

STATE OF VERMONT  
PUBLIC UTILITY COMMISSION

Case No. 20-0789-INV

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Vermont Public Utility Commission orders and memoranda issued in response to COVID-19 pandemic	
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Order entered: 06/18/2021

**ORDER ANNOUNCING UPDATES TO PUBLIC UTILITY COMMISSION'S WORK PRACTICES**

On June 15, 2021, the State of Vermont's state of emergency due to the COVID-19 pandemic expired. The day before, Governor Scott lifted the remaining State-imposed social distancing and other pandemic-related requirements that affected the Vermont Public Utility Commission's ("Commission") operations.

The Commission recognizes that the time period between now and August 31, 2021, is a time of transition for many people, particularly those with young children who are not yet eligible to be vaccinated. As a result, during this time, any scheduling conferences, status conferences, evidentiary hearings, workshops, and oral arguments will continue to be held remotely. Decisions about whether to hold public hearings in-person or remotely will be made on a case-by-case basis. Requests to hold a site visit will continue to be considered on a case-by-case basis, and any site visits that occur will no longer be subject to the social-distancing and mask-wearing requirements set out in our May 13, 2021, order.<sup>1</sup> The Commission encourages individuals to follow the recommendations on the Vermont Department of Health's website (<https://www.healthvermont.gov/covid-19/protect-yourself-others>).

Between now and August 31, 2021, the Commission will be working toward implementing new post-pandemic work practices. The Commission appreciates the responses to our stakeholder survey earlier this year regarding respondents' preferences for the Commission's future work practices. The Commission has considered those results in the context of the Commission's statutory responsibilities and the recent guidance from the Governor's Office regarding the expiration of the COVID-19 emergency order.

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<sup>1</sup> *Vermont Public Utility Commission orders and memoranda issued in response to COVID-19 pandemic*, Case No. 20-0789-INV, Order of 5/13/21 at 1-2.

Over the last 15 months we have learned that videoconferences can be an efficient and effective tool, saving both travel time and related greenhouse gas emissions. However, the Commission also recognizes the value of in-person events, particularly for evidentiary hearings and workshops. Therefore, the Commission anticipates implementing a presumption that, starting September 1, 2021, all evidentiary hearings and workshops will be held in person while all scheduling conferences, status conferences, and oral arguments will be held remotely. However, any party could ask the Commission or a hearing officer to change this presumption for a particular event. In addition, in the event of forecasted bad weather, events scheduled to be held in person may be changed to remote, rather than being canceled and rescheduled.

The Commission anticipates that decisions about whether to hold public hearings scheduled after September 1, 2021, in person or remotely will continue to be made on a case-by-case basis with the goal of maximizing the convenience for members of the public.<sup>2</sup> In general, the Commission favors in-person public hearings regarding local construction projects and other cases of local interest in the area where the project is proposed. On the other hand, remote public hearings may make more sense for cases involving utilities with large service territories where members of the public would still need to travel long distances to attend even if the Commission scheduled multiple in-person public hearings.

After September 1, 2021, hearing officers and the Commission will continue to decide whether to hold site visits on a case-by-case basis.

Commission Emergency Rule 2.500 COVID-19 Emergency Procedures will continue to be in effect until October 10, 2021.<sup>3</sup> The Commission recognizes that stakeholders would like many of those revised procedures to continue beyond that date. The Commission is considering whether to continue those changes in the pending rulemakings involving potential revisions to Commission Rules 2.000, 5.100, and 5.400.<sup>4</sup>

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<sup>2</sup> However, Vermont law requires that public hearings in certain types of cases be held in particular counties. *See, e.g.*, 30 V.S.A. §§ 248(a)(4)(A) and 506.

<sup>3</sup> The Commission's April 13, 2021, Order in this proceeding extended the applicability of certain guidance on how to file confidential documents and notices of appeal to filings made through October 10, 2021, to align the time period that the guidance will be in effect with the time period that Emergency Rule 2.500 will be in effect. That filing guidance will also remain in effect until October 10, 2021.

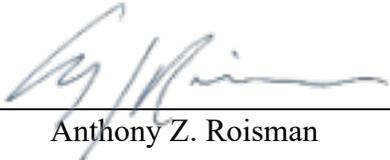
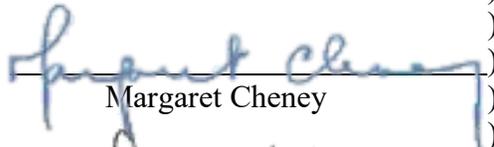
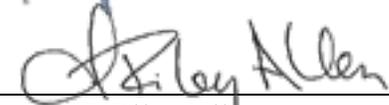
<sup>4</sup> Cases 20-2369-RULE (Rule 2.000), 19-0855-RULE (Rule 5.100), and 21-0861-RULE (Rule 5.400).

Before the pandemic, the Commission was working with appropriate State agencies to upgrade the Commission's hearing room to enable live streaming of hearings. That project was put on hold during the pandemic but has now restarted. The upgrades will include the installation of audio-visual equipment as well as changes to the physical space to accommodate the new equipment. Currently, the State agency responsible for overseeing the changes anticipates that they will be finished by the end of 2021. After the upgrades are complete, the Commission will be able to consider holding "hybrid" events with some participants attending in person and others remotely via videoconference. However, until the upgrades are complete, the Commission will continue to consider on a case-by-case basis any requests to allow individual witnesses or official representatives to participate in an in-person event via telephone.

The Commission appreciates all stakeholders' adaptability over the last 15 months during the COVID-19 pandemic and asks for your continued patience and flexibility as we navigate this transition period to our new post-pandemic work practices. The Commission will keep you updated on our expectations for the post-September 1, 2021, time period. In the meantime, if you have any questions, please file a public comment in this proceeding or contact the clerk at [puc.clerk@vermont.gov](mailto:puc.clerk@vermont.gov).

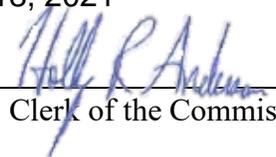
**SO ORDERED.**

Dated at Montpelier, Vermont, this 18th day of June, 2021.

 _____ Anthony Z. Roisman	)	PUBLIC UTILITY COMMISSION OF VERMONT
 _____ Margaret Cheney	)	
 _____ J. Riley Allen	)	

OFFICE OF THE CLERK

Filed: June 18, 2021

Attest:   
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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](mailto:puc.clerk@vermont.gov))*