

STATE OF VERMONT
PUBLIC SERVICE DEPARTMENT

VERMONT DEPARTMENT OF PUBLIC SERVICE
NOTICE OF PUBLIC HEARING ON THE
NORTHEASTERN VERMONT DEVELOPMENT
ASSOCIATION'S REQUEST FOR A DETERMINATION
OF ENERGY COMPLIANCE PURSUANT TO
24 V.S.A. SECTIONS 4352

October 25, 2023
6:30 p.m.

Via videoconference

Public hearing held before the
Vermont Department of Public Service, via GoToMeeting, on
October 25, 2023, beginning at 6:30 p.m.

P R E S E N T

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Anne Margolis, DPS
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Alison Low, NVDA
Allie Webster, NVDA

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S P E A K E R S

Page

Mark Whitworth----- 17

1
2
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4
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6
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1 MR. POOR: Welcome. This is a public
2 hearing for the Northeastern Vermont Development
3 Association's request for a determination of energy
4 compliance pursuant to 24 V.S.A. 4352. Thank you all
5 for being here.

6 My name is T.J. Poor. I'm the director
7 of planning for the Vermont Department of Public
8 Service. With me tonight are Anne Margolis, the
9 deputy planning director; Michael Swain, an attorney
10 in the public advocacy division; and Julie Raboin,
11 our public outreach manager.

12 And also the folks from Northeast
13 Vermont Development Association are here; Alison Low
14 and Allie Webster. We are doing this public hearing
15 in hybrid form. There is currently nobody here at
16 the physical location in St. Johnsbury, but we do
17 have attendees online. This is our first public
18 hearing doing it this way, so please bear with us if
19 there is any technical difficulties.

20 So if you're online please stay on mute
21 until it is time to speak. Before turning things
22 over to NVDA, I would like to start by offering a
23 little context for our public hearing tonight. Act
24 174 created an energy planning process in Vermont for
25 regional planning commissions. Pursuant to this

1 process the regional planning commission has the
2 option of submitting it's duly-adopted plan to the
3 Commissioner of the Department of Public Service for
4 an affirmative determination of compliance with the
5 statutory standards of 24 V.S.A. 4352.

6 When a regional plan has received an
7 affirmative compliance determination under section
8 4352, the Public Utility Commission is required to
9 afford substantial deference in Section 248
10 proceedings -- those are proceedings for Certificates
11 of Public Good before the commission -- for the land
12 conservation measures and specific policies contained
13 in a plan when reviewing any proposed electric
14 generation facility in the region that is covered by
15 the plan.

16 In 2018 NVDA submitted a request for
17 and received an affirmative compliance determination.
18 Since then they have readopted their regional plan
19 and recently submitted this plan, along with an
20 assessment report for affirmative determination of
21 compliance with the statutory standards of 24 V.S.A.
22 4352.

23 So the purpose of this hearing is to
24 gather input from the public regarding NVDA's current
25 request for the determination of the Department of

1 Public Service that the NVDA regional plan complies
2 with energy planning requirements set forth in
3 statute.

4 If the department finds that the plans
5 comply, the land conservation measures and specific
6 policies contained in the plan would receive
7 substantial deference during any Public Utility
8 Commission siting review of any proposed electric
9 generation facility within NVDA's service territory.

10 So we have asked NVDA, Alison Low, a
11 senior planner here, to begin this hearing with a
12 brief overview of the plan, after which we will
13 invite members of the public to provide input. And
14 we will hold questions until the end of the
15 presentation, please.

16 One last formality is that tonight's
17 hearing is being transcribed by a court reporter, so
18 when you do come forward to speak, please spell your
19 name. I also encourage you to submit written
20 comments to the department via email at PSD.
21 Planning.Standards@Vermont.gov by November 8 is the
22 deadline for that.

23 With that, I will turn it over to
24 Alison.

25 MS. LOW: And actually I'm going to

1 turn it right over to Allie. I'm going to pass the
2 buck here.

3 MR. POOR: Okay.

4 MS. WEBSTER: Wait. No, no, no. I
5 need to share my screen. Just a moment, and I'm
6 going to share our presentation. Everyone can see
7 that okay?

8 THE COURT REPORTER: Yes.

9 MS. WEBSTER: I can't see anyone's
10 faces anymore. Sorry. So thank you for the audio
11 confirmation.

12 I'm Allie Webster, energy planner with
13 NVDA, and thank you, T.J., for all of the background.
14 We have a summary of that noted here as well. And
15 just to also mention that as she just stated, we are
16 working on a new regional plan that will incorporate
17 the new municipal targets for the 2023 LEAP
18 projections. And we will make that available to
19 towns as soon as possible. In the meantime, our
20 existing municipal energy targets that are based on
21 the 2018 data can be found in the Appendix of the
22 other -- the existing energy plan, and this data is
23 valid until our new date that is analyzed and made
24 available.

25 MS. LOW: We were just in kind of an

1 awkward point where our plan was going to expire. We
2 knew that we were kind of tired of our approach to
3 developing a regional plan. So we wanted to do a
4 fairly ambitious update, but in the meantime we
5 needed to extend the life of the existing plan by
6 doing an updating readoption.

7 And at that time the new standards for
8 Act 174 had come into play. So it was not possible,
9 even though we had just updated and readopted the
10 plan, we still have to apply for substantial
11 deference.

12 MS. WEBSTER: Thanks, Alison. Yes.
13 And Alison is going to chime in as much as we would
14 like and as possible through this presentation.

15 So in addition to our energy plan
16 working to meet Vermont's climate and energy goals as
17 well as the environmental justice law, this regional
18 energy plan also aspires to follow the goals and
19 principles that are detailed in the energy equity
20 project framework. And that very much integrates or
21 internalizes the four pillars of energy justice
22 bearing in mind recognition, procedural,
23 distributional and restorative justice. And within
24 our plan we have really tried to keep in mind these
25 goals of putting forward planning and policies that

1 ensure that everyone has continuous access to energy,
2 everyone has the ability to live a healthy, safe and
3 comfortable life, and that no one should spend more
4 than 6 percent of their income on energy bills. And
5 those that are most impacted should have the most
6 powerful voice in the decision making and receive
7 their fair share of benefits.

8 This is just a quick, high level
9 overview of our energy use by sector. It hasn't
10 changed so substantially from the last energy plan.
11 Thermal is still very much the highest, at least by
12 sector, followed by transportation and then
13 electricity. And then over here on the right it's a
14 little tricky to see, but it's available online, and
15 also in our plan is a map of the energy burden
16 metrics for our region from Efficiency Vermont's 2018
17 plan.

18 So there is a new report out actually,
19 and we need -- we are planning on updating this map
20 with the latest energy burden data, but what the big
21 takeaway is is the Northeast Kingdom has some of the
22 highest percentages of energy burden across all of
23 Vermont.

24 The Efficiency Vermont energy burden
25 metric includes transportation, which is not typical

1 for the rest of the nation when they look at energy
2 burden. It's usually just looking at electricity and
3 thermal. But Vermont's includes transportation and
4 that is actually one of the highest in our region
5 specifically. And we highlight this because higher
6 than 6 percent energy burden really correlates to
7 long-term energy poverty which can lead to other
8 lasting economic and health concerns.

9 So it's a regional priority that we
10 want to address, and we lay out a lot of policies and
11 planning strategies to try to reduce energy burden in
12 the region.

13 So now we will dive into each of the
14 sectors starting with the highest one, heating, at 49
15 percent. The big takeaway here is that fossil fuel
16 oil continues to be the most widely consumed
17 residential fuel oil. And then that's followed by
18 wood and biomass. That checks -- that's the same as
19 it was in the past report as well. And there is
20 about 19.4 percent of homes using propane. And then
21 electricity was just at 2 percent.

22 Some of the Northeast Kingdom thermal
23 challenges that we see, we have some of the oldest
24 housing stock in the state. And certain older homes
25 are less likely to be insulated and therefore, are

1 leakier, and that drives up energy costs and
2 consumption.

3 And nearly one third of the housing
4 stock in the Northeast Kingdom was built prior to
5 1940. So when looking at some of the weatherization
6 goals the state has, wanting -- knowing that
7 according to EAN's estimates that we need to
8 weatherize 13,400 homes each year, a total of 90,000
9 to meet our climate goals, that works out to about
10 2,000 homes -- sorry. And currently less than 2,000
11 homes are weatherized a year in Vermont. That's a
12 substantial goal to meet and a big challenge in our
13 region specifically. If you look at just the
14 weatherization assistance program and participation
15 by county, you can see that in the graph on the side,
16 but only 160 Northeast Kingdom homes participated in
17 the weatherization assistance program through NEDO
18 and fiscal year 2021 that was less than one percent.
19 So we have a lot of work to do in seeing those homes
20 weatherized.

21 MS. LOW: That's just through NEDO.

22 MS. WEBSTER: That's just through the
23 NEDO program.

24 MS. LOW: That doesn't count like Heat
25 Squad.

1 MS. WEBSTER: Correct. Or the
2 Efficiency Vermont rebates. Yes. And those numbers
3 are also provided in the report.

4 Transportation energy is the second
5 highest. 36 percent. And as of the ACS 2015-2020
6 data, we were able to see that Northeast Kingdom has
7 approximately 48,000 fossil fuel burning vehicles on
8 the road.

9 Since our last regional energy plan the
10 number of EVs registered has more than doubled, so
11 you can see those numbers changing over time from
12 2017 through 2021. And the public EV charging
13 infrastructure has also more than doubled. Our last
14 plan listed about 7, and it's changing quite
15 frequently now with more grants coming, but at least
16 it has doubled since then.

17 In terms of planning recommendations
18 for electric vehicle supply equipment NVDA continues
19 to encourage our towns and local businesses to
20 install EV charging infrastructure that's convenient
21 at desirable locations, or in village centers,
22 downtowns, opportunity zones, as well as along key
23 interstate and interstate corridors in the Northeast
24 Kingdom.

25 And in terms of equity and

1 transportation we point to several different
2 strategies, but one we wanted to highlight right now
3 was the transportation demand management strategies
4 which lines up with the Comprehensive Energy Plan
5 providing more multi-modal choices, not just trying
6 to increase EV usage, but also to find ways to have
7 more public transit, ride share, electric mobility.

8 And this is particularly important in
9 our region because you'll see the visual from the
10 Department of Health on the left we have a -- some of
11 the highest concentrations of folks over 60 years of
12 age as well as people with disabilities. And we want
13 to be able to provide lots of different ways for
14 people to get to the places where they need to go.

15 Electricity is at 15 percent. And this
16 is the data from Efficiency Vermont showing the
17 electricity consumption by year. So it's about 6,000
18 -- a little over 6,000 kilowatthours per year in
19 2021. And just as a point of comparison the United
20 States average residential is around 10,000
21 kilowatthours. So we expect these numbers to
22 continue to go up though as more beneficial
23 electrification takes place over time.

24 Section 2 within our energy plan
25 focuses on renewable energy, storage, transmission

1 and distribution resources, and we just picked a few
2 of the items here. But if you were to look back at
3 our pie chart at the beginning this is where you
4 would get that large blue total energy demand
5 megawatthours. And this is just a way of comparing
6 it to our total energy demand and then how much
7 renewable generation is actually in the Northeast
8 Kingdom.

9 So it's an important reminder to show
10 that the Northeast Kingdom hosts a lot of existing
11 renewables, but not much load relative to other
12 regions.

13 MS. MARGOLIS: I think if you took just
14 the electricity demand, it's much smaller than your
15 green dot, renewable generation; is that right?

16 MS. WEBSTER: Yes, you're right. And
17 this is sort of a -- this is a way of thinking if we
18 were to be fully -- a hundred percent
19 electrification, and our energy demands, you know, go
20 for thermal, and transportation, and electricity.
21 That would be the total energy picture.

22 And then our existing renewable energy
23 generation. You can see the different installed
24 capacity, and sites, and their annual production.
25 And just to say we are in support of the 90 by 2050

1 goals. And these targets can be met through a
2 variety of different renewable technologies including
3 solar, wind, hydro and biomass, and at this point
4 using some of the generation scenario tools and
5 looking at our original analysis in the 2018 plan
6 where we are well on track to meet the Northeast
7 Kingdom's contributions to 2050 targets for renewable
8 energy generation based on our population size and
9 energy resource potential.

10 And this was a little bit tricky to
11 read. But all of our siting guidelines, of course,
12 are detailed, in depth in both plans, looking at our
13 specific regional constraints.

14 This is -- Alison, do you want to add
15 anything here about -- we did, I think, new to this,
16 we have updated them to be consistent with the
17 Climate Action Plan, the 2022 Act 174 standards with
18 an emphasis on the value of forest lands for
19 sequestering and storing carbon.

20 MS. LOW: We still have a regional
21 constraint of high elevation lands that are 2,000
22 feet or higher which would also include sensitive
23 headwaters, natural landmarks, important wildlife
24 areas. And our plan specifies that those areas are
25 inappropriate for energy development. Similarly,

1 they are inappropriate for commercial -- like
2 commercial development of a similar scale.

3 So our land use plan also points that
4 out. And we know that we are going to have to change
5 our future land use map because of changes in
6 statute, but we anticipate that we will continue to
7 have the same specifications for sensitive rural
8 lands which is what they are.

9 MS. MARGOLIS: Curious, maybe it's not
10 relevant, but what are the changes in statute?

11 MS. LOW: All of the regional planning
12 commissions are required to come up with -- designate
13 what they call future land use maps. And it
14 identifies areas -- it's not really -- it's not
15 really about zoning, but what it is is about areas
16 that can absorb greater densities. Greater densities
17 of development. So like our designated downtown
18 areas would be planned growth areas, whereas some of
19 our more sensitive rural lands, what we are calling
20 now sensitive rural lands in the land use planning,
21 would probably be classified as rural conservation.

22 We haven't worked through all of the
23 nuts and bolts of it yet, and it's still in
24 development.

25 MS. WEBSTER: And then again

1 highlighting some of the equity strategies throughout
2 our plan. These are three possibilities for
3 renewable energy access and affordability. We point
4 to community-owned solar and other distributed energy
5 resources, utility-led energy programs like the EAP's
6 program run out of the Vermont Department of Children
7 and Families, and state-led energy programs like ones
8 that are overseen by the Vermont Clean Energy
9 Development Fund, and highlighting ACRE and the
10 possibility for those to bring in thousands of more
11 community members to help reduce energy costs while
12 growing renewable energy possibilities.

13 And this is the final section of our
14 energy plan, the NEK pathways. This is highlighting
15 the two main goals and the objectives within those.
16 And then there are many, many detailed actions within
17 each of the objectives that you can drill down and
18 really get specifics for community action and
19 regional action. But the two main goals are moving
20 the region's energy system to meet the goals of
21 Vermont's energy and greenhouse gas reduction goals
22 while balancing economic vitality and affordability.
23 And then decreasing transportation energy burden
24 costs and fossil fuel pollution.

25 And with that, we are at the end and

1 happy to take questions or comments.

2 MR. POOR: Great. Thank you, Allie.

3 MS. LOW: Should we navigate away --

4 MR. POOR: Great. So with that, I
5 think now is time for comments; questions, comments
6 from the public.

7 And so Mark, sorry for the false start
8 earlier, but if you would like to comment, now would
9 be a great time.

10 MR. WHITWORTH: Thanks, T.J.

11 I'm Mark Whitworth. I'm on the Newark
12 planning commission, and I'm also on the board of
13 directors of the NVDA. And as of fairly recent on
14 the executive committee as well.

15 And yeah, I know that the drafting of
16 these plans is a tremendous amount of work, and yeah,
17 and the -- requires balancing goals that are not
18 consistent with each other.

19 And I think that the team of planners
20 at the NVDA has done a fabulous job, and I commend
21 them.

22 And that's my comments. Thanks.

23 MS. LOW: Thanks, Mark. You did this
24 update.

25 MS. WEBSTER: Off of your excellent

1 2018 plan.

2 MR. POOR: Well, thank you for that
3 comment. Those are always good comments to hear.
4 And thanks for joining us tonight.

5 If you would also like to submit it in
6 writing, you can do that as well using the
7 information I provided earlier.

8 Are there any other things that we want
9 to have on the record for the public hearing? NVDA
10 or any other members of the Public Service
11 Department?

12 MS. MARGOLIS: Well I was wondering if
13 you just want to speak a little bit to the plan
14 revision that you guys are hoping to do and what you
15 want it to do differently and the timeline.

16 MS. LOW: So we want our regional plan
17 essentially to be less like a white paper and more
18 like a visionary document. And I realize that there
19 are -- there are, you know, specific requirements
20 that a regional plan has to have. But we are
21 thinking that if we can organize it in a different
22 way, it will make it more accessible to a general
23 population, because most of our people on our local
24 planning commissions are volunteers. And you know, I
25 think that our existing regional plan is very

1 comprehensive, but it's also a little intimidating.

2 It also -- it was developed in kind of
3 parallel tracks, like our transportation plan follows
4 a different format from the rest of the plan. So
5 everything is going to have a similar format where
6 the core narrative of the plan will organize each
7 chapter around core planning principles such as
8 community empowerment, providing a toolkit for each
9 community for a range of choices that they could do
10 to bring about change. Case studies. Core takeaways
11 that can be illustrated by data, but not -- we don't
12 want to blind people with science. If there is an
13 extensive amount of data, it's going to live in an
14 Appendix where people can take a deeper dive. But
15 they should be able to look at the snapshot and say
16 this is why we are presenting this data because this
17 situation is relevant in our community.

18 The -- we want to have a focus on
19 equity. And not just on energy equity but across the
20 board. I mean particularly, like, in housing. And
21 we want to address some issues that haven't been
22 addressed in the past such as homelessness. I mean
23 it's kind of shocking to note that our regional plan
24 is silent on homelessness, and homelessness comes in
25 many forms. It's, you know, couch surfing with

1 families, and maybe they are not showing up
2 completely unhoused, but now we also have an unhoused
3 population.

4 So I mean those things aren't
5 necessarily -- I'm steering away from energy, but
6 it's trying to organize the plan in a user-friendly
7 manner so that somebody can quickly find the
8 information that they want. But then if they want to
9 take a deeper dive into the data, they will look into
10 an Appendix.

11 For the energy plan we would envision
12 once we have done a municipalization of the LEAP
13 modeling, that would all reside in an Appendix. As
14 well as our updated energy use estimates. So we
15 would have all of the information as well as the
16 methodology for, like, how we arrived at that.

17 And I realize that that conversation is
18 still evolving --

19 MS. WEBSTER: Yes.

20 MS. LOW: -- with the various energy
21 planners around the state. But right now I think our
22 energy plan is very data intensive, and not all of
23 that data needs to reside in the core of the plan.

24 MS. MARGOLIS: And that it's, like, a
25 year long effort or --

1 MS. LOW: We are already into drafting.

2 MS. MARGOLIS: Yeah.

3 MS. LOW: So yeah. I would think by
4 the end of the year. There are some things that are
5 beyond our control because we don't know what the
6 final requirements for the future land use map would
7 look like. So we are kind of keeping that on the
8 back of our mind knowing that that's out there. We
9 are also going to have lot more outreach. And it's
10 multifaceted outreach. We are already launching a
11 broad community survey off of our website to identify
12 just, like, the highest level priorities. But then
13 we are also going to have targeted engagement with
14 various stakeholder groups going into a deeper dive
15 on the various topics.

16 So -- it's very exciting, and I think
17 what will be nice is that we will have a single,
18 unified document that is consistent and, you know,
19 it's meaningful. Those are my hopes.

20 MS. MARGOLIS: As planners we hear the
21 desire to get, you know, something that's a little
22 more streamlined and usable.

23 MS. LOW: Yeah.

24 MS. MARGOLIS: And look forward to
25 learning from you.

1 MR. POOR: Yeah. We are trying to do
2 that as well, and making it accessible to the people
3 that you're serving. It's definitely a good goal.
4 And more challenging than --

5 MS. LOW: It's an ongoing challenge.

6 MS. WEBSTER: Definitely.

7 MR. POOR: Great. Is there anything
8 else that you two would like to add from the NVDA?

9 MS. WEBSTER: I think just a big thank
10 you for all of the support that we have received from
11 the various members of your team, getting data,
12 figuring out how to use new tools. And we just
13 really appreciate the flexibility and also the
14 ability to kind of learn as we go for some of this
15 new data that has come out. And that's been really
16 helpful to always know that there is several people
17 that we can ask questions and get good responses
18 from.

19 MS. MARGOLIS: We will pass that along.

20 MR. POOR: Okay. With that, I think we
21 can close the public hearing.

22 (Whereupon, the proceeding was
23 adjourned at 7:02.)
24
25

C E R T I F I C A T E

1
2
3 I, Kim U. Sears, do hereby certify that I
4 recorded by stenographic means the Public Hearing re:
5 NVDA Request for a Determination of Energy Compliance, via
6 videoconference, on October 25, 2023, beginning at 6:30
7 p.m.

8 I further certify that the foregoing
9 testimony was taken by me stenographically and thereafter
10 reduced to typewriting and the foregoing 22 pages are a
11 transcript of the stenograph notes taken by me of the
12 evidence and the proceedings to the best of my ability.

13 I further certify that I am not related to
14 any of the parties thereto or their counsel, and I am in
15 no way interested in the outcome of said cause.

16 Dated at Williston, Vermont, this 28th day
17 of October, 2023.

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<p style="text-align: center;">0</p> <p>05402-0329 - 1:24</p> <p style="text-align: center;">1</p> <p>10,000 - 12:20 13,400 - 10:8 15 - 12:15 160 - 10:16 17 - 2:4 174 [3] 3:24, 7:8, 14:17 19.4 - 9:20 1940 - 10:5</p> <p style="text-align: center;">2</p> <p>2 [2] 9:21, 12:24 2,000 [3] 10:10, 10:10, 14:21 2015-2020 - 11:5 2017 - 11:12 2018 [5] 4:16, 6:21, 8:16, 14:5, 18:1 2021 [3] 10:18, 11:12, 12:19 2022 - 14:17 2023 [5] 1:7, 1:12, 6:17, 23:6, 23:17 2050 [2] 13:25, 14:7 22 - 23:10 24 [4] 1:6, 3:4, 4:5, 4:21 248 - 4:9 25 [3] 1:7, 1:12, 23:6 28th - 23:16</p> <p style="text-align: center;">3</p> <p>329 - 1:23 36 - 11:5</p> <p style="text-align: center;">4</p> <p>4352 [5] 1:6, 3:4, 4:5, 4:8, 4:22 48,000 - 11:7 49 - 9:14</p> <p style="text-align: center;">6</p> <p>6 [2] 8:4, 9:6 6,000 [2] 12:17, 12:18 60 - 12:11 6:30 [3] 1:8, 1:12, 23:6</p> <p style="text-align: center;">7</p> <p>7 - 11:14 7:02 - 22:23</p>	<p style="text-align: center;">8</p> <p>8 - 5:21 802 - 1:24 863-6067 - 1:24</p> <p style="text-align: center;">9</p> <p>90 - 13:25 90,000 - 10:8</p> <p style="text-align: center;">A</p> <p>ability [3] 8:2, 22:14, 23:12 able [3] 11:6, 12:13, 19:15 absorb - 15:16 access [2] 8:1, 16:3 accessible [2] 18:22, 22:2 according - 10:7 ACRE - 16:9 across [2] 8:22, 19:19 ACS - 11:5 Act [3] 3:23, 7:8, 14:17 action [3] 14:17, 16:18, 16:19 actions - 16:16 add [2] 14:14, 22:8 addition - 7:15 address [2] 9:10, 19:21 addressed - 19:22 adjourned - 22:23 advocacy - 3:10 affirmative [4] 4:4, 4:7, 4:17, 4:20 afford - 4:9 affordability [2] 16:3, 16:22 age - 12:12 Alison [7] 1:16, 3:13, 5:10, 5:24, 7:12, 7:13, 14:14 Allie [5] 1:16, 3:14, 6:1, 6:12, 17:2 already [2] 21:1, 21:10 ambitious - 7:4 amount [2] 17:16, 19:13 analysis - 14:5 analyzed - 6:23 Anne [2] 1:14, 3:8 annual - 13:24 anticipate - 15:6 anymore - 6:10 anyone's - 6:9 Appendix [4] 6:21, 19:14, 20:10, 20:13</p>	<p>apply - 7:10 appreciate - 22:13 approach - 7:2 approximately - 11:7 areas [6] 14:24, 14:24, 15:14, 15:15, 15:18, 15:18 aren't - 20:4 arrived - 20:16 aspires - 7:18 assessment - 4:20 assistance [2] 10:14, 10:17 Association - 3:13 Association's [2] 1:5, 3:3 attendees - 3:17 attorney - 3:9 audio - 6:10 available [3] 6:18, 6:24, 8:14 average - 12:20 awkward - 7:1</p> <p style="text-align: center;">B</p> <p>background - 6:13 balancing [2] 16:22, 17:17 bear - 3:18 bearing - 7:22 begin - 5:11 beginning [3] 1:12, 13:3, 23:6 beneficial - 12:22 benefits - 8:7 best - 23:12 beyond - 21:5 bills - 8:4 biomass [2] 9:18, 14:3 bit [2] 14:10, 18:13 blind - 19:12 blue - 13:4 board [2] 17:12, 19:20 bolts - 15:23 BOX - 1:23 brief - 5:12 bring [2] 16:10, 19:10 broad - 21:11 buck - 6:2 built - 10:4 burden [8] 8:15, 8:20, 8:22, 8:24, 9:2, 9:6, 9:11, 16:23 BURLINGTON - 1:24 burning - 11:7 businesses - 11:19</p> <p style="text-align: center;">C</p> <p>calling - 15:19 can't - 6:9</p>	<p>capacity - 13:24 CAPITOL - 1:23 carbon - 14:19 Case - 19:10 cause - 23:15 centers - 11:21 certain - 9:24 Certificates - 4:10 certify [3] 23:3, 23:8, 23:13 challenge [2] 10:12, 22:5 challenges - 9:23 challenging - 22:4 change [2] 15:4, 19:10 changed - 8:10 changes [2] 15:5, 15:10 changing [2] 11:11, 11:14 chapter - 19:7 charging [2] 11:12, 11:20 chart - 13:3 checks - 9:18 chime - 7:13 choices [2] 12:5, 19:9 classified - 15:21 Clean - 16:8 climate [3] 7:16, 10:9, 14:17 close - 22:21 comes - 19:24 comfortable - 8:3 coming - 11:15 commend - 17:20 comment [2] 17:8, 18:3 comments [6] 5:20, 17:1, 17:5, 17:5, 17:22, 18:3 commercial [2] 15:1, 15:2 commission [5] 4:1, 4:8, 4:11, 5:8, 17:12 Commissioner - 4:3 commissions [3] 3:25, 15:12, 18:24 committee - 17:14 community [6] 16:11, 16:18, 19:8, 19:9, 19:17, 21:11 community-owned - 16:4 comparing - 13:5 comparison - 12:19 completely - 20:2 compliance [7] 1:5, 3:4, 4:4, 4:7, 4:17, 4:21, 23:5 complies - 5:1 comply - 5:5 comprehensive [2]</p>	<p>12:4, 19:1 concentrations - 12:11 concerns - 9:8 confirmation - 6:11 conservation [3] 4:12, 5:5, 15:21 consistent [3] 14:16, 17:18, 21:18 constraint - 14:21 constraints - 14:13 consumed - 9:16 consumption [2] 10:2, 12:17 contained [2] 4:12, 5:6 context - 3:23 continue [2] 12:22, 15:6 continues [2] 9:16, 11:18 continuous - 8:1 contributions - 14:7 control - 21:5 convenient - 11:20 conversation - 20:17 core [4] 19:6, 19:7, 19:10, 20:23 Correct - 11:1 correlates - 9:6 corridors - 11:23 costs [3] 10:1, 16:11, 16:24 couch - 19:25 counsel - 23:14 count - 10:24 county - 10:15 course - 14:11 court [3] 1:23, 5:17, 6:8 covered - 4:14 created - 3:24 Curious - 15:9 current - 4:24 currently [2] 3:15, 10:10</p> <p style="text-align: center;">D</p> <p>data [13] 6:21, 6:22, 8:20, 11:6, 12:16, 19:11, 19:13, 19:16, 20:9, 20:22, 20:23, 22:11, 22:15 date - 6:23 Dated - 23:16 deadline - 5:22 decision - 8:6 decreasing - 16:23 deeper [3] 19:14, 20:9, 21:14 deference [3] 4:9,</p>	<p>5:7, 7:11 definitely [2] 22:3, 22:6 demand [4] 12:3, 13:4, 13:6, 13:14 demands - 13:19 densities [2] 15:16, 15:16 department [11] 1:1, 1:3, 1:11, 3:7, 4:3, 4:25, 5:4, 5:20, 12:10, 16:6, 18:11 depth - 14:12 deputy - 3:9 designate - 15:12 designated - 15:17 desirable - 11:21 desire - 21:21 detailed [3] 7:19, 14:12, 16:16 determination [8] 1:5, 3:3, 4:4, 4:7, 4:17, 4:20, 4:25, 23:5 developed - 19:2 developing - 7:3 development [8] 1:4, 3:2, 3:13, 14:25, 15:2, 15:17, 15:24, 16:9 differently - 18:15 difficulties - 3:19 director [2] 3:6, 3:9 directors - 17:13 disabilities - 12:12 distributed - 16:4 distribution - 13:1 distributional - 7:23 dive [4] 9:13, 19:14, 20:9, 21:14 division - 3:10 document [2] 18:18, 21:18 dot - 13:15 doubled [3] 11:10, 11:13, 11:16 downtown - 15:17 downtowns - 11:22 DPS [4] 1:14, 1:14, 1:15, 1:15 drafting [2] 17:15, 21:1 drill - 16:17 drives - 10:1 duly-adopted - 4:2</p> <p style="text-align: center;">E</p> <p>EAN's - 10:7 EAP's - 16:5 earlier [2] 17:8, 18:7</p>
---	---	--	---	--	--

<p>economic [2] 9:8, 16:22</p> <p>Efficiency [4] 8:16, 8:24, 11:2, 12:16</p> <p>effort - 20:25</p> <p>electric [4] 4:13, 5:8, 11:18, 12:7</p> <p>electricity [7] 8:13, 9:2, 9:21, 12:15, 12:17, 13:14, 13:20</p> <p>electrification [2] 12:23, 13:19</p> <p>elevation - 14:21</p> <p>email [2] 1:25, 5:20</p> <p>emphasis - 14:18</p> <p>empowerment - 19:8</p> <p>encourage [2] 5:19, 11:19</p> <p>energy [56] 1:5, 3:3, 3:24, 5:2, 6:12, 6:20, 6:22, 7:15, 7:16, 7:18, 7:19, 7:21, 8:1, 8:4, 8:9, 8:10, 8:15, 8:20, 8:22, 8:24, 9:1, 9:6, 9:7, 9:11, 10:1, 11:4, 11:9, 12:4, 12:24, 12:25, 13:4, 13:6, 13:19, 13:21, 13:22, 14:8, 14:9, 14:25, 16:3, 16:4, 16:5, 16:7, 16:8, 16:11, 16:12, 16:14, 16:20, 16:21, 16:23, 19:19, 20:5, 20:11, 20:14, 20:20, 20:22, 23:5</p> <p>engagement - 21:13</p> <p>ensure - 8:1</p> <p>environmental - 7:17</p> <p>envision - 20:11</p> <p>equipment - 11:18</p> <p>equity [5] 7:19, 11:25, 16:1, 19:19, 19:19</p> <p>essentially - 18:17</p> <p>estimates [2] 10:7, 20:14</p> <p>EV [3] 11:12, 11:20, 12:6</p> <p>everyone [3] 6:6, 8:1, 8:2</p> <p>everything - 19:5</p> <p>evidence - 23:12</p> <p>evolving - 20:18</p> <p>EVs - 11:10</p> <p>excellent - 17:25</p> <p>exciting - 21:16</p> <p>executive - 17:14</p> <p>existing [6] 6:20, 6:22, 7:5, 13:10,</p>	<p>13:22, 18:25</p> <p>expect - 12:21</p> <p>expire - 7:1</p> <p>extend - 7:5</p> <p>extensive - 19:13</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>fabulous - 17:20</p> <p>faces - 6:10</p> <p>facility [2] 4:14, 5:9</p> <p>fair - 8:7</p> <p>fairly [2] 7:4, 17:13</p> <p>false - 17:7</p> <p>families [2] 16:7, 20:1</p> <p>figuring - 22:12</p> <p>final [2] 16:13, 21:6</p> <p>finds - 5:4</p> <p>fiscal - 10:18</p> <p>flexibility - 22:13</p> <p>focus - 19:18</p> <p>focuses - 12:25</p> <p>folks [2] 3:12, 12:11</p> <p>follow - 7:18</p> <p>followed [2] 8:12, 9:17</p> <p>follows - 19:3</p> <p>foregoing [2] 23:8, 23:10</p> <p>forest - 14:18</p> <p>formality - 5:16</p> <p>format [2] 19:4, 19:5</p> <p>forms - 19:25</p> <p>forth - 5:2</p> <p>forward [3] 5:18, 7:25, 21:24</p> <p>fossil [3] 9:15, 11:7, 16:24</p> <p>framework - 7:20</p> <p>frequently - 11:15</p> <p>fuel [4] 9:15, 9:17, 11:7, 16:24</p> <p>fully - 13:18</p> <p>Fund - 16:9</p> <p>future [3] 15:5, 15:13, 21:6</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>gas - 16:21</p> <p>gather - 4:24</p> <p>general - 18:22</p> <p>generation [7] 4:14, 5:9, 13:7, 13:15, 13:23, 14:4, 14:8</p> <p>goal [2] 10:12, 22:3</p> <p>goals [11] 7:16, 7:18, 7:25, 10:6, 10:9, 14:1, 16:15, 16:19, 16:20, 16:21, 17:17</p>	<p>GoToMeeting - 1:11</p> <p>grants - 11:15</p> <p>graph - 10:15</p> <p>greater [2] 15:16, 15:16</p> <p>green - 13:15</p> <p>greenhouse - 16:21</p> <p>groups - 21:14</p> <p>growing - 16:12</p> <p>growth - 15:18</p> <p>guidelines - 14:11</p> <p>guys - 18:14</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>happy - 17:1</p> <p>hasn't - 8:9</p> <p>haven't [2] 15:22, 19:21</p> <p>headwaters - 14:23</p> <p>health [2] 9:8, 12:10</p> <p>healthy - 8:2</p> <p>hear [2] 18:3, 21:20</p> <p>hearing [12] 1:4, 1:11, 3:2, 3:14, 3:18, 3:23, 4:23, 5:11, 5:17, 18:9, 22:21, 23:4</p> <p>Heat - 10:24</p> <p>heating - 9:14</p> <p>held - 1:11</p> <p>helpful - 22:16</p> <p>hereby - 23:3</p> <p>higher [2] 9:5, 14:22</p> <p>highest [7] 8:11, 8:22, 9:4, 9:14, 11:5, 12:11, 21:12</p> <p>highlight [2] 9:5, 12:2</p> <p>highlighting [3] 16:1, 16:9, 16:14</p> <p>hold - 5:14</p> <p>homelessness [3] 19:22, 19:24, 19:24</p> <p>homes [7] 9:20, 9:24, 10:8, 10:10, 10:11, 10:16, 10:19</p> <p>hopes - 21:19</p> <p>hoping - 18:14</p> <p>hosts - 13:10</p> <p>housing [3] 9:24, 10:3, 19:20</p> <p>hundred - 13:18</p> <p>hybrid - 3:15</p> <p>hydro - 14:3</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>identifies - 15:14</p> <p>identify - 21:11</p> <p>illustrated - 19:11</p>	<p>Impacted - 8:5</p> <p>inappropriate [2] 14:25, 15:1</p> <p>include - 14:22</p> <p>includes [2] 8:25, 9:3</p> <p>including - 14:2</p> <p>income - 8:4</p> <p>incorporate - 6:16</p> <p>increase - 12:6</p> <p>info@capitolcour - 1:25</p> <p>information [3] 18:7, 20:8, 20:15</p> <p>infrastructure [2] 11:13, 11:20</p> <p>input [2] 4:24, 5:13</p> <p>install - 11:20</p> <p>installed - 13:23</p> <p>insulated - 9:25</p> <p>integrates - 7:20</p> <p>intensive - 20:22</p> <p>interested - 23:15</p> <p>internalizes - 7:21</p> <p>interstate [2] 11:23, 11:23</p> <p>intimidating - 19:1</p> <p>invite - 5:13</p> <p>issues - 19:21</p> <p>items - 13:2</p> <hr/> <p style="text-align: center;">J</p> <hr/> <p>job - 17:20</p> <p>Johnsbury - 3:16</p> <p>joining - 18:4</p> <p>Julie [2] 1:15, 3:10</p> <p>justice [3] 7:17, 7:21, 7:23</p> <hr/> <p style="text-align: center;">K</p> <hr/> <p>keeping - 21:7</p> <p>key - 11:22</p> <p>kilowatthours [2] 12:18, 12:21</p> <p>Kim - 23:3</p> <p>Kingdom [8] 8:21, 9:22, 10:4, 10:16, 11:6, 11:24, 13:8, 13:10</p> <p>Kingdom's - 14:7</p> <p>knowing [2] 10:6, 21:8</p> <hr/> <p style="text-align: center;">L</p> <hr/> <p>landmarks - 14:23</p> <p>lands [5] 14:18, 14:21, 15:8, 15:19, 15:20</p> <p>lasting - 9:8</p> <p>latest - 8:20</p> <p>launching - 21:10</p> <p>law - 7:17</p> <p>lay - 9:10</p> <p>lead - 9:7</p>	<p>leakier - 10:1</p> <p>LEAP [2] 6:17, 20:12</p> <p>learn - 22:14</p> <p>learning - 21:25</p> <p>least [2] 8:11, 11:15</p> <p>less [4] 9:25, 10:10, 10:18, 18:17</p> <p>level [2] 8:8, 21:12</p> <p>likely - 9:25</p> <p>lines - 12:4</p> <p>listed - 11:14</p> <p>load - 13:11</p> <p>local [2] 11:19, 18:23</p> <p>location - 3:16</p> <p>locations - 11:21</p> <p>long-term - 9:7</p> <p>looking [4] 9:2, 10:5, 14:5, 14:12</p> <p>lots - 12:13</p> <p>Low [17] 1:16, 3:13, 5:10, 5:25, 6:25, 10:21, 10:24, 14:20, 15:11, 17:3, 17:23, 18:16, 20:20, 21:1, 21:3, 21:23, 22:5</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>main [2] 16:15, 16:19</p> <p>making [2] 8:6, 22:2</p> <p>management - 12:3</p> <p>manager - 3:11</p> <p>manner - 20:7</p> <p>map [4] 8:15, 8:19, 15:5, 21:6</p> <p>maps - 15:13</p> <p>Margolis [10] 1:14, 3:8, 13:13, 15:9, 18:12, 20:24, 21:2, 21:20, 21:24, 22:19</p> <p>Mark [4] 2:4, 17:7, 17:11, 17:23</p> <p>maybe [2] 15:9, 20:1</p> <p>meaningful - 21:19</p> <p>means - 23:4</p> <p>meantime [2] 6:19, 7:4</p> <p>measures [2] 4:12, 5:5</p> <p>meet [5] 7:16, 10:9, 10:12, 14:6, 16:20</p> <p>megawatthours - 13:5</p> <p>members [4]</p>	<p>5:13, 16:11, 18:10, 22:11</p> <p>mention - 6:15</p> <p>met - 14:1</p> <p>methodology - 20:16</p> <p>metric - 8:25</p> <p>metrics - 8:16</p> <p>Michael [2] 1:15, 3:9</p> <p>mind [3] 7:22, 7:24, 21:8</p> <p>mobility - 12:7</p> <p>modeling - 20:13</p> <p>moment - 6:5</p> <p>moving - 16:19</p> <p>multi-modal - 12:5</p> <p>multifaceted - 21:10</p> <p>municipal [2] 6:17, 6:20</p> <p>municipalization - 20:12</p> <p>mute - 3:20</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>narrative - 19:6</p> <p>nation - 9:1</p> <p>natural - 14:23</p> <p>navigate - 17:3</p> <p>nearby - 10:3</p> <p>necessarily - 20:5</p> <p>NEDO [3] 10:17, 10:21, 10:23</p> <p>needed - 7:5</p> <p>needs - 20:23</p> <p>NEK - 16:14</p> <p>Newark - 17:11</p> <p>nice - 21:17</p> <p>nobody - 3:15</p> <p>Northeast [10] 3:12, 8:21, 9:22, 10:4, 10:16, 11:6, 11:23, 13:7, 13:10, 14:6</p> <p>Northeastern [2] 1:4, 3:2</p> <p>note - 19:23</p> <p>noted - 6:14</p> <p>notes - 23:11</p> <p>NOTICE - 1:4</p> <p>November - 5:21</p> <p>numbers [3] 11:2, 11:11, 12:21</p> <p>nuts - 15:23</p> <p>NVDA [13] 1:16, 1:16, 3:22, 4:16, 5:1, 5:10, 6:13, 11:18, 17:13, 17:20, 18:9, 22:8, 23:5</p> <p>NVDA's [2] 4:24, 5:9</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>objectives [2] 16:15, 16:17</p>
--	--	--	--	---	---

<p>October [4] 1:7, 1:12, 23:6, 23:17</p> <p>offering - 3:22</p> <p>oil [2] 9:16, 9:17</p> <p>older - 9:24</p> <p>oldest - 9:23</p> <p>ones - 16:7</p> <p>ongoing - 22:5</p> <p>online [3] 3:17, 3:20, 8:14</p> <p>opportunity - 11:22</p> <p>option - 4:2</p> <p>organize [3] 18:21, 19:6, 20:6</p> <p>original - 14:5</p> <p>outcome - 23:15</p> <p>outreach [3] 3:11, 21:9, 21:10</p> <p>overseen - 16:8</p> <p>overview [2] 5:12, 8:9</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>p.m [3] 1:8, 1:12, 23:7</p> <p>P.O - 1:23</p> <p>pages - 23:10</p> <p>parallel - 19:3</p> <p>participated - 10:16</p> <p>participation - 10:14</p> <p>particularly [2] 12:8, 19:20</p> <p>parties - 23:14</p> <p>pass [2] 6:1, 22:19</p> <p>past [2] 9:19, 19:22</p> <p>pathways - 16:14</p> <p>per - 12:18</p> <p>percent [9] 8:4, 9:6, 9:15, 9:20, 9:21, 10:18, 11:5, 12:15, 13:18</p> <p>percentages - 8:22</p> <p>physical - 3:16</p> <p>picked - 13:1</p> <p>pie - 13:3</p> <p>pillars - 7:21</p> <p>places - 12:14</p> <p>plan [44] 4:2, 4:6, 4:13, 4:15, 4:18, 4:19, 5:1, 5:6, 5:12, 6:16, 6:22, 7:1, 7:3, 7:5, 7:10, 7:15, 7:18, 7:24, 8:10, 8:15, 8:17, 11:9, 11:14, 12:4, 12:24, 14:5, 14:17, 14:24, 15:3, 16:2, 16:14, 18:1, 18:13, 18:16, 18:20, 18:25,</p>	<p>19:3, 19:4, 19:6, 19:23, 20:6, 20:11, 20:22, 20:23</p> <p>planned - 15:18</p> <p>planner [2] 5:11, 6:12</p> <p>planners [3] 17:19, 20:21, 21:20</p> <p>planning [15] 3:7, 3:9, 3:24, 3:25, 4:1, 5:2, 7:25, 8:19, 9:11, 11:17, 15:11, 15:20, 17:12, 18:24, 19:7</p> <p>Planning.standar - 5:21</p> <p>plans [3] 5:4, 14:12, 17:16</p> <p>play - 7:8</p> <p>please [4] 3:18, 3:20, 5:15, 5:18</p> <p>point [5] 7:1, 12:1, 12:19, 14:3, 16:3</p> <p>points - 15:3</p> <p>policies [4] 4:12, 5:6, 7:25, 9:10</p> <p>pollution - 16:24</p> <p>Poor [10] 1:14, 3:1, 3:6, 6:3, 17:2, 17:4, 18:2, 22:1, 22:7, 22:20</p> <p>population [3] 14:8, 18:23, 20:3</p> <p>possibilities [2] 16:2, 16:12</p> <p>possibility - 16:10</p> <p>possible [3] 6:19, 7:8, 7:14</p> <p>potential - 14:9</p> <p>poverty - 9:7</p> <p>powerful - 8:6</p> <p>presentation [3] 5:15, 6:6, 7:14</p> <p>presenting - 19:16</p> <p>principles [2] 7:19, 19:7</p> <p>prior - 10:4</p> <p>priorities - 21:12</p> <p>priority - 9:9</p> <p>probably - 15:21</p> <p>procedural - 7:22</p> <p>proceeding - 22:22</p> <p>proceedings [3] 4:10, 4:10, 23:12</p> <p>process [2] 3:24, 4:1</p> <p>production - 13:24</p> <p>program [4] 10:14, 10:17, 10:23, 16:6</p> <p>programs [2] 16:5, 16:7</p> <p>project - 7:20</p>	<p>projections - 6:18</p> <p>propane - 9:20</p> <p>proposed [2] 4:13, 5:8</p> <p>provide [2] 5:13, 12:13</p> <p>provided [2] 11:3, 18:7</p> <p>providing [2] 12:5, 19:8</p> <p>PSD - 5:20</p> <p>public [26] 1:1, 1:3, 1:4, 1:11, 1:11, 3:1, 3:7, 3:10, 3:11, 3:14, 3:17, 3:23, 4:3, 4:8, 4:11, 4:24, 5:1, 5:7, 5:13, 11:12, 12:7, 17:6, 18:9, 18:10, 22:21, 23:4</p> <p>purpose - 4:23</p> <p>pursuant [3] 1:5, 3:4, 3:25</p> <p>putting - 7:25</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>quick - 8:8</p> <p>quickly - 20:7</p> <p>quite - 11:14</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>Raboin [2] 1:15, 3:10</p> <p>range - 19:9</p> <p>re - 23:4</p> <p>readopted [2] 4:18, 7:9</p> <p>readoption - 7:6</p> <p>realize [2] 18:18, 20:17</p> <p>really [7] 7:24, 9:6, 15:14, 15:15, 16:18, 22:13, 22:15</p> <p>rebates - 11:2</p> <p>receive [2] 5:6, 8:6</p> <p>received [3] 4:6, 4:17, 22:10</p> <p>recent - 17:13</p> <p>recently - 4:19</p> <p>recognition - 7:22</p> <p>recommendations - 11:17</p> <p>record - 18:9</p> <p>recorded - 23:4</p> <p>reduce [2] 9:11, 16:11</p> <p>reduced - 23:10</p> <p>reduction - 16:21</p> <p>regarding - 4:24</p> <p>region [6] 4:14, 8:16, 9:4, 9:12, 10:13, 12:9</p> <p>region's - 16:20</p> <p>regional [18] 3:25, 4:1, 4:6,</p>	<p>4:18, 5:1, 6:16, 7:3, 7:17, 9:9, 11:9, 14:13, 14:20, 15:11, 16:19, 18:16, 18:20, 18:25, 19:23</p> <p>regions - 13:12</p> <p>registered - 11:10</p> <p>related - 23:13</p> <p>relative - 13:11</p> <p>relevant [2] 15:10, 19:17</p> <p>reminder - 13:9</p> <p>renewable [8] 12:25, 13:7, 13:15, 13:22, 14:2, 14:7, 16:3, 16:12</p> <p>renewables - 13:11</p> <p>report [4] 4:20, 8:18, 9:19, 11:3</p> <p>reporter [2] 5:17, 6:8</p> <p>REPORTERS - 1:23</p> <p>request [5] 1:5, 3:3, 4:16, 4:25, 23:5</p> <p>required [2] 4:8, 15:12</p> <p>requirements [3] 5:2, 18:19, 21:6</p> <p>requires - 17:17</p> <p>reside [2] 20:13, 20:23</p> <p>residential [2] 9:17, 12:20</p> <p>resource - 14:9</p> <p>resources [2] 13:1, 16:5</p> <p>responses - 22:17</p> <p>rest [2] 9:1, 19:4</p> <p>restorative - 7:23</p> <p>review - 5:8</p> <p>reviewing - 4:13</p> <p>revision - 18:14</p> <p>ride - 12:7</p> <p>road - 11:8</p> <p>run - 16:6</p> <p>rural [4] 15:7, 15:19, 15:20, 15:21</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>safe - 8:2</p> <p>scale - 15:2</p> <p>scenario - 14:4</p> <p>science - 19:12</p> <p>screen - 6:5</p> <p>Sears - 23:3</p> <p>section [4] 4:7, 4:9, 12:24, 16:13</p> <p>SECTIONS - 1:6</p> <p>sector [2] 8:9, 8:12</p> <p>sectors - 9:14</p> <p>seeing - 10:19</p> <p>senior - 5:11</p>	<p>sensitive [4] 14:22, 15:7, 15:19, 15:20</p> <p>sequestering - 14:19</p> <p>service [8] 1:1, 1:3, 1:11, 3:8, 4:3, 5:1, 5:9, 18:10</p> <p>servicing - 22:3</p> <p>several [2] 12:1, 22:16</p> <p>share [4] 6:5, 6:6, 8:7, 12:7</p> <p>shocking - 19:23</p> <p>showing [2] 12:16, 20:1</p> <p>silent - 19:24</p> <p>similar [2] 15:2, 19:5</p> <p>Similarly - 14:25</p> <p>single - 21:17</p> <p>sites - 13:24</p> <p>siting [2] 5:8, 14:11</p> <p>situation - 19:17</p> <p>size - 14:8</p> <p>smaller - 13:14</p> <p>snapshot - 19:15</p> <p>solar [2] 14:3, 16:4</p> <p>somebody - 20:7</p> <p>sorry [3] 6:10, 10:10, 17:7</p> <p>sort - 13:17</p> <p>speak [3] 3:21, 5:18, 18:13</p> <p>specific [4] 4:12, 5:5, 14:13, 18:19</p> <p>specifically [2] 9:5, 10:13</p> <p>specifications - 15:7</p> <p>specifics - 16:18</p> <p>specifies - 14:24</p> <p>spell - 5:18</p> <p>spend - 8:3</p> <p>Squad - 10:25</p> <p>St - 3:16</p> <p>stakeholder - 21:14</p> <p>standards [4] 4:5, 4:21, 7:7, 14:17</p> <p>start [2] 3:22, 17:7</p> <p>starting - 9:14</p> <p>state [4] 1:1, 9:24, 10:6, 20:21</p> <p>state-led - 16:7</p> <p>stated - 6:15</p> <p>States - 12:20</p> <p>statute [3] 5:3, 15:6, 15:10</p> <p>statutory [2] 4:5, 4:21</p> <p>stay - 3:20</p> <p>steering - 20:5</p> <p>stenograph - 23:11</p> <p>stenographic -</p>	<p>23:4</p> <p>stenographically - 23:9</p> <p>stock [2] 9:24, 10:4</p> <p>storage - 12:25</p> <p>storing - 14:19</p> <p>strategies [4] 9:11, 12:2, 12:3, 16:1</p> <p>streamlined - 21:22</p> <p>studies - 19:10</p> <p>submit [2] 5:19, 18:5</p> <p>submitted [2] 4:16, 4:19</p> <p>submitting - 4:2</p> <p>substantial [4] 4:9, 5:7, 7:10, 10:12</p> <p>substantially - 8:10</p> <p>summary - 6:14</p> <p>supply - 11:18</p> <p>support [2] 13:25, 22:10</p> <p>surfing - 19:25</p> <p>survey - 21:11</p> <p>Swain [2] 1:15, 3:9</p> <p>system - 16:20</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>T.J [4] 1:14, 3:6, 6:13, 17:10</p> <p>takeaway [2] 8:21, 9:15</p> <p>takeaways - 19:10</p> <p>taken [2] 23:9, 23:11</p> <p>takes - 12:23</p> <p>targeted - 21:13</p> <p>targets [4] 6:17, 6:20, 14:1, 14:7</p> <p>team [2] 17:19, 22:11</p> <p>technical - 3:19</p> <p>technologies - 14:2</p> <p>terms [2] 11:17, 11:25</p> <p>territory - 5:9</p> <p>testimony - 23:9</p> <p>thank [6] 3:4, 6:10, 6:13, 17:2, 18:2, 22:9</p> <p>thanks [5] 7:12, 17:10, 17:22, 17:23, 18:4</p> <p>thereafter - 23:9</p> <p>therefore - 9:25</p> <p>thereto - 23:14</p> <p>thermal [4] 8:11, 9:3, 9:22, 13:20</p> <p>thinking [2] 13:17, 18:21</p> <p>third - 10:3</p> <p>though [2] 7:9, 12:22</p> <p>thousands - 16:10</p>
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<p>throughout - 16:1 timeline - 18:15 tired - 7:2 tonight [3] 3:8, 3:23, 18:4 tonight's - 5:16 toolkit - 19:8 tools [2] 14:4, 22:12 topics - 21:15 total [4] 10:8, 13:4, 13:6, 13:21 towns [2] 6:19, 11:19 track - 14:6 tracks - 19:3 transcribed - 5:17 transcript - 23:11 transit - 12:7 transmission - 12:25 transportation [9] 8:12, 8:25, 9:3, 11:4, 12:1, 12:3, 13:20, 16:23, 19:3 tremendous - 17:16 tricky [2] 8:14, 14:10 tried - 7:24 turn [2] 5:23, 6:1 turning - 3:21 typewriting - 23:10 typical - 8:25</p>	<p>vehicles - 11:7 Vermont [17] 1:1, 1:3, 1:4, 1:11, 1:24, 3:2, 3:7, 3:13, 3:24, 8:23, 8:24, 10:11, 11:2, 12:16, 16:6, 16:8, 23:16 Vermont's [4] 7:16, 8:16, 9:3, 16:21 via [4] 1:9, 1:11, 5:20, 23:5 videoconference [2] 1:9, 23:6 village - 11:21 visionary - 18:18 visual - 12:9 vitality - 16:22 voice - 8:6 volunteers - 18:24</p>	<p>you'll - 12:9</p> <hr/> <p style="text-align: center;">Z</p> <hr/> <p>zones - 11:22 zoning - 15:15</p>			
<hr/> <p style="text-align: center;">U</p> <hr/> <p>unhoused [2] 20:2, 20:2 unified - 21:18 United - 12:19 update [2] 7:4, 17:24 updated [3] 7:9, 14:16, 20:14 updating [2] 7:6, 8:19 usable - 21:22 usage - 12:6 user-friendly - 20:6 using [3] 9:20, 14:4, 18:6 usually - 9:2 Utility [2] 4:8, 5:7 utility-led - 16:5</p>	<hr/> <p style="text-align: center;">W</p> <hr/> <p>Wait - 6:4 wanted [2] 7:3, 12:2 wanting - 10:6 ways [2] 12:6, 12:13 weatherization [3] 10:5, 10:14, 10:17 weatherize - 10:8 weatherized [2] 10:11, 10:20 website - 21:11 Webster [14] 1:16, 3:14, 6:4, 6:9, 6:12, 7:12, 10:22, 11:1, 13:16, 15:25, 17:25, 20:19, 22:6, 22:9 Welcome - 3:1 whereas - 15:18 Whereupon - 22:22 Whitworth [3] 2:4, 17:10, 17:11 widely - 9:16 wildlife - 14:23 Williston - 23:16 wind - 14:3 within [5] 5:9, 7:23, 12:24, 16:15, 16:16 wondering - 18:12 wood - 9:18 works - 10:9 writing - 18:6 written - 5:19</p>	<hr/> <p style="text-align: center;">Y</p> <hr/> <p>yeah [6] 17:15, 17:16, 21:2, 21:3, 21:23, 22:1 yet - 15:23</p>			