

A Citizen's Guide to the Public Utility Commission

Public Participation in PUC Proceedings



PUBLIC UTILITY COMMISSION

Who is the Public Utility Commission?

The Public Utility Commission is comprised of three members who are appointed by the governor to serve six-year terms, with new terms starting every two years. As a quasi-judicial body, the Commission functions in a court-like manner, independent from the governor or other political influences. The current Commissioners are:

- Anthony Z. Roisman, Chair
- Margaret Cheney, Commissioner
- J. Riley Allen, Commissioner

The Commission's principal responsibility is to regulate Vermont's public utilities. This includes reviewing requests for permits and approvals for electric, gas, and telecommunications infrastructure projects, rates, and other matters. The Commission evaluates:

- Rates, quality of service, and financial management of **Vermont's public utilities** (electric, gas, telecommunications, and private water companies)
- Environmental and economic impacts of proposals to build **new electric generation and transmission facilities**, and to modify existing facilities
- Environmental and economic impacts of proposals to build **natural gas pipelines**
- Environmental and economic impacts of proposals to build **wireless telecommunications towers**
- Economic impacts of proposals to purchase **energy supply**
- Financial aspects of **nuclear plant decommissioning** and radioactive waste storage
- Statewide **energy efficiency** programs
- Safety of certain **hydroelectric dams**
- Supervision of **cable television companies**, although federal law prohibits the PUC from regulating cable rates and programming.

The Commission has a staff that includes hearing officers, who conduct many proceedings and make recommendations for final decisions by the three Commissioners. The Commission is also supported by an administrative staff, which includes the Clerk of the Commission, who is responsible for scheduling proceedings and responding to inquiries from the public.

The Commission is a “quasi-judicial body,” meaning that its responsibilities and powers resemble those of a court. In its decision-making, the Commission is required to act in a neutral fashion to determine facts, and from those facts to draw legal conclusions. Commission proceedings generally follow the Vermont Rules of Civil Procedure, which govern trials in civil courts. The Commission also can develop its own procedures, rules, and guidelines. The Vermont Rules of Civil Procedure and the Commission’s own rules and procedures are available on the Commission’s website at www.puc.vermont.gov/about-us/statutes-and-rules.

The ultimate purpose of a Commission decision is to determine whether a proposal will serve the long-term public good of the State of Vermont and its citizens.

How can I access information about Commission cases?

You can access information about specific cases through the Commission’s online document-management system, known as ePUC, at <https://epuc.vermont.gov>. This system includes all filings by parties, public comments, and documents issued by the Commission in new cases. Use the assigned case number to access a specific case. Information about how to use ePUC is available on the Commission’s website at www.puc.vermont.gov/epuc-information.

Many people may be unfamiliar with commonly used Commission terms such as “Section 248,” “certificate of public good,” “scheduling conference,” etc. A helpful glossary of terms is available on our website: www.puc.vermont.gov/public-participation/frequently-asked-questions/glossary-terms.

If you don’t know what type of specific case or procedures you are looking for, please contact the Clerk of the Commission at (802) 828-2358 or puc.clerk@vermont.gov for assistance. A list of our most common types of cases is available online on the Commission’s website: www.puc.vermont.gov/public-participation/introduction-participating-commission-processes/procedures-different-types.

What are the typical steps in a major Commission case?

The following chart shows the typical procedural steps in a major “contested case” proceeding, which is conducted like a court case. However, the Commission also holds “uncontested case” proceedings, where many of the more court-like procedures do not apply, as well as informal workshops on specific topics. For further details, including a glossary of the terms used in the chart and documents with more detailed discussions of how these steps apply to specific types of cases, see www.puc.vermont.gov/public-participation/introduction-participating-commission-processes/procedures-different-types.

Typical Procedural Steps (order may vary)



How can I participate as a member of the public?

There are several ways to participate in a Commission case:

- 1) **Monitor as a “subscriber”:** You may subscribe to a case through the Commission’s online filing system, ePUC. Subscribers receive email notification of filings made by parties to the case and orders issued by the Commission. To subscribe to a case, log in to ePUC at <https://epuc.vermont.gov>, find the case you would like to subscribe to by using the “Search by Case Number” option, select “Subscribe to a Case” from the “Select Action” drop-down menu, and fill in the fields on that screen.
- 2) **Provide public comment:** Typically, public comments are provided orally at a public hearing convened by the Commission in many cases or by writing directly to the Commission. Although public comments do not become part of the formal evidence in a case,¹ they can serve a valuable function in bringing up important issues for the Commission to pursue through formal case proceedings. If an evidentiary hearing is scheduled, public comments received before the hearing may help the Commission ask questions of the parties and their witnesses.

You may submit public comments on a particular case at any time, through:

- ePUC (<https://epuc.vermont.gov>)
- Email: puc.clerk@vermont.gov
- Mail: Public Utility Commission, 112 State Street, Montpelier, VT 05620-2701

- 3) **Become a formal intervenor through a *motion to intervene*:** To be granted formal party status in a case, members of the public and organizations must apply to the Commission through a motion to intervene and must meet certain criteria that are listed in Commission Rule 2.209. Intervenors have the same rights and obligations as other formal parties, such as providing testimony and participating in hearings, discovery, and cross-examination of witnesses. An intervenor must also comply with all applicable Commission rules and orders and must provide copies of filings to other parties, either through ePUC or in paper.

¹ Under Vermont law, the Commission’s decisions must be based on the evidence presented by formal parties during evidentiary hearings.

A motion to intervene must address certain legal standards. For example, the motion should clearly describe your circumstances (for instance, if you are an adjoining landowner) and why you meet the standards for intervening, and you should send it not only to the Commission but to all others entitled to receive a copy. Please read Commission Rule 2.209 before you file a motion to intervene (www.puc.vermont.gov/document/commission-rule-2200-procedures-generally-applicable). The form for motions to intervene and further instructions are available at: www.puc.vermont.gov/document/motion-intervene-form.

- 4) **Become a formal intervenor through a *notice of intervention*:** This simpler form is available at www.puc.vermont.gov/document/notice-intervention-form. It can only be used by certain defined persons in specific situations:
 - Regional and municipal planning commissions and municipal legislative bodies where they are *hosts to (or on the border of) a proposed project*
 - *In net-metering cases*, electric utilities, certain State agencies, and landowners on the border of a proposed project site

What is the role of other State agencies?

Certain State agencies and departments regularly participate in proceedings before the Commission, often appearing as parties arguing for the Commission to adopt their points of view. These agencies have specific roles and duties assigned by law that are described below.

Department of Public Service:

The Department of Public Service is part of the executive branch of Vermont's government and is wholly independent from the Commission. The Department's mission is to represent the people of Vermont in energy, telecommunications, and water utility matters, through public advocacy, planning, programs, and other actions that meet the public's need for least-cost, environmentally sound, efficient, reliable, secure, sustainable, and safe utility systems. The Department is a mandatory party to all litigated cases that come before the Commission and is charged with providing evidence and making recommendations on any of the issues that are relevant in a case. The Department does not represent individual citizens in cases before the Commission, but its Consumer Affairs and Public Information division helps individuals with complaints about regulated utility service, possible violations of Commission orders and regulations, and other concerns (psd.consumer@vermont.gov).

Agency of Natural Resources:

The Agency of Natural Resources is a mandatory party in Commission cases involving the siting of utility infrastructure, including electric generation facilities (such as solar and wind projects), electric transmission facilities (such as power lines and substations), natural gas pipelines, and new cell towers. The Agency of Natural Resources is charged with providing evidence and recommendations related to how the construction and operation of a project may affect natural resources in Vermont.

Division for Historic Preservation:

The Division for Historic Preservation is not a mandatory party in Commission cases, but it often obtains party status to participate in our proceedings. The Division for Historic Preservation provides evidence and recommendations related to how the construction and operation of a project may affect historic sites in Vermont, including underground archaeological resources.

Agency of Agriculture Food & Markets:

The Agency of Agriculture, Food & Markets is a mandatory party in Commission proceedings where the siting of large electric generation facilities may affect primary agricultural soils. It may ask to be a party in cases involving smaller electric generation facilities or other utility infrastructure.