

RELATIONS WITH THE VERMONT LEGISLATURE AND THE EXECUTIVE BRANCH



NARUC Energy Regulatory Partnership Program

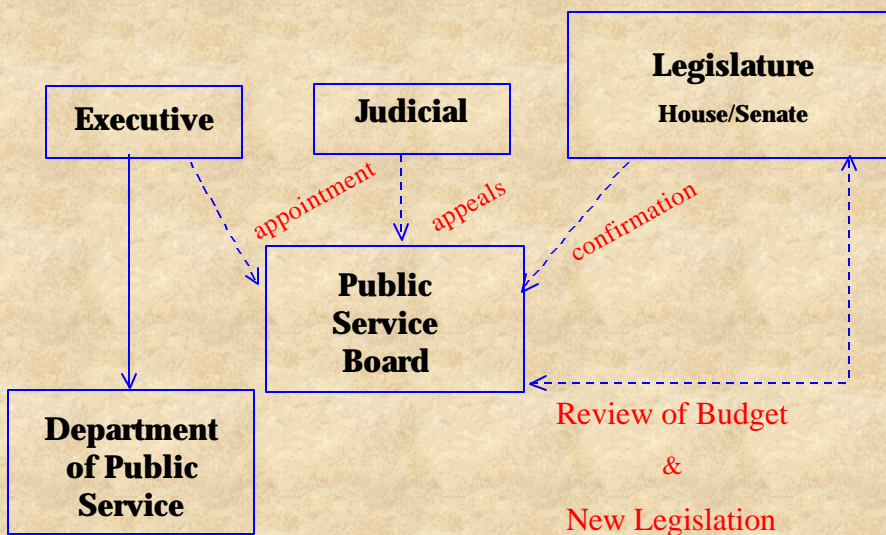
*The Energy Regulatory Commission of the Republic of Macedonia
and
The Vermont Public Service Board*

by
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Vermont Public Service Board

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BASIC STRUCTURE



Functional Elements

- ❖ The PSB is a quasi-judicial body
 - It has three members – two part-time and one full time
 - It has a professional staff of 14 – lawyers, accountants, financial analysts, economists, engineers
- ❖ The Department of Public Service (DPS) is an Executive Branch agency
 - It prepares the state's energy plan
 - It acts as the consumer advocate for the state's ratepayers

Appointment Process

- ❖ Commissioners are appointed for staggered six year terms
 - Two part-time Commissioners (Part-time at 2/3 pay)
 - Pay based on scale of Supreme Court judge
 - Law degree or admission to the bar not required
- ❖ Application process
- ❖ Nomination and review by Judicial Review Board
 - Judicial Nominating Board reviews five or more names provided by Governor
 - Provides list of final candidates to Governor
 - Governor chooses appointee from this list
- ❖ Confirmation
 - Appointment is subject to Senate Confirmation
- ❖ Removal
 - Only for cause
 - Never has been done

Legislative Relations

- ❖ Part-time Legislature
- ❖ 50 Senators; 150 Representatives
- ❖ Legislative Mandates
 - Any relevant laws passed by the legislature must be implemented by the PSB
 - The PSB can implement those laws via rule or order
- ❖ Budgetary review
 - Board is funded via a gross receipts tax on the state's utilities
 - Commission funding is not part of the statewide budget but is reviewed by Legislature

Legislative Relations (cont.)

- ❖ Rulemakings
 - Legislative Committee on Administrative Rules reviews proposed PSB rules
 - Rules proposed by the Board usually accepted as final
- ❖ Orders
 - Legislation implemented via a Board Order can be appealed to the Vermont Supreme Court
- ❖ Policy guidance
 - Often the PSB is asked to provide its expert opinion on energy policy matters
 - The Board will not provide testimony before the legislature for issues that are currently being decided by the Board

Legislative Reports

- ❖ The Department of Public Service provides most substantive reports to the Legislature
 - Vermont Energy Plan
 - Potential for Energy Efficiency
- ❖ The PSB provides reports annually on
 - The PSB budget
 - The PSB workplan
 - An independent review of the Efficiency Utility

Legislative Relations (cont.)

- ❖ Communication with individual legislators
 - Often a legislator will contact a Board member with a question
 - The Board does its best to address the questions or concerns of members of the legislature
 - Guidance is provided only when the issue under discussion is not an active case before the Board
 - Legislators accept the need for PSB independence
 - Private discussions with legislators or any other member of the public about cases pending before the Board are illegal

Relations with Governor

- ❖ Governor elected for two year term
- ❖ Commissioners appointed for staggered six year terms
- ❖ Commission is quasi-judicial
 - Commission is independent of Governor
 - Commission is separate from Administration
- ❖ Department of Public Service (DPS) is Executive Branch agency
- ❖ Board communication with Governor
 - Regular briefings
 - No discussion of pending matters

Relations with the Department of Public Service (DPS)

- ❖ DPS is an Executive Branch agency
- ❖ DPS is directly responsible to Governor
- ❖ Stipulations between the DPS and utilities can reflect political position of Governor's office
- ❖ Role of Commission is to undertake an independent review of the stipulations

Relation to High Court

- ❖ Commission decisions appealed directly to Vermont Supreme Court
- ❖ Past experience shows a high level of deference given to the PSB
- ❖ Commission decisions are usually, but not always, affirmed by the Court

Relations with General Community & Business Community

- ❖ All Board members communicate directly with the greater community
- ❖ Part-time Board members are important link
- ❖ One role of 2/3 time members is to understand the sense of the community
- ❖ Board members often attend meetings of business organizations – Chamber of Commerce etc.
- ❖ But will not discuss specifics of any case currently before the Board



Relations with the Press

- ❖ The Press is not necessarily always objective; we live with some bias in press reports on electric issues
- ❖ PSB objective is to be sure the Press receives as accurate information as possible
- ❖ PSB issues Press Releases for major decisions
- ❖ Chairman will grant interviews but only for issues that are not currently being reviewed by the Board
- ❖ PSB may send clarifying letters to the Press if they get the facts wrong