STATE OF VERMONT
PUBLIC UTILITY COMMISSION

In Re Request of Renewable Energy Vermont	

Order entered: 6/28/2019

ORDER GRANTING TEMPORARY WAIVER OF PROCEDURAL RULE

On June 27, 2019, the Vermont Public Utility Commission (the "Commission") received via email a letter from Renewable Energy Vermont ("REV"), requesting that the Commission waive certain procedural rules regarding the date on which the Commission considers documents submitted via ePUC to have been filed. REV requests that the Commission "consider all submissions to ePUC on Saturday and Sunday, June 29 and 30, to be filed on those days and not on the next business day, July 1, 2019."[1]

REV's request is in response to a memorandum recently issued by the Commission (the "Fee Memo"). In light of the Governor's recent signing of Act 70, which establishes a fee that will be applicable to applicants for in-state generation facilities beginning on July 1, 2019, the Commission issued the Fee Memo to remind potential applicants that Section IX of the Commission's Standards and Procedures Applicable to Electronic Filing Using ePUC establishes that "a filing is considered filed on a date if it is submitted by 4:30 P.M. on a date that the Commission is open for business. A filing submitted after 4:30 P.M. or on a weekend, holiday, or any other day the Commission is not open for business will be considered filed on the next business day."[2] This made clear to potential applicants that any filing received after 4:30 P.M. on Friday, June 28, 2019, would be considered filed on July 1, 2019, and therefore the new fee would apply.

While the clarification provided in the Fee Memo is consistent with both the Commission's long-established procedures and the statutory requirements of Act 70, the Commission recognizes that Act 70 was not signed into law until June 18, 2019, and the Fee Memo was issued on June 26, 2019. Some filers may not have had enough time to prepare for

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[1] Letter from Olivia Campbell Anderson, on behalf of Renewable Energy Vermont, to Judith C. Whitney, Clerk of the Commission, received June 27, 2019.
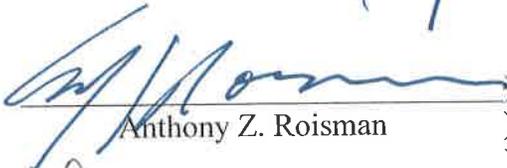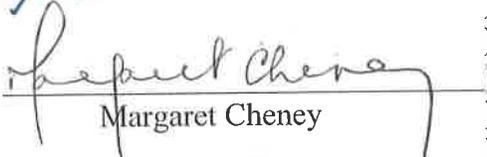
[2] *Standards and Procedures Applicable to Electronic Filing Using ePUC,* Section IX(e) (September 1, 2018).

this change. As such, the Commission finds good cause to temporarily waive the procedures outlined in Section IX(e) and allow filings that would otherwise be subject to the fee received before 12:00 A.M. on July 1, 2019, to be considered filed on the date they were submitted. A member of the Commission's staff will manually change the settings in ePUC at 12:01 A.M. on July 1, 2019, to accommodate this request.

Any complete filings received before 12:00 A.M. on July 1, 2019, will not be required to pay a fee. Applicants should note that if their filing is received before 12:00 A.M. on July 1, 2019, but is found by the Commission to be an incomplete or improper filing, any corrected filing received after 12:00 A.M. on July 1, 2019, will be subject to the statutorily determined fee.

SO ORDERED.

Dated at Montpelier, Vermont this _____28th day of June, 2019._

Anthony Z. Roisman)	PUBLIC UTILITY
)	
)	
Margaret Cheney)	COMMISSION
)	
)	
Sarah Hofmann)	OF VERMONT
)	

OFFICE OF THE CLERK

Filed: June 28, 2019

Attest: _____
        Deputy Clerk of the Commission

Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Commission (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: puc.clerk@vermont.gov)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Commission within 30 days. Appeal will not stay the effect of this Order, absent further order by this Commission or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Commission within 28 days of the date of this decision and Order.