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**State of Vermont  
Public Utility Commission**

**MEMORANDUM**

To: Legislative Committee on Administrative Rules  
From: Vermont Public Utility Commission  
Re: Additional Response to Representative Higley's Concerns About Fire Safety in Rule 9.000  
Date: January 21, 2026

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**Introduction**

This memorandum responds to Representative Higley's requests for changes to Commission Rule 9.000 to address concerns about fire safety. These concerns were raised at the January 15, 2026, meeting of the Legislative Committee on Administrative Rules and in a January 19, 2026, email.

**The Certificate of Public Good (“CPG”) Requirement that Gives Local Firefighters Access to 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.”

Representative Higley requests that the CPG requirement include more responsibility on the part of the CPG holder to ensure that local fire and mutual-aid responders receive training based on the specific energy storage facility. He suggested the following wording: “The CPG holder must notify local emergency responders of the energy storage facility and provide tailored emergency response training for the specific facility before completion.”

The Commission contends that the CPG condition in Rule 9.303(4) is responsive to Representative Higley's concerns. The CPG condition requires notice to local emergency responders of the energy storage facility, including its size and specific characteristics. In addition, the CPG condition provides an opportunity to request training, recognizing that as more energy storage facilities are built the need for additional training diminishes.

However, in further response to Representative Higley's concerns, the Commission proposes the following additions to the CPG condition to make clear that any training is at the expense of the energy storage facility:

“The CPG holder must notify local emergency responders of the energy storage facility and **must** provide emergency response training upon request **and at the expense of the CPG Holder.**”

Further, the Commission has authority for the full enforcement of the CPG under Section 248, including the imposition of fines for non-compliance with a CPG condition under 30 V.S.A. § 30. This authority allows the Commission to investigate complaints of non-compliance and issue penalties if a CPG holder fails to provide any requested training.

### **U.S. Environmental Protection Agency (“EPA”) Considerations for Battery Energy Storage Systems**

Representative Higley also requested the Commission’s opinion of EPA’s main considerations for safe installation and incident response of battery energy storage systems (“BESS”).<sup>1</sup> These considerations include:

- Comply with state and local siting, zoning, marking, and permitting requirements to ensure site suitability.
- Consider the design of BESS units (battery chemistry, manufacturing quality assurance/quality checks, unit design, battery management system analytic capabilities, and system integration) and consult the most recent industry safety standards.
- Include remote sensors and monitoring (*e.g.*, infrared, thermal, and fire detection).
- Communicate with local first responders to develop emergency response plans for incidents.

Commission Rule 9.000 is consistent with EPA’s considerations for safe installation and incident response of BESS.

First, the siting of energy storage facilities in Vermont is governed by statewide requirements established under 30 V.S.A. §§ 248(b)(5), 248(u), and 8011, rather than local requirements.

In addition, Rule 9.202 requires compliance with the EPA’s relevant BESS standards: National Fire Protection Association (NFPA) Standard 855 and Underwriters Laboratory (UL) 9540 and 9540A.<sup>2</sup> The key components of NFPA 855 Standard were summarized in the Commission’s January 14, 2026, memorandum to LCAR.

Finally, under Commission Rule 9.306, a CPG issued or deemed issued for an energy storage facility includes conditions that are consistent with the EPA’s considerations for safe installation and incident response of BESS.

Under Rule 9.306(2), “Before beginning site preparation, construction, operation, maintenance, or decommissioning of the energy storage facility, the CPG holder must obtain all other necessary permits and approvals. Site preparation, construction, operation, maintenance, and

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<sup>1</sup> See <https://www.epa.gov/electronics-batteries-management/battery-energy-storage-systems-main-considerations-safe>. The EPA’s considerations do not constitute regulatory requirements; instead, it appears the EPA developed these considerations in response to fires at certain energy storage facilities.

<sup>2</sup> UL 9540 is incorporated into NFPA Standard 855 under the requirement that all energy storage systems be listed and labeled in accordance with UL 9540.

decommissioning of the energy storage facility must be in accordance with such permits and approvals, and with all other applicable regulations, including those of the Vermont Agency of Natural Resources and Commission Rule 9.000.”

As discussed above, under Rule 9.306(4), the CPG holder must notify local emergency responders of the energy storage facility and must provide any requested emergency response training.

Under Rule 9.306(5), “The CPG holder must remove the facilities authorized by the CPG once they are no longer in service and must restore the site to its condition before installation of the facility to the greatest extent practicable, consistent with the terms and conditions of its proposed decommissioning plan, as modified by the Commission.”

Under Rule 9.306(6), “Any removal of the facilities authorized by the CPG, including the transport and recycling or disposal of components, must be carried out in accordance with best practices and all applicable state and federal waste management regulations.”