



## INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

**Meeting Date/Location:** June 12, 2023, virtually via Microsoft Teams  
**Members Present:** Chair Sean Brown, Brendan Atwood, Jennifer Mojo, Diane Sherman, Michael Obuchowski, Donna Russo-Savage, Nicole Dubuque and Jared Adler  
**Members Absent:** John Kessler  
**Minutes By:** Melissa Mazza-Paquette

- 2:00 p.m. meeting called to order, welcome and introductions.
- Review and approval of [minutes](#) from the May 8, 2023 meeting.
- No additions/deletions to agenda. Agenda approved as drafted.
- No public comments made.
- Presentation of Proposed Rules on pages 2-7 to follow.
  1. Rule 5.400 5.400 Petitions to Construct Electric and Gas Facilities Pursuant to 30 V.S.A. §248, Public Utility Commission, page 2
  2. 5.100 Rule Pertaining to Construction and Operation of Net-Metering Systems (the "Net-Metering Rule"), Vermont Public Utility Commission, page 3
  3. Rule 5.500: Interconnection Procedures For Proposed Electric Generation Resources And Energy Storage Devices, Vermont Public Utility Commission, page 4
  4. Education Quality Standards (Rule Series 2000), State Board of Education, page 5
  5. Vermont Use of Public Waters Rules, Agency of Natural Resources, page 6
  6. Medicaid Coverage of Exception Requests, Agency of Human Services, page 7
- Committee discussion postpone to a future meeting date:
  - Potential resources available for proposed rules to be reviewed for copyediting prior to presenting to ICAR.
  - Use of terms 'regulation' and 'promulgation': Administrative Procedure Act rules are adopted. Regulations are not promulgated.
- Other business: Donna Russo-Savage resigned from ICAR effective with her retirement date of June 30, 2023.
- Next scheduled meeting is July 10, 2023 at 2:00 p.m.
- 3:54 p.m. meeting adjourned.

**Proposed Rule:** Rule 5.400 5.400 Petitions to Construct Electric and Gas Facilities Pursuant to 30 V.S.A. §248, Public Utility Commission

**Presented By:** John Cotter

Motion made to accept the rule by Brendan Atwood, seconded by Nicole Dubuque, and passed unanimously with the following recommendations:

1. Proposed Filing – Coversheet, #8: Begin with the title of the rule, a description of the general rule and that it lays out the process by which to petition to construct electric and gas facilities.

DRAFT

**Proposed Rule:** 5.100 Rule Pertaining to Construction and Operation of Net-Metering Systems (the "Net-Metering Rule"), Vermont Public Utility Commission

**Presented By:** Jake Marren

Motion made to accept the rule by Mike Obuchowski, seconded by Brendan Atwood, and passed unanimously with the following recommendations:

1. Proposed Filing – Coversheet, #8: Include language from #7 regarding how the statute authorizes the Vermont Public Utility Commission to adopt rules that govern the installation and operation of net metering systems. Add a description of net metering if possible, within the word count limit.
2. Economic Impact Analysis, #3, 2<sup>nd</sup> paragraph: Clarify “The proposed amendments do not include substantive changes to the compensation framework for net-metering systems or change the rate of compensation that systems receive.”
3. Economic Impact Analysis and Proposed Rule: School district terminology needs to be changed for accuracy. Donna Russo-Savage will work directly with presenters regarding language and non-substantive changes to the proposed rule.

DRAFT

**Proposed Rule:** Rule 5.500: Interconnection Procedures For Proposed Electric Generation Resources And Energy Storage Devices, Vermont Public Utility Commission

**Presented By:** Jake Marren

Motion made to accept the rule by Brendan Atwood, seconded by Diane Sherman, and passed unanimously with the following recommendations:

1. Proposed Filing – Coversheet, #8: Include a detailed description of what's been changed - can use language from #9.
2. Adopting Page, #4: Include the effective date of the last adoption for the existing rule.

DRAFT

**Proposed Rule:** Education Quality Standards (Rule Series 2000), State Board of Education

**Presented By:** Jennifer Samuelson, Tammy Kolbe, Kimberly Gleason

Motion made to accept the rule by Diane Sherman, seconded by Jen Mojo, and passed unanimously except for Donna Russo-Savage who abstained, with the following recommendations:

1. Proposed Filing – Coversheet, #8: Add a description as to what the rule is and what is being done.
2. Economic Impact Analysis:
  - a. #3: Include cross references to #4.
  - b. #4: Instead of using the reference to 'minimal', describe a category of costs and a range of how those costs might impact different districts depending on where they are.
  - c. #9: Describe 'how' as stated in the description and what data was used.

DRAFT

**Proposed Rule:** Vermont Use of Public Waters Rules, Agency of Natural Resources

**Presented By:** Katelyn Ellermann and Oliver Pierson

Motion made to accept the rule by Brendan Atwood, seconded by Nicole Dubuque, and passed unanimously except for Jen Mojo who abstained and Donna Russo-Savage who did not vote due to technical difficulties, with the following recommendations:

1. Scientific Information Statement, #2, top of page 3: Change “maximum depths” to “distance to shore” if applicable.

DRAFT

**Proposed Rule:** Medicaid Coverage of Exception Requests, Agency of Human Services

**Presented By:** Linda McLemore

Motion made to accept the rule by Diane Sherman, seconded by Jen Mojo, and passed unanimously except for Brendan Atwood who abstained and Jared Alder who left the meeting early, with the following recommendations:

1. Proposed Rule:
  - a. 4.105.2 (A)(4): Change to begin with a verb to align with 1-3 tenses.
  - b. 4.105.2 (B): Change the period at the end of the sentence to a colon.

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