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Rule 2

- Applies in all commission proceedings
 - Section 248
 - Enforcement/Investigations
 - Ratemaking
 - Etc.
 - Consumer complaints
 - Declaratory Rulings
- Supplemented by proceeding-specific rules
- Broad in scope. Subjects include electronic filing, motion practice, intervention, discovery, appearance by counsel, confidential information, ex parte communication

Why was it Amended?

- Reflect implementation of ePUC
- More clearly identify Rules of Civil Procedure applicable to PUC proceedings
- “Better facilitate public participation by nonlawyers in Commission proceedings by incorporating all [general] rules of procedure into a single source and clarifying meaning & application”
- Permanently adopt remote participation procedures post COVID emergency



2.212(B) Mediation

- Upon motion by any party or Commission's own initiative
- All parties and their counsel must participate unless excused by Commission or stipulated otherwise
- Each party must have representative with settlement authority
- In petition cases, petitioner bears the cost

**IF YOU COULD JUST USE THE TPS
COVER SHEET**

THAT WOULD BE GREAT

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Intervention Rule 2.209

- The bar has been lowered (and lowered further still for adjoining landowners in 5.400).
- Removed requirement for would-be intervenor to demonstrate “**substantial**” interest in the proceeding under statutory criteria
- Allows intervention even when there may be other venues beside PUC where intervenor could protect their claimed non-substantial interest.
- Requires affirmative showing by opponent of intervention that would-be intervenor’s interest is adequately represented by existing parties (burden shift as compared to prior practice and VRCP 24)
- 2.209(C)—Commission may still restrict intervenor’s participation, require joint representation/presentation of evidence, etc. “as interests of justice and economy of adjudication require.”



2.226 Confidential Information Protocol

- Presumption that all documents filed with PUC are public
- Confidentiality granted only on motion
- Every page must be marked confidential
- Purported confidential documents must be filed by email with clerk or in paper (pending ePUC procedure)
- Must file public redacted version at the same time
- Averment must support factual basis for confidential treatment, and must address several questions aimed at surfacing nature of the information, risk of harm if disclosed, and “good cause” showing for confidential treatment



VT PUC 5.500 Updates

Interconnection Procedures For Proposed Electric
Generation Resources and Energy Storage Devices

Presented by
Jacob Flanigan

Oct 16, 2024

Net Metering Interconnection now governed by 5.500

- Instead of have a special interconnection process in net metering rule 5.100, 5.100 defers to the interconnection rule, 5.500 (5.105(E))
 - Projects >15kW can't apply for a CPG without an Interconnection approval (5.105(E)(2) & 5.106(D)(9))
 - <15kW, the CPG registration also serves as the interconnection application (5.105(E)(1))
- This mostly impacts projects <150kW
 - Projects need to obtain utility approval instead of utility having to raise objections
 - In truth, now an application process instead of a registration process

Export capacity

- Fees and procedures based on nameplate capacity (5.502, 5.506, 5.510, 5.511)
- Studies based on Export capacity (5.503(A))
 - Except Short Circuit Current (5.512(D)(3)), and ISO studies
- 5.522 provides various pre-approved methods to have an export capacity lower than the nameplate
 - De-rate settings
 - Protective relays / power control systems
 - Verified load much greater than project capacity
 - Any other method agreed upon by utility and applicant

Preliminary Review Screening (Fast Tack)

5.512

- “Fast Track” process replaced with “Preliminary Review Screening” process
- If mutually agreed, project can skip preliminary screening and go directly to feasibility study (5.512(A))
- Criteria updated (5.512(D))
 - In general, rule of thumb criteria replaced with criteria that describes the impacts we don’t want the project to have on the grid
- If a study finds no adverse impacts and the only additional facilities needed are “not transmission voltage equipment or are routine and uncomplicated”, Utility must provide an interconnection agreement, without the need of a facilities study

FERC order 2023 impacts

- Projects >1MW are subject to ISO-NE review
- FERC cluster studies
 - Done as a rolling window
 - Determinations made for which projects need to be included in the study
 - 1-5MW likely will not need to be included
 - Projects >5MW or an aggregate of smaller projects that in sum is >20MW will necessitate inclusion into the study
- Process is currently in flux
 - ISO-NE submitted revised rules to FERC, FERC has neither approved or rejected them
 - ISO-NE in a holding pattern

Other changes to 5.500

- Energy storage added
- 5.507 Utilities must maintain an online interconnection queue
- 5.505 Pre-application Report
- 5.516(H) Commissioning results and protection settings must be given to the utility and the utility must record it electronically
- 5.516(I) Project must submit stamped as-built 1-line to the utility within 30days of in-service (> 150kW)
- 5.516(B) Requester must execute Interconnection agreement within a year and by the later of
 - 3months from receiving interconnection agreement
 - 30days from receiving CPG

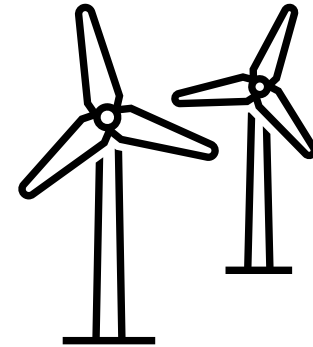
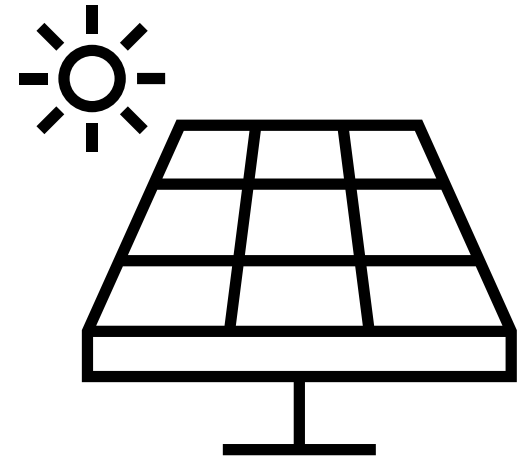
Vermont Public Utility Commission

Rule 5.100

Revised Net Metering Rule

Effective March 30, 2024

Presented by Victoria Westgate, SRH Law
October 16, 2024



But first...

Legislative Changes to the Net Metering Program

Act 179 – Renewable Energy Standards Bill

- Went into effect July 1, 2024
- Included changes to the definitions of “group net metering” and “net metering system” (30 V.S.A. § 8002(10) and (16))
- New language requires that the energy generated from all future NM projects be used on the same parcel as, or a parcel adjacent to, the parcel where the project is located
 - Adjacent = shares a property boundary or is adjacent and separated only by a river, stream, railroad line, private road, public highway, or similar intervening landform

Act 179 Cont'd

- “Virtual” (i.e. off-site) group net-metering phasing out starting 2025
 - **December 31, 2024**: Deadline for complete CPG applications for net metering projects where the offtaker is not located on property or adjacent to the Project
 - One year extension for projects serving offsite affordable housing developments
- Act requires consideration of potential replacement program for group net metering
 - Stakeholders (DPS, PUC, affordable housing entities, utilities) required to submit a report in 2025 to Leg. Committees discussing recommendations for potential alternatives/successor program

Updates to Rule 5.100

SITING & APPLICATIONS

- No “Significant Forest Clearing” (> 3 acres) allowed for preferred sites
- New documentation requirements for certain types of preferred sites (brownfields, resource extraction sites)
- Notice filings can be sent by first class mail and hard copies of petitions only on request
- Adjacent facilities must be identified
- Act 250 permits only required for resource extraction sites re reclamation compliance

Updates to Rule 5.100 Cont'd

COMPLIANCE & AMENDMENTS

- Commission deadline automatically extendable to 2 years after CPG upon written notice before 1 year deadline
- No more “major” or “minor” amendments – Commission approval is required for any substantial change to a CPG
 - Process for seeking approval depends on where the Project is in development (pending CPG, issued a CPG but not commissioned, commissioned)
 - Notice of change required (including adjoining landowners)

CPG Holders Take Note!

PUC Compliance Grace Period
until **MARCH 13, 2025**



Case No. 24-2874-INV



- Temporary 6-month no-penalty grace period for late CPG compliance filings such as:
 - CPG Municipal Notice Forms & Site Preparation Notice Letters
 - Mitigation Planting Certification and Annual Inspection filings (see PUC Templates)
 - Decommissioning Fund Adjustment reports
- Applicable to all Section 248 CPGs (not just NM Projects) – NM projects receive notice



- After grace period, PUC will post list of projects out of compliance and enforcement penalties “can be expected to be significantly higher”!



Rule 5.400 PETITIONS TO CONSTRUCT ELECTRIC AND GAS FACILITIES PURSUANT TO 30 V.S.A. § 248
Effective March 1, 2024.

This rule applies to electric generation, energy storage, electric transmission, and natural gas facilities that need Section 248 approval.

This is not a complete version and includes only excerpts with practice tips

5.402 Pre-Filing Advance Submission

No less than 45 days before filing a petition with the Commission, the petitioner must submit project plans as described below. If the proposed project consists solely of the relocation of transmission facilities, the submission must be made at least 21 days before such filing. Any of the persons or entities entitled to receive notice under this section **may waive** the notice requirement.

(A) Recipients Entitled to Advance Submission. The petitioner must serve the following persons with a copy of the advance submission:

(1) the municipal legislative bodies and municipal and regional planning commissions in the communities where the project will be located;

(2) all Adjoining Landowners;

(3) the host landowner(s);

(4) the Department of Public Service;

(5) the Agency of Natural Resources;

(6) the Natural Resources Board;

(7) the Division for Historic Preservation;

(8) the Agency of Agriculture, Food and Markets; and

(9) the interconnecting utility.

For purposes of this rule, “Adjoining “Landowner” means a person who owns land in fee simple, if that land:

...

Adjoining Landowners must be identified using the host town’s certified grand list as it existed no more than 60 days before the date of the advance submission or online through the Vermont Center for Geographic Information database, municipality-specific databases, the Vermont Department of Taxes grand lists, or electronic versions of grand lists maintained by municipalities. A petitioner must verify with the relevant municipality that the online database provides accurate and current information regarding parcel ownership within that municipality. Documentation of verification must be signed and attested to by a petitioner.

[CHALLENGE: Some municipalities are short staffed and/or do not want to verify adjoining landowner lists or will take them many weeks and even months to respond. Consider requesting PUC to waive, redo in future rulemaking, or do the search in-person]

(B) Method of Service of Advance Submission. The petitioner must serve the advance submission on the entities listed in (A)(1) through (3), above [adjoining landowners, host landowners, towns, planning commissions], by first-class mail or its equivalent. The petitioner must cause the advance submission to be transmitted to the entities listed in (A)(4) through (9), above, using the Commission's electronic filing system, unless an applicable exemption exists, in which case service must be by first-class mail or its equivalent. With permission from the intended recipient, the petitioner may serve a copy of the advance submission via email.

[TIP: Ask NRB, regional planning commission, municipalities, and host landowner for permission to provide advanced notice and complete Section 248 filing via email because they do not receive the filing ePUC. Can still request waivers but waiver not helpful now that the petitioner needs to send notice to adjoining landowners.]

It is not realistic to do this for adjoining landowners so you will need to mail the 45-day notice to them or you can send a document with a link to the electronic information and other information as provided below.

When you file the 45-day advance notice ePUC, ePUC requires you to certify that you have satisfied the service rules. This certification is not required in this rule, but ePUC requires it.]

(C) Contents of advance submissions. Whenever service of the advance submission must be done by mail, the petitioner may elect to serve a document with information and a link that will allow the recipient to access the actual content of the advance submission electronically.

The document must also include instructions for the recipient to request a hard copy of the advance submission from the petitioner if they are not able to access it electronically. If a hard copy is requested by the recipient, the petitioner must serve it by first-class mail or its equivalent within 2 business days of the request.

[TIP: can send adjoining landowners a document with a link to complete 45-day notice and document must include information above. Could be useful when have many landowners or condominiums nearby]

All advance submissions must include:

[mandatory links to PUC websites]

(2) Sufficient information for a reader to understand the overall proposed project, including but not limited to:

(a) The site location and **project boundaries;**

[TIP: if just upgrading a component already within an existing project, the project is just that component if no other work is being done. Consider showing existing project, but highlighting the replacement zone/component.]

(b) A description and site plan of the proposed project in as much detail as the petitioner reasonably can provide that show the approximate location of all proposed new infrastructure (e.g., transmission lines, substation, roads, laydown areas, etc.) relative to the existing conditions. The description and site plan must include sufficient detail to afford the recipient reasonable notice of the nature of the project so that the recipient is able to make an informed judgment as to any potential impact the construction or operation of the project may have on any interest of the recipient that is within the Commission's jurisdiction to address;

[TIP: This is broad language and contemplates that the 45-day notice will describe environmental impacts if the project might result in some. Include a short paragraph about preliminary natural resource impacts. If there are significant impacts, consider adding a natural resource layer to the site plan so you can get more helpful feedback from the state agencies]

...

(d) Preliminary identification and analysis of aesthetic impacts and draft of a proposed aesthetic mitigation plan or an explanation why aesthetic mitigation measures are not needed for the proposed project;

[TIP: Don't forget about aesthetic mitigation review]

[TIP: Basically, cut and paste subparts 3-6 below into your 45-day notice]

(3) A notice of each municipal and regional planning commission's right under 30 V.S.A. § 248(f)(1)(A) to convene a public hearing on the proposed petition.

(4) A notice of each planning commission's right under 30 V.S.A. § 248(f)(1)(C) to submit recommendations to the petitioner within 40 days of the petitioner's submittal to the planning commissions.

(5) A notice that the petitioner's application to the Commission must address any written comments provided to the petitioner in response to the 45-day advance submission that are related to the Section 248(b) criteria and any oral comments related to those criteria made at a public hearing conducted pursuant to 30 V.S.A. § 248(f)(1)(A).

(6) A notice of each planning commission's right under 30 V.S.A. § 248(f)(1)(D) to make recommendations to the Commission after a petition is filed. The Commission will give due consideration to any such recommendations. Recommendations made to the Commission pursuant to this subsection, or the lack of such recommendations, shall not preclude municipal and regional planning commissions and municipal legislative bodies from exercising their right to appear as parties pursuant to 30 V.S.A. § 248(a)(4)(G)-(I).

(D) Timing of advance submissions. If, within 365 days of the date of the advance submission, the petitioner has not filed a complete petition for the project that fully complies with the filing requirements of this rule, the submission will be treated as withdrawn without further action required by the Commission. No petition may subsequently be filed for the project without first complying with the pre-filing advance submission requirements of this section. The time period established by this section may be extended for good cause shown by motion filed at least 14 calendar days before the expiration of the 365-day period.

[TIP: There is now a deadline for when the 45-day advance notice expires: 1 year. Consider sending out 45-day notice later in the process, such as 3 months before you know you will file the Section 248 petition. Sending out the notice later might help prevent having to refile because of significant project changes, and might prevent you having to redo the adjoining landowner search given the 180-day rule]

5.403-Contents of Section 248 petition (Even section 248(j))-Non linear projects

...

(2) A certification that all advance submission requirements in section 5.402 have been met.

[TIP: EPUC won't let you file without this certification. 5.402 is referring to the advanced notice requirements. Yes, the PUC is requiring you to file this certification twice: once when you file the 45-day notice and when you file the petition]

(3) A summary of all comments received in the 45-day advance notice period as described in section 5.402(C)(4), including written comments and oral comments made at any public hearings and the petitioner's response to any such comments.

[TIP: Consider attaching any comments received in writing so no one accuses the petitioner of not providing all the comments]

...

(7) Site plans or other documentation that include:

(b) a project overview that shows the setbacks from the project's boundaries to the corner of the nearest project-related structure and approximate distances to any nearby residences, and for projects subject to specific applicable setbacks, the distance from the corner of the nearest project-related structure to the resource from which it must be set back;

[TIP: For upgrades/changes to existing facilities when only a component inside the project fence is being changed, consider showing the distance from that component to the boundary]

.....[skipping c-h)

(i) the latitude and longitude coordinates at the center of the proposed project site;

If the information required by subparagraphs (a) through (i) above is not included in a site plan, then the index of evidence required by Section 5.403(A)(16), below, must specifically identify by witness and page number or exhibit and page number the location of the information in the petition and supporting materials.

[Tip: The rule requires other information to be identified in the index so read closely.]

Cont of required content of section 248 filings

(10) A cross-section of the site or other documentation showing existing and proposed conditions and the height of project features in relation to existing buildings and/or vegetation. If the information required by this subparagraph is not included in a cross-section of the site, then the index of evidence required by Section 5.403(A)(16), below, must specifically identify by witness and page number or exhibit and page number the location of the information in the petition and supporting materials.

(16) An index, organized according to the criteria of 30 V.S.A. § 248(b), that identifies by witness and page number the prefiled evidence that addresses each criterion, including the incorporated criteria of Section 248(b)(5). A descriptive title must be provided for each exhibit identified in the index.

[TIP: Previously, this rule did not require a statutory index for section 248(j) because Section 248(j) petitions also require a proposal for decision at filing. But now an index is required. Also note the index must describe the exhibits even though the exhibit lists associated with the testimony also describes the exhibits]

(20) A summary of all community outreach efforts undertaken by the petitioner in advance of filing its petition.

(21) For petitions filed under Section 248(j), a proposed certificate of public good and proposed findings of fact.

(B) Attestations. All prefiled testimony and exhibits must be accompanied by a statement from the sponsoring witness attesting to the truth and accuracy of the testimony and exhibits and that they were prepared by or under the direct supervision of the witness. The attestation must include the following statement: “I declare that the testimony and exhibits that I have sponsored are true and accurate to the best of my knowledge and belief and were prepared by me or under my direct supervision. I understand that if the above statement is false, I may be subject to sanctions by the Commission pursuant to 30 V.S.A. § 30.”

[TIP: Use this declaration language exactly or the PUC could deem the petition incomplete]

5.407: Service and Notice of Petition (After PUC deems filing complete)

(A) Serve copies of the complete petition on all agencies and entities required under 30 V.S.A. § 248(a)(4)(C), and for wind generation facilities, the entities identified in section 5.405(B)(1) of this rule. When service cannot be completed using the Commission's electronic filing system, the petitioner may serve by first-class mail or its equivalent a document with information and a link that will allow the recipient to access the complete petition electronically. With permission from the intended recipient, the petitioner may serve a copy of the document and the complete petition via email. The document must also include instructions for the recipient to request a hard copy of the complete petition if they are not able to access it electronically. If a hard copy is requested by the recipient, the petitioner must serve it by first-class mail or its equivalent within 2 business days of the request.

[Tip: Hopefully the petitioner has received permission to service via email when it requested it for the 45-day notice, but if not, ask the NRB, interconnecting utility, host landowner, RPC and municipalities for permission to serve via email]

(B) Serve notice of the petition on the individuals and entities listed in sections 5.402(A)(2), (3), (6), and (9) of this rule. If the petition is not filed within 180 days of service of the advance submission required by section 5.402, then the petitioner must update its list of Adjoining Landowners consistent with the requirements of section 5.402(A)(b) before providing notice of the petition. When service cannot be completed using the Commission's electronic filing system, the petitioner must serve the notice by first-class mail or its equivalent. With permission from the intended recipient, the petitioner may serve a copy of the notice via email. This notice must include, at a minimum, the case number if the case is filed in ePUC, a reference and link to the required documents as described in section 5.402(C), a general description of the type and approximate location of the facilities and upgrades proposed, a statement that a complete petition has been filed with the Commission and that the case has been opened, and information and a link that will allow the recipient to access the complete petition electronically. The notice must also include instructions on how a recipient can contact the petitioner to obtain a hard copy of the complete project plans and petition if the recipient is not able to access them electronically.

[Challenge: The rule went beyond statutory requirements and now requires service on host landowner, all adjoining landowners, NRB, and interconnection utility. Can request service via email]

[TIP: Remember that you need to mail all adjoining landowners notice of the petition. I usually include the petition, site plan, and a notice of completion letter coming from WILCO or petitioner. If you file the section 248 petition within 180 days of the serving the advance notice, the petitioner does not need to redo the adjoining landowner search]

(D) The petitioner must file a certification that it has complied with the service and notice requirements of this section within five business days of receipt of a notice of a complete petition.

[TIP: Need to serve within 2 days of notice of complete, but have 5 days to file the certification that service has been done Epuc]

5.409 Intervention by Certain Persons and Entities

[Challenge: The legislature only granted automatic party status to a few state agencies, but PUC went beyond Section 248 and granted automatic party status to adjoining landowners, and NRB if they file a notice with certain information]

The following entities and persons may obtain party status in a proceeding conducted under Section 248 through the filing of a notice of intervention:

- (1) the Agency of Agriculture, Food and Markets;
- (2) the municipal legislative bodies and municipal and regional planning commissions in the communities where the project will be located;
- (3) the regional planning commission of an adjacent region if the distance between the project's nearest component and the boundary of that adjacent region is less than or equal to 500 feet or 10 times the height of the facility's tallest component, whichever is greater;
- (4) the legislative body and planning commission of an adjacent municipality if the distance between the project's nearest component and the boundary of that adjacent municipality is less than or equal to 500 feet or 10 times the height of the facility's tallest component, whichever is greater;

[TIP: The entities listed in 1-4 above (AAFM, municipalities, planning commissions, NRB) above must file a notice of intervention; they cannot just file a notice of appearance like at least one state agency is doing well after the intervention deadline.]

(5) the Natural Resources Board if the project site is subject to an Act 250 permit;

[TIP: There is no requirement in Section 248 or this Rule for the petitioner to determine whether its project is subject to an Act 250 permit. It seems like the burden is on NRB or other party to find and prove that project is subject to Act 250 permit. Suggestion to amend Section 248 to make clear that Section 248 projects do not need to comply with existing Act 250 permits on the property and PUC has no authority to apply Act 250 permits or their conditions to a Section 248 project]

(6) the Division for Historic Preservation;

(7) any interconnecting utility;

(8) **Adjoining Landowners;**

(9) the host landowner(s); and

(10) in the case of a wind generation project,[see rule]

A notice of intervention filed under this section by a person or entity identified in subsections (5) through (10), above, must include a list of specific issues on which the intervenor is seeking to participate and an explanation of how the intervenor's interests will be affected by a decision on the petition.

[TIP: NRB, DHP, interconnecting utility, adjoining landowners, host landowner, and some towns for wind projects must include details in their notice of intervention]

The provisions of Commission Rule 2.209(C) apply to interventions under this section.

[TIP: Rule 2.209(C) states: “Where a party has been granted intervention, the **Commission may restrict that party’s participation**, may require that party to join with other parties with respect to appearance by counsel, presentation of evidence, or other matters, and may otherwise limit that party’s participation, all as the interests of justice and economy of adjudication require. The Commission has discretion in determining when to order joint representation, but may not require a State agency to be represented jointly with any other party.”

Petitioner needs to file a motion under this rule to request the PUC to restrict/limit a party’s participation. The PUC has been very generous with allowing parties to participate, including granting adjoining landowners party status on need of renewable energy project.]

Rules 5.410 and 5.411-site visits and public hearings are no longer mandatory. They need to be requested or the PUC can have one if they need one.

5.412 Substantial Change Before Decision on a Petition

If the petitioner makes a substantial change to a proposed project after the petition has been filed with the Commission but before a decision has been issued, the petitioner must serve notice of this change on all parties and entities entitled to notice under this rule and Section 248, including any newly affected Adjoining Landowners, as defined by this rule. For the purpose of this subsection, a substantial change is one that has the potential for significant impact with respect to any of the criteria of Section 248(b) or on the general good of the State under Section 248(a).

[Tip: Reminder that you need to serve parties, all entities entitled to notice, and new affected adjoining landowners if there is a substantial change before CPG is issued]

5.413 Amendments to Projects Approved under Section 248

...

(A) If the approved project, or the portion of it that will be subject to the change, has been commissioned at the time the change is proposed, the proposed change must be filed as a petition in a new case consistent with the requirements of this rule. All notice and advance notice requirements must be met and must include notice to all parties in the original case as well as all entities entitled to notice under this rule and Section 248, including any newly affected Adjoining Landowners, as defined by this rule. Notice does not need to be given to previous Adjoining Landowners of adjoining properties who have transferred their interests since the time of the project's approval. Provided the proposed change can reasonably be characterized as a modification to the previously approved and commissioned project, the fees associated with the proposed change are those established for project modifications under 30 V.S.A. § 248c(d)(B)(3). However, if the proposed change is more accurately characterized as a new project, then the fees associated with a new project will apply under 30 V.S.A. §§ 248b and 248c. Factors that the Commission will consider in making this determination will include the amount of time that has passed since the original project was commissioned, the nature of the proposed change, the identities of the persons or entities involved in the original and modified projects, and any change in capacity to the original project.

[In sum, if a Section 248 project is operating/commissioned, and there is a substantial change, the process is treated as a new project (except for fees). Need to file 45-day advance notice, need to update adjoining landowner search, need to file entirely new section 248 petition. Amount of fees due depends on whether the changes just modify the existing project, or if the changes are really a new project]

(B) If the approved project, or the portion of it that will be subject to the change, **has not been commissioned at the time the change is proposed**, a request for an amendment to the certificate of public good may be filed in the same case in which the certificate of public good was issued. If the case in which the certificate of public good was issued has been closed, **the certificate of public good holder must contact the Clerk of the Commission before filing**. The petitioner must serve notice of the change on all parties and entities entitled to notice under this rule and Section 248, including any newly affected Adjoining Landowners, as defined by this rule. Notice does not need to be served on previous Adjoining Landowners of adjoining properties who have transferred their interests since the time of the project's approval. **New case procedures, including the provision of a 45-day advance submission, do not apply**. The fee due for modifications under 30 V.S.A. § 248c(d)(3)(B) applies to petitions filed under this subsection.

[In sum, if project is not commissioned, and there is a substantial change, you usually will need to call the clerk about how to file because the PUC is closing cases quickly. This process is confusing and inefficient because the PUC will require you to file in a new case with a new number. Rules are not clear how rulings from initial case, such as intervention rulings and deadlines, apply in new case. Must serve amendment petition on all parties and entitles entitled to notice. But only need to serve newly affected adjoining landowners (like if the project expanded onto a new parcel or new adjoining landowner purchased property). Do NOT need to submit 45-day notice].

(C) Requests for changes to the certificate of public good for an approved project that are **based on non-substantial changes to the project** may be made in the same case in which the certificate of public good was issued regardless of whether the project or portion of the project has been commissioned. If the case in which the certificate of public good was issued has been closed, the certificate of public good holder must contact the Clerk of the Commission before filing. The petitioner must serve notice of the change on all parties in the case in which the certificate of public good was issued. New case procedures, including the provision of a 45-day advance submission, do not apply.

[In sum, if the project has a non-substantial change but requires a CPG amendment, petitioner needs to provide notice to all parties and does NOT need to provide notice to all entities entitled to notice and does not need to issue a 45-day notice, or pay fees.]

[Challenge-the rule does not address motions for non-substantial change, which are very common. The Rule also provides no guidance on what kind of changes constitute a non-substantial change even though stakeholders asked for guidance and the PUC case law varies. There are no deadlines for the PUC to rule on non-substantial changes.]

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