

1 TO THE HONORABLE SENATE:

2 The Committee on Finance to which was referred Senate Bill No. 209  
3 entitled “An act relating to the Attorney General and ratepayer advocacy”  
4 respectfully reports that it has considered the same and recommends that the  
5 bill be amended by striking out all after the enacting clause and inserting in  
6 lieu thereof the following:

7 Sec. 1. DEPARTMENT OF PUBLIC SERVICE; CERTIFICATE OF  
8 PUBLIC GOOD; COMPLAINT PROTOCOL

9 (a) Not later than September 1, 2016, the Commissioner of Public Service  
10 shall establish and implement a protocol for handling complaints concerning  
11 the alleged failure of a company to comply in a reasonable manner with the  
12 terms and conditions of a certificate of public good issued by the Public  
13 Service Board under 30 V.S.A. §§ 248 or 248a. The Commissioner may revise  
14 the protocol at any time to achieve more effective and satisfactory resolution of  
15 complaints.

16 **(b) The purpose of this section is to create a single location within State**  
17 **government for receipt and tracking of all complaints described in**  
18 **subsection (a) of this section.** The protocol shall include a process for filing,  
19 investigating, and resolving complaints in a timely manner, as well as a  
20 procedure for tracking the number and nature of complaints received and a  
21 summary of actions taken by the Department of Public Service to resolve each

1 complaint, which information shall be aggregated and reported annually to the  
2 General Assembly beginning January 1, 2017, notwithstanding 2 V.S.A.  
3 § 20(d). In addition, the Department shall keep a record and summary of  
4 complaints filed under the protocol on a website maintained by the Department  
5 to increase public awareness and transparency and reduce the occurrence of  
6 redundant complaint filings. The Commissioner’s protocol shall include  
7 standards and procedures for consolidating complaints of a similar nature  
8 involving the same company **and procedures under which a company**  
9 **receiving a complaint informs the Department of the complaint and its**  
10 **nature and such information as the Commissioner determines is necessary**  
11 **to track its progress and resolution.**

12 (c) A complainant shall not be required to direct a complaint to a company  
13 prior to submitting a complaint with the Department of Public Service pursuant  
14 to the complaint protocol established under this section.

15 (d) The Commissioner may retain experts and other personnel as identified  
16 in 30 V.S.A. § 20 to investigate complaints, and may allocate the expenses  
17 incurred in retaining such personnel to the company as provided under 30  
18 V.S.A. § 21.

19 (e) The complaint protocol established under this section shall be in  
20 addition to any procedure established under 30 V.S.A. § 208. Unresolved  
21 complaints may be considered by the Public Service Board **pursuant to its**

1 authority under Title 30, including 30 V.S.A. § 8(f), and Public Service

2 Board Rules ~~2.300, et seq.~~

3 (f) With its report filed under this section on or before January 1, 2017, the  
4 Commissioner shall make recommendations regarding the establishment of  
5 and payment for an ongoing process for monitoring a company’s compliance  
6 with a certificate of public good for the purpose of reducing the filing of  
7 individual complaints under this section.

8 Sec. 2. RATEPAYER ADVOCACY; ATTORNEY GENERAL; PILOT  
9 PROJECT

10 (a) The Attorney General shall represent the interests of ratepayer classes  
11 who are not independently represented parties in any proceeding to change the  
12 rate schedule of a public service company under chapter 5 of Title 30.

13 (b) This section shall apply to any rate proceeding commenced after July 1,  
14 2016 and before February 1, 2018.

15 (c) For purposes of this section, “public service company” means an  
16 electric company if the proposed rate change affects at least 25,000 residential  
17 consumers or a natural gas company.

18 (d) For purposes of carrying out his or her duties under this section, the  
19 Attorney General:

1           (1) shall have access to and use of all files, records, and data of the  
2           Public Service Board and the Department of Public Service available to any  
3           other attorney representing a party in a proceeding before the Board; and

4           (2) may seek review of any determination, finding, or order of the Board  
5           in the name of ratepayers.

6           (e) On or before January 15 in the years 2017, 2018, and 2019, the  
7           Attorney General shall submit a report to the General Assembly, which  
8           includes his or her findings and recommendations regarding the status of  
9           ratepayer advocacy in Vermont as well as any specific recommendations he or  
10          she deems appropriate for legislation relative to Board or Department  
11          procedures, rules, jurisdiction, personnel, and functions or to the Attorney  
12          General’s ongoing representation of ratepayers in rate proceedings.

13          (f) The Public Service Board shall allocate expenses incurred by the  
14          Attorney General under this section to the public service company involved in  
15          the proceedings as provided in 30 V.S.A. §§ 20 and 21.

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19          (Committee vote: \_\_\_\_\_)

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Senator \_\_\_\_\_

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FOR THE COMMITTEE