

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.

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
- ☐ 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.

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**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