

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 12/5/2025
(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 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
25P 035
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 CHANGED SINCE THE FILING OF THE PROPOSED RULE.

10. THE AGENCY HAS 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 INCLUDED COPIES OF ALL WRITTEN SUBMISSIONS AND SYNOPSES OF ORAL COMMENTS RECEIVED.

13. THE AGENCY HAS 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 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.

19. A HEARING WAS 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: 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:

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

10/7/2025

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 add 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 not add new significant requirements and will not have an economic impact for this entity.

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

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

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

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

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

Regional planning commissions - the rule does add new significant requirements and will not have an economic impact for these 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:

1. TITLE OF RULE FILING:

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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 was incorporated into the initial proposed rule.

The Commission held a public hearing and round of written comments on this proposed rule before filing a final rule with LCAR. The feedback from the public hearing and written comments was incorporated in the proposed rule presented here.

Public Input

Notice and public input for the rule was 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:

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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 standard 855 and Division of Fire Safety's Vermont Fire and Building Safety Code for installations in "Public Buildings" as defined in 20 V.S.A. § 2730; (2) NFPA 70 National Electrical Code and the Division of Fire Safety's Vermont Electrical Safety Rules for installations in "Public Buildings" as defined in 20 V.S.A. § 2730 and 20 V.S.A. § 2900; (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>

Division of Fire Safety's Vermont Fire and Building Safety Code for installations in "Public Buildings" at: <https://firesafety.vermont.gov/sites/firesafety/files/Rules/VFBSC%202025%20Rules%20Final.pdf>

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>

Division of Fire Safety's Vermont Electrical Safety Rules for installations in "Public Buildings" at: <https://firesafety.vermont.gov/sites/firesafety/files/Rules/2025%20Vermont%20Electrical%20Safety%20Rules.pdf>

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

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 Standard 855 and the Division of Fire Safety’s Vermont Fire and Building Safety Code for installations in “Public Buildings” as defined in 20 V.S.A. § 2730;
- (2) NFPA 70 National Electrical Code and the Division of Fire Safety’s Vermont Electrical Safety Rules for installations in “Public Buildings” as defined in 20 V.S.A. § 2730 and 20 V.S.A. § 2900;
- (3) For utility-owned energy storage systems, 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, 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 is prohibited from participation in any wholesale electricity markets, 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, an Existing Substation, or an Existing 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, an existing substation yard, or an existing 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 Section 9.202 of this Rule;
 - (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) Information addressing any plans for aggregation with other energy storage facilities, including the requirements set forth in Section 9.204; 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 Section 9.202 of this Rule.
 - (10) Evidence demonstrating that the proposed energy storage system will meet the criteria applicable to the system under Section 9.303(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 9.204.
 - (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) For energy storage facilities under this section not within the site area identified in the approved plans of an existing substation or existing radio tower site that

has received a CPG from the Commission, 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);

- (4) For energy storage systems under this section within the site area identified in the approved plans of an existing substation or existing radio tower site that has received a CPG from the Commission, Section 248(b)(5) (except aesthetics, historic sites, water conservation, sufficiency of water, existing water supply, municipal services, educational services, transportation, and development affecting public investments); and
- (5) 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 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.

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 Standard 855 ~~Standard for the Installation of Stationary Energy Storage Systems~~ and the Division of Fire Safety’s Vermont Fire and Building Safety Code for installations in “Public Buildings” as defined in 20 V.S.A. § 2730;
- (2) NFPA 70 National Electrical Code and the Division of Fire Safety’s Vermont Electrical Safety Rules for installations in “Public Buildings” as defined in 20 V.S.A. § 2730 and 20 V.S.A. § 2900;
- (3) For utility-owned energy storage systems, 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 is prohibited from participation in any wholesale electricity markets, 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, an Existing Substation, or an Existing 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, an existing substation yard, or an existing 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 Section 9.202 of this Rule ~~NEPA 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~~ Information addressing any plans for

aggregation with other energy storage facilities, including the requirements set forth in Section 9.204; 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 ~~Section 9.202 of this Rule 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)~~ 9.303(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 ~~9.204~~ 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) For energy storage facilities under this section not within the site area identified in the approved plans of an existing substation or existing radio tower site that has received a CPG from the Commission, 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);
 - (4) For energy storage systems under this section within the site area identified in the approved plans of an existing substation or existing radio tower site that has received a CPG from the Commission, Section 248(b)(5) (except aesthetics, historic sites, water conservation, sufficiency of water, existing water supply, municipal services, educational services, transportation, and development affecting public investments); and
 - (5) 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.

Interagency Committee on Administrative Rules (ICAR) Minutes

Date/Time: September 8, 2025, 2:02 PM

Location: Virtually via Microsoft Teams

Members Present: Chair Nick Kramer, Diane Sherman, Jared Adler, Jennifer Mojo, John Kessler, Natalie Weill

Members Absent: Michael Obuchowski, Nicole Dubuque

Minutes By: Chrissy Gilhuly

- ▶ 2:02 p.m. meeting called to order.
- ▶ Review and approval of minutes from the August 11, 2025 [meeting](#).
- ▶ No additions/deletions to agenda. Agenda approved as drafted.
- ▶ No public comments were made.
- ▶ Presentation of Proposed Rule with recommended changes on pages to follow.
 - 1) Rules Relating to Ground Water Protection Rule and Strategy, Agency of Natural Resources
 - a. This rule proposes to adopt EPA's 2024 Maximum Contaminant Level (MCL) for five PFAS compounds (HFPO-DA, PFHxS, PFNA, PFOS, and PFOA) and a hazard index to address mixtures of two or more identified PFAS (HFPO-DA, PFBS, PFNA, PFHxS). This rule proposes not to require the permitting review to apply to stormwater, indirect discharge (sewage), or wastewater and potable water supply (wastewater) rules and those programs would address the public trust and groundwater protection in their respective rules. It also makes minor changes to how compliance boundaries are established.
- ▶ Rule Regarding the Installation, Construction, Operation, and Aggregation of Energy Storage Facilities, Public Utility Commission. The rule addresses the following:
 - a. An 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
 - ▶ 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.

Vermont Agency of Administration

- ▶ Next scheduled meeting is October 13, at 2:00 p.m.
- ▶ 3:04 p.m. meeting adjourned.

To receive this information in an alternative format or for other accessibility requests, please contact:

Agency of Administration

ADM.Secretary@vermont.gov, 802-828-3322

DRAFT

Vermont Agency of Administration

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

Presented By: Mary Jo Krowlewski and Jake Marrin, Vermont Public Utility Commission

Motion made to accept the rule by John Kessler, seconded by Jennifer Mojo, and passed unanimously, with the following recommendations:

- 1) Proposed Filing – Coversheet:
 - a. #21: Adding one key word (form asks for three) – batteries or electricity would be useful for broadening search results
 - b. #12: More description of what the impact might be, something more definitive regarding cost of burden that appears later in the full economic impact section
 - c. Duplicate cover sheets can be removed
- 2) Economic Impact Analysis:
 - a. #3: Identify cost benefits for each group
 - b. #6: More definite terminology. Preemptive comment, emphasizing the positive
- 3) Public Input Maximization Plan
 - a. #3: Clarify that outreach has been made to individuals and entities listed with notification they can provide public comment
- 4) Incorporation by Reference
 - a. #5: Add a line referencing where access is available (phone number, physical location, etc.) – a non-electronic option

Proposed Rule: Groundwater Protection Rule and Strategy

Presented By: Matt Chapman and Brian Redmond, Agency of Natural Resources

Motion made to accept the rule by Diane Sherman, seconded by John Kessler, and passed unanimously, with the following recommendations:

- Proposed Filing – Coversheet:
- b. #8: Start with what the rule does “generally”, followed by “these are the changes”
 - c. Add Keywords, section missing
 - d. #12: Where it says reduce the standards, clarify: adopt a more stringent standard
- 5) Economic Impact Analysis:
- a. #3: Add dimension; move up some data from #7
 - b. #7: Add language that supports a positive impact; more detail

Vermont Agency of Administration

6) Environmental Impact

- a. #4: Add a sentence or two emphasizing how a more stringent standard will have a favorable impact on the environment.
- b. #5 & #6: Opportunity to highlight positive impacts

7) Public Input Maximization Plan

- a. #3: Elaborate who the “others” you plan to inform.
- b. #3: Spell out all acronyms (VNRC)
- c. #3 and #4: Recommend flipping

DRAFT

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 21-3883-RULE

Proposed creation of Vermont Public Utility Commission Rule Concerning Energy Storage	
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COMMENTS OF THE VERMONT DEPARTMENT OF PUBLIC SERVICE

The Vermont Public Utility Commission (“Commission”) filed proposed Commission Rule 9.000 (the “Energy Storage Rule”) with the Vermont Secretary of State on September 11, 2025, after receiving multiple rounds of comments and hosting a series of webinars in this proceeding. The Vermont Department of Public Service (“Department”) supports the proposed Energy Storage Rule, which creates clear application processes for energy storage facilities 100 kW and larger and ensures that energy storage systems of all sizes meet appropriate interconnection and safety standards.

In reviewing the proposed rule, the Department identified two provisions which may warrant further clarification or revision. First, the Department’s understanding is that the IEEE National Electric Safety Code (“NESC”) listed under Rule 9.202(3) applies only to utility-owned facilities. Because Rule 9.202 generally lists safety standards “applicable to all energy storage facilities installed and operated in the State of Vermont,” the Department suggests clarifying the intended application of Rule 9.202(3). Second, Rule 9.304(A) states:

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.

Based on the Department’s review, the separate provisions of Rule 9.303 already apply to battery energy storage facilities between 100 kW and 5 MW which require earth disturbance or vegetation clearing. As such, the Department recommends removing the language in bold above from Rule 9.304(A).

The Department thanks the Commission for its significant collaborative work in developing the proposed Energy Storage Rule, and for the opportunity to provide comments.

DATED at Montpelier, Vermont, this 7th day of October 2025.

Respectfully Submitted,

VERMONT DEPARTMENT OF PUBLIC SERVICE

By: /s/ Ben Civiletti
Ben Civiletti, Special Counsel
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Montpelier VT 05602
(802)-622-4388
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Department of Public Safety
Division of Fire Safety
Central Administrative Office
45 State Drive
Waterbury, VT 05671
Firesafety.vermont.gov

(phone) (802)479-7561
(fax) (802) 479-7562

DATE: July 11, 20214

TO: Public Utility Commission

FROM: Michael Desrochers, Executive Director, Division of Fire Safety

SUBJECT: 21-3883-RULE – Proposed creation of Vermont Public Utility Commission Rule Concerning Energy Storage

9.402 Safety Standards for Energy Storage Facilities

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

- A. NFPA Standard 855 **and The Division of Fire Safety's Vermont Fire and Building Safety Code for installations in "Public Buildings" as defined in 20 V.S.A. § 2730)**
- B. National Electrical Code **and The Division of Fire Safety's Vermont Electrical Safety Rules for installations in "Public Buildings" as defined in 20 V.S.A. § 2730 and 20 V.S.A. § 2900**
- C. National Electrical Safety Code. **Suggest Deleting c the code is referenced in b above**

Comment: The Division of Fire Safety regulates the permitting and issuance of construction permits for the construction of "Public Buildings" as defined in 20 V.S.A. Chapter 173 § 2730. The Division of Fire Safety also promulgates rules referred to as The Vermont Fire and Building Safety Code and the Vermont Electrical Safety Rules. Both rules provide amendments to the national standards. There may be circumstances where an energy storage system is not regulated by the Division of Fire Safety but if the system involves a structure meeting the definition of a public building, we will exert jurisdiction over the construction and wiring within our purview.

Although we currently do not adopt the NFPA 855 standard we are in the process of rulemaking, and we will be adopting NFPA 855 (2020 edition) with some amendments which are fire safety related and will not impact electrical distribution or your rules.

We adopt NFPA 70 National Electrical Code: We amend the NFPA 70 National Electrical Code through rules and these rules are referred to as the Vermont Electrical Safety.

END





October 7, 2025

Ms. Holly Anderson, Clerk
Vermont Public Utilities Commission
112 State Street, 4th Floor
Montpelier, VT 05602

RE: 25P035 Rule 9.000 Rule Regarding the Installation, Construction, Operation, and Aggregation of Energy Storage Facilities.

Dear Clerk Anderson,

Renewable Energy Vermont ("REV") submits the comments below in advance of the 10-20-2025 hearing on Rule 9.000. We flag what we believe to be two minor inconsistencies in that rule and raise the issue of whether nameplate capacity or export capacity is the appropriate measure to use to set capacity thresholds.

Potential inconsistencies in the draft rule:

- 9.303(E)(10) requires a petitioner to demonstrate compliance with criteria in Section 9.204(F) but 9.204(F) does not appear in the Rule.
- Rule 9.304(A) states that it applies to "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" but 9.303(A) 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." This would seem to create overlapping applicability between 9.303 and 9.304.

Capacity threshold measurement:

REV recommends setting capacity thresholds in terms of export capacity rather than nameplate capacity. This would be consistent with the approach taken in Rule 5.500.

Thank you for your consideration of these matters.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Dows".

JONATHAN DOWS
Deputy Director



Alison Milbury Stone
Senior Legal Counsel
366 Pinnacle Ridge Road
Rutland, Vermont 05701
astone@velco.com

Holly R. Anderson, Clerk
Vermont Public Utility Commission
112 State Street
Montpelier, VT 05620-2701

October 7, 2025

Re: 21-3883-RULE Comments on Draft Rule 9.900

Dear Ms. Anderson,

Vermont Electric Power Company (VELCO) submits these comments on the Vermont Public Utility Commission's proposed Rule 9.900, which was posted by the Secretary of State on September 17, 2025.

VELCO appreciates the Commission's inclusion of substation and radio tower sites in the streamlined process outlined in Section 9.302, consistent with VELCO's comments dated July 10, 2024 in Case No. 21-3883-RULE. VELCO now respectfully requests that the Commission clarify that earth disturbance and vegetation clearing are permitted within the existing developed footprint of these sites.

VELCO also asks that the Commission consider allowing *de minimis* earth disturbance and vegetation clearing outside of the existing developed footprint, such as limited trenching for conduit installation to interconnect the project to a distribution line.

These minor changes are intended to ensure that applicants can avail themselves of the streamlined process the Commission has proposed for sites with existing development, while still minimizing impacts on resources from earth disturbance and vegetation clearing. They reflect the reality that some limited activity may be needed in and adjacent to the existing developed footprint.

These proposals could be effectuated by modifying the current Section 9.302, or by creating a new section that applies to battery storage facilities proposed at an existing utility site.¹ In the latter approach, applications for these facilities would still follow the streamlined processes and requirements in Section 9.302. VELCO offers the following proposed language for the Commission's consideration:

9.30X 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 at an Existing Utility Structure, Substation Yard, or Radio Tower Site with Limited Earth Disturbance and

¹ Section 9.302 as currently drafted applies to battery storage facilities at other "proposed" structures and sites that may not have an "existing development footprint."

Vegetation Clearing

- (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 at an existing utility structure or at an existing substation yard or radio tower site where earth disturbance and vegetation clearing are primarily limited to the existing developed footprint. An application is still eligible for treatment under this section if *de minimis* earth disturbance and vegetation clearing for installation and interconnection occurs outside of the existing developed footprint.
- (B) Applications for facilities under this section are subject to Sections 9.302(B)-(J) of this rule.

Respectfully submitted,

/s/ Alison Milbury Stone
Senior Counsel
Vermont Electric Power Company
366 Pinnacle Ridge Road
Rutland, Vermont 05701
astone@velco.com
802-712-5064

Explanation of the Vermont Public Utility Commission’s reasons for accepting or rejecting requested changes to the original proposed rule.¹

The Vermont Public Utility Commission (“Commission”) received oral comments from two entities during the public hearing held on October 20, 2025, and received written comments from four entities by the October 7, 2025, comment deadline for the proposed Commission Rule 9.900, the Rule Regarding the Installation, Construction, Operation, and Aggregation of Energy Storage Facilities (the “Storage Rule”).² The Commission received comments from the following entities:

- Vermont Department of Public Service (“Department”),
- Vermont Division of Fire Safety,
- Renewable Energy Vermont (“REV”), and
- Vermont Electric Power Company (“VELCO”).

Below is a summary of the comments received and an explanation of the Commission’s reasons for accepting or rejecting requested changes to the proposed rule contained in comments. The summaries and explanations are organized by sections of the proposed rule.

9.102 Definitions

REV’s comments raise whether nameplate rating or export capacity is the appropriate measure to use to set capacity thresholds under Section 9.300 of the proposed rule. REV recommends setting capacity thresholds in terms of export capacity rather than nameplate capacity.

The measurement of the capacity thresholds under Section 9.300 are intended to be set at a value that can be consistently measured and compared across different energy storage facilities. Nameplate rating is a value that compares across facilities and is a value not dependent on operational methods. Export capacity is dependent on operational methods and can vary across energy storage facilities with the same nameplate rating.

Rule 5.500 defines the capacity size of an energy storage facility by its nameplate rating. Rule 5.500 allows the utility to model system impacts based on export capacity. However, the nameplate rating defines the capacity size of a project and determines the applicable interconnection review procedures.³ The proposed rule is consistent with Rule 5.500 because both rules use nameplate rating as the measure for determining which level of application procedures apply.

¹ Per 3 V.S.A. § 841(b).

² Renewable Energy Vermont and Vermont Electric Power Company provided both oral and written comments.

³ See Commission Rule 5.506(A) (establishing two review procedures, one for “Projects with a Nameplate Rating of up to 150 kW” and another “for Projects greater than (>) 150 kW.”)

Therefore, the Commission finds that nameplate rating is the appropriate measure to set capacity thresholds under Rule 9.300 and declines to make any changes to the proposed rule in this context.

9.202 Safety Standards for Energy Storage Facilities

The Department states that the National Electrical Safety Code listed under Section 9.202(3) of the proposed rule applies only to utility-owned facilities. The Department recommends clarifying the intended application of Section 9.202(3).

The Division of Fire Safety states that it regulates the permitting and issuance of construction permits for the construction of “Public Buildings” as defined in 20 V.S.A. Chapter 173 § 2730. The Division of Fire Safety also promulgates rules referred to as the Vermont Fire and Building Safety Code and the Vermont Electrical Safety Rules. Both rules provide amendments to the national standards. The Division of Public Safety states that there may be circumstances where it would not regulate an energy storage system because the energy storage facility is not in a public building. If the system involves a structure meeting the definition of a public building, the Division of Public Safety will exert jurisdiction over the construction and wiring within its purview. The Division of Fire Safety states that although it does not currently adopt the NFPA 855 standard, it is in the process of rulemaking and will be adopting NFPA 855 (2020 edition) with some amendments. The amendments are related to fire safety and will not affect electrical distribution or the proposed storage rule. Further, the Division of Fire Safety adopts NFPA 70 National Electrical Code and amends the NFPA 70 National Electrical Code through rule, referred to as the Vermont Electrical Safety Rules.

The Division of Fire Safety recommends changes to Section 9.202, Safety Standards for Energy Storage Facilities, to reflect the Vermont Fire and Building Safety Code and the Vermont Electrical Safety Rules. The Commission adopts the recommended changes to the proposed storage rule because they are consistent with the Division of Fire Safety’s rules and jurisdiction. The Commission also adopts the Department’s recommendation to clarify that Section 9.202(3) applies only to utility-owned facilities. The changes the Commission is adopting are provided below in redline.

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 ~~Standard~~ 855 ~~Standard for the Installation of Stationary Energy Storage Systems~~ and the Division of Fire Safety’s Vermont Fire and Building Safety Code for installations in “Public Buildings” as defined in 20 V.S.A. § 2730;

- (2) NFPA 70 National Electrical Code and the Division of Fire Safety's Vermont Electrical Safety Rules for installations in "Public Buildings" as defined in 20 V.S.A. § 2730 and 20 V.S.A. § 2900;
- (3) For utility-owned energy storage systems, 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.

As part of the changes to Section 9.202, the Commission adopts consistency changes to the filing requirements under Sections 9.302(E)(3) and 9.303(E)(9) to include a certification that the installation and operation of the energy storage facility will comply with the applicable provisions of Section 9.202.

9.204 Participation in Wholesale Electricity Markets

Although no comments were received, the Commission adopts changes to Section 9.204(B) to provide additional clarity on the exceptions to participation in the wholesale electricity markets. The changes the Commission is adopting are provided below in redline.

- (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 ~~is prohibited from participation in any wholesale electricity markets~~, unless the Commission has authorized such participation.

9.300 Certificates of Public Good for Battery and Non-Battery Energy Storage Facilities

REV notes that Section 9.303(E)(10) of the proposed rule requires a petitioner to demonstrate compliance with criteria in Section 9.204(F), but 9.204(F) does not appear in the proposed rule. The proposed rule incorrectly referenced Section 9.204(F), when the correct reference should be Section 9.303(F). The proposed rule has been changed to reflect the correct reference.

Although not recognized by any commenters, Section 9.303(E)(12) incorrectly referenced Section 9.405. The proposed rule has been changed to reflect the correct reference. Section 9.303(E)(12) now reads: "Information addressing any plans for aggregation with other energy storage facilities, including the requirements set forth in Section 9.204." Consistent with this correction, the Commission adopts changes to Section 9.302(E)(6) to add the same filing requirements with respect to aggregations. Section 9.302(E)(6) now reads: "Information addressing any plans for aggregation with other energy storage facilities, including the requirements set forth in Section 9.204."

The Department and REV correctly note that Section 9.304(A) of the proposed rule appears to create overlapping applicability between Sections 9.303 and 9.304. The Department recommends removing certain phrases in Section 9.304(A) to address the overlapping applicability. As recommended by the Department, Section 9.304(A) of the proposed rule has been changed to correct for this overlap and removes the phrase: “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.”

VELCO recommends that the proposed rule includes additional clarity on Section 9.302 with respect to substation and radio tower sites. VELCO recommends that Section 9.302 allow for earth disturbance and vegetation clearing within the footprint of substation and radio tower sites. VELCO also recommends allowing *de minimis* earth disturbance and vegetation clearing outside of the existing developed footprint, such as limited trenching for conduit installation to interconnect the substation and radio tower to a distribution line.

VELCO recommends modifying Section 9.302, or creating a new section that applies to battery storage facilities proposed at an existing utility site. In the latter approach, VELCO offers the following proposed language:

9.30X 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 at an Existing Utility Structure, Substation Yard, or Radio Tower Site with Limited Earth Disturbance and Vegetation Clearing

(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 at an existing utility structure or at an existing substation yard or radio tower site where earth disturbance and vegetation clearing are primarily limited to the existing developed footprint. An application is still eligible for treatment under this section if *de minimis* earth disturbance and vegetation clearing for installation and interconnection occurs outside of the existing developed footprint.

(B) Applications for facilities under this section are subject to Sections 9.302(B)-(J) of this rule.

The Commission declines to adopt VELCO’s recommendations to either (1) expand the applicability of Section 9.302 to allow for earth disturbance and vegetation clearing within the footprint of substation and radio tower sites, or (2) create a new section that applies to battery storage facilities proposed at an existing utility site with *de minimis* earth disturbance and vegetation clearing. The Commission finds that *de minimis* earth disturbance and vegetation clearing cannot be accurately defined or characterized for rulemaking purposes and would likely have to be determined on case-by-case basis. Moreover, even limited amounts of earth disturbance have the potential to affect some of the criteria identified under Section 248(b)(5) (e.g., soil erosion), making it difficult to conditionally waive criteria. Given these challenges, it would be difficult to implement the simplified process of Section 9.302 for a battery installed at an existing substation or radio tower site involving earth disturbance or vegetation clearing.

To address VELCO's concerns, the Commission adopts changes to Sections 9.302 and 9.303 to further simplify the application process for energy storage facilities at existing substations and existing radio tower sites. For Section 9.302, the Commission adopts changes that clarify that this section applies only to existing radio tower sites and existing substations. Petitions for co-located energy storage facilities at proposed substations or radio tower sites would not qualify for the simplified process and must be filed pursuant to the requirements of Section 248 and Commission Rule 5.400, consistent with the requirements under Section 9.305. For Section 9.303, the Commission adopts changes that recognize that a battery installed at an existing substation or an existing radio tower site will have more limited impacts under the Section 248(b)(5) criteria. Accordingly, under Section 9.303(F) of the storage rule, for energy storage systems installed at an existing substation or existing radio tower site, the substantive criteria of Section 248(b)(5) will be limited to air and water purity, the natural environment, and public health and safety. As a result, applications for battery energy storage facilities installed at an existing substation yard or an existing radio tower site will not need to address the following criteria unless the Commission determines that the proposed facility raises a significant issue: aesthetics, historic sites, water conservation, sufficiency of water, existing water supply, municipal services, educational services, transportation, and development affecting public investments.