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January 10, 2024

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 eighth 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 Section 5c of Act 130 of 2016.

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: <https://publicservice.vermont.gov/certificate-public-good-cpg-complaints>.

If you have any questions or concerns regarding this report, please do not hesitate to contact me or the Director of Consumer Affairs and Public Information, Carol M. Flint at carol.flint@vermont.gov.

Best regards,
DocuSigned by:

A handwritten signature in blue ink that reads "June E. Tierney".

380A0A0CB54C46E...

June E. Tierney
Commissioner

JET/cmf/af



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

Annual Report for the Year Ending December 31, 2023

Submitted to:

Vermont General Assembly

Consumer Affairs and Public Information Division
Vermont Department of Public Service
January 10, 2024

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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

Introduction

In response to Act 130 in 2016, 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 at the conclusion of our investigation, and 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.

Complaints Researched by Consumer Affairs and Public Information at the Vermont Department of Public Service for the period January 1, 2023 through December 31, 2023.

CAPI received six complaints about CPGs in 2023. Five complaints were regarding solar arrays: one regarding siting, three regarding site maintenance and one about decommissioning. The final complaint was about an electric utility regarding siting.

One of the solar siting cases is still being reviewed, one was closed due to lack of applicable conditions in the CPG, and three of the solar cases were referred to Public Advocacy within the Department of Public Service, with the electric utility case still being reviewed.

CPG Complaints filed in 2023					
Energy Type	Project Town	Description	Investigated by CAPI?	Status	Potential Violation
Solar	Lunenburg	Decommissioning	No	Closed	Yes
Solar	Brandon	Site Maintenance	No	Closed	Yes
Solar	St. Albans	Site Maintenance	No	Closed	Yes
Solar	Shoreham	Siting	Yes	Open	Yes
Solar	Lunenburg	Site Maintenance	Yes	Closed	No
Electric	Castleton	Placement	Yes	Open	Yes

Administrative Citations

Draft Administrative Citations

No draft administrative citations were issued in 2023 to a CPG holder.

Final Administrative Citations

No final administrative citations were issued in 2023 to a CPG holder.