forth in Section 9.303(C)(1) through (11).
 - (2) Method of service of advance submission. The applicant must serve the advance submission on the entities listed in Section 9.303(C)(1) through (3) by first-class mail or its equivalent. The applicant must cause the advance submission to be transmitted to the entities listed in Section 9.303(C)(4) through (9) using the Commission's electronic filing system, unless an applicable exemption exists, in which case service must be by first-class mail or its equivalent. With permission from the intended recipient, the applicant may serve a copy of the advance submission via email.
 - (3) Whenever service of the advance submission must be done by mail, the applicant may elect to serve a document with information and a link that will allow the recipient to access the actual content of the advance submission electronically. The document must also include instructions for the recipient to request a hard copy of the advance submission from the applicant if the recipient is not able to access it electronically. If a hard copy is requested by the recipient, the applicant must serve it by first-class mail or its equivalent within two business days of the request.
 - (4) Contents of the advance submission. An advance submission must include:
 - (a) The advance submission must state that the applicant intends to file a Section 248 application with the Commission, must identify the location of the facility site, and must provide a description of and site plan for the proposed facility, including any aesthetic mitigation plan, in sufficient detail to afford the recipient reasonable notice of the nature of the facility so that the recipient is able to make an informed judgment as to any potential impact the construction or operation of the facility may have on any interest of the recipient that is within the Commission's jurisdiction to address. The submission must provide contact information and state that the recipient may file inquiries or

comments with the applicant about the facility and that the recipient will also have an opportunity to file comments with the Commission once the application is filed.

- (b) A reference and an access link to the applicable Commission documents addressing public participation and intervention in proceedings.
- (5) Timing of advance submission and application. If, within 365 days of the date of the advance submission, the applicant has not filed a complete application for the facility that fully complies with the filing requirements of this rule, the advance submission will be treated as withdrawn without further action required by the Commission.
- (E) Filing requirements. All applications for energy storage facilities filed under this section must include the following information and materials:
 - (1) The applicant's name and business address;
 - (2) A narrative describing the facility in plain terms;
 - (3) The name of the host landowner;
 - (4) A list of all adjoining landowners; and
 - (5) A certification that the advance submission requirements have been met and a response to any comments received in response to the 45-day advance submission. The applicant must file a document summarizing the comments and recommendations received in response to the 45-day notice. The document must respond to the issues raised in those comments and recommendations and must state what steps the applicant has taken to address those issues or why the applicant is unable to do so.
 - (6) A site plan that includes:
 - (a) Proposed facility location, features, and limits;
 - (b) Approximate property boundaries and setback distances from those boundaries to the corner of the closest facility-related structure, approximate distances to any nearby residences, and dimensions of all proposed improvements;

- (c) Proposed utilities, including approximate distance from source of power, sizes of service available and required, and approximate locations of any proposed utility or communication lines;
 - (d) Locations, specific descriptions, and the total acreage of any areas where vegetation is to be cleared or altered, proposed earth disturbance, a description of any proposed direct or indirect alterations to or impacts on wetlands or other natural resources protected under Section 248(b)(5), including the facility limits, and the total acreage of forest clearing;
 - (e) Detailed plans for any drainage of surface and/or sub-surface water and plans to control erosion and sedimentation both during construction and as a permanent measure;
 - (f) Locations and specific descriptions of proposed screening, aesthetic mitigation, landscaping, groundcover, fencing, exterior lighting, and signs;
 - (g) Plans of any proposed access driveway, roadway, or parking area at the facility site, including grading, drainage, and traveled width, as well as a cross-section of the access drive indicating the width, depth of gravel, paving, or surface materials; and
 - (h) The latitude and longitude coordinates for the proposed facility.
- (7) Wetland delineation prepared by a qualified consultant, or a letter from the district wetland ecologist or a qualified consultant stating that no delineation is necessary because the proposed facility will not be proximate to any significant wetlands. The wetland delineation must have been completed within five years before the date of the application.
- (8) The presence and total acreage of primary agricultural soils as defined in 10 V.S.A. § 6001 on each tract to be physically disturbed in connection with the construction and operation of the energy storage facility, the amount of those soils to be disturbed, and any other proposed impacts on those soils.
- (9) A certification that the installation and operation of the energy storage facility will comply with the applicable provisions of NFPA 855, the National Electrical Code, and the National Electrical Safety Code.

- (10) Evidence demonstrating that the proposed energy storage system will meet the criteria applicable to the system under Section 9.204(F) of this Rule. All evidence must be sponsored by a witness. A witness sponsoring evidence must file a notarized affidavit stating that the information provided is accurate to the best of the witness's knowledge. The witness must further attest to having personal knowledge to be able to testify as to the validity of the information.
 - (11) Evidence demonstrating that the energy storage facility will be decommissioned consistent with the requirements of Section 9.205.
 - (12) Information addressing any plans for aggregation with other energy storage facilities, including the requirements set forth in Section 9.405.
 - (13) Any other information required by Vermont statute, Commission rules, or Commission orders.
- (F) Substantive criteria of Section 248(b) applicable to applications filed under section 9.303 of this rule. Pursuant to 30 V.S.A. § 8011, which provides that the Commission may waive the requirements of Section 248(b) that are not applicable to energy storage systems, the Commission will review all applications filed under this section for compliance with the following statutory criteria, all other criteria being conditionally waived:
- (1) Section 248(b)(1) (orderly development of the region);
 - (2) Section 248(b)(3) (system stability and reliability);
 - (3) Section 248(b)(5) (aesthetics, historic sites, air and water purity, the natural environment, the use of natural resources, and the public health and safety); and
 - (4) For applications filed by distribution or transmission utilities, the following additional criteria:
 - (a) Section 248(b)(2) (need);
 - (b) Section 248(b)(4) (economic benefit); and
 - (c) Section 248(b)(6) (least-cost integrated resource plan).
- (G) Review for administrative completeness. The Commission will review all filed applications for administrative completeness. If the application is found to be incomplete, the applicant will be informed of the deficiencies and will be given an opportunity to cure them. The Commission will not take any further action on an

incomplete application unless and until the applicant files the missing information and the Commission determines that the application is administratively complete. Unless the Commission determines otherwise, a Commission determination that an application is incomplete does not invalidate the advance submission already provided by the applicant. When the Commission has determined that an application is administratively complete, the Commission will provide notice of that determination to the applicant. A determination that an application is administratively complete is not a legal determination regarding the sufficiency of the information included in the application. The Commission may request additional information from the applicant at any time in a proceeding.

- (H) Service of notice of application. Upon receipt of notice of an administratively complete application, the applicant within two business days must serve notice of the application to the persons and entities set forth in Section 9.303(C)(1) through (10).
 - (1) The applicant must serve notice of the application on the entities listed in Section 9.303(C)(1) through (3) by first-class mail or its equivalent. Notice to the entities listed in Section 9.303(C)(4) through (9) will occur through the Commission's electronic filing system. When service cannot be completed using the Commission's electronic filing system, the applicant may serve by first-class mail or its equivalent a document with information and a link that will allow the recipient to access the complete application electronically. With permission from the intended recipient, the applicant may serve a copy of the document and the complete application by email. The document must also include instructions for the recipient to request a hard copy of the complete application if the recipient is not able to access it electronically. If a hard copy is requested by the recipient, the applicant must serve it by first-class mail or its equivalent within two business days of the request.
 - (2) The notice of application must include, at a minimum, the case number, a reference and link to the advance submission required under this section, a general description of the proposed facility and its location, a statement that a complete application has been filed with the Commission and that the case has

been opened, and information and a link that will allow the recipient to access the complete application electronically. The notice must also include instructions on how a recipient can contact the applicant to obtain a hard copy of the complete facility plans and application if the recipient is not able to access them electronically.

- (I) Timeframes. A recipient of the application or notice of the application under this section will have 30 days to file comments raising a substantive issue or an objection to the contents of the application or the conditional waiver of any otherwise applicable substantive criteria of Section 248(b). If no substantive issues or objections are filed and unless otherwise directed by the Commission, a CPG, subject to the conditions identified in the application form for this section, will be deemed issued by the Commission without further proceedings, findings of fact, or conclusions of law. Under these circumstances, the applicant may commence construction of the facility on the 46th day following the filing of an administratively complete application.
- (J) Hearings. If the Commission, on its own or in response to comments, determines that a significant issue exists with respect to the application, the Commission may hold an evidentiary hearing limited to the identified significant issues. No site preparation or construction of the energy storage facility may begin until the Commission issues a CPG for the facility.

9.304 Petitions for Battery Energy Storage Systems with a Nameplate Rating Greater than 5 MW and Non-Battery Storage Facilities with a Nameplate Rating of 100 kW or Greater

- (A) This section applies to battery energy storage facilities with a nameplate rating greater than 5 MW, battery energy storage facilities with a nameplate rating greater than 1 MW that require any earth disturbance or vegetation clearing for the facility's installation or interconnection, and non-battery storage facilities with a nameplate rating of 100 kW or greater.
- (B) Energy storage facilities under this section must file petitions for certificates of public good pursuant to the requirements of Section 248 and Commission Rule 5.400. Facilities that are of limited size and scope and that meet the requirements of Section 248(j) may petition to proceed under the provisions of that subsection.

9.305 Petitions for Energy Storage Facilities Co-located with Generation Facilities

- (A) Petitions for new construction of co-located generation and energy storage facilities.

A single petition may be filed for the new construction of co-located generation and energy storage facilities. Such petitions do not qualify for the simplified process provided for in Section 248(u) or in this rule and must be filed pursuant to the requirements of Section 248 and Commission Rule 5.400. Facilities that are of limited size and scope and that meet the requirements of Section 248(j) may petition to proceed under the provisions of that subsection.

- (B) Petitions for new construction of energy storage facilities co-located with existing generation facilities, different ownership. A petition must be filed for a separate CPG for the new construction of an energy storage facility to be co-located with an existing generation facility when each facility will be under separate ownership. Such petitions do not qualify for the simplified process provided for in Section 248(u) or in this rule and must be filed pursuant to the requirements of Section 248 and Commission Rule 5.400. Facilities that are of limited size and scope and that meet the requirements of Section 248(j) may petition to proceed under the provisions of that subsection. Supporting testimony and exhibits are required to address the cumulative impacts of the co-located facilities under all applicable criteria of Section 248.

- (C) Petitions for new construction of energy storage facilities co-located with existing generation facilities, same ownership. The holder of a CPG for an existing energy generation facility may file a petition for an amendment of that CPG to construct a co-located energy storage facility. Such petitions do not qualify for the simplified process provided for in Section 248(u) or in this rule and must be filed pursuant to the requirements of Section 248 and Public Utility Commission Rule 5.413. Facilities that are of limited size and scope and that meet the requirements of Section 248(j) may petition to proceed under the provisions of that subsection. Supporting testimony and exhibits are required to address the cumulative impacts of the co-located facilities under all applicable criteria of Section 248. Petitions for energy storage facilities filed under this subsection are subject to the fee for a new facility under 30 V.S.A. §§ 248b and 248c.

9.306 Certificate of Public Good Conditions

A CPG issued or deemed issued under this rule is subject to the following conditions unless otherwise ordered by the Commission. The Commission may modify these conditions or impose additional conditions in a particular CPG proceeding to ensure that a proposed energy storage facility complies with the substantive criteria of Section 248.

- (1) Site preparation, construction, operation, and maintenance of the energy storage facility must be in accordance with the plans and evidence submitted in this proceeding. Any material deviation from these plans or a substantial change to the facility must be approved by the Commission. Failure to obtain advance approval from the Commission for a material deviation from the approved plans or a substantial change to the energy storage facility may result in the assessment of a penalty pursuant to 30 V.S.A. §§ 30 and 247.
- (2) Before beginning site preparation, construction, operation, maintenance, or decommissioning of the energy storage facility, the CPG holder must obtain all other necessary permits and approvals. Site preparation, construction, operation, maintenance, and decommissioning of the energy storage facility must be in accordance with such permits and approvals, and with all other applicable regulations, including those of the Vermont Agency of Natural Resources and Commission Rule 9.000.
- (3) Before operating the energy storage facility, the CPG holder must enter into an interconnection agreement with the interconnecting utility that conforms to the requirements of Commission Rule 5.500. The CPG holder is responsible for the cost of electrical system upgrades reasonably necessary to implement interconnection of the facility and such other costs appropriately submitted to the CPG holder in accordance with Commission Rule 5.500. Construction and operation of the energy storage facility must be in accordance with the interconnection agreement.
- (4) The CPG holder must notify local emergency responders of the energy storage facility and provide emergency response training upon request.
- (5) The CPG holder must remove the facilities authorized by the CPG once they are no longer in service and must restore the site to its condition before installation

of the facility to the greatest extent practicable, consistent with the terms and conditions of its proposed decommissioning plan, as modified by the Commission.

- (6) Any removal of the facilities authorized by the CPG, including the transport and recycling or disposal of components, must be carried out in accordance with best practices and all applicable state and federal waste management regulations.
- (7) The CPG may not be transferred without prior approval of the Commission.

9.307 Amendments to Pending Applications

- (A) An applicant may amend a pending Section 9.302 or 9.303 application by filing a motion in the pending application case. The applicant must pay the modification fee set forth in 30 V.S.A. § 248c(d). Applicants must provide notice of all substantial changes to all persons and entities who were entitled to receive a copy of the original application. The motion must include sufficient information, including an amended site plan, so that the Commission can understand the nature of the proposed change and its impact, if any, under any of the Section 248 criteria. In response to a motion to amend, the Commission may, in its discretion:
 - (1) Request additional information from the applicant;
 - (2) Request comments from interested persons; and
 - (3) Undertake any other process necessary to ensure the adequate review of the proposed amendment.
- (B) Any amendment that is a material modification, as that term is defined in Commission Rule 5.500, must be approved by the interconnecting utility before the amendment motion is filed with the Commission.

9.308 Amendment of Energy Storage Facilities Issued a CPG under Sections 9.302 and 9.303

- (A) Commission approval is required for any substantial change to the plans of an energy storage system that has been issued or deemed issued a CPG. An amended CPG, necessitated by changes substantial or non-substantial, may be obtained in the following manner.

- (1) If the approved energy storage system has not been commissioned at the time the change is proposed, a request for an amendment to the CPG may be filed in the same case in which the CPG was issued. If the case in which the CPG was issued has been closed, the CPG holder must contact the Clerk of the Commission before filing. If the approved energy storage system has been commissioned, then the request for an amendment must be filed in a new case. The CPG holder requesting an amendment must submit the fee due for modifications under 30 V.S.A. §§ 248c(d)(2) or (3)(B).
 - (2) The CPG holder must provide notice of substantial changes to all parties to the original CPG case and the entities entitled to notice of a new application, including any newly affected adjoining landowners. Notice does not need to be given to previous adjoining landowners who have transferred their interests since the time of the facility's approval. New case procedures, including the provision of a 45-day advance submission, do not apply. The request must include evidence addressing each of the applicable Section 248 criteria under which the change has the potential to have a significant impact.
 - (3) The CPG holder must provide notice of requests for amendments to CPGs that are the result of non-substantial changes to the parties to the original CPG case. New case procedures, including the provision of a 45-day advance submission, do not apply. The request must include sufficient information for the Commission to determine that the proposed changes do not have the potential for significant impact under the applicable Section 248 criteria.
- (B) The maintenance and repair of energy storage systems and the replacement of equipment with like equipment do not require advance notice or Commission approval.

9.309 Amendments to Pending Sections 9.304 and 9.305 Petitions and Energy Storage Facilities Approved under Sections 9.304 and 9.305

Commission Rule 5.400 governs the amendment of pending Section 9.304 and 9.305 petitions and approved facilities.

9.310 Revocation of Certificates of Public Good Issued to Energy Storage Facilities

After notice and opportunity for hearing, the Commission may amend or revoke any CPG for an energy storage facility, impose a penalty under 30 V.S.A. § 30, or order remedial activities for any of the following causes:

- (1) The CPG or order approving the CPG was issued based on material information that was false or misleading;
- (2) The facility was not installed, or is not being operated, in accordance with applicable interconnection standards or applicable safety codes;
- (3) The facility was not installed or is not being operated in accordance with the plans and evidence submitted in support of the petition or with the findings contained in the order approving the energy storage system;
- (4) The holder of the CPG has failed to comply with one or more of the CPG conditions, any order approving a CPG for the facility, or Commission rule; or
- (5) Other good cause as determined by the Commission in its discretion.

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