

State of Vermont  
Department of Public Service  
112 State Street  
Montpelier, VT 05620-2601  
<http://publicservice.vermont.gov>

[phone] 802-828-2811  
[fax] 802-828-2342  
[tdd] 800-734-8390

January 1, 2020

Office of Legislative Council  
State of Vermont General Assembly  
115 State Street  
Montpelier, VT 05633-5301

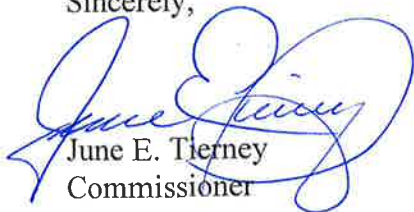
RE: Certificate of Public Good; Complaint Protocol Report and Recommendations

Dear Senators and Representatives,

The Department of Public Service hereby files its fourth annual report for complaints concerning the alleged failure of a company to comply with the terms and conditions of a certificate of public good issued by the Public Utility Commission, as established in 30 V.S.A. §§ 248, 248a, Annotation, *Department of Public Service; Certificate of Public Good; Complaint Protocol* (2015, No. 130 (Adj. Sess.)) § 5c.

The Department's Consumer Affairs and Public Information (CAPI) Division investigates and reports on complaints about the alleged failure of holders of a certificate of public good (CPG) to abide by its terms and conditions. Quarterly reports will consolidate complaints of a similar nature involving the same company and provide some information about the Department's progress with its investigation and response to complainants. Complaint information received by other agencies and the Public Utility Commission are sent to CAPI for consolidation into its reporting. The quarterly statistical reports for CPG complaints are included in the annual report and are also available online at: <http://publicservice.vermont.gov/cpg-complaint-protocol>.

Sincerely,



June E. Tierney  
Commissioner



JET/cmf





**Complaints about Alleged Violations of the Terms  
and Conditions of Certificates of Public Good**

**Annual Report for the Year Ending November 30, 2019**

**Submitted to:**

**Vermont General Assembly**

**Consumer Affairs and Public Information Division  
Vermont Department of Public Service  
January 1, 2020**

## Table of Contents

|   |   |
|---|---|
| Introduction .....  | 2 |
| Complaints Researched by Consumer Affairs and Public Information at the Vermont Department of Public Service for the period January 1, 2019 through November 30, 2019. .... | 3 |
| Administrative Citations.....   | 6 |
| Draft Administrative Citations .....  | 6 |
| Final Administrative Citations.....   | 6 |

For more information contact Consumer Affairs and Public Information, Vermont Department of Public Service, 112 State St., Montpelier, VT 05620-2601, 802-828-4051, [PSD.consumer@vermont.gov](mailto:PSD.consumer@vermont.gov)

## **Introduction**

In response to Act 130 in 2016, 30 V.S.A. §§ 248, 248a, Annotation, *Department of Public Service; Certificate of Public Good; Complaint Protocol* (2015, No. 130 (Adj. Sess.)) § 5c the Consumer Affairs and Public Information Division (CAPI) of the Vermont Department of Public Service (Department) drafted a protocol to address complaints about the alleged failure of holders of a Certificate of Public Good (CPG) to abide by the terms and conditions of their CPG. The protocol was implemented on September 1, 2016. At that time, the Public Utility Commission (PUC) began referring complaints about potential CPG violations to CAPI and including direction in Commission orders to CPG holders to follow the complaint protocol. The Vermont General Assembly later expanded the Department's investigative authority to include administrative citations, effective July 1, 2017.

CAPI collects data about and reports on complaints about the alleged failure of holders of a Certificate of Public Good (CPG) to abide by its terms and conditions. The public may make complaints by email, in writing, by phone or in person to the Department. Alternatively, a CPG holder may self-report a potential violation or a complaint it received directly from the public. Another agency that receives a complaint may collect basic details and forward that information to the Department for investigation. No complainant is required to contact a company or CPG holder prior to filing a complaint with the Department.

CAPI investigates complaints and works toward an informal resolution between the complainant and the CPG holder. If an informal resolution cannot be reached, and following an investigation, the Department has reason to believe the CPG holder has violated sections 246, 248, 248a, or 8010, the Department will follow the statutory process for issuing an administrative citation.

The quarterly statistical reports for CPG complaints are available online at:  
<https://publicservice.vermont.gov/content/cpg-complaints-quarterly-reports>

**Complaints Researched by Consumer Affairs and Public Information at the Vermont Department of Public Service for the period January 1, 2019 through November 30, 2019.**

CAPI received eleven new complaints about CPGs in the first eleven months of 2019. Nine of these complaints were about solar installations. Two complaints related to a wireless cell tower.

Six cases were opened and closed in the first eleven months of 2019, and one case that was opened in 2018 was closed in 2019. One case remains open at the close of November 2019. Two complaints were determined to be about the same site and were consolidated. Five cases were determined to be about something other than the terms and conditions of the CPG and were addressed in other ways. Mitigation was recommended and completed in one instance. In three instances, CAPI had reason to believe that further investigation may be necessary to determine whether a violation may have occurred and referred the cases to Public Advocacy for further review and possible filing with the Public Utility Commission.

Figure 1 Complaint Data for January through March 2019

| CPG Complaints Opened in Q1 2019 by CAPI |              |                    |                       |        |                     |
|--|--------------|--------------------|-----------------------|--------|---------------------|
| Energy Type                              | Project Town | Description        | Investigated by CAPI? | Status | Potential Violation |
| Solar                                    | Rutland Town | Road Usage/Burning | Yes                   | Open   |                     |
| Solar                                    | Rutland Town | Burning            | Yes                   | Open   |                     |

| CPG Complaints Closed in Q1 2019 by CAPI |               |             |                       |            |
|--|---------------|-------------|-----------------------|------------|
| Energy Type                              | Project Town  | Description | Investigated by CAPI? | Resolution |
| Solar                                    | Weathersfield | Screening   | Yes                   | Mitigation |

Figure 2 Complaint Data for April through June 2019

| CPG Complaints Opened in Q2 2019 by CAPI |              |                       |                       |        |                     |
|--|--------------|-----------------------|-----------------------|--------|---------------------|
| Energy Type                              | Project Town | Description           | Investigated by CAPI? | Status | Potential Violation |
| Solar                                    | Rutland Town | Road Usage/Burning    | Yes                   | Open   |                     |
| Wireless                                 | Charlotte    | Siting                | No                    | Closed | No                  |
| Solar                                    | Hardwick     | Interconnection issue | No                    | Closed | No                  |
| Solar                                    | Colchester   | Informational Issue   | No                    | Closed | No                  |

| CPG Complaints Closed in Q2 2019 by CAPI |              |                       |                       |           |
|--|--------------|-----------------------|-----------------------|-----------|
| Energy Type                              | Project Town | Description           | Investigated by CAPI? | Violation |
| Wireless                                 | Charlotte    | Siting                | No                    | No        |
| Solar                                    | Hardwick     | Interconnection issue | No                    | No        |
| Solar                                    | Colchester   | Informational Issue   | No                    | No        |

Figure 3 Complaint Data for July through September 2019

| CPG Complaints Opened in Q3 2019 by CAPI |              |                  |                       |        |                     |
|--|--------------|------------------|-----------------------|--------|---------------------|
| Energy Type                              | Project Town | Description      | Investigated by CAPI? | Status | Potential Violation |
| Solar                                    | Londonderry  | Site Maintenance | No                    | Open   |                     |
| Solar                                    | Williston    | Screening        | No                    | Closed | No                  |

| CPG Complaints Closed in Q3 2019 by CAPI |              |             |                       |           |
|--|--------------|-------------|-----------------------|-----------|
| Energy Type                              | Project Town | Description | Investigated by CAPI? | Violation |
| Solar                                    | Williston    | Screening   | No                    | No        |

Figure 4 Complaint Data for October through November 2019

| CPG Complaints Opened between October 1, 2019 and November 30, 2019 by CAPI |              |               |                       |          |                     |
|---|--------------|---------------|-----------------------|----------|---------------------|
| Energy Type   | Project Town | Description   | Investigated by CAPI? | Status   | Potential Violation |
| Wireless  | Richford     | Safety Issues | Yes                   | Referred | Yes                 |
| Solar   | Williston    | Screening     | No                    | Closed   | No                  |
| Solar   | Landgrove    | Right of Way  | Yes                   | Open     |                     |

| CPG Complaints Closed between October 1, 2019 and November 30, 2019 by CAPI |              |                  |                       |           |
|---|--------------|------------------|-----------------------|-----------|
| Energy Type   | Project Town | Description      | Investigated by CAPI? | Violation |
| Solar   | Williston    | Screening        | No                    | No        |
| Solar   | Londonderry  | Site Maintenance | Withdrawn             |           |

## **Administrative Citations**

### ***Draft Administrative Citations***

No draft administrative citations were issued in the first eleven months of 2019.

### ***Final Administrative Citations***

No final administrative citations were issued in the first eleven months 2019 to a CPG holder.