

## The PUC Process

*Incomprehensible and brutal*

**Energy and Telecommunications Projects.** All energy and most communication tower projects go through the Public Utility Commission's legalistic process. VCE is overwhelmed with work responding to citizens seeking assistance in understanding the PUC process. Town boards do not understand that they have a role to play. VCE is performing a public educational service by holding webinars to explain the processes, which differ depending on the type of development.

**Act 250 vs. Section 248.** The PUC process is incomprehensible to Vermonters. "They speak a different language." Experiencing the legalistic process at the PUC makes one appreciate the brilliance of the District Commission process in Act 250. Citizens can participate without a lawyer. There is a hearing where they can speak. They can raise issues that are considered in the decision. A District Coordinator is available to assist all parties with the process. Unless parties lawyer up, only after a District Commission decision does the process get legalistic with an appeal to Environmental Court, similar to the PUC process at the outset.

**How to Participate at the PUC.** In recent years, the PUC has made great strides in improving public access to their process. These comments are not a slam at the PUC. However, few people have experience participating at the PUC, except developer's lawyers. A small handful of attorneys will take cases representing citizens at the PUC. This means Vermonters have to participate *pro se*, acting as their own attorney. The PUC has created guides and flow charts that explain the process. Even so, people who find VCE have not been able to figure it out. There is nobody at the PUC or the Department of Public Service who helps. VCE is the only entity in the state who is demystifying the PUC process for Vermont citizens and towns. This legislature needs to create a Consumer Advocate.

**The PUC Process.** Town boards, regional planning commissions, and adjoiners receive notice. Neighbors get blasted as being NIMBYs (Not in My BackYard) if they oppose a project, but it is a requirement of the PUC process that one must have a particularized interest affected; i.e. you have to be a NIMBY in order to participate. Then comes a Scheduling Hearing, Discovery, Prefiled Testimony, Discovery, Rebuttal Testimony, Discovery, Evidentiary Hearing, Brief, Reply Brief, Proposal for Decision, Comments on Proposal for Decision, Oral Argument & Site Visit, Final Decision. That is the process. At the end of a case, the common comments from *pro se* intervenors are "it was brutal" and "never again."