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**State of Vermont
Public Utility Commission**

MEMORANDUM

To: Participants in Case No. 21-3883-RULE
From: Holly R. Anderson, Clerk of Commission *HRA*
Re: 21-3883-RULE – Vermont Public Utility Commission Rule 9.000
Date: August 20, 2025

On August 20, 2025, the Vermont Public Utility Commission ("Commission") submitted paperwork to the Interagency Committee on Administrative Rules for new Rule 9.000, which governs the installation and operation of energy storage facilities.

After the Interagency Committee on Administrative Rules completes its review, the proposed rule will be filed with the Vermont Secretary of State. At that time, a formal notice of the rule will be published, and a public comment period will be established. The Commission will provide more information about this rulemaking once it is available.

More information about the rulemaking, including the text of the proposed rule and a copy of the Commission's filing, is available in the Commission's file management system, ePUC, in case number 21-3883-RULE at <https://epuc.vermont.gov/>

INSTRUCTIONS

The filing forms contain embedded cross references to reduce the amount of repetition in the form fields. Once text is entered into the field and your cursor moves away from that field, the embedded cross reference in the Proposed Coversheet should automatically populate the corresponding fields in the successive forms where data is expected to remain the same (title, agency name etc.)

If you have difficulty with this feature, please contact the Office of the Secretary of State at 802-828-3700 or by email at SOS.StatutoryFilings@vermont.gov for assistance.

Submit only the coversheet and forms relevant to the current stage of filing (remove those coversheets or forms not relevant to prevent confusion). If you are uncertain which forms are required for each step in the process, please see: <https://sos.vermont.gov/secretary-of-state-services/apa-rules/filing-tools/rules-at-a-glance/>.

The Secretary of State will accept **electronic delivery** of filings if all the following conditions have been met:

1. Full name of person who signed the original form is typed in this format: /s/ Name of Person;
2. The filing forms, texts, and other enclosures are saved as PDF files.
3. The PDF files are sent as attachments in an email to sos.statutoryfilings@vermont.gov
4. The form with the original signature of the adopting authority is retained by the adopting authority as required by statute [3 V.S.A. § 843(e)].

The Secretary of State will continue to accept paper filings provided they bear the original signature of the adopting authority.

Filing forms are available for download from the Office of the Secretary of State's website.

Please do not include this page with your filings. It is for your convenience only.

Proposed Filing - Coversheet

Instructions:

In accordance with Title 3 Chapter 25 of the Vermont Statutes Annotated and the “Rule on Rulemaking” ([CVR 04-000-001](#)) adopted by the Office of the Secretary of State, this filing will be considered complete upon filing and acceptance of these forms and enclosures with the Office of the Secretary of State, and the Legislative Committee on Administrative Rules.

All forms shall be submitted to 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 Proposed Filing Coversheet will be used to generate a notice of rulemaking in the portal of “Proposed Rule Postings” online, and the newspapers of record. 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 9.000 Rule Regarding the Installation, Construction, Operation, and Aggregation of Energy Storage Facilities

_____/s/Edward McNamara_____, on 08/19/25
(signature) (date)

Printed Name and Title:

Edward McNamara, Chair, Vermont Public Utility Commission

RECEIVED BY: _____

- ☐ Coversheet
- ☐ Adopting Page
- ☐ Economic Impact Analysis
- ☐ Environmental Impact Analysis
- ☐ Strategy for Maximizing Public Input
- ☐ Scientific Information Statement (if applicable)
- ☐ Incorporated by Reference Statement (if applicable)
- ☐ Clean text of the rule (Amended text without annotation)
- ☐ Annotated text (Clearly marking changes from previous rule)
- ☐ ICAR Filing Confirmed

1. TITLE OF RULE FILING:

**Rule 9.000 Rule Regarding the Installation,
Construction, Operation, and Aggregation of Energy
Storage Facilities**

2. ADOPTING AGENCY:

Vermont Public Utility Commission

3. PRIMARY CONTACT PERSON:

(A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE).

Name: Mary Jo Krolewski

Agency: Vermont Public Utility Commission

Mailing Address: 112 State Street 4th Fl. Montpelier, VT
05602

Telephone: 802-828-2358 Fax:

E-Mail: mary-jo.krolewski@vermont.gov

Web URL *(WHERE THE RULE WILL BE POSTED)*:

<https://epuc.vermont.gov/?q=node/64/163053>

4. SECONDARY CONTACT PERSON:

*(A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY
ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE
PRIMARY CONTACT PERSON).*

Name: Jake Marren

Agency: Vermont Public Utility Commission

Mailing Address: 112 State Street 4th FL. Montpelier, VT
05602

Telephone: 802-828-2358 Fax:

E-Mail: jake.marren@vermont.gov

5. 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:

6. 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. §§ 248(u) and 8011

7. EXPLANATION OF HOW THE RULE IS WITHIN THE AUTHORITY OF THE AGENCY:

Section 8011 of Title 30 states that the Commission "may adopt and implement rules that govern the installation and operation of energy storage facilities of all sizes." This rule implements this authority.

8. CONCISE SUMMARY (150 WORDS OR LESS):

The rule includes provisions that govern:

(1) application-based process for the issuance of a certificate of public good for certain energy storage facilities under the provisions of 30. V.S.A. § 248; and

(2) other requirements for all energy storage facilities that address: (a) interconnection; (b) safety standards; (c) respective duties of distribution utilities, transmission utilities, and energy storage facility owners and operators and energy storage aggregators; (d) participation in wholesale energy markets; and (e) decommissioning.

9. EXPLANATION OF WHY THE RULE IS NECESSARY:

Energy storage facilities are an important part of Vermont's energy system. The proposed rule establishes standards for the installation, construction, and operation of energy storage facilities. The proposed rule will ensure that such facilities will promote the public good and do not have an undue adverse impact on the natural environment and Vermont ratepayers.

10. EXPLANATION OF HOW THE RULE IS NOT ARBITRARY AS DEFINED IN 3 V.S.A. § 801(b)(13)(A):

The standards and procedures contained in the proposed rule are modeled on the Commission's rules for electric generation facilities.

11. LIST OF PEOPLE, ENTERPRISES AND GOVERNMENT ENTITIES AFFECTED BY THIS RULE:

The Vermont electric distribution and transmission utilities

The Department of Public Service

The Agency of Natural Resources
The Agency of Agriculture, Food, and Markets
The Vermont Division of Fire Safety
The Division for Historic Preservation
Municipal legislative bodies and planning commissions
Regional planning commissions
Energy storage facility installers
Vermont electricity consumers

12. BRIEF SUMMARY OF ECONOMIC IMPACT (150 WORDS OR LESS):

The economic impact of the rule will be small. The rule does not establish any new fees. The application procedures established in the rule are similar to the procedures used for electric generation facilities.

13. A HEARING WILL BE SCHEDULED.

IF A HEARING WILL NOT BE SCHEDULED, PLEASE EXPLAIN WHY.

14. HEARING INFORMATION

(THE FIRST HEARING SHALL BE NO SOONER THAN 30 DAYS FOLLOWING THE POSTING OF NOTICES ONLINE).

IF THIS FORM IS INSUFFICIENT TO LIST THE INFORMATION FOR EACH HEARING, PLEASE ATTACH A SEPARATE SHEET TO COMPLETE THE HEARING INFORMATION NEEDED FOR THE NOTICE OF RULEMAKING.

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:

Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual:

15. DEADLINE FOR COMMENT (NO EARLIER THAN 7 DAYS FOLLOWING LAST HEARING):

16. KEYWORDS (PLEASE PROVIDE AT LEAST 3 KEYWORDS OR PHRASES TO AID IN THE SEARCHABILITY OF THE RULE NOTICE ONLINE).

energy storage facilities

energy storage aggregators

Final Proposed 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.

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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 9.000 Rule Regarding the Installation, Construction,
Operation, and Aggregation of Energy Storage Facilities**

_____/s/Edward McNamara_____, on 8/19/25
(signature) (date)

Printed Name and Title:

Edward McNamara, Chair, Vermont Public Utility Commission

RECEIVED BY: _____

- ☐ Coversheet
- ☐ Adopting Page
- ☐ Economic Impact Analysis
- ☐ Environmental Impact Analysis
- ☐ Strategy for Maximizing Public Input
- ☐ Scientific Information Statement (if applicable)
- ☐ Incorporated by Reference Statement (if applicable)
- ☐ Clean text of the rule (Amended text without annotation)
- ☐ Annotated text (Clearly marking changes from previous rule)
- ☐ ICAR Minutes
- ☐ Copy of Comments
- ☐ Responsiveness Summary

1. TITLE OF RULE FILING:

**Rule 9.000 Rule Regarding the Installation,
Construction, Operation, and Aggregation of Energy
Storage Facilities**

2. PROPOSED NUMBER ASSIGNED BY THE SECRETARY OF STATE

P

3. ADOPTING AGENCY:

Vermont Public Utility Commission

4. PRIMARY CONTACT PERSON:

(A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE).

Name: Mary Jo Krolewski

Agency: Vermont Public Utility Commission

Mailing Address: 112 State Street 4th Fl. Montpelier, VT
05602

Telephone: 802-828-2358 Fax:

E-Mail: mary-jo.krolewski@vermont.gov

Web URL *(WHERE THE RULE WILL BE POSTED)*:

<https://epuc.vermont.gov/?q=node/64/163053>

5. SECONDARY CONTACT PERSON:

*(A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY
ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE
PRIMARY CONTACT PERSON).*

Name: Jake Marren

Agency: Vermont Public Utility Commission

Mailing Address: 112 State Street 4th FL. Montpelier, VT
05602

Telephone: 802-828-2358 Fax:

E-Mail: jake.marren@vermont.gov

6. 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:

7. 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. §§ 248(u) and 8011

8. EXPLANATION OF HOW THE RULE IS WITHIN THE AUTHORITY OF THE AGENCY:

Section 8011 of Title 30 states that the Commission "may adopt and implement rules that govern the installation and operation of energy storage facilities of all sizes." This rule implements this authority.

9. THE FILING HAS NOT CHANGED SINCE THE FILING OF THE PROPOSED RULE.

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

11. SUBSTANTIAL ARGUMENTS AND CONSIDERATIONS WERE NOT RAISED FOR OR AGAINST THE ORIGINAL PROPOSAL.

12. THE AGENCY HAS NOT INCLUDED COPIES OF ALL WRITTEN SUBMISSIONS AND SYNOPSES OF ORAL COMMENTS RECEIVED.

13. THE AGENCY HAS NOT INCLUDED A LETTER EXPLAINING IN DETAIL THE REASONS FOR THE AGENCY'S DECISION TO REJECT OR ADOPT THEM.

14. CONCISE SUMMARY (150 WORDS OR LESS):

The rule includes provisions that govern:

(1) application-based process for the issuance of a certificate of public good for certain energy storage facilities under the provisions of 30. V.S.A. § 248; and

(2) other requirements for all energy storage facilities that address: (a) interconnection; (b) safety standards; (c) respective duties of distribution utilities, transmission utilities, and energy storage facility owners and operators and energy storage aggregators; (d) participation in wholesale energy markets; and (e) decommissioning.

15. EXPLANATION OF WHY THE RULE IS NECESSARY:

Energy storage facilities are an important part of Vermont's energy system. The proposed rule establishes standards for the installation, construction, and

operation of energy storage facilities. The proposed rule will ensure that such facilities will promote the public good and do not have an undue adverse impact on the natural environment and Vermont ratepayers.

16. EXPLANATION OF HOW THE RULE IS NOT ARBITRARY:

The standards and procedures contained in the proposed rule are modeled on the Commission's rules for electric generation facilities.

17. LIST OF PEOPLE, ENTERPRISES AND GOVERNMENT ENTITIES AFFECTED BY THIS RULE:

The Vermont electric distribution and transmission utilities

The Department of Public Service

The Agency of Natural Resources

The Agency of Agriculture, Food, and Markets

The Vermont Division of Fire Safety

The Division for Historic Preservation

Municipal legislative bodies and planning commissions

Regional planning commissions

Energy storage facility installers

Vermont electricity consumers

18. BRIEF SUMMARY OF ECONOMIC IMPACT (150 WORDS OR LESS):

The economic impact of the rule will be small. The rule does not establish any new fees. The application procedures established in the rule are similar to the procedures used for electric generation facilities.

19. A HEARING WAS NOT HELD.

20. HEARING INFORMATION

(THE FIRST HEARING SHALL BE NO SOONER THAN 30 DAYS FOLLOWING THE POSTING OF NOTICES ONLINE).

IF THIS FORM IS INSUFFICIENT TO LIST THE INFORMATION FOR EACH HEARING, PLEASE ATTACH A SEPARATE SHEET TO COMPLETE THE HEARING INFORMATION.

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:

Date:
Time: AM
Street Address:
Zip Code:
URL for Virtual:

21. DEADLINE FOR COMMENT (NO EARLIER THAN 7 DAYS FOLLOWING LAST HEARING):

KEYWORDS (PLEASE PROVIDE AT LEAST 3 KEYWORDS OR PHRASES TO AID IN THE
SEARCHABILITY OF THE RULE NOTICE ONLINE).

energy storage facilities
energy storage aggregators

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 9.000 Rule Regarding the Installation, Construction, Operation, and Aggregation of Energy Storage Facilities

_____/s/Edward McNamara_____, on 8/19/25_____
(signature) (date)

Printed Name and Title:

Edward McNamara, 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 9.000 Rule Regarding the Installation,
Construction, Operation, and Aggregation of Energy
Storage Facilities**

2. PROPOSED NUMBER ASSIGNED BY THE SECRETARY OF STATE

P

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. §§ 248(u) and 8011

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:

Proposal Filed with Office of the Secretary of State:

Notices Posted Online:

Notices Published in the Newspapers of Record:

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:

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:

Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual:

Deadline for Public Comment:

Final Proposal —

Filed with Secretary of State:

Filed with LCAR:

Dates of LCAR Review: , , , ,

Adopted Rule —

Filed with Secretary of State:

Filed with LCAR:

10. EFFECTIVE DATE:

(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 9.000 Rule Regarding the Installation,
Construction, Operation, and Aggregation of Energy
Storage Facilities**

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 **A NEW RULE** .

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

This is a new rule.

Economic Impact Analysis

Instructions:

In completing the economic impact analysis, an agency analyzes and evaluates the anticipated costs and benefits to be expected from adoption of the rule; estimates the costs and benefits for each category of people enterprises and government entities affected by the rule; compares alternatives to adopting the rule; and explains their analysis concluding that rulemaking is the most appropriate method of achieving the regulatory purpose. If no impacts are anticipated, please specify “No impact anticipated” in the field.

Rules affecting or regulating schools or school districts must include cost implications to local school districts and taxpayers in the impact statement, a clear statement of associated costs, and consideration of alternatives to the rule to reduce or ameliorate costs to local school districts while still achieving the objectives of the rule (see 3 V.S.A. § 832b for details).

Rules affecting small businesses (excluding impacts incidental to the purchase and payment of goods and services by the State or an agency thereof), must include ways that a business can reduce the cost or burden of compliance or an explanation of why the agency determines that such evaluation isn’t appropriate, and an evaluation of creative, innovative or flexible methods of compliance that would not significantly impair the effectiveness of the rule or increase the risk to the health, safety, or welfare of the public or those affected by the rule.

1. TITLE OF RULE FILING:

**Rule 9.000 Rule Regarding the Installation,
Construction, Operation, and Aggregation of Energy
Storage Facilities**

2. ADOPTING AGENCY:

Vermont Public Utility Commission

3. CATEGORY OF AFFECTED PARTIES:

*LIST CATEGORIES OF PEOPLE, ENTERPRISES, AND GOVERNMENTAL ENTITIES POTENTIALLY
AFFECTED BY THE ADOPTION OF THIS RULE AND THE ESTIMATED COSTS AND BENEFITS
ANTICIPATED:*

The Vermont electric distribution and transmission
utilities

The Department of Public Service

The Agency of Natural Resources

The Agency of Agriculture, Food, and Markets
The Vermont Division of Fire Safety
The Division for Historic Preservation
Municipal legislative bodies and planning commissions
Regional planning commissions
Energy storage facility installers

4. IMPACT ON SCHOOLS:

INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON PUBLIC EDUCATION, PUBLIC SCHOOLS, LOCAL SCHOOL DISTRICTS AND/OR TAXPAYERS CLEARLY STATING ANY ASSOCIATED COSTS:

The rule will not have a substantial impact on schools. The rule would only affect a school that chooses to install an energy storage facility. The rule establishes streamlined procedures for applying for a certificate of public good that would be no more burdensome than the current procedures required by law.

5. ALTERNATIVES: *CONSIDERATION OF ALTERNATIVES TO THE RULE TO REDUCE OR AMELIORATE COSTS TO LOCAL SCHOOL DISTRICTS WHILE STILL ACHIEVING THE OBJECTIVE OF THE RULE.*

The rule establishes standards for the installation, construction, and operation of energy storage facilities. No alternative can achieve the objectives of the rule and reduce costs to local school districts.

6. IMPACT ON SMALL BUSINESSES:

INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON SMALL BUSINESSES (EXCLUDING IMPACTS INCIDENTAL TO THE PURCHASE AND PAYMENT OF GOODS AND SERVICES BY THE STATE OR AN AGENCY THEREOF):

The rule will not have a substantial impact on small businesses. The rule establishes streamlined procedures for applying for a certificate of public good that would be no more burdensome than the current procedures required by law.

7. SMALL BUSINESS COMPLIANCE: *EXPLAIN WAYS A BUSINESS CAN REDUCE THE COST/BURDEN OF COMPLIANCE OR AN EXPLANATION OF WHY THE AGENCY DETERMINES THAT SUCH EVALUATION ISN'T APPROPRIATE.*

The rule will only apply to a small business if the business chooses to install an energy storage facility.

The rules are calibrated to impose the minimum burden possible while still protecting the interests of Vermonters and the natural environment.

8. COMPARISON:

COMPARE THE IMPACT OF THE RULE WITH THE ECONOMIC IMPACT OF OTHER ALTERNATIVES TO THE RULE, INCLUDING NO RULE ON THE SUBJECT OR A RULE HAVING SEPARATE REQUIREMENTS FOR SMALL BUSINESS:

The rule establishes standards for the installation, construction, and operation of energy storage facilities. No alternative can achieve the objectives of the rule and reduce costs to small businesses.

9. SUFFICIENCY: *DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.*

This economic impact statement complies with the requirements of 3 V.S.A. § 838(b). The analysis is based upon the proposed rule and the information provided by stakeholders and did not rely upon any specific internal or external documents.

Environmental Impact Analysis

Instructions:

In completing the environmental impact analysis, an agency analyzes and evaluates the anticipated environmental impacts (positive or negative) to be expected from adoption of the rule; compares alternatives to adopting the rule; explains the sufficiency of the environmental impact analysis. If no impacts are anticipated, please specify “No impact anticipated” in the field.

Examples of Environmental Impacts include but are not limited to:

- Impacts on the emission of greenhouse gases
- Impacts on the discharge of pollutants to water
- Impacts on the arability of land
- Impacts on the climate
- Impacts on the flow of water
- Impacts on recreation
- Or other environmental impacts

1. TITLE OF RULE FILING:

**Rule 9.000 Rule Regarding the Installation,
Construction, Operation, and Aggregation of Energy
Storage Facilities**

2. ADOPTING AGENCY:

Vermont Public Utility Commission

3. GREENHOUSE GAS: *EXPLAIN HOW THE RULE IMPACTS THE EMISSION OF GREENHOUSE GASES (E.G. TRANSPORTATION OF PEOPLE OR GOODS; BUILDING INFRASTRUCTURE; LAND USE AND DEVELOPMENT, WASTE GENERATION, ETC.):*

The orderly and safe installation of energy storage facilities will facilitate the development of renewable energy resources in Vermont. This will reduce greenhouse gas emissions.

4. WATER: *EXPLAIN HOW THE RULE IMPACTS WATER (E.G. DISCHARGE / ELIMINATION OF POLLUTION INTO VERMONT WATERS, THE FLOW OF WATER IN THE STATE, WATER QUALITY ETC.):*

No undue adverse impact anticipated. The rule requires energy storage facilities that involve the disturbance

of land to provide sufficient information to the Commission that the construction of the facility will comply with the criteria of Section 248, which includes ensuring that a proposed facility will not create unduly adverse water pollution.

5. **LAND:** *EXPLAIN HOW THE RULE IMPACTS LAND (E.G. IMPACTS ON FORESTRY, AGRICULTURE ETC.):*

No undue adverse impact anticipated. The rule requires energy storage facilities that involve the disturbance of land to provide sufficient information to the Commission that the construction of the facility will comply with the criteria of Section 248, which includes ensuring that a proposed facility will not create unduly adverse impacts with respect to soil erosion and primary agricultural soils.

6. **RECREATION:** *EXPLAIN HOW THE RULE IMPACTS RECREATION IN THE STATE:*

No undue adverse impact anticipated. The rule requires energy storage facilities that involve the disturbance of land to provide sufficient information to the Commission that the construction of the facility will comply with the criteria of Section 248, which includes ensuring that a proposed facility will not create unduly adverse impacts with respect to public investments and the natural environment.

7. **CLIMATE:** *EXPLAIN HOW THE RULE IMPACTS THE CLIMATE IN THE STATE:*

The orderly and safe installation of energy storage facilities will facilitate the development of renewable energy resources in Vermont. This will reduce greenhouse gas emissions.

8. **OTHER:** *EXPLAIN HOW THE RULE IMPACT OTHER ASPECTS OF VERMONT'S ENVIRONMENT:*

9. **SUFFICIENCY:** *DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.*

The analysis is based upon the proposed rule and the information provided by stakeholders and did not rely upon any specific internal or external documents.

Public Input Maximization Plan

Instructions:

Agencies are encouraged to hold hearings as part of their strategy to maximize the involvement of the public in the development of rules. Please complete the form below by describing the agency's strategy for maximizing public input (what it did do, or will do to maximize the involvement of the public).

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

1. TITLE OF RULE FILING:

**Rule 9.000 Rule Regarding the Installation,
Construction, Operation, and Aggregation of Energy
Storage Facilities**

2. ADOPTING AGENCY:

Vermont Public Utility Commission

3. PLEASE DESCRIBE THE AGENCY'S STRATEGY TO MAXIMIZE PUBLIC INVOLVEMENT IN THE DEVELOPMENT OF THE PROPOSED RULE, LISTING THE STEPS THAT HAVE BEEN OR WILL BE TAKEN TO COMPLY WITH THAT STRATEGY:

Notice of an investigation to develop the draft rule was provided to an extensive list of stakeholders. This proceeding occurred between 2021 and 2024. The Commission has conducted two workshops in 2022 and five webinars in 2023 to allow stakeholders to present information relevant to the Commission's rulemaking. The Commission solicited multiple rounds of written comments before publishing an initial draft rule in 2024. The Commission received feedback on the initial draft, which has been incorporated into the proposed rule presented here.

The Commission plans to hold at least one public hearing and round of written comments on this proposed rule before filing a final rule with LCAR.

4. BEYOND GENERAL ADVERTISEMENTS, PLEASE LIST THE PEOPLE AND ORGANIZATIONS THAT HAVE BEEN OR WILL BE INVOLVED IN THE DEVELOPMENT OF THE PROPOSED RULE:

Public Input

The Vermont electric distribution and transmission utilities

The Department of Public Service

The Agency of Natural Resources

The Vermont Division of Fire Safety

Sandia National Laboratories

Conservation Law Foundation

GlobalFoundries U.S. 2 LLC

The Vermont Public Power Supply Authority

Allco Renewable Energy LLC

Aegis Renewable Energy

Encore Renewable Energy

Law Offices of James Dumont, Esq.

Sheehey Furlong & Behm

SRH Law PLLC

VEPP, Inc.

Tangent Energy Solutions

Green Lantern Development

Sun Run, Inc.

Renewable Energy Vermont

Vermont Land Use Review Board

ISO New England Inc.

Incorporation by Reference

THIS FORM IS ONLY REQUIRED WHEN INCORPORATING MATERIALS BY REFERENCE. PLEASE REMOVE PRIOR TO DELIVERY IF IT DOES NOT APPLY TO THIS RULE FILING:

Instructions:

In completing the incorporation by reference statement, an agency describes any materials that are incorporated into the rule by reference and how to obtain copies.

This form is only required when a rule incorporates materials by referencing another source without reproducing the text within the rule itself (e.g., federal or national standards, or regulations).

Incorporated materials will be maintained and available for inspection by the Agency.

1. TITLE OF RULE FILING:

Rule 9.000 Rule Regarding the Installation, Construction, Operation, and Aggregation of Energy Storage Facilities

2. ADOPTING AGENCY:

Vermont Public Utility Commission

3. DESCRIPTION (*DESCRIBE THE MATERIALS INCORPORATED BY REFERENCE*):

The rule incorporates several national standards for the safe operation of energy storage facilities.

4. FORMAL CITATION OF MATERIALS INCORPORATED BY REFERENCE:

(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

5. OBTAINING COPIES: (*EXPLAIN WHERE THE PUBLIC MAY OBTAIN THE MATERIAL(S) IN WRITTEN OR ELECTRONIC FORM, AND AT WHAT COST*):

NFPA 855 Standard for the Installation of Stationary Energy Storage Systems is available at no cost at:

<https://www.nfpa.org/codes-and-standards/nfpa-855-standard-development/855>

NFPA 70 National Electrical Code is available at no cost at: <https://www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-codes-and-standards/detail?code=70>

IEEE National Electrical Safety Code ANSI C2 is available at no cost at:
<https://standards.ieee.org/access-standards/>

6. MODIFICATIONS (*PLEASE EXPLAIN ANY MODIFICATION TO THE INCORPORATED MATERIALS E.G., WHETHER ONLY PART OF THE MATERIAL IS ADOPTED AND IF SO, WHICH PART(S) ARE MODIFIED*):

Run Spell Check

**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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