



**State of Vermont
Public Utility Commission**

MEMORANDUM

To: Chair Kathleen James, House Committee on Energy and Digital Infrastructure

From: The Vermont Public Utility Commission

Re: Act 38, § 5

Date: October 31, 2025

The Vermont Public Utility Commission (“Commission”) submits this memorandum to respond to Act 38, § 5, passed during the last legislative session, and to update your committee regarding the Commission’s efforts to meet the statutory directive. The Act requires that the Commission submit a recommended amended definition of “plant” in 30 V.S.A. § 8002(18), along with an overview of the process we undertook and an explanation of the recommendation. The deadline in the statute for the Commission to submit this recommendation is November 1, 2025.

At this time, the Commission is still completing the recommendation. On June 30, 2025, the Commission opened a proceeding to examine the definition of “plant” in 30 V.S.A. § 8002(18).¹ The Commission provided opportunities for interested parties to submit comments for the Commission’s consideration.² Specifically, the Commission solicited two rounds of comments (including proposed amended definitions), held a workshop, and circulated a proposed definition for final comment. The final comments were submitted on October 16, 2025.

The Commission is working to finalize the recommendation after reviewing the final comments. We recognize that this means the Commission will not meet the deadline contained in Act 38, but we anticipate providing the recommendation no later than December 1, 2025.

¹ See Case No. 25-1253-INV. All submissions and Commission-issued documents on this matter are available in the Commission’s electronic filing system, ePUC.

² Participants in this proceeding include: the Vermont Department of Public Service, Renewable Energy Vermont, AllEarth Renewables, Inc., Vermonters for a Clean Environment, Downs Rachlin Martin PLLC, Green Mountain Power Corporation, the City of Burlington Electric Department, the Nature Conservancy Vermont Chapter, the Vermont Agency of Natural Resources, the Vermont Agency of Agriculture, Food and Markets, and Allco Renewable Energy Limited. Public comments were also filed jointly by the Vermont Public Interest Research Group, the Vermont Natural Resources Council, Vermont Conservation Voters, the Nature Conservancy Vermont Chapter, and the Conservation Law Foundation.