

STATE OF VERMONT  
PUBLIC UTILITY COMMISSION

Case No. 24-3277-PET

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Petition of Vermont Gas Systems, Inc. to amend certificate of public good No. 7970	
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Order entered: 11/27/2024

**ORDER DISMISSING PETITION**

**I. INTRODUCTION**

In Case Nos. 17-3550-INV and 18-0395-PET (the “Investigation”), the Vermont Public Utility Commission (“Commission”) determined that Vermont Gas Systems made substantial changes to the Addison Natural Gas Pipeline (the “Project”) in violation of the Project’s certificate of public good (“CPG”). The Commission assessed a penalty of \$150,000 and determined that VGS must obtain an amended CPG. The Commission further determined that an adequate record existed in the Investigation to amend the CPG to authorize those changes and ordered VGS to submit a compliance filing that included proposed language for amendments to the CPG.

On appeal, the Vermont Supreme Court affirmed the Commission’s findings of CPG violations and the monetary penalty. However, the Court reversed the Commission’s determination that a CPG amendment could be issued in the Investigation proceeding. The Court held that “the Commission may effectuate amendments to a CPG only in a manner that satisfies the requirements of a § 248 proceeding.”<sup>1</sup> Accordingly, the Court vacated the Commission’s supplemental findings regarding the revised Project’s impacts under the Section 248 criteria. The Court remanded the matter to the Commission for further proceedings consistent with the Court’s decision.

On October 28, 2024, VGS filed a petition requesting that the Commission “amend the existing CPG in this new proceeding based on the evidentiary record from the Investigation and the proposed CPG amendments set forth herein.” In support of its petition, VGS filed over one hundred exhibits.

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<sup>1</sup> *In re Vermont Gas Sys., Inc.*, 2024 VT 19, ¶ 56.

In today's order, we determine that VGS's filing does not contain the information required by Commission Rules 5.403, 5.404, and 5.413(A). VGS's filing was incorrectly filed as a general petition rather than as a Section 248 application. In so doing, VGS omitted required components of the application necessary for Commission review. The petition is dismissed without prejudice and VGS is directed to refile its petition so that it complies with the requirements for Section 248 petitions.<sup>2</sup>

## **II. DISCUSSION AND CONCLUSION**

VGS attached to its petition a document titled "Rule 5.403(A) Summary of Specific Information Not Applicable to the Petition to Amend." VGS explains its position that "many of the required components of a new CPG petition under PUC Rule 5.403(A) are largely inapplicable" and, therefore, VGS should not be required to provide them "because this is not a new proposed project."<sup>3</sup>

The Commission does not agree with VGS's determination that almost the entirety of Rule 5.403 is inapplicable just because the petition is for an amendment to an existing facility. Rule 5.413(A) states that amendment petitions for projects that have been commissioned at the time the change is proposed "must be filed as a petition in a new case consistent with the requirements of this rule." VGS's petition does not contain some of the most basic components of a Section 248 petition, including testimony explaining how the amendments will comply with the statutory criteria, a site plan, and an index linking the evidence to the relevant statutory provisions. There are certainly provisions of Rule 5.403 that are inapplicable to VGS's petition, such as those establishing requirements for renewable energy facilities.<sup>4</sup> However, VGS has not filed the information required by Rules 5.403 and 5.404.

VGS misconstrues the Commission's June 25, 2024, Order in Case Nos. 17-3550-INV and 18-0395-PET as setting "forth the [exclusive] contents that should be included in the Petition

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<sup>2</sup> Pursuant to Rule 5.406, the Commission reviews Section 248 petitions for completeness and conveys a determination to the applicant in a memorandum. Applicants are typically provided an opportunity to submit any missing information in the case to complete the application. This case is different because it was initiated using the wrong form in ePUC and because VGS has asserted that many of the filing requirements in Rule 5.403 do not apply in this case. This order responds to VGS's arguments and concludes that closing this case and requiring VGS to refile using the correct form in ePUC is the appropriate way to address the insufficiencies in VGS's filing.

<sup>3</sup> Commission Rule 5.403(A) Summary of Specific Information Not Applicable to the Petition to Amend at 3.

<sup>4</sup> See e.g., Commission Rule 5.403(A)(19).

to amend.”<sup>5</sup> The Commission’s June 25, 2024, Order gives guidance on specific issues that the Commission wants to address when considering VGS’s petition to amend the CPG. The Order does not supplant the submission requirements for petitions to amend a CPG pursuant to Rules 5.403, 5.404, and 5.413. As we stated in the June 24, 2024, order: “Vermont Gas must file, using ePUC, a petition in a new case requesting amendments to the CPG granted in Case No. 7970 to reflect the unapproved substantial changes made to the pipeline by Vermont Gas.”<sup>6</sup> The overall purpose of requiring a new Section 248 petition in this situation is so the Commission and all interested parties have sufficient information to understand what changes are being reviewed and the amendments’ impacts under each of the substantive criteria of Section 248.

To be clear, the Commission is not requiring VGS to submit its petition as if the Project is being proposed as a new facility. The petition should be limited to information relevant to the substantial changes that require Commission approval. VGS must address each of the applicable requirements in Rules 5.403 and 5.404. VGS must clearly identify the testimony and exhibits in its index of evidence and provide a descriptive title linking the document to the filing requirement that the document is being offered to fulfill. For example, to meet the requirements of Rule 5.403(A)(1), VGS must prefile testimony and exhibits that demonstrate how the proposed amendments will satisfy each of the Section 248(b) criteria, as well as the general good of the state. Similarly, to meet the requirements of Rule 5.403(A)(7), VGS must file site plans for the portions of the Project that have substantially changed, consistent with the requirements for site plans of linear projects in Rule 5.404.

In summary, VGS’s filing is defective because the case was not initiated using the correct form in ePUC and does not contain the information required by our rules. The petition filed in this case is dismissed without prejudice and this case is closed.


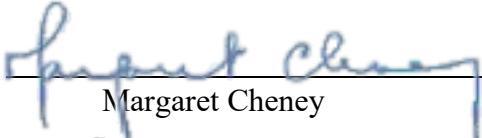
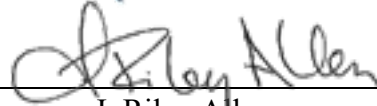
VGS is directed to refile its petition in accordance with Rule 5.400 as soon as practicable but not later than within 30 days of this Order.

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<sup>5</sup> Rule 5.403(A) Summary of Specific Information Not Applicable To The Petition to Amend at 2.

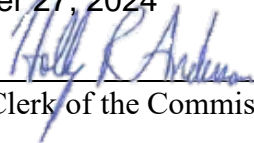
<sup>6</sup> Investigation, Order of 6/25/24 at 4; *see also* 2024 VT 19, ¶ 42 & n.11.

Dated at Montpelier, Vermont this 27th day of November, 2024.

 _____ )	) PUBLIC UTILITY ) )
Edward McNamara )	
_____ )	
 _____ )	) COMMISSION ) )
Margaret Cheney )	
_____ )	
 _____ )	) OF VERMONT )
J. Riley Allen )	

OFFICE OF THE CLERK

Filed: November 27, 2024

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)*

*Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Commission within 30 days. Appeal will not stay the effect of this Order, absent further order by this Commission or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Commission within 28 days of the date of this decision and Order.*

PUC Case No. 24-3277-PET - SERVICE LIST

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