

# Public Involvement at the Public Service Board



*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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# *Public Access to PSB Information*

## Outline:

- I. Principles
- II. General Access: direct contact, telephone, email, and website publication
- III. Public Workshops
- IV. Access to records associated with investigations
- V. Treatment of confidential information





## *I. Why Provide Access?*

“Publicity is justly commended as a remedy for social and industrial diseases. Sunlight is said to be the best of disinfectants . . . .”

United States Supreme Court Justice Louis D. Brandeis

*Other People's Money and How the Bankers Use It* (1914)



# *I. Access to Information*

No absolute freedom of access to information, but a strong presumption that government action should not be shielded from public view.





## *II. Access in General*

- ❖ Physical access: the PSB is a “library.”
- ❖ PSB information available on its website --  
<http://www.state.vt.us/psb/> Contains:
  - ◆ Board Calendar
  - ◆ Statutes and Rules
  - ◆ Decisions
  - ◆ Forms
  - ◆ “News” categorized by industry, e.g., electricity, telephone, natural gas etc.
- ❖ Contacting the PSB: Letters, telephone, email.



### *III. Involvement: Public Meetings and Workshops*

One Example: Renewables Portfolio Standard Workshops Act 60 -- 2003

#### § 8004. RENEWABLE PORTFOLIO STANDARDS FOR SALES OF ELECTRIC ENERGY

- (a) The public service board shall design a proposed renewable portfolio standard in the form of draft legislation.

The standard shall be developed with the aid of a renewable portfolio standard collaborative. . . . composed of representatives from the electric utilities, industry, renewable energy industry, ratepayers, environmental and consumer groups, the department of public service, and other stakeholders identified by the board . . . .





## *IV. Involvement in PSB Decisions*

- ❖ Public Notice
  - Newspaper announcements (rate cases),
  - Customer bills
  - Board website
- ❖ Involvement as a member of the public:
  - Send letter (informal complaint or set of comments) to the Board (Public File).
  - Provide Comments at a public hearing
- ❖ More formal involvement:
  - Formal complaint, requesting an investigation
  - Intervention (becoming a party to an investigation)



## *IV. Access to PSB Records Associated With Decisions*

- ❖ Public has access to all non-confidential books and records
  - Discovery
  - Testimony
  - Exhibits
  - Letters
  - Motions (statements of legal or policy positions)
  - Board Orders





## *V. Limits to Public Access*

### ❖ Protection of Confidential Materials

- Parties may request confidential treatment, but must demonstrate -- with specificity -- reasons for request.
- Board will protect allegedly confidential material and approve process for providing access to such material or conduct hearing on request to alter confidential status of material
- Criteria for granting confidential status:



## *V. Criteria for Granting Confidential Treatment*

- a. Identification of the specific document or information for which confidential treatment is sought;
- b. Explanation of the degree to which the document or information contains a trade secret or other commercially sensitive information, or is privileged;





## *V. Criteria for Granting Confidential Treatment (cont.)*

- c. For documents and information alleged to contain trade secrets or other commercially sensitive information:
  - i. the extent the information is known outside the Company,
  - ii. the extent the information is known by employees and independent contractors,
  - iii. measures taken to guard secrecy,
  - iv. the value of the information to the Company and competitors,
  - v. the amount of effort or money used to develop the information,
  - vi. the ease or difficulty of others in acquiring or duplicating the information, and
  - vii. an explanation of how disclosure of the information could result in cognizable harm sufficient to warrant a protective order;



## *V. Criteria for Granting Confidential Treatment (cont.)*

- d. Justification of the period during which the Company asserts that material should not be available for public disclosure;
- e. Explanation of whether partial disclosure, or disclosure of redacted versions, can adequately protect the allegedly confidential information; and
- f. Any other information that the Company believes may be useful in assessing whether the document or information should remain confidential.





## *Summary: The Benefits of Access to Government Information*

A democracy works best when the people have all the information that the security of the Nation permits. No one should be able to pull curtains of secrecy around decisions which can be revealed without injury to the public interest . . . .

President Lyndon Johnson 1966, discussing the Freedom of Information Act