

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 23-2220-RULE

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| Proceeding to design the potential Clean Heat Standard | |
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Order entered: 12/15/2023

ORDER SEEKING COMMENTS ON EQUITY ADVISORY GROUP PROCEDURES

On June 30, 2023, the Vermont Public Utility Commission (“Commission”) issued an Order opening this rulemaking proceeding to design the potential Clean Heat Standard. Pursuant to 30 V.S.A. § 8129(a), the Commission is required to establish an Equity Advisory Group that will assist the Commission in ensuring that an equitable share of clean heat measures is delivered to low- and moderate-income Vermonters and that heating fuel remains affordable for people who cannot immediately install such measures if the Clean Heat Standard is implemented. The Commission announced its selection of Equity Advisory Group members in an order issued November 16, 2023. The Commission requests comments on the attached draft procedures for the Equity Advisory Group by no later than January 3, 2024, tagged with the “1 Advisory Groups” dropdown option when filing.¹

SO ORDERED.

¹ See the recently issued Order titled “Procedural Order Creating Topic Tag System for Clean Heat Standard Cases” for more information on the topic tags dropdown menu

PROCEDURE FOR THE CLEAN HEAT STANDARD EQUITY ADVISORY GROUP

I. Scope and Purpose

Act 18 of 2023 directs the Vermont Public Utility Commission (“Commission”) to establish an Equity Advisory Group that will assist the Commission in ensuring that an equitable share of clean heat measures is delivered to low- and moderate-income Vermonters and that heating fuel remains affordable for people who cannot immediately install such measures. This document establishes the Procedure for the Equity Advisory Group.

II. Duties of the Equity Advisory Group

- A. Pursuant to 30 V.S.A. § 8129(a), the Equity Advisory Group is charged with the following duties:
- i. Providing feedback to the Commission on strategies for engaging Vermonters with low income and moderate income in the public process for developing the Clean Heat Standard program;
 - ii. Supporting the Commission in assessing whether customers are equitably served by clean heat measures and how to increase equity;
 - iii. Identifying actions needed to provide customers with low income and moderate income with better service and to mitigate the fuel price impacts calculated in Section 8128 of Title 30;
 - iv. Recommending any additional programs, incentives, or funding needed to support customers with low income and moderate income and organizations that provide social services to Vermonters in affording heating fuel and other heating expenses;
 - v. Providing feedback to the Commission on the impact of the Clean Heat Standard on the experience of Vermonters with low income and moderate income; and
 - vi. Providing information to the Commission on the challenges renters and residents of manufactured homes face in equitably accessing clean heat measures and recommendations to ensure that renters and residents of manufactured homes have equitable access to clean heat measures.
- B. Pursuant to Section 6(k) of Act 18, the Equity Advisory Group must deliver:
- i. Report on equity issues. On or before January 15, 2025, the Equity Advisory Group shall report to the General Assembly on the Group’s findings from the review of issues under 30 V.S.A. § 8129(a).
- C. The Equity Advisory Group, in consultation with the Commission, will prioritize and sequence its work to effectively cover the statutory requirements.

III. Membership

- A. The Equity Advisory Group will consist of up to 10 members appointed by the Commission consistent with 30 V.S.A. § 8129(b). Each person appointed to the Equity Advisory Group by the Commission will be a voting member. Because of

the unique expertise and perspectives of each member, regular attendance by all group members at the meetings is expected.

- B. The appointees from government entities explicitly named in 30 V.S.A § 8129(b) may designate another staff member from their organization to serve as a full voting member of the Equity Advisory Group in their place when the appointee is unavailable. Long-term changes in appointees must be approved by the Commission.
- C. Officers.
- i. Members must elect a Chair, Vice Chair, and Secretary. Elections for officers will be held as follows:
 1. Officers are elected by a majority vote of a quorum of the group;
 2. At any meeting at which the election is an agenda item;
 3. Officers serve for a term of one year and there are no term limits;
 4. Officers can be removed for cause by a majority vote of a quorum of the group; and
 5. Vacancies must be filled by a majority vote of a quorum of the group at the next scheduled meeting.
 - b. The duties of officers include but are not limited to the following:
 1. The Chair or Vice Chair will preside over any meeting of the Equity Advisory Group.
 2. The Secretary will prepare and provide the Commission with the minutes of all meetings. In the absence of the Secretary, the Equity Advisory Group will elect a member to serve as acting secretary. Equity Advisory Group meetings are subject to the Open Meeting Law (1 V.S.A. §§ 310-314), and minutes must be prepared and managed consistent with 1 V.S.A. § 312(b).²
- D. Members of the Equity Advisory Group may be removed by the Commission for cause, which may include poor attendance or unprofessional conduct. Poor attendance will be defined as missing three meetings during the course of a year.

² 1 V.S.A. § 312(b)(1) Minutes shall be taken of all meetings of public bodies. The minutes shall cover all topics and motions that arise at the meeting and give a true indication of the business of the meeting. Minutes shall include at least the following minimal information:

- (A) all members of the public body present;
- (B) all other active participants in the meeting;
- (C) all motions, proposals, and resolutions made, offered, and considered, and what disposition is made of same; and
- (D) the results of any votes, with a record of the individual vote of each member if a roll call is taken.

(2) Minutes of all public meetings shall be matters of public record, shall be kept by the clerk or secretary of the public body, and shall be available for inspection by any person and for purchase of copies at cost upon request after five calendar days from the date of any meeting. Meeting minutes shall be posted no later than five calendar days from the date of the meeting to a website, if one exists, that the public body maintains or has designated as the official website of the body. Except for draft minutes that have been substituted with updated minutes, posted minutes shall not be removed from the website sooner than one year from the date of the meeting for which the minutes were taken.

- E. Non-Member Participants. Equity Advisory Group members may be joined by additional experts on behalf of their organizations. These experts will be non-voting and have a consultative role only. Equity Advisory Group members should provide notice of experts joining on behalf of their organizations via the agenda that is to be provided in advance of the relevant meeting.

IV. Term Length

- A. The term of service for Equity Advisory Group members will be up to two years from the date of appointment. Per 30 V.S.A. § 8129(c), “[t]he Equity Advisory Group shall cease to exist when the initial Clean Heat Standard rules are adopted.”
- B. A member of the Equity Advisory Group may resign by submitting a letter of resignation to the Commission.
- C. When an Equity Advisory Group member position is open, the Commission will determine whether to fill that position, and if so:
 - i. Notify parties of the vacancy;
 - ii. Accept and review motions to consider nominations to fill the seat that comply with the designations established in 30 V.S.A. § 8129(b); and
 - iii. appoint a qualified member as soon as is practicable.

V. Compensation

- A. Members who are not otherwise compensated by their employer are entitled to per diem compensation and reimbursement for expenses under 32 V.S.A. § 1010(b).
- B. Advisory group members must inform the Commission that they are eligible and interested in claiming per diem compensation. Members may submit per diem and other reimbursable claims to the Commission monthly reflecting the amount of compensation authorized under 32 V.S.A. § 1010(b)(2).

VI. Quorum & Voting

- A. A quorum of the Equity Advisory Group will be seven members. If there are fewer than ten members appointed to the Equity Advisory Group, a quorum will be three quarters of the current membership. The Equity Advisory Group will act by majority vote of the members present. Presence may include being in the same physical space or participating remotely by phone or meeting platform.
- B. Only Equity Advisory Group members are eligible to vote. Non-member participants and members of the public are not eligible to vote on the business of the Equity Advisory Group.

VII. Scheduling

- A. The Equity Advisory Group members will determine the meeting schedule and frequency that will allow the Equity Advisory Group to fulfill the duties listed in Act 18 of 2023 and to assist the Commission in its work to meet its statutory deadlines. Members should expect that at least monthly meetings will be necessary in the first year. The Commission's proposed rules for the Clean Heat Standard are due on or before January 15, 2025. The Commission and the Equity Advisory Group will communicate about scope of work, process, and deadlines so that the Equity Advisory Group may set appropriate schedules and agendas.
- B. All advisory group members should be consulted when scheduling Equity Advisory Group meetings and an attempt should be made to accommodate most members, including allowing for remote attendance. Notice of meetings must be provided to the Commission at least seven days before the specified time so that the Commission may post the notice on its website. Equity Advisory Group meetings are subject to the Open Meeting Law (1 V.S.A. §§ 310-314).³
- C. In accordance with 1 V.S.A. § 312(a)(2)(D), if a quorum or more of the Equity Advisory Group members attend a meeting without being physically present at a designated meeting location, the meeting agenda must designate at least one physical location where a member of the public can attend and participate in the meeting. At least one Equity Advisory Group member or at least one designee of the Equity Advisory Group shall be physically present at the designated meeting location.

VIII. The Equity Advisory Group's Work and Coordination with the Commission

- A. The Equity Advisory Group and the Commission will work together to create a schedule of deliverables to meet the deadlines in Act 18 of 2023. This schedule will inform the Equity Advisory Group's agendas.
- B. The Equity Advisory Group must provide the Commission with draft meeting minutes within four days of the date of any meeting. The Commission will then post these meeting minutes to its website within five calendar days of the meeting in accordance with 1 V.S.A. § 312(b). The Equity Advisory Group will review and approve the meeting minutes at the next meeting at which a quorum of its members is present. If any changes are made to the minutes, the Equity Advisory Group must provide the final version of the meeting minutes to the Commission for posting to its website.
- C. The Equity Advisory Group will provide the Commission with documentation of its work product and recommendations, addressing the items specified in Act 18, including 30 V.S.A. § 8129(a), and Section 6(k).
- D. The Equity Advisory Group may consult with Commission staff regarding procedural and administrative matters. The Equity Advisory Group may consult

³ 1 V.S.A. § 312(a) and (d); Please see a guide to Open Meetings here: <https://outside.vermont.gov/dept/sos/Municipal%20Division/a-guide-to-open-meetings-january-2019.pdf>.

with the Commission’s public engagement facilitator regarding their common focus. Members of the Equity Advisory Group should only communicate with Commission staff regarding substantive matters at a duly warned public meeting, in ePUC, or at a Commission proceeding.

- E. The Open Meeting Law generally prohibits collective editing of a document outside of a duly warned public meeting. In order to collaborate and adhere to 1 V.S.A. § 310(3)(A), the Equity Advisory Group may instead name “a point person who collects and compiles each member’s comments for later discussion at a duly warned meeting.”⁴

IX. Agendas

The Equity Advisory Group will create a meeting agenda for each meeting and share the agenda with its members and the Commission at least three days in advance of the meeting. Meeting agendas must be managed in accordance with 1 V.S.A. § 312(d) and (h).⁵ In this case, at least 48 hours prior to a regular meeting, the meeting agenda will be posted under the Advisory Group Materials section on the Clean Heat Standard website. It will also be available to any person prior to the meeting upon specific request. The Equity Advisory Group must make any addition or deletion from the agenda the first act of business at the meeting; any other adjustment may be made at any time during the meeting.

X. Changes to this Procedure

The Equity Advisory Group may at any time propose revisions to this Procedure to the Commission. No changes will take effect until approved by the Commission, after notice and opportunity for comment.

⁴ Vermont Secretary of State, “A Guide to Open Meetings”, Revised January 2019, <https://outside.vermont.gov/dept/sos/Municipal%20Division/a-guide-to-open-meetings-january-2019.pdf>

⁵ 1 V.S.A. § 312(d): (1) At least 48 hours prior to a regular meeting, and at least 24 hours prior to a special meeting, a meeting agenda shall be:

(A) posted to a website, if one exists, that the public body maintains or designates as the official website of the body; ***

(2) A meeting agenda shall be made available to a person prior to the meeting upon specific request.

(3)(A) Any addition to or deletion from the agenda shall be made as the first act of business at the meeting.

(B) Any other adjustment to the agenda may be made at any time during the meeting.

1 V.S.A. § 312(h): At an open meeting, the public shall be given a reasonable opportunity to express its opinion on matters considered by the public body during the meeting, as long as order is maintained. Public comment shall be subject to reasonable rules established by the chairperson ...

PUC Case No. 23-2220-RULE - SERVICE LIST

Ashley Adams, *pro se*
544 S PROSPECT ST
Burlington, VT 05401
ashleyjaneadams@gmail.com

Ray Albrecht, P.E., *pro se*
National Biodiesel Board
rayalbrechtpe@gmail.com

Melissa Bailey
Vermont Department of Public Service
112 State Street
Montpelier, VT 05620
melissa.bailey@vermont.gov

(for Vermont
Department of Public
Service)

Isaac Bissell, *pro se*
isaacwbissell@gmail.com

Stuart Blood, *pro se*
851 Poor Farm Road
Thetford Center, VT 05075
ssblood@riseup.net

Catherine Bock, *pro se*
175 A North Prospect St.
Burlington, VT 05401
tinki.bock@gmail.com

Mary Bouchard
Vermont Gas Systems, Inc.
85 Swift Street
South Burlington, VT 05403
mbouchard@vermontgas.com

(for Vermont Gas
Systems, Inc.)

Sarah Braese
Vermont Public Power Supply Authority
PO Box 126
5195 Waterbury-Stowe Road
Waterbury Center, VT 05677
sbraese@vppsa.com

(for Vermont Public
Power Supply Authority)

Malachi T. Brennan
SRH Law PLLC
91 College Street
PO Box 545
Burlington, VT 05401
mbrennan@srhlaw.com

(for SRH Law PLLC)

Victoria J. Brown, Esq.
Vermont Electric Cooperative, Inc.
42 Wescom Road
Johnson, VT 05656
vbrown@vermontelectric.coop

(for Vermont Electric
Cooperative Inc.)

Carolyn Campion
The Valero Companies
One Valero Way
San Antonio, TX 78249
Carolyn.Campion@valero.com

(for The Valero
Companies)

Heidi Clifford
Irving Oil
Heidi.Clifford@irvingoil.com

(for Irving Oil)

William Coster
Vermont Agency of Natural Resources
1 National Life Drive
Davis 2
Montpelier, VT 05620
billy.coster@vermont.gov

(for Vermont Agency of
Natural Resources)

Matt Cota
Meadow Hill Consulting
matt@meadowhillvt.com

(for Vermont Fuel
Dealers Association)

Heather D'Arcy
Vermont Public Power Supply Authority
PO Box 126
Waterbury Center, VT 05677
hdarcy@vppsa.com

(for Vermont Public
Power Supply Authority)

Connor Daley
Vermont Public Power Supply Authority
PO Box 126
Waterbury Center, VT 05677
cdaley@vppsa.com

(for Vermont Public
Power Supply Authority)

Alex DePillis
Agency of Agriculture Food & Markets
116 State Street
Drawer 20
Montpelier, VT 05620-2901
Alex.DePillis@vermont.gov

(for Vermont Agency of
Agriculture, Food and
Markets)

Alison Despathy, *pro se*
alison.despathy@gmail.com

Joshua Diamond
Dinse
209 Battery Street
Burlington, VT 05401
jdiamond@dinse.com

(for Vermont Fuel
Dealers Association)

Joshua Diamond
Dinse
209 Battery Street
Burlington, VT 05401
jdiamond@dinse.com

(for Heating and Cooling
Contractors of Vermont)

Steve Dodge
Clean Fuels Alliance America
sdodge@cleanfuels.org

(for Clean Fuels Alliance
America)

Greg Doremus, *pro se*
gregoryhdoremus@gmail.com

William Driscoll
Associated Industries of Vermont
wdriscoll@aivt.org

(for Associated
Industries of Vermont)

James Dumont
PO Box 229
Bristol, VT 05443
dumont@gmavt.net

(for Law Office of James
A. Dumont, Esq. PC)

Laura Edling, *pro se*
81 Carrigan Drive
Burlington, VT
laura.edling@uvm.edu

Steven R Farman
Vermont Public Power Supply Authority
5195 Waterbury-Stowe rd
Waterbury Center, VT 05766
sfarman@vppsa.com

(for Vermont Public
Power Supply Authority)

Thomas T. Garden
Triland Partners LP
PO Box 777
44 Indian Rock Road
Windham, NH 03087
tgarden@trilandpartners.com

(for Triland Partners LP)

Geoffrey Gardner, *pro se*
938 Old Post Road
Bradford, VT 05033
Geoffrey323@myfairpoint.net

Joyce George, *pro se*
joyce802@gmail.com

Linda Gray, *pro se*
175 Kerwin Hill Road
Norwich, VT 05055
linda.c.gray@gmail.com

Grace Grundhauser
Green Mountain Power Corporation
163 Acorn Lane
Colchester, VT 05446
grace.grundhauser@greenmountainpower.com

(for Green Mountain
Power Corporation)

Laura Haight
Partnership for Policy Integrity
lhaight@pfpi.net

(for Partnership for
Policy Integrity)

Geoffrey Hand, Esq.
SRH Law PLLC
91 College Street
PO Box 545
Burlington, VT 05402
ghand@srhlaw.com

(for SRH Law PLLC)

David Hillman, *pro se*
Dhillman73@icloud.com

Luce Hillman, *pro se*
University of Vermont
luce.hillman@uvm.edu

Devon Johnson
Center for Resource Solutions
devon.johnson@resource-solutions.org

(for Center for Resource
Solutions)

Justin Johnson
MMR, LLC
45 Court Street
Montpelier, VT 05602
justin@mmrvt.com

(for MMR, LLC)

Ken Jones, *pro se*
Energy Action Network
kjonesvt5@gmail.com

Marcus Jones
Living Buildings, LLC
PO Box 42
North Bennington, VT 05257
marcus@livingbuildings.co

(for Living Buildings
LLC)

Michelle Keller, *pro se*
vtkeller@gmavt.net

James Kelly, *pro se*
kellyjfp@gmail.com

William "Casey" Lamont, *pro se*
City of Burlington Electric Department
clamont@burlingtonelectric.com

Michael Lazorchak
Town of Stowe Electric Department
PO Box 190
Stowe, VT 05672
mlazorchak@stoweelectric.com

(for Town of Stowe
Electric Department)

Donna J. Leban
American Institute of Architects Vermont Chapter
7 Iris Lane
South Burlington, VT 05403
lightspd@comcast.net

(for American Institute
Of Architects Vermont
Chapter)

Sam Lehr
Coalition for Renewable Natural Gas
sam.lehr@rngcoalition.com

(for Coalition for
Renewable Natural Gas)

Stephen Leslie, *pro se*
Cedar Mountain Farm and Cobb Hill Cheese
hartlandyoga@yahoo.com

Emily Levin, *pro se*
elevin@nescaum.org

John Mandeville
Central Vermont Council on Agencies on Aging
jmandeville@cvcoa.org

(for Vermont
Association of Area
Agencies on Aging)

Henry Mauck
112 State Street
Montpelier, VT 05620
henry.mauck@vermont.gov

(for Vermont
Department of Public
Service)

John L. McCormick
Louise Diamond Committee to Protect Next Generations
280 Rounds Road
Bristol, VT 05443
jmccormick@imtd.org

(for Louise Diamond
Committee to Protect
Next Generations)

Phillip Merrick, *pro se*
134 Dale Rd
Burlington, VT 05408
philsnextone@gmail.com

Johanna Miller
Vermont Natural Resources Council
11 Baldwin Street
Montpelier, VT 05602
jmiller@vnrc.org

(for Vermont Natural
Resources Council)

Liz Miller
Green Mountain Power
163 Acorn Lane
Colchester, VT 05446
Liz.Miller@greenmountainpower.com

(for Green Mountain
Power Corporation)

David Mullett
AllEarth Renewables, Inc.
94 Harvest Lane, Suite 100
Williston, VT 05495
dmullett@allearthrenewables.com

(for ALLEARTH
RENEWABLES, INC.)

Jen Myers, *pro se*
Champlain Valley Office of Economic Opportunity
jmckaymyers2020@gmail.com

Ken Nolan
Vermont Public Power Supply Authority
P.O. Box 126
Waterbury Center, VT 05677
knolan@vppsa.com

(for Vermont Public
Power Supply Authority)

Frederick M Parks, *pro se*
PO Box 217
Fairfield, VT 05455
parkstrib@gmail.com

Katherine E Parks, *pro se*
PO Box 217
Fairfield, VT 05455
parkstrib@gmail.com

Jill Pfenning
Vermont Gas Systems, Inc.
85 Swift Street
South Burlington, VT 05403
jpfenning@vermontgas.com

(for Vermont Gas
Systems, Inc.)

Gregory Pierce, *pro se*
12 Farrar Street
Saint Albans, VT 05478-1540
greg.pierce7@gmail.com

James Porter, Esq.
Vermont Department of Public Service
112 State Street
Montpelier, VT 05620
james.porter@vermont.gov

(for Vermont
Department of Public
Service)

Pike Porter, *pro se*
544 S Prospect St
Burlington, VT 05401
pikeporter@gmail.com

William Allen Powell
Washington Electric Co-op
P.O. Box 8
East Montpelier, VT 05651
bill.powell@wec.coop

(for Washington Electric
Cooperative Inc.)

Jackie Pratt
Town of Stowe Electric Department
PO Box 190
Stowe, VT 05672
jpratt@stoweelectric.com

(for Town of Stowe
Electric Department)

Paul J.M. Quackenbush
SRH Law PLLC
PO Box 545
91 College Street
Burlington, VT 05402-0545
pquackenbush@srhlaw.com

(for SRH Law PLLC)

Andrew N. Raubvogel, Esq.
SRH Law PLLC
91 College Street
P.O. Box 545
Burlington, VT 05402-0545
araubvogel@srhlaw.com

(for SRH Law PLLC)

Emily Roscoe
Efficiency Vermont
eroscoe@veic.org

(for Efficiency Vermont
- Vermont Energy
Investment Corporation)

Paul Rozenberg
Suburban Propane
PO Box 206
240 Route 10 West
Whippany, NJ 07981
PRozenberg@suburbanpropane.com

(for Suburban Propane)

Amanda Sachs
Rewiring America
amanda@rewiringamerica.org

(for Rewiring America)

Laura Simon, *pro se*
PO Box 1112
Wilder, VT 05088
simonlaura06@gmail.com

Annette Smith
Vermonters for a Clean Environment, Inc.
789 Baker Road
Danby, VT 05739
vce@vermontel.net

(for Vermonters for a
Clean Environment)

Sriram Srinivasan, *pro se*
slsrinivasan@gmail.com

Christopher Trombly
Vermont State Housing Authority
christopher.trombly@vsha.org

(for Vermont State
Housing Authority)

Michael C. Trunzo
Shenker Russo & Clark LLP
121 State Street
4th Floor
Albany, NY 12207
michael.trunzo@srclawoffices.com

(for Shenker Russo &
Clark LLP)

Michael C. Trunzo
Shenker Russo & Clark LLP
121 State Street
4th Floor
Albany, NY 12207
michael.trunzo@srclawoffices.com

(for Clean Fuels Alliance
America)

Jared Ulmer
Vermont Department of Health
108 Cherry St
Burlington, VT 05401
jared.ulmer@vermont.gov

(for Vermont
Department of Health)

Ryan Vazza
Global Partners LP
800 South Street, Suite 500
Waltham, MA 02453
ryan.vazza@globalp.com

(for Global Partners LP)

Floyd V. Vergara, *pro se*
1415 L Street, Suite 460
Sacramento, CA 95814
vergara.law@gmail.com

Ben Walsh
Vermont Public Interest Research Group
bwalsh@vpirg.org

(for Vermont Public
Interest Research Group)

Michael Wang, PhD., *pro se*
Argonne National Laboratory
mwang@anl.gov

Mia Watson
Vermont Housing Finance Agency
MWatson@vhfa.org

(for Vermont Housing
Finance Agency)

Thomas Weiss, *pro se*
PO Box 512
Montpelier, VT 05601
bandsol@together.net

Victoria M. Westgate, Esq.
SRH Law PLLC
91 College Street
P.O. Box 545
Burlington, VT 05402-0545
vwestgate@srhlaw.com

(for SRH Law PLLC)

David C. Westman
Efficiency Vermont - Vermont Energy Investment Corporation
20 Winooski Falls Way
5th Floor
Winooski, VT 05404
dwestman@veic.org

(for Efficiency Vermont
- Vermont Energy
Investment Corporation)

Frederick Weston, *pro se*
formaine@comcast.net

Chase Whiting, Esq.
Conservation Law Foundation
CLF 15 East State Street, Suite 4
Montpelier, VT 05602
cwhiting@clf.org

(for Conservation Law
Foundation)

Amber Widmayer
City of Burlington Electric Department
awidmayer@burlingtonelectric.com

(for City of Burlington
Electric Department)

Geoff Wilcox
Vermont Office of Economic Opportunity
geoff.wilcox@vermont.gov

(for Vermont
Department for Children
and Families)

Patrick Wood, *pro se*
Ag Methane Advisors LLC
patrick@agmethaneadvisors.com

Brian Woods
Agency of Natural Resources
1 National Life Drive
Davis 2
Montpelier, VT 05620-3901
Brian.Woods@vermont.gov

(for Vermont Agency of
Natural Resources)

Dylan Zwicky
Leonine Public Affairs
Dylan@leoninepublicaffairs.com

(for Leonine Public
Affairs)