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**State of Vermont
Public Utility Commission**

MEMORANDUM

To: Legislative Committee on Administrative Rules
From: Vermont Public Utility Commission
Re: Response to Representative Higley's Concerns About Fire Safety in Rule 9.000
Date: January 14, 2026

Introduction

As requested at the January 8, 2026, meeting of the Legislative Committee on Administrative Rules on Commission Rule 9.000, this memorandum responds to Representative Higley's concerns about fire safety. Rule 9.000 addresses the fire safety of energy storage facilities consistent with the requirements of 30 V.S.A. §§ 248(b)(5), 248(u), and 8011. The specific requirements and processes related to fire safety are summarized below.

The Certificate of Public Good ("CPG") Process Addresses Fire Safety and Gives Local Firefighters Access to Specialized Training Upon Request

Section 8011(d)(3) of Title 30 states that the Commission may adopt rules that "seek to simplify the [CPG] application and review process." Accordingly, the Commission has proposed a tiered application system based on an energy storage facility's potential for risks to the environment and public safety. Commission Rule 9.302 establishes a streamlined process for energy storage facilities that are proposed inside an existing building or at a utility substation or radio tower. Rule 9.303 establishes a more comprehensive process for proposed facilities that require earth disturbance.

Rules 9.302 and 9.303 include the following standards and procedures that are relevant to fire safety. First, under 9.302(C) and 9.303(C), the applicant must provide notice of the application to the Vermont Division of Fire Safety when the proposed installation is in a public building. Under 9.303(C), an applicant must provide notice to additional interested persons, including adjoining landowners and the municipal legislative bodies and municipal and regional planning commissions in the communities where the facility will be located.

Under Rules 9.302(E) and Rule 9.303(E), the applicant must also certify that the installation and operation of the energy storage facility will comply with the applicable safety provisions of Rule

9.202, which include fire safety standards.¹ In addition, under 9.302(F) and 9.303(F), the applicant must present evidence addressing public health and safety, including fire safety, in accordance with 30 V.S.A. § 248(b)(5).

Rules 9.302(I) and 9.303(I) provide an opportunity for interested persons to file comments raising a substantive issue or an objection regarding the application. Under Rules 9.302(J) and 9.303(J), the Commission may hold a hearing on an application if it determines that the application raises a significant issue with respect to fire safety.

Representative Higley specifically expressed concerns about the ability of local firefighters to respond to fires at an energy storage facility and a potential need for specialized training. Under Rule 9.306(4), any CPG granted to an energy storage facility will include the following condition: “The CPG holder must notify local emergency responders of the energy storage facility and provide emergency response training upon request.” Therefore, local firefighting departments will have access to specialized training at the expense of the owner of the energy storage facility upon request.²

Specific Safety Standards Applicable to All Energy Storage Facilities

Rule 9.202 requires all energy storage facilities installed and operated in Vermont to comply with the following safety standards:³

- (1) National Fire Protection Association (“NFPA”) Standard 855 and the Division of Fire Safety’s Vermont Fire and Building Safety Code for installations in “Public Buildings” as defined in 20 V.S.A. § 2730;
- (2) NFPA 70 National Electrical Code and the Division of Fire Safety’s Vermont Electrical Safety Rules for installations in “Public Buildings” as defined in 20 V.S.A. § 2730 and 20 V.S.A. § 2900;
- (3) For utility-owned energy storage systems, IEEE National Electrical Safety Code ANSI C2;
- (4) Applicable interconnection codes and standards contained in the Commission’s interconnection rule; and
- (5) Any other code or standard ordered by the Commission.

NFPA 855 primarily addresses the issue of fire safety at all energy storage facilities. A summary of how NFPA 855 addresses fire safety is provided below.

¹ Under Rule 9.202(E), the application must include a certification that the energy storage facility will not require specialized fire protection services.

² Some fire departments may have already received such training, because the CPG issued for an energy storage facility in the community included the requirement to provide emergency response training upon request. *See* Case Nos. 21-1042-PET, 24-0146-PET, 23-3672-PET, and 21-5049-PET.

³ The Rule development included participation by the Division of Fire Safety and included the Commission adopting changes to the Rule 9.202 recommended by the Division of Fire Safety.

Fire Safety Standards under NFPA 855

The NFPA 855 Standard for the Installation of Stationary Energy Storage Systems provides mandatory requirements and explanatory text on the safety of energy storage systems with a particular focus on fire protection and prevention. The standard applies to all energy storage technologies and includes chapters for specific technology classes, such as lithium-ion batteries.

NFPA 855 also provides guidelines and requirements for the safe design, installation, operation, and maintenance of energy storage systems. NFPA 855 emphasizes proactive strategies to address potential risks, including thermal runaway, toxic gas release, and electrical faults. The standard was developed by the National Fire Protection Association, an organization that focuses on reducing the risk of fire and improving safety in a wide range of industries.

Below are some of the key components that are addressed in the standard:

- **Site and Location Requirements** – The standard outlines how to properly site and locate energy storage systems to minimize the risk of fire. This includes:
 - Proper clearance and separation from other structures or fire-sensitive areas;
 - Minimum distance from other systems or equipment to reduce the spread of fire;
 - Clear signage and labeling to identify the system and any potential hazards; and
 - Requirements for ventilation and airflow to manage heat buildup.
- **Fire-Resistant Barriers and Fire Suppression** – NFPA 855 specifies the installation of fire-resistant barriers or compartments to contain a potential fire in case of an incident. It also includes guidelines for the installation of fire-suppression systems (*e.g.*, sprinklers and gaseous fire-suppression systems) that are appropriate for the specific storage technology in use.
- **Battery Management and Monitoring** – A major focus of NFPA 855 is ensuring that energy storage systems are equipped with proper battery management systems that can monitor temperature, voltage, and state of charge. This helps to identify and prevent conditions that could lead to fires, such as overcharging, overheating, or short circuits. The standard requires safety features that alert operators to potential issues before they escalate into dangerous situations.
- **Electrical and Wiring Safety** – Proper electrical wiring and connections are critical for fire safety in energy storage systems. NFPA 855 outlines specific requirements for cable management, grounding, and circuit protection to ensure that electrical components do not pose a fire risk. The standard also emphasizes the use of fire-rated materials for electrical systems.
- **Maintenance and Operational Guidelines** – The standard emphasizes the importance of routine maintenance, testing, and inspection to ensure ongoing safety. Regular checks of battery performance, cooling systems, and fire-suppression equipment are essential for preventing malfunctions that could lead to fires.
- **Emergency Response Plans** – NFPA 855 outlines requirements for emergency response planning, including proper training for personnel and first responders on emergency

protocols to handle incidents effectively. The standard recommends that energy storage systems be equipped with emergency disconnect systems that allow for safe shutdown in the event of an emergency.