

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 20-0789-INV

Vermont Public Utility Commission orders and memoranda issued in response to COVID-19 pandemic	
--	--

Order entered: 06/30/2020

ORDER CLARIFYING COMMISSION PROCESSING OF EXPEDITED REQUESTS

Both the State of Vermont and the federal government have declared a state of emergency due to the outbreak of the new coronavirus known as COVID-19. The Vermont Public Utility Commission (“Commission”) recognizes the importance of helping to slow the spread of COVID-19 in Vermont. The Commission also recognizes that situations may arise during the state of emergency or due to the COVID-19 pandemic that require a swift response or action by the Commission.

The Commission promulgated Emergency Rule 2.500 to modify procedural requirements that were contained in the Commission’s rules and has provided additional guidance on how to file certain types of documents with the Commission during the pandemic.

This order clarifies the procedures that a utility, regulated entity, or member of the public should take if seeking expedited treatment by the Commission in a situation without a statutorily prescribed emergency process.¹ The Commission points to the current procedures available to those wishing to make a special request of the Commission:

- waiver requests, whether pursuant to Commission Rule 2.107 or to a statutory waiver provision;
- exceptions to rules, pursuant to Commission Rule 1.200; and
- injunctions and restraining orders requested pursuant to Commission Rule 2.406.

The Commission recommends that an expedited response can be sought using one or a combination of these existing procedures: pairing the typical substantive filing for the underlying

¹ See, e.g., 30 V.S.A. §§ 108(a)(1), 248(k) and 248(l). The Commission recognizes that there are many circumstances in which a party may seek an earlier deadline than is set by statute, rule, or other procedure. However, this guidance addresses unusual situations, and is meant to provide a path for expedited action in an emergency. The expedited action is necessary to avoid a negative consequence that would result from a failure to act quickly.

requested action with a waiver request, exception request, or request for an injunction or restraining order.

The Commission makes the following recommendations when filing a request for an expedited response or expedited action:


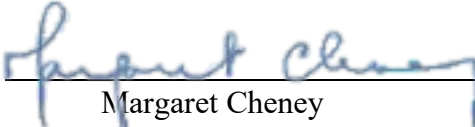
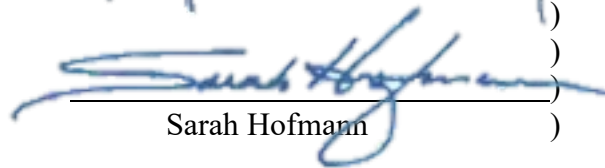
1. Expedited action can be requested by filing a petition pursuant to Rule 2.202. In an ongoing proceeding, emergency action can be requested by filing a motion pursuant to Rule 2.206.
2. The title of the filing requesting expedited action should include “Request for Expedited Commission Action.”
3. The movant or petitioner should email a copy of a request for expedited action to the Vermont Department of Public Service (“Department”).
4. A petition or motion for expedited action should be accompanied by prefiled testimony or affidavit(s) attesting to the basis for the expedited action, such as:
 - a. A waiver request must include an explanation of (i) unnecessary hardship or delay, (ii) injustice, or (iii) other good cause justifying the waiver;
 - b. A rule exception request must include an explanation of the good cause justifying the exception;
 - c. A temporary injunction request must include specific facts demonstrating that substantial immediate and irreparable injury, loss or damage, or danger to health or safety will result to the petitioner or movant before a hearing can be held upon proper notice; or
 - d. Other facts demonstrating the need for expedited action.
5. A request for expedited action should provide the Commission with enough information to ascertain (1) the nature of the action requested, (2) the purpose of this action and the harm to be avoided, and (3) the duration of the action.
6. When requesting that the Commission take expedited action *ex parte*, without comments from other parties, or under circumstances where other parties have not been afforded an opportunity to present evidence at a hearing held upon such notice as is otherwise required by law, the movant or petitioner should provide a basis for the expedited action where it clearly appears from specific facts shown by the prefiled testimony or

affidavit(s) that substantial immediate and irreparable injury, loss, damage, or hardship will result to ratepayers or a regulated entity before a proceeding concludes or a hearing can be held upon proper notice.

If such a request is made during the Commission's business hours, the petitioner or movant, in addition to making the filing in ePUC, should place a call to the Clerk to indicate that a request for expedited action is being filed with the Commission. If such a request is filed outside of the Commission's business hours, the petitioner or movant, in addition to making the filing in ePUC, should send an email to the Clerk at puc.clerk@vermont.gov, including "Request for Expedited Commission Action" in the subject line and a reference to the case number. In rare circumstances, particularly those requesting Commission action within a 24-hour period, the petitioner or movant should call (802) 828-1187 to get in touch with an after-hours emergency contact.

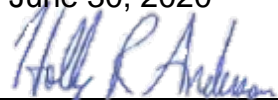
SO ORDERED.

Dated at Montpelier, Vermont, this 30th day of June, 2020.

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

OFFICE OF THE CLERK

Filed: June 30, 2020

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)