

To members of the House NRF&W Committee:

I am sending these comments in response to your current discussions related to changing the rules and structures for ACT 250 proceedings.

It appears there's pressure to make Act 250 proceedings similar to the proceedings at the PUC. That would be a huge mistake because it would drastically restrict public access to the process and reduce effective citizen participation, just as it has at the PUC.

I am unfortunately very familiar with the procedures of the PUC because for the past five years I have been a citizen intervenor fighting two commercial solar projects in Bennington. My experience, and that of the several other citizen intervenors I'm working with, has been frustrating and impossibly complicated. We feel it was rigged against us in every way.

The PUC process, because it's set up as a court, favors large developers with huge amounts of money to pay experts and lawyers. Citizen Intervenorers like us have no money, so our voices are easily dismissed as simply NIMBYism or special interest complaining.

The PUC process uses enormously confusing and complicated rules and procedures and mechanics in order for us to even make our voices heard. No citizen has a chance to understand these rules or the time or expertise to learn them. The developer's lawyers will always have the upper hand as they understand the rules of evidence and the necessity to preserve issues for appeal. We know we would have effectively been entirely closed out if we hadn't been able, by rare good luck, to gain the assistance of a pro-bono attorney very late in the process after we had already had our *pro se* participation completely ignored.

Currently ACT 250 hearings with its citizen-friendly district commissions allows neighbors to enter their opinions, facts and information much more easily. It's important to allow this process to continue since it allows such testimony to be entered without having to hire lawyers. We were at a great disadvantage throughout the entire PUC process.

Only if you've participated as a citizen at the PUC would you have any idea why duplicating, even partly, those processes for ACT 250 would be a terrible idea for Vermont citizens. The ACT 250 process at the district commissions is more informal, and that's democracy at its best. Participation rather than speed (always demanded by someone who wants to make money) should be the standard.

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