

VERMONT PUBLIC UTILITY COMMISSION'S FY24 CASE-PROCESSING PERFORMANCE MEASURE RESULTS

December 26, 2024

I. Introduction

This report provides detailed information on the Vermont Public Utility Commission’s (“Commission”) case-processing performance by case type. Historically the Commission used two “time-to-disposition” performance measures to measure its performance. In FY23 the Commission also calculated its clearance rate. In FY24, for the first time, the Commission has also calculated its age of active pending caseload.

Time-to-disposition, clearance rate, and age of active pending caseload are part of the National Center for State Courts’ CourTools performance measurement system.

- Time-to-disposition focuses on cases “disposed” (resolved or otherwise closed) during the fiscal year. It measures the percentage of cases that were disposed within the disposition time standard or goal for that case type.
- Clearance rate measures the number of disposed cases as a percentage of incoming cases. The purpose is to measure whether the Commission is keeping up with its incoming caseload.
- Age of active pending caseload is a point-in-time measurement that is typically done on the last day of the fiscal year. The age of the active pending cases is measured against the time standard or disposition goal for that case type set by the Commission to determine how many of the active unresolved cases are within the goal and how many have exceeded the goal.

The Commission supports the use of metrics to provide an objective measure of the timeliness of the Commission’s review; such metrics help provide transparency and accountability. These metrics must also be considered in the context of the Commission’s statutory mandates – for example, ensuring that siting projects “promote the general good of the State” and that rates are “just and reasonable.” These statutory mandates require that the Commission not just process cases but that we ensure that those most affected by our decisions have the opportunity for meaningful input and that those decisions represent the interests of all Vermonters, not just petitioners. The Commission’s depth and length of review of any given petition will therefore depend on several factors, including: complexity of the case; completeness of the petitioner’s outreach to affected communities/stakeholders; and staffing capacity of the Commission and the Department of Public Service (which is a statutory party to all Commission proceedings and represents the public interest before the Commission).

II. Structure of Time-to-Disposition Performance Measure

The National Center for State Courts recognizes that some cases are more complex than others and therefore can be expected to take longer to resolve. For this reason, in the CourTools performance measurement system, the time-to-disposition goals for individual case types are broken out into two or three “tiers” that correspond to simple, average, and complex cases. The Commission followed this best practice when it created its time-to-disposition performance measures.

The Commission originally established timeframe goals for each tier before ePUC, the Commission’s online case management system, was operational. As a result, the goals were not based on actual data regarding how long different types of cases took to resolve. During FY24, the Commission used data from ePUC to reevaluate the timeframe goals for each tier.

When the Commission developed the time-to-disposition performance measures, the Commission also estimated the percentage of cases that would fall within each tier.¹ In practice, whether a case is simple, average, or complex depends on factors that are often outside the Commission’s control, such as how many parties are in a case and how many issues are being contested in that case. Therefore, it is expected that the percentage of cases in each tier will vary from year to year.

III. Time-to-Disposition of Net-Metering Registration Cases

Because the number of net-metering registration cases² filed with the Commission each year is significantly larger than all other case types, the Commission measures its performance on net-metering registration cases separately from other types of cases.

The tiers for net-metering registration cases reflect the fact that for most of FY24, smaller systems had a 10-business-day comment period while larger systems had a 30-calendar-day comment

¹ When the Commission developed its time-to-disposition performance measures, the National Center for State Courts’ model case processing time standards provided for resolution of 100% of cases of a particular case type within the longest tier for that case type. Since then, the National Center for State Courts has revised its model time standards. Now the model time standards provide for resolution of only 98% of cases of a particular case type within the longest tier for that case type, presumably recognizing that there can be outliers.

² Under the Commission’s net-metering rule that was in effect before March 1, 2024, there were three different types of net-metering cases, each of which followed a different application and review process. Net-metering registrations included rooftop solar systems with a capacity of 500 kW or less, ground-mounted solar systems with a capacity of 15 kW or less, and hydroelectric systems with a capacity of 500 kW or less. Net-metering applications included solar systems with a capacity greater than 15 kW and up to and including 50 kW, and non-photovoltaic systems with a capacity of up to and including 50 kW. Net-metering petitions included systems of all generation types with a capacity greater than 50 kW and up to and including 500 kW.

A revised version of the Commission’s net-metering rule took effect on March 1, 2024. Under the revised rule, there are only two types of net-metering cases: net-metering registrations, which include the same systems as before the rule change; and net-metering applications, which now include solar facilities with a capacity greater than 15 kW and up to and including 500 kW, and non-photovoltaic systems with a capacity of up to and including 500 kW.

period. In addition, cases in which an electric utility filed a technical objection to the project’s interconnection took longer to resolve than cases in which no objection was filed. Over time, the Commission saw growth in the number of larger net-metering registrations with longer comment periods as well as an increase in the number of utility objections filed on systems of all sizes. These trends directly affected the percentage of cases that were resolved within the first two tiers.

The Commission’s tiers, timeframe goals, and estimates of the percentage of cases that will fall within each tier for FY24 are shown below.

FY24 Timeframes	Goal	% Achieved	Number of Cases
Within 16 days	70%	60.99%	1,423
Within 34 days	85%	94.77%	2,211
Within 90 days	100%	98.63%	2,301
Did not meet goal			32
Total Number of Cases			2,333

Note that the above tiers and timeframe goals were based on the review process contained in the version of the Commission’s net-metering rule that was in effect before March 1, 2024, because that process was in effect for eight months of FY24.

The Commission has established the following new tiers and timeframe goals based on the revised net-metering registration review process contained in the version of the Commission’s net-metering rule that took effect on March 1, 2024. The shorter initial review period for registrations with a capacity greater than 15 kW is reflected in these new goals that will be used for FY25.

FY25 Timeframes	Goal
Within 16 days	90%
Within 90 days	98%

IV. Time-to-Disposition of Other Types of Cases

The Commission’s second time-to-disposition performance metric includes 12 types of cases: Section 248a cases, Section 248 cases, Section 248(j) cases, special contracts, accounting orders, financings, net-metering applications, net-metering petitions, telecommunications certificates of public good (“CPGs”), commercial mobile radio service (“CMRS”) CPGs, tariffs that are not investigated, and tariffs that are investigated. Some of these case types are divided into two tiers while others are divided into three tiers.

As noted earlier in this report, in FY24, the Commission used actual data from ePUC to reevaluate the timeframe goals and the estimated percentage of cases that would fall within each tier. For some types of cases, this resulted in lengthening the timeframes. For other types of cases, this resulted in reducing the estimated percentage of cases that would fall within the first

tier. The Commission used these revised timeframe goals and estimated percentage of cases that would fall within each tier in FY24.

The most significant changes occurred for net-metering application and net-metering petition cases. The longer timeframes for these types of cases reflect (1) the changes in the Commission's net-metering rule that took effect on March 1, 2024, and (2) the Commission's actual experience with the length of time these cases take to resolve, which is directly related to the complexity of the cases, including both the number of contested issues as well as the number of parties involved.

- Under the revised net-metering rule, no new net-metering petitions will be filed. Cases that would have been filed as net-metering petitions are now filed as net-metering applications. Therefore, the new timeframes for net-metering application cases consider the Commission's actual experience with both net-metering application and petition cases.
- In the Commission's experience, the most complex net-metering cases are as complicated as a Section 248 case and can take as long to resolve. Therefore, while the timeframes for the first two tiers of net-metering application and net-metering petition cases are shorter than the first two tiers for Section 248 cases, the timeframe for the last tier is the same for all three types of cases.

It is important to recognize that, for some case types, the Commission resolves only a few cases each year. This means that one case that is an outlier can materially affect the percentage of cases of that case type that met the timeframe goal.

While the Commission resolved more than 94% of cases within the goals for resolving 98% of cases, there are some types of cases for which the Commission resolved a much smaller percentage of cases within the timeframe for the first tier than it had estimated that it would. For example, the Commission resolved 50% of special contract cases within the timeframe for the first tier compared to the estimate of 75%. Similarly, the Commission resolved 60% of telecommunications certificates of public good ("CPGs") within the timeframe for the first tier compared to the estimate of 75%.

These differences are directly related to the fact that the Commission resolved only a few of each of these types of cases in FY24. For example, the Commission resolved only four special contract cases in FY24; if it had resolved one more case within the timeframe for the first tier, the Commission would have met the estimate of 75%. Similarly, the Commission resolved only five telecommunications CPG cases in FY24; if it had resolved one more case within the timeframe for the first tier, the Commission would have exceeded the estimate of 75%.

The Commission's tiers, timeframe goals, and estimates of the percentage of cases that will fall within each tier for each type of case are shown on the next page.

Case Types and Timeframes	Goal	% Achieved	Number of Cases
§ 248a			
Within 90 days	90%	96.77%	60
Within 180 days	98%	96.77%	60
Did not meet goal			2
§ 248			
Within 180 days	33%	35.29%	6
Within 365 days	80%	88.24%	15
Within 545 days	98%	94.12%	16
Did not meet goal			1
§248(j)			
Within 90 days	55%	50.00%	3
Within 180 days	90%	83.33%	5
Within 270 days	98%	83.33%	5
Did not meet goal			1
Special Contracts			
Within 60 days	75%	50%	2
Within 120 days	98%	75%	3
Did not meet goal			1
Accounting Orders			
Within 45 days	75%	N/A	0
Within 90 days	98%	N/A	0
Did not meet goal			0
Financings			
Within 60 days	85%	71.43%	5
Within 90 days	98%	100.00%	7
Did not meet goal			0
Net-Metering Applications			
Within 120 days	50%	77.78%	7
Within 270 days	85%	88.89%	8
Within 545 days	98%	88.89%	8
Did not meet goal			1
Net-Metering Petitions			
Within 120 days	50%	60.00%	9
Within 270 days	85%	86.67%	13
Within 545 days	98%	93.33%	14
Did not meet goal			1
Telecommunications CPGs			
Within 45 days	75%	60.00%	3
Within 90 days	98%	60.00%	3
Did not meet goal			2
Cellular CPGs			
Within 45 days	75%	86.36%	19
Within 90 days	98%	90.91%	20
Did not meet goal			2

Case Types and Timeframes	Goal	% Achieved	Number of Cases
Tariffs (not investigated)			
Within 45 days	75%	83.72%	36
Within 135 days	98%	100.00%	43
Did not meet goal			0
Tariffs (investigated)			
Within 258 days	75%	94.74%	18
Within 300 days	98%	94.74%	18
Did not meet goal			1
Total Number of Cases			209
Within first time period		80.38%	168
Within second time period		93.30%	195
Within third time period (includes cases within second period for those case types without a third period)		94.26%	197
Did not meet goal		5.74%	12

V. Clearance Rate

The clearance rate reflects the number of resolved cases as a percentage of the number of incoming cases. The purpose is to measure whether a court is keeping up with its incoming caseload. A clearance rate above 100% indicates that the Commission is resolving more cases than it is adding. Conversely, a clearance rate below 100% indicates that the Commission has resolved fewer cases than have been added, which means that a backlog of cases may be developing.

The clearance rate is calculated by comparing the number of cases filed during a fiscal year (in this report during FY24) with the number of cases that were resolved during the same time period. For the purpose of calculating this performance measure, “filed” means when a case was first submitted to the Commission, even if the case submission did not yet include all the information necessary for the Commission to process the case.

As with the Commission’s time-to-disposition measures, it is important to recognize that for some case types, only a few cases are filed or resolved each year. This means that for those case types, the clearance rate could be significantly above or below 100% simply because one more case was resolved than filed or vice versa.

It is also important to note that the Commission does not have control over when cases are filed and there can be significant variability from year to year regarding when cases are filed. Because cases filed close to the end of a fiscal year are likely to be resolved during the next fiscal year, differences in the number of cases filed close to the end of one fiscal year compared to the previous fiscal year can affect the clearance rate. For example, if more cases were filed close to

the end of FY23 than were filed close to the end of FY24, the FY24 clearance rate could be greater than 100%. The converse is also true – if more cases were filed close to the end of FY24 than were filed close to the end of FY23, there could be an FY24 clearance rate of less than 100%.

The Commission’s clearance rate for each case type is shown below.

Case Types	Number of Cases Filed	Number of Cases Resolved	Clearance Rate
§ 248a	65	62	95.38%
§ 248	15	17	113.33%
§248(j)	7	6	85.71%
Special Contracts	2	4	200.00%
Accounting Orders	0	0	N/A
Financings	8	7	87.50%
Net-Metering Applications	12	9	75.00%
Net-Metering Petitions	10	15	150.00%
Telecommunications CPGs	5	5	100.00%
Cellular CPGs	24	22	91.67%
Tariffs	66	62	93.94%
Sum of Cases Other Than Net-Metering Registrations	214	209	97.66%
Net-Metering Registrations	2,370	2,333	98.44%

VI. Age of Active Pending Caseload

The age of active pending caseload refers to the age of open cases that are actively moving through the Commission’s regulatory review process and that have not yet been decided or otherwise resolved. For the purpose of calculating this performance measure, “active” cases do not include (1) cases that are stayed, (2) cases that are “pending completion” (waiting for information to be filed by a petitioner or applicant so that the other parties and the Commission can start their substantive review), or (3) cases that the Commission has resolved but that require future compliance filings.³

The age of active pending caseload is a point-in-time measurement that is typically done on the last day of the fiscal year. The age of the active pending cases is measured against the time standard or disposition goal for that case type set by the Commission to determine how many of the active unresolved cases are within the goal and how many have exceeded the goal.

³ For example, the Commission resolves a Section 248 petition when it issues a decision granting or denying a certificate of public good for the proposed project. Some Section 248 certificates of public good include filing requirements related to decommissioning funds that last for the life of the project, which can be 20 years or more.

The Commission's age of active pending caseload for each case type as of June 30, 2024, is shown below.

Case Types and Ages	Number of Active Pending Cases	Percent	Cumulative Percent
§ 248a			
0 - 90 days	13	72%	72%
91 - 180 days	2	11%	83%
Over 180 days	3	17%	100%
§ 248			
0 - 180 days	6	40%	40%
181 - 365 days	4	27%	67%
366 - 545 days	2	13%	80%
Over 365 days	3	20%	100%
§248(j)			
0 - 90 days	1	33%	33%
91 - 180 days	2	67%	100%
181 - 270 days	0	0%	100%
Over 270 days	0	0%	100%
Special Contracts			
0 - 60 days	0	N/A	N/A
61 - 120 days	0	N/A	N/A
Over 120 days	0	N/A	N/A
Accounting Orders			
0 - 45 days	0	N/A	N/A
46 - 90 days	0	N/A	N/A
Over 90 days	0	N/A	N/A
Financings			
0 - 60 days	1	100%	100%
61 - 90 days	0	0%	100%
Over 90 days	0	0%	100%
Net-Metering Applications			
0 - 120 days	3	75%	75%
121 - 270 days	1	25%	100%
271 - 545 days	0	0%	100%
Over 545 days	0	0%	100%
Net-Metering Petitions			
0 - 120 days	1	20%	20%
121 - 270 days	2	40%	60%
271 - 545 days	0	0%	60%
Over 545 days	2	40%	100%
Telecommunications CPGs			
0 - 45 days	1	50%	50%
46 - 90 days	0	0%	50%
Over 90 days	1	50%	100%

Case Types and Ages	Number of Active Pending Cases	Percent	Cumulative Percent
Cellular CPGs			
0 - 45 days	3	60%	60%
46 - 90 days	1	20%	80%
Over 90 days	1	20%	100%
Tariffs (not investigated)			
0 - 45 days	24	92%	92%
46 - 135 days	2	8%	100%
Over 135 days	0	0%	100%
Tariffs (investigated)			
0 - 258 days	6	100%	100%
259 - 300 days	0	0%	100%
Over 300 days	0	0%	100%
Total Number of Cases	85		
Net-Metering Registrations			
0 – 16 days	119	85%	85%
17 – 90 days	5	4%	89%
Over 90 days	16	11%	100%
Total Number of NMR Cases	140		