

STANDARDS AND PROCEDURES
REGARDING SPECIAL CONTRACTS AND “NOTICE-ONLY” SPECIAL CONTRACTS

I. Purpose and Applicability

The purpose of these standards and procedures is to: (1) implement 30 V.S.A. § 229, and (2) govern the filing of special contracts by telecommunications companies that are exempt from the requirements of 30 V.S.A. § 229. These standards and procedures are applicable to requests for Vermont Public Utility Commission (“Commission”) approval of proposed special contracts. Only Sections 3, 4, and 7 of these standards and procedures are applicable to the filing of notice-only special contracts. The Commission may, upon request of the applicant and for good cause, waive or modify the standards and procedures with respect to a specific proposed special contract.

If a public service company is operating under an alternative regulation plan at the time that a proposed special contract or a notice-only special contract is filed with the Commission, and that alternative regulation plan modifies specific provisions of these standards and procedures, the terms of that alternative regulation plan shall govern. Broad enabling language contained in an alternative regulation plan does not supersede these standards and procedures.

II. Definitions

“Customer-identifying information” is the name, address, and other information in a special contract with a telecommunications company or a notice-only special contract that clearly identifies the customer.

“Notice-only special contract” is a contract between a telecommunications company that is exempt from the advance approval requirements of 30 V.S.A. § 229 and one of its customers for a product or service for a definite term.

“Special contract” is a contract between a public service company that is subject to the requirements of 30 V.S.A. § 229 and one of its customers for a product or service for a definite term.

III. Confidential Treatment of Customer-Identifying Information

Customer-identifying information in proposed special contracts involving a telecommunications company and proposed notice-only special contracts that are filed with the Commission shall be provided confidential treatment for three years after the starting date of the proposed contract.

IV. How to File Proposed Special Contracts and Notice-Only Special Contracts

A public service company must file proposed special contracts and notice-only special contracts with the Commission using ePUC, the Commission’s electronic filing system. The public service company must serve the proposed special contract and accompanying material or the notice-only special contract on the Vermont Department of Public Service (“Department”) using

ePUC.¹ However, if the proposed special contract or the notice-only special contract contains information that the public service company alleges is confidential, the public service company must follow the process in Commission Rule 2.226 for filing information that a party asserts to be confidential,² except that if the proposed special contract is with a telecommunications company and the only redacted information is customer-identifying information, a motion and supporting averments or affidavits are not required (in which case the cover letter should note that this information is confidential under these Standards and Procedures).

V. Advance Filing Requirement for Proposed Special Contracts

Any public service company seeking Commission approval of a proposed special contract pursuant to 30 V.S.A. § 229 must file the proposed special contract with the Commission and the Department at least 60 days before the proposed effective date. The purpose of this advance filing requirement is to provide the Commission and the Department with sufficient time to review the underlying cost data and the proposed contract terms. For this reason, requests for waivers of this advance filing requirement will only be granted in exceptional circumstances.

The Commission will consider any requests for waivers of this advance filing requirement on a case-by-case basis. A public service company that files a request for a waiver of this advance filing requirement must include with the waiver request:

- specific reasons why such a waiver is necessary;
- an explanation why the public service company's filing could not have been made at least 60 days before the proposed effective date; and
- a demonstration of the specific harm if the waiver is not granted.

VI. Filing Requirements for Proposed Special Contracts

Requests for Commission approval of proposed special contracts pursuant to 30 V.S.A. § 229 must include, at a minimum, the proposed special contract and appropriate supporting information to enable the Commission and the Department to review the proposed special contract's terms. If the proposed special contract is intended to replace an existing Commission-approved special contract, the filing must include a redline/strikeout version of the proposed special contract comparing it to the existing Commission-approved special contract.

VII. Filing Requirements for Notice-Only Special Contracts

Notice-only special contract filings must include the proposed special contract.

VIII. Filing Requirements for Amendments to Pending Special Contracts

If a public service company files an amendment to a proposed special contract that is pending before the Commission, the filing must include a redline/strikeout version of the proposed

¹ See Commission Rule 2.204(B)(3).

² See Commission Rule 2.226(B).

amendment comparing the amendment to the version of the pending special contract that was previously filed with the Commission.

IX. Schedule for Review of Special Contracts

If the Department wishes to file a recommendation regarding the proposed special contract, it must do so within 30 days of when the proposed special contract was filed with the Commission. The Commission may request additional information from the public service company at any time during the 60-day review period.

X. Issuance of Decision Regarding Special Contracts

The Commission will issue a final decision regarding the proposed special contract within 60 days of the filing of the proposed special contract unless: (a) the Commission grants a waiver of the 60-day advance notice period; (b) the public service company extends the proposed effective date of the proposed special contract; or (c) the Commission determines, upon request of the Department or on its own initiative, that good cause exists to extend the review period of the proposed special contract.

If the Commission grants a waiver of the 60-day advance notice period, the Commission will issue a final decision regarding the proposed special contract no later than one business day before the special contract's proposed effective date. If the public service company extends the proposed effective date, the Commission will issue a final decision regarding the proposed special contract no later than one business day before the new proposed effective date. If the Commission determines that good cause exists to extend the review period of the proposed special contract, the Commission will inform the public service company and the Department no later than one business day before the special contract's proposed effective date of the Commission's determination that the review period will be extended.

Despite the time frames set forth above, a proposed special contract is not approved until the Commission issues an order approving it. Failure to meet the above time frames does not constitute *de facto* approval.