

**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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**THE VERMONT DEPARTMENT OF PUBLIC SERVICE’S REPLY TO THE VERMONT FUEL DEALERS ASSOCIATION AND GLOBAL COMPANIES’ RESPONSES RE MOTION FOR PROCEDURES ORDER**

On March 1, 2024, the Vermont Department of Public Service (the “Department”) filed a motion requesting that the Vermont Public Utility Commission’s (the “Commission”) adopt a proposed procedures order regarding confidentially designated information (“Proposed Order”).<sup>1</sup> The Proposed Order establishes the procedures to be followed by the Vermont state agencies for maintaining confidentiality of the information contained within registration forms concerning volumetric information and identities of supplier and client businesses. Under the Proposed Order, the Department and the Vermont Agency of Natural Resources (“ANR”) would independently execute protective agreements with their agents, contractors, consultants, and representatives prior to receiving the designated confidential information from the Commission. ANR did not join in the Department’s motion.

Also on March 1, 2024, ANR filed a Motion for a Protective Order requesting that the Commission approve a proposed protective agreement executed by ANR and the Department (“Proposed Agreement”). The Department did not join in ANR’s motion.

As recommended in the Department’s March 1 motion, the Proposed Order should be issued in place of an order adopting the Proposed Agreement.

On March 7, 2024, the Vermont Fuel Dealers Association (“VFDA”) and Global Companies LLC and Global Montello Group Corp. (collectively “Global Companies”) filed

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<sup>1</sup> The Department’s Proposed Order was submitted to its motion as Attachment A.

responses to ANR's Motion for Protective Order and the Department's Motion for Adoption of Procedures Order. Both VFDA's and Global Companies' responses objected primarily to two provisions of the Proposed Agreement accompanying ANR's motion. Specifically, VFDA and Global Companies objected to paragraph 2 of the Proposed Agreement, arguing that the provision is inconsistent with the Commission's January 24, 2024 order granting confidential treatment.<sup>2</sup> VFDA and Global Companies argue no further demonstration is necessary for confidential designation of the registration information because the burden was met upon issuance of the Commission's January 24 order. Conditions 5 and 6 of the Department's Proposed Order contain similarly drafted language as paragraph 2 of the Proposed Agreement.

In response to VFDA's and Global Companies' motions, the Department has modified conditions 5 and 6 of its Proposed Order to clarify that any agency or party may seek to designate any *additional* information, namely additional information beyond the scope of the confidentially designated information previously determined by the Commission's January 24 order, as confidential by filing a motion with the Commission. The Department submits a revised Proposed Order as an attachment to this reply (Revised Attachment A). The Department understands that ANR will separately file a reply to VFDA and Global Companies' objections and describe certain changes made to the Proposed Agreement.

The Department continues to recommend that the Commission adopt the Proposed Order.

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<sup>2</sup> VFDA and Global Companies object to paragraph 2 of the protective agreement stating, "[t]he scope of Designated Confidential Information protected under this Agreement is defined by the January 24, 2024, Order, and can only be amended by Order of the Commission. Any Agency or other person may file a motion with the Commission for an amendment, modification, or addition to the Order adopting this Agreement. *There must be a good faith basis for all claims of confidentiality and the burden of establishing that the confidential treatment of this information is warranted is on the entity seeking to prevent disclosure.*" (emphasis added).

DATED at Montpelier, Vermont this 15<sup>th</sup> day of March 2024.

Respectfully Submitted,

VERMONT DEPARTMENT OF PUBLIC SERVICE

By: /s/ James Porter  
James Porter, Director for Public Advocacy  
112 State Street  
Montpelier VT 05602  
(802) 828-4003  
james.porter@vermont.gov

cc: ePUC Service List