

Rulemaking Procedures

This document provides an overview of typical rulemaking procedures. Underlined text will link you to more information about that step in the glossary or to an external website. *This document is a general guide for the public. It should not be relied upon for reviewing the applicable statutory and regulatory requirements for such projects. Every project is unique, and this general guide cannot anticipate or explain all issues that may arise in a case. For specific guidance, please refer to the applicable statutes, rules, legal precedent, and legal advice. Please feel free to contact the [Clerk of the Commission](#) if you have questions about the information in this document.*

Under Vermont law, the Commission is authorized to adopt administrative [rules](#) on matters under its jurisdiction. Rules are developed through the [State of Vermont’s established rulemaking procedures](#) (see 3 V.S.A. §§ 836 – 848), and have the force and effect of law.

When the Commission determines that a rulemaking proceeding is necessary (whether in response to a lawful request, a Legislative directive, or at the Commission’s own initiative), there are generally two processes that follow:

- an informal process conducted by the Commission to develop a draft proposed rule, and
- the formal rulemaking process required by law for the Commission to officially adopt a rule.

Typical Procedural Steps

Informal Rule Drafting Process

Notice of Schedule

Public Participation:
Workshops and
Comments

Formal Rulemaking Process

Informal Drafting Process. To develop a draft proposed rule for adoption through the State’s formal rulemaking process, the Commission often conducts proceedings to develop the proposed rule. These proceedings provide the Commission with an understanding of the elements that should be incorporated into a proposed rule and give stakeholders and the public an opportunity to raise issues that should be considered.

Typically, the Commission conducts this informal drafting process as an [uncontested proceeding](#). In such a case, the Commission’s [ex parte](#) rules do not apply. This means that Commissioners and Commission staff are permitted to communicate with anyone who wants to discuss the substance of the proposed rule or the process of the rulemaking. Such conversations can be particularly helpful during the development of a proposed rule.

In some cases the Commission may use [contested case procedures](#) if there is a need to develop a formal evidentiary record on which to base the proposed rule. The Commission’s [ex parte](#) rules apply to contested case proceedings.

Notice of Schedule. At the start of the proceeding, the Commission will typically issue a notice that outlines the procedural steps for the drafting process and when they will occur.

Public Participation. When using uncontested procedures, the Commission’s initial rulemaking process will typically include one or more opportunities for written comments and participation in one or more [workshops](#). When using contested case procedures, the Commission will issue a procedural order that establishes a process and schedule for hearings to develop an evidentiary record for use in drafting the proposed rule.

The Commission may also publish an initial proposed draft of the rule for public comment prior to formally initiating the State’s administrative rulemaking process.

Members of public are welcome to comment on the development of proposed rules at any point during the Commission’s initial development of a proposed rule.

The Formal Rulemaking Process. After a draft proposed rule has been developed, the Commission follows the formal requirements of the State’s administrative rulemaking process to officially adopt the rule. The formal rulemaking process is governed by the Vermont Administrative Procedures Act ([3 V.S.A. §§ 836 - 848](#)).

Vermont’s formal rulemaking process includes review of an agency’s proposed rule by:

- the Interagency Committee on Administrative Rules,
- the Office of the Secretary of State, and
- the Legislative Committee on Administrative Rules.

There are established procedures, filing requirements, and opportunities for public participation as part of the formal rulemaking process. The process includes several opportunities for submitting public comments, including written comments and at least one [public hearing](#). The final adopted rule is filed with the Secretary of State and the Legislative Committee on Administrative Rules.

For more information about Vermont’s formal rulemaking process, please visit the [Vermont Secretary of State’s website](#).

The Secretary of State has also published a [PowerPoint presentation](#) that describes the process for adopting administrative rules.

Up-to date information about specific cases, current deadlines, and more can be accessed anytime via the Commission’s website at puc.vermont.gov

This document can be accessed at puc.vermont.gov/document/rulemaking-procedures where the glossary terms and other links will be active. It is best viewed in the most recent version of Google Chrome or Internet Explorer.