# Administrative Procedures – Emergency Rule Filing

**Instructions:**

In accordance with Title 3 Chapter 25 of the Vermont Statutes Annotated and the "Rule on Rulemaking" (CVR 04-000-001) adopted by the Office of the Secretary of State, this emergency filing will be considered complete upon filing and acceptance of these forms with the Office of the Secretary of State, the Legislative Committee on Administrative Rules and a copy with the Chair of the Interagency Committee on Administrative Rules.

All forms requiring a signature shall be original signatures of the appropriate adopting authority or authorized person, and all filings are to be submitted at the Office of the Secretary of State, no later than 3:30 pm on the last scheduled day of the work week.

The data provided in text areas of these forms will be used to generate a notice of rulemaking in the portal of "Proposed Rule Postings" online, and the newspapers of record if the rule is marked for publication. Publication of notices will be charged back to the promulgating agency.

This emergency rule may remain in effect for a total of 180 days from the date it first takes effect.

**Certification Statement**: As the adopting Authority of this rule (see 3 V.S.A. § 801(b)(11) for a definition), I believe there exists an imminent peril to public health, safety or welfare, requiring the adoption of this emergency rule.

The nature of the peril is as follows (*PLEASE USE ADDITIONAL SHEETS IF SPACE IS INSUFFICIENT*). Increased risk of exposure for members of the public and state agency staff to the COVID-19 virus established as a global pandemic by the World Health Organization as of March 11, 2020.

I approve the contents of this filing entitled:

PUC Emergency Rule 2.500 COVID-19 Emergency Procedures

/s/ Anthony Z. Roisman, on 04/30/2020

.

(signature) (date)

Printed Name and Title:

Anthony Z. Roisman, Chair VT Public Utility Commission

RECEIVED BY: _____

- ☐ Coversheet
- ☐ Adopting Page
- ☐ Economic Impact Analysis
- ☐ Environmental Impact Analysis
- ☐ Strategy for Maximizing Public Input
- ☐ Scientific Information Statement (if applicable)
- ☐ Incorporated by Reference Statement (if applicable)
- ☐ Clean text of the rule (Amended text without annotation)
- ☐ Annotated text (Clearly marking changes from previous rule)

1. TITLE OF RULE FILING:
   PUC Emergency Rule 2.500 COVID-19 Emergency Procedures

2. ADOPTING AGENCY:
   Vermont Public Utility Commission ("Commission" or "PUC")

3. PRIMARY CONTACT PERSON:
   *(A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE).*

   Name: Steph Hoffman

   Agency: Vermont Public Utility Commission

   Mailing Address: 112 State Street, 4th Floor, Montpelier, VT 05620-2701

   Telephone: 802 828 - 1187 Fax: 802 828 - 3351

   E-Mail: steph.hoffman@vermont.gov

   Web URL*(WHERE THE RULE WILL BE POSTED)*:
   https://puc.vermont.gov/about-us/statutes-and-rules

4. SECONDARY CONTACT PERSON:
   *(A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON).*

   Name: Ann Bishop

   Agency: Vermont Public Utility Commission

   Mailing Address: 112 State Street, 4th Floor, Montpelier, VT 05620-2701

   Telephone: 802 828 - 1170 Fax: 802 828 - 3351

   E-Mail: ann.bishop@vermont.gov

5. RECORDS EXEMPTION INCLUDED WITHIN RULE:
   *(DOES THE RULE CONTAIN ANY PROVISION DESIGNATING INFORMATION AS CONFIDENTIAL; LIMITING ITS PUBLIC RELEASE; OR OTHERWISE EXEMPTING IT FROM INSPECTION AND COPYING*?) No

   IF YES, CITE THE STATUTORY AUTHORITY FOR THE EXEMPTION:

   PLEASE SUMMARIZE THE REASON FOR THE EXEMPTION:

6. LEGAL AUTHORITY / ENABLING LEGISLATION:

*(THE SPECIFIC STATUTORY OR LEGAL CITATION FROM SESSION LAW INDICATING WHO THE ADOPTING ENTITY IS AND THUS WHO THE SIGNATORY SHOULD BE. THIS SHOULD BE A SPECIFIC CITATION NOT A CHAPTER CITATION).*
30 V.S.A. § 11

7. EXPLANTION OF HOW THE RULE IS WITHIN THE AUTHORITY OF THE AGENCY:
Title 30, Section 11 of the Vermont Statutes Annotated tasks the Commission with adopting rules for the forms, pleadings, and rules of practice and procedure before it. This emergency rule governs procedural requirements for filing and practice before the Commission.

8. CONCISE SUMMARY (**150 WORDS OR LESS**):

This emergency rule amends various filing and procedural requirements and provides alternative procedures to reduce or eliminate in-person contact between members of the public and Commission staff or other members of the public to reduce the risk of exposure to the COVID-19 virus.

9. EXPLANATION OF WHY THE RULE IS NECESSARY:

The rule is necessary to reduce the risk of exposure to state employees and the general public by providing alternative procedures that reduce or eliminate person-to-person contact during the COVID-19 pandemic.

10. EXPLANATION OF HOW THE RULE IS NOT ARBITRARY:
The rule is not arbitrary as statute specifically tasks the Commission with rulemaking for the forms, pleadings, and rules of practice and procedure before it.

11. LIST OF PEOPLE, ENTERPRISES AND GOVERNMENT ENTITIES AFFECTED BY THIS RULE:

Agencies and parties appearing before the Commission; adjoining landowners

12. BRIEF SUMMARY OF ECONOMIC IMPACT (150 WORDS OR LESS):

Economic impacts are difficult to quantify in monetary terms, however the Commission anticipates a minimal positive impact from the reduction of gasoline usage, postage, printing costs, etc.

13. A HEARING IS NOT SCHEDULED .

14. HEARING INFORMATION
(THE FIRST HEARING SHALL BE NO SOONER THAN 30 DAYS FOLLOWING THE POSTING OF NOTICES ONLINE).

IF THIS FORM IS INSUFFICIENT TO LIST THE INFORMATION FOR EACH HEARING PLEASE ATTACH A SEPARATE SHEET TO COMPLETE THE HEARING INFORMATION NEEDED FOR THE NOTICE OF RULEMAKING.

Date:

Time: AM

Street Address:

Zip Code:

Date:

Time: AM

Street Address:

Zip Code:

15. DEADLINE FOR COMMENT (NO EARLIER THAN 7 DAYS FOLLOWING LAST HEARING):

16. EMERGENCY RULE EFFECTIVE: 04/30/2020

17. EMERGENCY RULE WILL REMAIN IN EFFECT UNTIL
*(A DATE NO LATER THAN 180 DAYS FOLLOWING ADOPTION OF THIS EMERGENCY RULE)*:
10/27/2020

18. NOTICE OF THIS EMERGENCY RULE SHOULD NOT BE PUBLISHED IN THE WEEKLY NOTICES OF RULEMAKING IN THE NEWSPAPERS OF RECORD.

19. KEYWORDS (PLEASE PROVIDE AT LEAST 3 KEYWORDS OR PHRASES TO AID IN THE SEARCHABILITY OF THE RULE NOTICE ONLINE).

Vermont Public Utility Commission

Procedural Rules

Filing

Application

Petition

# Administrative Procedures – Adopting Page

**Instructions:**

This form must accompany each filing made during the rulemaking process:

Note: To satisfy the requirement for an annotated text, an agency must submit the entire rule in annotated form with proposed and final proposed filings. Filing an annotated paragraph or page of a larger rule is not sufficient. Annotation must clearly show the changes to the rule.

When possible the agency shall file the annotated text, using the appropriate page or pages from the Code of Vermont Rules as a basis for the annotated version. New rules need not be accompanied by an annotated text.

1. TITLE OF RULE FILING:
   PUC Emergency Rule 2.500 COVID-19 Emergency Procedures
2. ADOPTING AGENCY:
   Vermont Public Utility Commission ("Commission" or "PUC")
3. TYPE OF FILING (*PLEASE CHOOSE THE TYPE OF FILING FROM THE DROPDOWN MENU BASED ON THE DEFINITIONS PROVIDED BELOW*):

   - **AMENDMENT -** Any change to an already existing rule, even if it is a complete rewrite of the rule, it is considered an amendment as long as the rule is replaced with other text.
   - **NEW RULE -** A rule that did not previously exist even under a different name.
   - **REPEAL** - The removal of a rule in its entirety, without replacing it with other text.

   This filing is **A NEW RULE .**

4. LAST ADOPTED (*PLEASE PROVIDE THE SOS LOG#, TITLE AND EFFECTIVE DATE OF THE LAST ADOPTION FOR THE EXISTING RULE)*:

# Administrative Procedures – Economic Impact Analysis

**Instructions:**

In completing the economic impact analysis, an agency analyzes and evaluates the anticipated costs and benefits to be expected from adoption of the rule; estimates the costs and benefits for each category of people enterprises and government entities affected by the rule; compares alternatives to adopting the rule; and explains their analysis concluding that rulemaking is the most appropriate method of achieving the regulatory purpose.

Rules affecting or regulating schools or school districts must include cost implications to local school districts and taxpayers in the impact statement, a clear statement of associated costs, and consideration of alternatives to the rule to reduce or ameliorate costs to local school districts while still achieving the objectives of the rule (see 3 V.S.A. § 832b for details).

Rules affecting small businesses (excluding impacts incidental to the purchase and payment of goods and services by the State or an agency thereof), must include ways that a business can reduce the cost or burden of compliance or an explanation of why the agency determines that such evaluation isn't appropriate, and an evaluation of creative, innovative or flexible methods of compliance that would not significantly impair the effectiveness of the rule or increase the risk to the health, safety, or welfare of the public or those affected by the rule.

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1. TITLE OF RULE FILING:

   PUC Emergency Rule 2.500 COVID-19 Emergency Procedures

2. ADOPTING AGENCY:

   Vermont Public Utility Commission ("Commission" or "PUC")

3. CATEGORY OF AFFECTED PARTIES:

   *LIST CATEGORIES OF PEOPLE, ENTERPRISES, AND GOVERNMENTAL ENTITIES POTENTIALLY AFFECTED BY THE ADOPTION OF THIS RULE AND THE ESTIMATED COSTS AND BENEFITS ANTICIPATED*:

   Agencies and parties appearing before the Commission; adjoining landowners

4. IMPACT ON SCHOOLS:

   *INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON PUBLIC EDUCATION, PUBLIC SCHOOLS, LOCAL SCHOOL DISTRICTS AND/OR TAXPAYERS CLEARLY STATING ANY ASSOCIATED COSTS:*

This rule does not affect schools or taxpayers except to the extent that they are an adjoining landowner or party appearing before the Commission.

5. ALTERNATIVES: *CONSIDERATION OF ALTERNATIVES TO THE RULE TO REDUCE OR AMELIORATE COSTS TO LOCAL SCHOOL DISTRICTS WHILE STILL ACHIEVING THE OBJECTIVE OF THE RULE*.

   No alternatives are currently being considered as this rule does not affect local school districts.

6. IMPACT ON SMALL BUSINESSES:
   *INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON SMALL BUSINESSES (EXCLUDING IMPACTS INCIDENTAL TO THE PURCHASE AND PAYMENT OF GOODS AND SERVICES BY THE STATE OR AN AGENCY THEREOF)*:

   This rule may affect small businesses, such as renewable energy developers, that file with or appear before the Commission or are adjoining landowners. However, as indicated, above, the Commission anticipates either a neutral or positive minor economic impact to these procedural changes.

7. SMALL BUSINESS COMPLIANCE: *EXPLAIN WAYS A BUSINESS CAN REDUCE THE COST/BURDEN OF COMPLIANCE OR AN EXPLANATION OF WHY THE AGENCY DETERMINES THAT SUCH EVALUATION ISN'T APPROPRIATE.*

   The burden of compliance with these procedural changes is equivalent to the burden of following the permanent procedural requirements of filing with or appearing before the Commission.

8. COMPARISON:
   *COMPARE THE IMPACT OF THE RULE WITH THE ECONOMIC IMPACT OF OTHER ALTERNATIVES TO THE RULE, INCLUDING NO RULE ON THE SUBJECT OR A RULE HAVING SEPARATE REQUIREMENTS FOR SMALL BUSINESS*:
   Though difficult to quantify, the impact of not providing alternative procedures for filing with and appearing before the Commission could be substantial as measured by increased exposure to the COVID-19 virus. Continuing in-person contact associated with various Commission procedures increases the risk of exposure of COVID-19 between state agency personnel and members of the public or members of the public with other members of the public; such exposure could result in the spread of the virus, which has both a health and economic impact.

9. SUFFICIENCY: *EXPLAIN THE SUFFICIENCY OF THIS ECONOMIC IMPACT ANALYSIS.*
   This economic impact analysis is somewhat limited due to the necessity to act quickly in response to the COVID-19 virus pandemic. Since the existing rules and procedures have minimal economic impacts, the emergency rulemaking regarding those and similar procedures is also expected to have a minimal impact economically.

# Administrative Procedures – Environmental Impact Analysis

**Instructions:**

In completing the environmental impact analysis, an agency analyzes and evaluates the anticipated environmental impacts (positive or negative) to be expected from adoption of the rule; compares alternatives to adopting the rule; explains the sufficiency of the environmental impact analysis.

Examples of Environmental Impacts include but are not limited to:

- Impacts on the emission of greenhouse gases
- Impacts on the discharge of pollutants to water
- Impacts on the arability of land
- Impacts on the climate
- Impacts on the flow of water
- Impacts on recreation
- Or other environmental impacts

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1. TITLE OF RULE FILING:

   PUC Emergency Rule 2.500 COVID-19 Emergency Procedures

2. ADOPTING AGENCY:

   Vermont Public Utility Commission ("Commission" or "PUC")Vermont Public Utility Commission ("Commission" or "PUC")

3. GREENHOUSE GAS: *EXPLAIN HOW THE RULE IMPACTS THE EMISSION OF GREENHOUSE GASES (E.G. TRANSPORTATION OF PEOPLE OR GOODS; BUILDING INFRASTRUCTURE; LAND USE AND DEVELOPMENT, WASTE GENERATION, ETC.):*
   A negligible reduction in greenhouse gas could be expected by the reduction of vehicular travel to perform previous in-person requirements that are reduced or eliminated by this emergency rule.

4. WATER: *EXPLAIN HOW THE RULE IMPACTS WATER (E.G. DISCHARGE / ELIMINATION OF POLLUTION INTO VERMONT WATERS, THE FLOW OF WATER IN THE STATE, WATER QUALITY ETC.):*
   No impact expected.

5. LAND: *EXPLAIN HOW THE RULE IMPACTS LAND (E.G. IMPACTS ON FORESTRY, AGRICULTURE ETC.):*
   No impact expected.

6. RECREATION: *EXPLAIN HOW THE RULE IMPACT RECREATION IN THE STATE:*
   No impact expected.

7. CLIMATE: *EXPLAIN HOW THE RULE IMPACTS THE CLIMATE IN THE STATE:*
   Negligible impact expected from reduced vehicular travel.

8. OTHER: *EXPLAIN HOW THE RULE IMPACT OTHER ASPECTS OF VERMONT'S ENVIRONMENT:*
   Negligible impact expected from reduced vehicular travel.

9. SUFFICIENCY: *EXPLAIN THE SUFFICIENCY OF THIS ENVIRONMENTAL IMPACT ANALYSIS.*
   This environmental impact analysis is somewhat limited due to the necessity to act quickly in response to the COVID-19 virus pandemic. Since the existing rules and procedures have minimal economic impacts, the emergency rulemaking regarding those and similar procedures is also expected to have a minimal impact environmentally.

# Administrative Procedures – Public Input

**Instructions:**

In completing the public input statement, an agency describes the strategy prescribed by ICAR to maximize public input, what it did do, or will do to comply with that plan to maximize the involvement of the public in the development of the rule.

This form must accompany each filing made during the rulemaking process:

1. TITLE OF RULE FILING:

   PUC Emergency Rule 2.500 COVID-19 Emergency Procedures

2. ADOPTING AGENCY:

   Vermont Public Utility Commission ("Commission" or "PUC")

3. PLEASE DESCRIBE THE STRATEGY PRESCRIBED BY ICAR TO MAXIMIZE PUBLIC INVOLVEMENT IN THE DEVELOPMENT OF THE PROPOSED RULE:
   Not applicable.

4. PLEASE LIST THE STEPS THAT HAVE BEEN OR WILL BE TAKEN TO COMPLY WITH THAT STRATEGY:
   The Commission will notify lists of parties frequently appearing before the Commission of this emergency rule. Notice will also be posted on the Commission's website where rules and statutes are posted.

5. BEYOND GENERAL ADVERTISEMENTS, PLEASE LIST THE PEOPLE AND ORGANIZATIONS THAT HAVE BEEN OR WILL BE INVOLVED IN THE DEVELOPMENT OF THE PROPOSED RULE:

   Not applicable.