

State of Vermont**Department of Public Service**

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August 1, 2014

Susan M. Hudson, Clerk
Vermont Public Service Board
112 State Street
Montpelier, VT 05620-2701

Re: 30 V.S.A. § 248a Procedural Order Revision Pursuant to Act 190 (S.220)

Dear Mrs. Hudson:

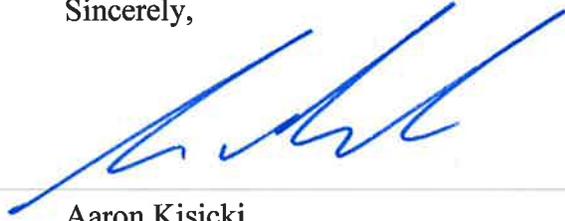
The Department is in receipt of two requests from Chris Campany of the Windham Regional Commission, dated July 30 and 31, 2014, seeking an extension of time for the regional planning commissions (“RPC”) to file comments regarding proposed definitions of the terms “good cause” and “substantial deference” contained in 30 V.S.A. § 248a(c)(2). It is the Department’s understanding that the Board sent notice of solicitation of comments in a July 10, 2014 memorandum to the parties as directed by Act 190, including the Department and the municipal legislative bodies and municipal planning commissions, but did not send notice to the RPCs. The regional planning commissions received notice only within the past week.

The Department agrees that the Board’s decision to exclude notice to the RPCs is reasonable under the letter of Act 190, requiring that the “Board shall provide direct notice to each municipal legislative body and planning commission.” However, it suggests that granting the RPCs a short extension of time to file comments would be highly valuable to the Board’s consideration of the revisions to the § 248a statute and procedural order. As explained in Mr. Campany’s July 31 filing, § 248a(c)(2) directs the Board to give substantial deference (unless good cause is shown otherwise) to the recommendations from both municipal bodies *and* regional planning commissions. The Department respectfully suggests that providing all parties directly impacted by a revision of terms contained in § 248a(c)(2), including the RPCs, a reasonable opportunity to conduct research and submit meaningful comments to the Board is consistent with the spirit of Act 190. Mr. Campany’s recent filings have shown, if nothing else, that the RPCs have a significant interest in the statutory and procedure order revisions now under consideration, and at least the Windham Regional Commission intends to submit thoughtful comments to the Board.



The Department believes such input from the RPCs would provide an important perspective to the discussion at hand. It therefore respectfully requests that the Board consider granting the RPCs a short extension of time – no more than five business days – to file comments.

Sincerely,



Aaron Kisicki
Special Counsel

cc: Chris Campany, Windham Regional Commission
Will Dodge, Downs Rachlin Martin, PLLC
Brian Sullivan, Murphy Sullivan Kronk
Vermont League of Cities and Towns