

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 9/11/2025
(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 rule will have a minor and limited economic impact. The rule does not establish any new fees or new significant requirements. The rule establishes streamlined procedures for applying for a certificate of public good that may significantly reduce certain permitting requirements. The provisions established in the rule are similar to the provisions 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: 10/20/2025

Time: 01:30 PM

Street Address:

Zip Code:

URL for Virtual: The public hearing may be accessed online using the following information to attend: Meeting ID: 256 786 203 385 0; Passcode: eL2ZW9V8; or call in by telephone using the following information: phone number: +1 802-828-7667; phone conference id: 308 675 919#.

Participants may wish to review guidance on how to join the meeting and system requirements may be found at: <https://support.microsoft.com/en-us/office/join-a->

meeting-in-microsoft-teams-1613bb53-f3fa-431e-85a9-
d6a91e3468c9

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

battery energy storage

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.

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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:*

Energy storage facility installers - the rule does adds some new provisions and requirements for these entities that will have a minor and limited economic impact.
The rule establishes streamlined procedures for

applying for a certificate of public good that may significantly reduce certain permitting requirements.

The Vermont electric distribution and transmission utilities - the rule does not add a significant amount of new provisions or requirements for these entities. The rule will have a minor and limited economic impact. The rule establishes streamlined procedures for applying for a certificate of public good that may significantly reduce certain permitting requirements.

The Department of Public Service - the rule does add new significant requirements and will not have an economic impact for this entity.

The Agency of Natural Resources - the rule does add new significant requirements and will not have an economic impact for this entity.

The Agency of Agriculture, Food, and Markets - the rule does add new significant requirements and will not have an economic impact for this entity.

The Vermont Division of Fire Safety - the rule does add new significant requirements and will not have an economic impact for this entity.

The Division for Historic Preservation - the rule does add new significant requirements and will not have an economic impact for this entity.

Municipal legislative bodies and planning commissions - the rule does add new significant requirements and will not have an economic impact for this entities.

Regional planning commissions - the rule does add new significant requirements and will not have an economic impact for this entities.

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

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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:

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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.

Notice and public input for the rule is being conducted through the Commission's electronic case management system, ePUC. The case number is 21-3883-RULE.

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

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.

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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/>

The Commission maintains a public terminal for electronic access at its office in Montpelier.

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