

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 24-2874-INV

Public Utility Commission's order establishing noncompliance grace period and providing guidance for meeting compliance filing obligations	
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Order entered: 12/29/2025

ORDER PROVIDING GUIDANCE FOR TRANSITIONING REPRESENTATION

The Commission opened this case to establish a grace period for fulfilling overdue compliance filing obligations and to provide guidance to entities with compliance filing obligations. To encourage entities with overdue compliance filing obligations to come into compliance, the Commission established a six-month grace period during which time the Commission did not issue penalties for failure to make a compliance filing in a timely manner.¹

The overdue compliance filing grace period ended on March 13, 2025. However, the Commission found many cases in which compliance filing obligations were still outstanding.

Since the expiration of the grace period, the Commission has issued orders in individual cases to facilitate fulfillment of overdue compliance filing obligations. In the course of that work, the Commission has observed trends where additional guidance may be helpful. In many of those Commission proceedings, compliance was required of the petitioner or applicant. In some of those cases, the entities with outstanding obligations were represented by attorneys.

As we have explained:

Many of the Commission's compliance filing obligations are statutory requirements. The underlying intent of these compliance obligations is to protect the interests of the local community and the broader state interest in our natural resources and public viewsheds. An entity's failure to comply with its regulatory obligations therefore constitutes a harm to the integrity and credibility of the regulatory process and the interests of the public.²

In this order, we provide guidance to emphasize the importance of ensuring diligent representation when an appearance is entered with the Commission and to explain the proper

¹ The grace period did not apply to violations of CPG conditions or other 30 V.S.A. § 30 infractions unrelated to compliance filings.

² Case No. 24-2874-INV, Order of 9/13/24 at 1 (citation omitted).

transition of representation when an attorney or a *pro se* individual no longer represents an entity before the Commission.

The Commission will send this order to the Commission's email lists and directly to the Public Utilities Law Section of the Vermont Bar Association. Additionally, this guidance will be posted to the Commission's [Current Rules and General Orders webpage](https://puc.vermont.gov/about-us/statutes-and-rules/current-rules-and-general-orders) under Rule 2.200 (<https://puc.vermont.gov/about-us/statutes-and-rules/current-rules-and-general-orders>). In addition to providing this guidance, the Commission is also posting a notice-of-appearance form on the same webpage and on the Commission's [Forms webpage](https://puc.vermont.gov/about-us/forms) under "Forms for CPG Holders" (<https://puc.vermont.gov/about-us/forms>).

Guidance on Transitioning Representation

Commission Rule 2.201(D) governs withdrawals of appearance in Commission cases.

The rule requires:

Any person who has appeared on behalf of a party may withdraw only upon permission of the Commission or when a substitute appearance is filed by a properly designated representative of the party, such as another attorney. If a substitution of appearance might cause delay, then Commission approval is required.

Commission Rule 2.210(A) explains when a notice of appearance is required of an attorney or a *pro se* representative. Further, Commission Rule 2.201(B) describes when non-attorney representation may be permitted in Commission proceedings.

If an attorney or a *pro se* person has entered an appearance in a Commission proceeding, that representation continues until the case is closed or a proper notice of appearance has been filed by substitute counsel or a substitute *pro se* representative.³ The Commission has discretion to deny a request to withdraw or to permit a non-attorney to represent a party.⁴

³ Commission Rule 2.201(D); Vt. R. Pro. Conduct 1.16 ("A lawyer must comply with applicable law requiring notice to or permission of a tribunal when terminating a representation. When ordered to do so by a tribunal, a lawyer shall continue representation notwithstanding good cause for terminating the representation."); Vt. R. Pro. Conduct 1.16 n.4 ("Unless the relationship is terminated as provided in Rule 1.16, a lawyer should carry through to conclusion all matters undertaken for a client."); Vt. R. Pro. Conduct 3.9 (requiring compliance with procedural rules in nonadjudicative proceedings before an administrative agency).

⁴ See Commission Rule 2.201(B)(2) ("In its discretion, the Commission may permit persons who are not attorneys to appear before it."); Commission Rule 2.201(D).

In many cases before the Commission, a final order does not signal the end of engagement with the regulatory authority. The Vermont Rules of Professional Conduct dictate that “[a] lawyer shall act with reasonable diligence and promptness in representing a client.”⁵ This obligation includes responding to Commission orders by the set deadline, providing the Commission with the factual information necessary for it to render decisions, and ensuring that an entity is aware of its regulatory compliance obligations and that those obligations are fulfilled. *Pro se* representatives have the same obligations.⁶ If an attorney representative seeks to transfer representation to a non-attorney, the attorney should confirm that ongoing regulatory obligations are understood.

Diligent representation should carry through to conclusion in all Commission proceedings. A party representative is responsible for ensuring compliance.

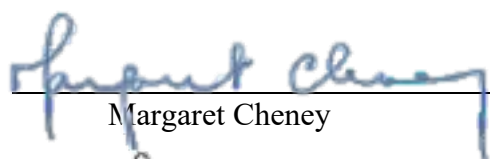
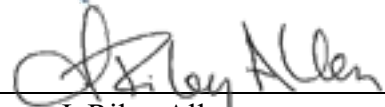
If a party seeks to transition representation, the current representative must file a notice of withdrawal accompanied by a notice of appearance of an appropriate substitute representative. That representative must be either an attorney or a non-attorney who meets the qualifications laid out in Commission Rule 2.201(B). The Commission has discretion to permit non-attorney representation as well as attorney withdrawal. Where there is persistent or prolonged noncompliance, the Commission may deny a request for withdrawal or transfer of representation, pursuant to Commission Rule 2.201(D).

We recommend using the Commission’s notice-of-appearance form to ensure the Commission has all necessary information for non-attorney representatives.

⁵ Vt. R. Prof. Conduct 1.3.

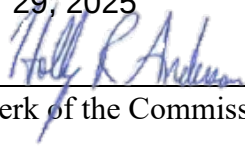
⁶ See Commission Rule 2.201(B)(4) (“In Commission proceedings, all parties and *pro se* and other representatives must comply with all applicable rules, laws, practices, procedures, and other requirements, including all the obligations of an attorney admitted to practice in this state.”).

Dated at Montpelier, Vermont, this 29th day of December, 2025.

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

OFFICE OF THE CLERK

Filed: December 29, 2025

Attest: 

Clerk of the Commission

PUC Case No. 24-2874-INV - SERVICE LIST

James Porter, Director of Public Advocacy
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(for Vermont
Department of Public
Service)

Other Entities to Receive Notice Outside ePUC:

PUC large email list