

# Public Utilities Commission Appointment Process Testimony

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## Current Process

### Chair

- The Chair is nominated, appointed, and confirmed in the manner of a Superior judge. They apply to the Judicial Nominating Board (JNB), who forward well-qualified candidates to the Governor. The Governor appoints from the list, subject to Senate confirmation

### Members

- Whenever a vacancy occurs, public announcement of the vacancy shall be made. The Governor **shall submit at least five names of potential nominees** to the Judicial Nominating Board for review. The Judicial Nominating Board shall review the candidates in respect to judicial criteria and standards only and shall recommend to the Governor those candidates the Board considers qualified. The Governor shall make the appointment from the list of qualified candidates. The appointment shall be subject to the consent of the Senate.
- A member seeking to be reappointed goes through the same process.

## Proposed Change

### To 30 VSA 3(d):

- Delete in 30 VSA 3(d): “A member wishing to succeed himself or herself in office may seek reappointment under the terms of this section.” And replace it with: “The Governor may reappoint a member of the Board other than the chair at the expiration of a term subject to the advice and consent of the Senate.”

### Rationale

- If a member has already been gubernatorially appointed and confirmed by the Senate, they have already been determined by the Judicial Nominating Board to be qualified. A governor by appointing, and the Senate by confirming, have concurred.
- A member seeking reappointment is inherently even more qualified than when originally applying, having already served in the role for all or part of at least one six-year term.
- Recent reappointments have been bipartisan and tend to maintain continuity and stability of the Board. Gov. Howard Dean appointed and reappointed David Coen, who was also reappointed by Gov. Jim Douglas in 2007. Jim Volz, who was first appointed in 2005 by Gov. Douglas, was reappointed by Gov. Peter Shumlin; and John Burke was appointed by Gov. Dean, then reappointed by Gov. Douglas.
- If a governor wants to reappoint a member, requiring them to submit at least 5 names for review wastes time and resources for the JNB, who have already determined the member is qualified.
- With this proposed change, the Senate would maintain its right to either confirm or reject the reappointment.