

PROCEDURE FOR THE CLEAN HEAT STANDARD TECHNICAL ADVISORY GROUP

I. Scope and Purpose

- A.** Act 18 of 2023 directs the Vermont Public Utility Commission (“Commission”) to establish a Technical Advisory Group (“TAG”) to assist the Commission in the ongoing management of the potential Clean Heat Standard, including advising the Commission on many of the technical aspects of the program. The law requires the Commission to “establish the procedure for the TAG, including member term lengths and meeting procedures.” This document serves as the statutorily required procedure for the TAG.

II. Duties of the TAG

- A.** Pursuant to 30 V.S.A. § 8128(a), the TAG is charged with the following duties:
- i. Establishing and revising the lifecycle carbon dioxide equivalent (CO₂e) emissions accounting methodology to be used to determine each obligated party’s annual requirement pursuant to 30 V.S.A. § 8124(a)(2);
 - ii. Establishing and revising the clean heat credit value for different clean heat measures;
 - iii. Periodically assessing and reporting to the Commission on the sustainability of the production of clean heat measures by considering factors including greenhouse gas emissions; carbon sequestration and storage; human health impacts; land use changes; ecological and biodiversity impacts; groundwater and surface water impacts; air, water, and soil pollution; and impacts on food costs;
 - iv. Setting the expected life length of clean heat measures for the purpose of calculating credit amounts;
 - v. Establishing credit values for each year over a clean heat measure’s expected life, including adjustments to account for increasing interactions between clean heat measures over time so as to not double-count emission reductions;
 - vi. Facilitating the program’s coordination with other energy programs;
 - vii. Calculating the impact of the cost of clean heat credits and the cost savings associated with delivered clean heat measures on per-unit heating fuel prices;
 - viii. Calculating the savings associated with public health benefits due to clean heat measures;
 - ix. Coordinating with the Agency of Natural Resources to ensure that greenhouse gas emissions reductions achieved in another sector through the implementation of the Clean Heat Standard are not double-counted in the Vermont Greenhouse Gas Emissions Inventory and Forecast;
 - x. Advising the Commission on the periodic assessment and revision requirement established in 30 V.S.A. § 8124(a)(3); and
 - xi. Any other matters referred to the TAG by the Commission.
- B.** Pursuant to 30 V.S.A. §§ 8127(b), 8128(c) and (d) the TAG must:
- i. Consult with the Commission on a standard methodology for determining what party or parties shall be the owner of a clean heat credit upon its creation; and

- ii. Provide input and feedback on the clean heat measure characterizations and relevant assumptions, including CO₂e lifecycle emissions analyses, of the Commission's third-party technical consultant.
- C. The TAG, in consultation with the Commission, must prioritize and sequence assignments to effectively cover the statutory requirements.
- D. The TAG, in adhering with 30 V.S.A. § 8128(c) and (d), must:
 - i. file with the Commission its analysis of how clean heat measure characterizations developed by the technical consultant meet the requirements of 30 V.S.A. §§ 8127(d) and 8124(d)(2);
 - ii. annually file with the Commission, by a date to be determined by rule, a list of measures that it reviewed during the previous calendar year; and
 - iii. include in its filing with the Commission appropriate information documenting the eligibility determinations that it has proposed for each measure.

III. Membership

- A. The TAG will consist of up to 15 members appointed by the Commission consistent with 30 V.S.A. § 8128(b). Each person appointed to the TAG is a voting TAG 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 § 8128(b) may designate another staff member from their organization to serve as a full voting member of the TAG in their place.
 - i. For short-term designation, the named TAG member must inform the Chair and support staff ahead of the meeting, and the designation must be noted at the beginning of the meeting.
 - ii. Long-term changes in appointees must be approved by the Commission. The named member must notify the Commission and submit a request in ePUC to initiate the change.
- C. Members of the TAG may be removed by the Commission for cause, which may include poor attendance or unprofessional conduct. If unforeseen circumstances arise that prevent a member from attending a meeting, that member is encouraged to provide advance notice of their absence. The reasons for absences will be taken into consideration if a member has poor attendance.
- D. Non-Member Participants. TAG members may be joined by additional experts on their behalf. These experts will be non-voting and have a consultative role only. TAG members should provide prior notice of experts joining on their behalf to the Chair and the support staff. Non-member participants should be noted at the beginning of the meeting.

IV. Term Length

- A. The term of service for TAG members will extend to six months after the Commission submits its Clean Heat Standard rules to the General Assembly. If the potential Clean Heat Standard is approved by the Legislature, the Commission will revisit term lengths and member appointments.

- B. A member of the TAG may resign by submitting a letter of resignation to the Commission.
- C. When a TAG 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 complies with the designations established in 30 V.S.A. § 8128(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. 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 TAG will be eight members. If there are fewer than 15 members appointed to the TAG, a quorum will be a majority of the current membership.
- B. The TAG will act by a majority vote of the appointed members present. Presence may include being in the same physical space or participating remotely by phone or online meeting platform.
- C. Non-member participants and members of the public are not eligible to vote on the business of the TAG.

VII. Administration

A. Officers

- i. The TAG must elect a Chair and a Vice Chair. Elections for officers will be held as follows:
 - 1. Officers are elected by a majority vote at any meeting at which the election is an agenda item. At such a meeting, nominations for each office may be made by any member of the group and must be seconded. Once all nominations are heard, nominees will accept or reject their nominations in alphabetical order by first name. Election requires a majority vote of the entire membership;¹
 - 2. Officers can be removed from their elected position for cause by a vote of the majority of the entire membership of the group;
 - 3. Officers assume their responsibility at the adjournment of the meeting at which they are elected; and
 - 4. Vacancies must be filled in accordance with this section at the next scheduled meeting.
- ii. The duties of officers include:

¹ A majority of the entire membership is a majority of the total number of those who are members of the voting body at the time of the vote. This definition is found in Robert's Rules of Order Newly Revised, 12th edition, in section 44:9(b).

1. The Chair presides over any meeting of the TAG and the Vice Chair presides in the absence of the Chair; and
2. The Chair receives agenda suggestions from TAG members, the Commission, and Commission staff, and creates, in consultation with the Vice Chair and support from the Facilitator, a draft agenda for meetings.

B. Support Staff

- i. Commission staff will provide administrative support for the TAG. The support staff's duties include:
 1. Recording full-group meeting minutes and uploading them to the Clean Heat Standard website for public posting;
 2. Sending calendar invites and facilitating the use of an online meeting platform for full-group meetings;
 3. Providing the presiding officer or Facilitator with parliamentary support; and
 4. Collecting relevant preparatory materials and ensuring all documents are posted to the Clean Heat Standard Website.

C. Facilitator

- i. The Facilitator will support the TAG in addressing its statutory tasks. The Facilitator's duties include:
 1. Supporting TAG officers and Commission staff in planning and preparing for each full-group meeting;
 2. Sending the draft agenda to group members and the Commission for public posting;
 3. Facilitating brainstorming, discussion, and the decision-making process among members; and
 4. Ensuring adequate coordination between the TAG and the Equity Advisory Group.

D. Scheduling

- i. The TAG members must determine the meeting schedule and frequency that will allow the TAG to fulfill the duties listed in Act 18 of 2023 and 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 and the TAG will communicate about the scope of work, process, and deadlines so that the TAG may set appropriate schedules and agendas.
- ii. All advisory group members should be consulted when scheduling TAG meetings, and an attempt should be made to accommodate as many members as is practical, including allowing for remote attendance. The TAG will set regular meeting times, which will be noticed by the Clerk of the Commission. Notice of any "special" meetings must be provided to the Commission at least three days before the specified time so that the Commission may post the

notice on its website 24 hours in advance. All TAG meetings are subject to the Open Meeting Law (1 V.S.A. §§ 310-314).²

- iii. In accordance with 1 V.S.A. § 312(a)(2)(D), if the TAG meets 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 TAG member or at least one designee of the TAG must be physically present at the designated meeting location.³

E. Agendas

- i. Standard agenda creation must follow this process:
 - 1. TAG members and the Commission must send any agenda item suggestions to the Chair;
 - 2. The Chair and Vice Chair, with support from the Facilitator, must create a draft agenda, compile relevant preparatory materials, and send them to group members and the Commission at least three business days before any regular meeting;
 - 3. All suggestions received that are not included in the draft agenda must be listed as an addendum to the draft agenda; and
 - 4. The draft agenda must be finalized by the TAG at the beginning of each meeting.
- ii. Meeting agendas must be managed in accordance with 1 V.S.A. § 312(d) and (h).⁴ In this case, at least 48 hours before a regular meeting, the meeting agenda must be posted under the Advisory Group Materials section on the Clean Heat Standard website.⁵ The meeting agenda must also be available to any person before the meeting upon specific request.

F. Minutes

- i. The staff support person must take notes and prepare minutes for every full-group meeting. Minutes are considered a draft until they are formally reviewed and approved by the TAG at the next meeting.

² 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>.

³ This requirement is currently suspended by Public Act 1 (2023 Vt., Bien. Sess.), Sec. 2.

⁴ 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 (. . .).

⁵ <https://puc.vermont.gov/clean-heat-standard>.

- ii. TAG 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).⁶

G. Rules for Conducting Business

- i. The rules contained in the current edition of Robert’s Rules of Order Newly Revised will govern the TAG in all cases to which they are applicable and not inconsistent with this Procedure, Orders of the Commission, or relevant state and federal law.⁷
- ii. The TAG will operate as a board, as specified in section 49 of Robert’s Rules of Order Newly Revised. The TAG will generally use “Procedure in Small Boards” described in section 49:21.⁸

VIII. TAG Work and Coordination with the Other Entities

- A.** The TAG 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 TAG’s agendas.
- B.** The TAG must provide the Commission with documentation of its work product and recommendations, addressing the items specified in Act 18, including 30 V.S.A. § 8128(a). The TAG should advise the Commission on substantive matters through written findings, conclusions, and recommendations.

⁶ 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.

⁷ Roberts, Henry Martyn. 2020. *Robert’s Rules of Order; Newly Revised 12th Edition*. New York, NY: Berkley Publishing Corporation.

⁸49:21 **Procedure in Small Boards.** In a board meeting where there are not more than about a dozen members present, some of the formality that is necessary in a large assembly would hinder business. The rules governing such meetings are different from the rules that hold in other assemblies, in the following respects: 1) Members may raise a hand instead of standing when seeking to obtain the floor and may remain seated while making motions or speaking. 2) Motions need not be seconded. 3) There is no limit to the number of times a member can speak to a debatable question. (Appeals, however, are debatable under the regular rules—that is, each member (except the chair) can speak only once in debate on them, while the chair may speak twice). 4) Informal discussion of a subject is permitted while no motion is pending. 5) When a proposal is perfectly clear to all present, a vote can be taken without a motion’s having been introduced. Unless agreed to by unanimous consent, however, all proposed actions must be approved by vote under the same rules as in larger meetings, except that a vote can be taken initially by a show of hands, which is often a better method in small meetings. 6) The chair need not rise while putting questions to a vote. 7) If the chair is a member, they may, without leaving the chair, speak in informal discussions and in debate, and vote on all questions.

- C. The TAG may form subcommittees to effectively delegate the work of the group. Subcommittees fall within the definition of a “public body”⁹ and must adhere to the Open Meeting Law.¹⁰ Subcommittees are responsible for their own scheduling, agendas, and minutes, and must share these materials with Commission staff so that they are posted in accordance with the Open Meeting Law.
- D. The TAG, as a body, may only communicate with Commission staff regarding substantive matters at a duly warned public meeting or through a Commission proceeding.
- E. The TAG may consult with the Commission’s contracted Technical Consultant via a liaison appointed by the group, through messages approved by the group and transmitted by the Chair, and/or by inviting the Consultant to present at a meeting.
- F. The TAG may interface with the Equity Advisory Group via a liaison appointed by the group, through messages approved by the group and transmitted by the Chair, and/or as part of a duly warned joint meeting of the two groups.
- G. Membership in the TAG in no way limits the ability of an individual to independently participate in Commission proceedings.
- H. The Open Meeting Law generally prohibits collective editing of a document outside of a duly warned public meeting. To collaborate and adhere to 1 V.S.A. § 310(3)(A), the TAG may instead name “a point person who collects and compiles each member’s comments for later discussion at a duly warned meeting.”¹¹

IX. Adoption of and Changes to this Procedure

- A. This Procedure goes into effect when it is adopted by the Commission through an Order.
- B. The TAG may at any time propose revisions to this Procedure. All changes are subject to review and approval by the Commission.

⁹ 1 V.S.A. § 310(4) “Public body” means any board, council, or commission of the State or one or more of its political subdivisions, any board, council, or commission of any agency, authority, or instrumentality of the State or one or more of its political subdivisions, or any committee of any of the foregoing boards, councils, or commissions, except that “public body” does not include councils or similar groups established by the Governor for the sole purpose of advising the Governor with respect to policy.

¹⁰ 1 V.S.A. § 310(3)(A) “Meeting” means a gathering of a quorum of the members of a public body for the purpose of discussing the business of the public body or for the purpose of taking action.

¹¹ 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>