



Public Utility Commission

Performance Reporting on Case
Decision Timeliness is Accurate but is of
Limited Usefulness to Policymakers or
the Public Without More Detail



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Dear Colleagues,

As you know, the Public Utility Commission (PUC) is responsible for reviewing requests for permits and approvals for electric, gas, telecommunications and other infrastructure projects, electric utility rate charges, and other matters. The ultimate purpose driving the PUC's case proceedings and decisions is to determine whether the project proposal or request will serve the long-term public good of Vermont. This audit calculated how long it takes for the PUC to render case decisions. It also analyzes data that is, and is not, shared with the public about their performance.

Why does this matter? PUC decisions that take longer than expected could delay or prevent homeowners, developers, and others from achieving the benefits of their proposals, such as financial and environmental advantages of residential solar installations. Moreover, when the PUC takes a long time to issue decisions, it may stress the ability of the public and applicants to participate in PUC proceedings. In addition, state agencies track and report performance measures to be held accountable, and to hold themselves accountable, and we wanted to know the extent to which the PUC uses measures that promote this.

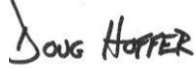
We found that the PUC's time to render a case decision varied significantly within and across the PUC's case types, from 23 days for the smallest net-metering cases (e.g., customer-owned solar installations that feed excess electricity back to the electric grid) to 219 days for large siting projects (e.g., electric transmission and generation facilities) over a four-year period.

We also found that the PUC's minimal reporting on case decision timeliness, while technically accurate, masks the areas that lag below the PUC's goals. Further, the goals the PUC set for performance measurement reporting are based on the time it expected its most complex cases to need and it does not publicize internal estimates of how long most cases are likely to *actually* need. Moreover, the PUC does not have performance measures to monitor its case clearance rates or the age of open cases, though these metrics are recommended as best practice for use in conjunction with the time to disposition measure the PUC does use. These combined weaknesses of the PUC's performance measurement reporting make it difficult for Vermonters to know whether the PUC is conducting their work efficiently or not and makes it hard for the Commissioners to identify systemic bottlenecks in their case management.

Our report contains appendices that describe each of the 12 PUC case types in our scope and the average time to render decisions and other timeliness performance results for each case type for fiscal years 2019 through 2022. In addition, we recommended improvements to the PUC's performance measurement and reporting of case decision timeliness. Our recommendations include that the PUC routinely publicize detailed information regarding its goals and results, by case type, and reevaluate whether its current timeframe goals are appropriate.

I would like to thank the PUC staff for their cooperation and professionalism during our audit.

Sincerely,



DOUGLAS R. HOFFER
State Auditor

ADDRESSEES

The Honorable Jill Krowinski
Speaker of the House of Representatives

The Honorable Philip Baruth
President Pro Tempore of the Senate

The Honorable Phil Scott
Governor

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Contents

| | Page |
|--|-------------|
| Highlights | 1 |
| Background | 4 |
| Objective 1: PUC's Reporting on Case Decision Timeliness is Accurate but Lacks Detail Needed to be Useful | 5 |
| Time to Render Case Decisions Varied Based on Case Type | 5 |
| Summarized Performance Reporting Masks Timeframe Goals and Results by Case Type | 6 |
| Timeliness Measures Not Used by the PUC | 11 |
| PUC's Methodology for Calculating Time to Disposition | 14 |
| Conclusions | 17 |
| Recommendations | 17 |
| Management's Comments | 18 |
| Appendix I: Scope and Methodology | 19 |
| Appendix II: Abbreviations | 21 |
| Appendix III: Auditor Calculations of Time to Render Case Decisions | 22 |
| Appendix IV: Performance Data by Case Type | 23 |
| Appendix V: Reprint of Management's Comments | 36 |

Highlights

The Public Utility Commission (PUC) is an independent regulatory entity that has jurisdiction over nearly all aspects of Vermont's public utility services, including rates charged, quality of service, and overall financial management. Operating a quasi-judicial process, the PUC oversees whether state and federal requirements are followed, evaluates and investigates disputes, and reviews utility-related requests through formal case determination processes. Utility-related requests can range from a homeowner installing solar panels to a utility provider building a new substation.

Our review of the PUC's performance reporting on case decision timeliness was prompted by a constituent complaint concerning the PUC's reporting on the timeliness of its decisions. For reasons discussed below, the timeliness of the PUC's decisions is important although we recognize that there are other important considerations when evaluating the PUC's decision-making, such as the ease of citizen participation and the soundness of the decision itself.

We chose to focus this audit on the PUC's timeliness reporting for two reasons. First, state agencies should only provide the public with accurate information. Our audit would determine whether the constituent complaint was warranted or not. Second, state agencies track and report performance measures in order to be held accountable, and to hold themselves accountable, and we wanted to know the extent to which the PUC was using recommended performance measures for timeliness. If performance measurement is done poorly the public may draw inaccurate conclusions from the data that is reported, and the relevant agency may not meaningfully evaluate its own performance. For example, timeliness data need to be of sufficient detail so that the public, the Legislature, interested parties, and the PUC can look at them as a starting point to question how long cases are taking to be concluded.

Why does this matter? PUC decisions that take longer than expected could delay or prevent homeowners, developers, and others from achieving the benefits of their proposals, such as financial and environmental advantages of residential solar installations. In addition, by identifying and analyzing unexpected delays, the PUC could identify improvements to streamline processes and facilitate speedier decision-making. And importantly, when the PUC takes a long time to issue decisions, it may stress the capacity of the public and applicants to participate in PUC proceedings. Readers of this audit should have these broader considerations in mind as they review our findings.

Our audit objective was to calculate how long the PUC took to render case decisions and evaluate how it reports on decision timeliness.¹ Our audit focused on cases filed and maintained in the online case management system, ePUC, for fiscal years 2019 through 2022, for 12 “case types” the PUC uses to categorize cases for performance measurement and reporting. Three of these case types pertain to small, medium, and large net-metering systems. Net-metering systems are most commonly customer-owned solar installations that feed excess electricity back to the electric grid. The remaining case types describe filings that pertain to siting projects (e.g., cell towers), utility rates (called tariff cases), and other types of cases for which the PUC issues orders.

Objective 1 Findings

We calculated how long the PUC took to render decisions, which varies widely by case type, and is shown in detail in Appendix III. Annually, the PUC publicly reports two measures on the timeliness of its decisions based on a time to disposition measure recommended by the National Center for State Courts (NCSC). The two measures are the percentage of cases that are disposed of or otherwise resolved within established timeframes (1) for net-metering registration cases (e.g., small net-metering systems such as solar panels mounted on residential roofs) and (2) on 11 other case types. Appendix IV contains descriptions of all case types contained in these measures. The PUC separated out the net-metering registration cases because there are significantly more of these cases than any other type but aggregates all the other case types.

The PUC publicly [reported](#) that it met its established timeframes at least 93 percent of the time for each fiscal year (FY) for both performance measures, the accuracy of which we confirmed. However, the performance measures the PUC uses are of limited use to policymakers or the public due to the following aspects of the PUC’s performance measurement reporting and process for calculating results.

- **The PUC publicizes only minimal, summarized results, which masks less positive aspects of their performance.** The PUC established performance goal tiers for when it expects a certain percentage of cases in a type to be completed. These tiers are intended to reflect that there are different levels of case complexity that can be expected to take varying time to decide. To illustrate, the PUC set a performance goal that 50 percent of large net-metering cases (called petition cases) will be decided within 60 days, 80 percent within 90 days, and 100 percent within 270 days. The PUC did not publicly report whether or the extent to which it met each of the goal tiers. Instead, in its performance reporting, the PUC combined the percentage of large net-metering cases that met the 100 percent goal for this case type with the 100 percent goal for 10 other case types. This means that the PUC’s publicly reported performance measures only reflect the percentage of time it meets the timeframes for its *most complex* cases. Thus, the PUC has effectively given itself the most generous timeframe for every case for performance measurement reporting. In addition,

¹ Appendix I details the scope and methodology of the audit. Appendix II contains a list of abbreviations used in this report.

because PUC's performance reporting combines the results of 11 case types into a single measure, stakeholders are not provided PUC performance data by case type, which masks when the PUC's performance is lagging. For example, the PUC did not publicly report that the performance results for the large net-metering (petition) cases in fiscal year 2022 were 5 percent within 60 days, 34 percent within 120 days, and 82 percent within 270 days. Each of these percentages was significantly below the PUC's performance goals for the case type.

- **The PUC does not include measures to identify case clearance rates or age of pending open cases.** The PUC does not use all the interconnected measures that are recommended by the NCSC to effectively gauge timeliness. Specifically, the PUC lacks measures to monitor where backlogs in its caseload may be occurring (clearance rate), and whether certain cases are approaching or have surpassed expected timeframes (age of pending open cases). These measures, when used in conjunction with the time to disposition measure, provide organizations a key management tool for assessing the length of time it takes to process cases.

In addition, the PUC increases the risk for errors by relying on complex, manual adjustment of ePUC data. The PUC's methodology for calculating time to disposition has depended on the historical knowledge of one long-time staff member to manually adjust data extracted from ePUC to calculate determination times.

Recommendations

We made recommendations on the PUC's performance measurement and reporting of case decision timeliness that, if implemented, would improve the usefulness of the information compiled and the PUC's ability to demonstrate timeliness. Our recommendations include that the PUC routinely publicize detailed information regarding its goals and results, by case type, and reevaluate whether its current timeframe goals are appropriate.

Background

The PUC's jurisdiction for deciding cases covers a range of utility industries, projects, and stakeholders. Operating as an independent regulatory entity in a quasi-judicial manner, the PUC reviews requests for permits and approvals for electric, gas, telecommunications and other infrastructure projects, electric utility rate charges, and other matters.

The PUC is comprised of three commissioners who are appointed by the governor to serve staggered six-year terms, with new terms starting every two years. The PUC establishes rules and procedures governing the utility industries, including how case proceedings will be conducted. PUC staff typically manage case proceedings and make recommendations for final decisions by the three Commissioners. Case information, including the case schedule and documents related to proceedings, is recorded and tracked in the online case management system, ePUC.

PUC case proceedings vary greatly depending on the type and complexity of the case as well as the level of intervention by other parties. The majority of the PUC's caseload is made up of requests for approval of small net-metering systems (e.g., a homeowner seeking approval to mount a solar panel on a roof). Other cases include larger net-metering systems; various siting cases (e.g., infrastructure for natural gas, hydroelectric, and telecommunications); electric utility rate cases; and various other utility provider requests (e.g., provider applications for offering telecommunications services). Processing cases can become more complex and thus require more time, for example, if any party contests the case or if the Department of Public Service raises concern with the case.

Typically, for most case types, the PUC's decisions are documented in signed orders, and each approval is documented in a Certificate of Public Good (CPG), which may include conditions set by the PUC that are binding and considered necessary to ensure the project complies with the law. The ultimate purpose driving the PUC's case proceedings and decisions is to determine whether the project proposal or request will serve the long-term public good of Vermont. Overall, the PUC has jurisdiction over nearly all aspects of Vermont's public utility services, including the rates charged, quality of service, and overall financial management.² As such, its review and timely resolution of utility cases has broad impact for Vermont's residents and utility service providers.

² The PUC does not have authority over all aspects of the utility industry. For example, the PUC's authority over cable television is limited to terms of service only and does not extend to rates.

Objective 1: PUC's Reporting on Case Decision Timeliness is Accurate but Lacks Detail Needed to be Useful

The time to render a case decision we calculated varied significantly within and across the PUC's case types. The PUC's minimal reporting on case decision timeliness, while technically accurate, masks the areas that lag below the PUC's goals. Further, the goals the PUC set for performance measurement reporting are based on the time it expected its most complex cases to need and it does not publicize internal estimates of how long most cases likely need. We also found the PUC does not have performance measures to monitor its case clearance rates or the age of open cases, though these metrics are recommended as best practice for use in conjunction with the time to disposition measure the PUC does use. Finally, the PUC's methodology for calculating and reporting performance measure results relies on manual adjustments that increase the risk for error. Appendix IV describes each PUC case type in our scope and performance results for fiscal years 2019 through 2022.

Time to Render Case Decisions Varied Based on Case Type

We calculated how long the PUC took to render decisions, by case type, for fiscal years 2019 through 2022. The amount of time to determine a case varied significantly within and across case types, as shown in Exhibit 1.³

³ Appendix III provides additional calculations as to how long the PUC took to render decisions by case type and fiscal year.

Exhibit 1: Auditor's Calculations of Time to Render Case Decisions (FY 2019 – 2022)

| PUC Case Type | | Total Cases Over 4 Years | Average # of Days | Range |
|-----------------------------|---|--------------------------|-------------------|---------------------|
| <i>Net-Metering Systems</i> | Registration (smallest) | 10,013 cases | 23 days | 2 days – 1,008 days |
| | Application (mid-sized) | 48 cases | 70 days | 23 days – 185 days |
| | Petition (largest) | 169 cases | 160 days | 37 days – 882 days |
| <i>Siting Cases</i> | Large Siting Projects | 46 cases | 219 days | 32 days – 777 days |
| | Limited Size & Scope Siting Projects | 19 cases | 85 days | 21 days – 197 days |
| | Telecommunications Siting Projects | 488 cases | 48 days | 15 days – 202 days |
| <i>Rate Regulation</i> | Tariff Cases | 156 cases | 44 days | 1 day – 227 days |
| <i>Other/Misc</i> | Special Contract Cases | 20 cases | 46 days | 8 days – 112 days |
| | Financing Cases | 27 cases | 48 days | 0 days – 201 days |
| | Accounting Orders | 6 cases | 48 days | 14 days – 84 days |
| | Telecommunications Providers – CPG Applications | 18 cases | 127 days | 22 days – 664 days |
| | Telecommunications Providers – Cellular Registrations | 42 cases | 70 days | 10 days – 658 days |

Source: SAO calculations based on ePUC data.

Summarized Performance Reporting Masks Timeframe Goals and Results by Case Type

Vermont [statute](#) has long required State entities to report performance goals to the General Assembly annually. The PUC began reporting on time to render case decisions in fiscal year 2017 as part of the State's Programmatic and Performance Measure Budget (PPMB) reporting. In creating its measures, the PUC partially followed [performance measurement guidance](#) published by the National Center for State Courts (NCSC). Specifically, the PUC established time to disposition measures, shown in Exhibit 2. Because net-metering registration (NMR) cases are significantly higher in volume than all other case types, the PUC separated these cases under their own time to disposition measure.

Exhibit 2: PUC Time to Disposition Performance Measure Information (Fiscal Years 2019 – 2022)

| PUC’s Time to Disposition Performance Measures | Cases Included | Established Timeframes |
|--|---|--|
| Percent of net-metering registration cases disposed of or otherwise resolved within established timeframes. | Net-Metering Registration (NMR) Cases <i>Includes the smallest net-metering systems such as solar panels and larger roof-mounted systems for private residences, regulated under 30 V.S.A. §8010.</i> | Within 90 days (FY 2021-2022) Within 60 days (FY 2019-2020) |
| Percent of cases disposed of or otherwise resolved within established timeframes (not including net-metering registrations). | 11 Other, Non-NMR Cases <i>Includes larger ground-mounted net-metering system cases (applications & petitions); siting cases under 30 V.S.A. §248, §248(a)(4)(J), and §248a; tariffs; special contracts; financing; accounting orders; provider applications for telecommunications projects; and cellular registrations.</i> | Within 45 – 545 days based on case type |

For fiscal years 2019 through 2022 the PUC publicly [reported](#) meeting its timeframes for both of these measures at a rate of 93 percent or more annually (Exhibit 3). We recalculated these measures and found no material differences, so we conclude that the PUC’s reported results were accurate. Reasons for the relatively minor differences between our calculations and the PUC’s are described later in the report.

Exhibit 3: PUC Performance Measure Excerpt from PPMB

| Program Performance Measures: | | | | | | | |
|--|--------------|------------------|--------|--------|--------|--------|--------|
| Measure | Measure Type | Reporting Period | 2018 | 2019 | 2020 | 2021 | 2022 |
| Percent of net-metering registration cases disposed of or otherwise resolved within established timeframes | How Well? | SFY | - | 97.00% | 93.00% | 98.00% | 98.00% |
| Percent of cases disposed of or otherwise resolved within established timeframes (not including net-metering registration cases) | How Well? | SFY | 95.00% | 94.00% | 94.00% | 93.00% | 95.00% |

Source: [FY 2024 Programmatic and Performance Measure Budget Report](#), February 17, 2023.

Internally, the PUC established performance goal tiers for when it expects a certain percentage of cases in a type to be completed. These tiers are intended to reflect that there are different levels of case complexity that can be expected to take varying time to decide. The PUC stated that it established

timeliness tier goals based on NCSC guidance that goals should be achievable and reflect that, normally, the majority of cases will be less complex and may be disposed of with minimal work; small proportions of cases will be moderately complex due to one or two issues; and the smallest proportion of cases will be more complex and require more time to dispose. Thus, the PUC estimated what portion of cases of each case type would be “complex,” “average,” or “simple,” and established tiered goals accordingly.

Exhibit 4 is an example of the performance expectations the PUC established for the three net-metering system case types as well as our calculation of the performance results for these cases by fiscal year. In the PUC’s public performance reporting, the smallest net-metering cases (registration cases) are measured separately due to volume, and the mid- and large net-metering case types (application and petition cases) are combined with other types.

Exhibit 4: Time to Disposition Goals and Annual Results for Net-Metering System Cases

| Net-Metering Systems | | | | Time to Disposition Results by Fiscal Year | | | |
|-----------------------------------|----------------------------|-----------------------------|------|--|------------|------------|------------|
| Case Type | Total Cases FY 2019 - 2022 | Established Timeframes | Goal | 2019 | 2020 | 2021 | 2022 |
| | | | | % Achieved | % Achieved | % Achieved | % Achieved |
| Registration <i>(smallest)</i> | 10,013 | within 16 days | 70% | 46% | 51% | 59% | 58% |
| | | within 34 days | 85% | 96% | 90% | 92% | 92% |
| | | within 90 days ^a | 100% | 98% | 96% | 99% | 98% |
| Application <i>(mid-size)</i> | 48 | within 60 days | 75% | 25% | 50% | 53% | 41% |
| | | within 90 days | 85% | 75% | 63% | 87% | 76% |
| | | within 120 days | 100% | 100% | 88% | 100% | 88% |
| Petition <i>(largest)</i> | 169 | within 60 days | 50% | 16% | 10% | 17% | 5% |
| | | within 120 days | 80% | 59% | 46% | 64% | 34% |
| | | within 270 days | 100% | 93% | 85% | 94% | 82% |

^a Net-Metering Registration goals for fiscal years 2019 and 2020 were 100 percent of cases within 60 days, rather than 90 days. In those years the PUC also had estimated 92 and 94 percent of cases would be determined within 16 or 34 days, respectively, rather than 70 and 85 percent of cases.

Source: SAO calculations based on ePUC data.

For performance measure reporting, however, the PUC only used the timeframes it estimated were needed for the most complex cases (i.e., timeframe for when 100 percent of the cases are expected to be decided). In effect, using timeframes needed for the most complex cases makes it impossible for the public to know whether the PUC does a good job, overall, of efficiently moving moderately and less complex cases to conclusion. To date, neither the PUC’s website nor its annual reports provide the level of data in Exhibit 4 nor has the PUC publicly reported the information

elsewhere. The PUC stated it is limited in the amount of information it can include in statewide PPMB reporting and has not considered the need to routinely publicize more detail on performance measurement, including information on its timeframe goals or the extent to which each case type meets these. It stated it has provided such information under public records requests when asked. Transparent external reporting that occurs on a regular basis and includes enough detail to be useful to stakeholders promotes public trust and confidence that the PUC is committed to timely case processing.

The PUC's summary-level performance measure reporting masks areas of weakness that are visible when looking at results data by case type and by the tiered performance goals. Exhibit 5 lists the PUC's estimated timeframe goals for each of the 12 case types included in PUC's performance reporting. During the 4-year period reviewed, some case types achieved these (shaded green) and some did not (shaded red). In some instances, the PUC did not meet its goals due to 1 or 2 cases going over the timeframe, and in others almost all cases went over timeframe.

Exhibit 5: PUC's Estimated Time to Disposition Goals by Case Type

| Case Type | | Average Number of Disposed Cases Per Year | Goals | % Achieved | | | |
|---|---|---|---|-------------|------|------|------|
| | | | Tiers by Case Type & Estimate of % of Cases Expected to Achieve | Fiscal Year | | | |
| | | | | 2019 | 2020 | 2021 | 2022 |
| <i>Net-Metering Systems</i> | Registrations (smallest) ^a | 2,503 | 70% of cases within 16 days | 46 | 51 | 59 | 58 |
| | | | 85% of cases within 34 days | | | | |
| | | | 100% of cases within 90 days | 98 | 96 | 99 | 98 |
| | Applications (mid-size) | 12 | 75% of cases within 60 days | 25 | 50 | 53 | 41 |
| | | | 85% of cases within 90 days | 75 | 63 | | 76 |
| | | | 100% of cases within 120 days | | 88 | | 88 |
| | Petitions (largest) | 42 | 50% of cases within 60 days | 16 | 10 | 17 | 5 |
| | | | 80% of cases within 120 days | 59 | 46 | 64 | 34 |
| | | | 100% of cases within 270 days | 93 | 85 | 94 | 82 |
| <i>Siting Cases</i> | Large Projects | 12 | 33% of cases within 180 days | | | | |
| | | | 80% of cases within 365 days | | | | |
| | | | 100% of cases within 545 days | 90 | | 90 | |
| | Limited Size & Scope Projects | 5 | 70% of cases within 90 days | | | 67 | 25 |
| | | | 90% of cases within 180 days | | | | 75 |
| | | | 100% of cases within 270 days | | | | |
| Telecommunications Projects | 122 | 90% of cases within 90 days | | | | | |
| | | 100% of cases within 180 days | | | 99 | 98 | |
| <i>Rate Regulation</i> | Tariff Cases | 39 | 90% of cases within 45 days | 77 | 73 | 27 | 81 |
| | | | 100% of cases within 135 days | | | 97 | |
| <i>Other/Misc</i> | Special Contracts | 5 | 95% of cases within 60 days | | | 50 | 75 |
| | | | 100% of cases within 120 days | | | | |
| | Financing Cases | 7 | 95% of cases within 60 days | | 88 | 56 | |
| | | | 100% of cases within 90 days | | | 89 | |
| | Accounting Orders | 2 | 95% of cases within 45 days | n/a | n/a | 33 | 33 |
| | | | 100% of cases within 90 days | n/a | n/a | | |
| | Telecommunications Providers – CPG Applications | 5 | 75% of cases within 30 days | 0 | 0 | 0 | 14 |
| | | | 100% of cases within 45 days | 0 | 0 | 25 | 43 |
| Telecommunications Providers – Cellular Registrations | 11 | 75% of cases within 30 days | 29 | 63 | 36 | 62 | |
| | | 100% of cases within 45 days | 43 | 63 | 43 | 77 | |

^a Net-Metering Registration goals for fiscal years 2019 and 2020 were 100 percent of cases within 60 days, rather than 90 days. In those years the PUC also had estimated 92 and 94 percent of cases would be determined within 16 or 34 days, respectively, rather than 70 and 85 percent of cases. The PUC updated these goals after a statutory change pertaining to net-metering registration processing.

Source: Based on SAO calculations using ePUC data.

The PUC operations director compiles all performance measure information and reviews the information annually at the case level to research and understand trends and shares the information with PUC staff and

commissioners. For example, in recent years more net-metering registration cases have been larger and therefore require a 30-day comment period. This makes the 16-day goal not possible to meet for such registration cases. As we concluded work on this audit, the PUC was in the process of revising its rules to address the most common reasons it has identified for net-metering registration cases taking longer to dispose. The operations director also noted that over the last several years the number of complex cases has gone up, and that the complexity of any case is usually outside of its control. We could not determine the accuracy of this assertion because ePUC does not indicate the complexity of cases.

When the PUC established performance measures for case decision timeliness it did so as part of the PPMB reporting process required as part of the annual budgeting review. Aside from the net-metering registration case type goals, the PUC has not re-evaluated whether its case decision measures and goals are reasonable or should be updated.

Performance measures can be used to identify areas for change, and ongoing operational improvement. For example, if a case type is routinely not meeting its timeliness goals, a process review may identify where bottlenecks are occurring and find solutions to mitigate them. Because the PUC focused on goals that were set based on the most complex cases, neither the PUC nor the public, policymakers or other parties are able to identify whether or where bottlenecks in the PUC's processes may be occurring and thus where process changes may be needed for operational improvement. This significantly limits the usefulness of PUC's performance reporting.

Timeliness Measures Not Used by the PUC

While the PUC used the NCSC's best practice guidance to establish time to disposition performance measures, it has not tracked or reported results for two other measures that the guidance specifies need to be used in conjunction with time to disposition to gain an accurate picture of timeliness. See Exhibit 6.

Exhibit 6: NCSC Performance Measures for Case Timeliness

| NCSC Timeliness Measure | Used by PUC? | PUC Performance Measure |
|--|--------------|--|
| Time to Disposition Identifies the percentage of cases disposed or otherwise resolved during the reporting period. | Yes | Percent of net-metering registration cases disposed of or otherwise resolved within established timeframes. |
| Clearance Rates Identifies the number of outgoing cases as a percentage of the number of incoming cases. | No | Percent of cases disposed of or otherwise resolved within established timeframes (not including net-metering registrations). |
| Age of Active Pending Caseload Identifies the number of days active cases have remained open and are awaiting disposition. | No | |

Clearance Rates

The NCSC recommends tracking the rate at which cases come in, and are resolved, to monitor whether the court is keeping current with its incoming caseload. If cases are not cleared from the pending caseload in a timely manner, a backlog of cases waiting resolution will grow. Thus, the PUC should aspire to clear at least as many cases as have been filed within a time period, such as quarterly or annually, by having a clearance rate for the period of 100 percent or higher.

Using case data from ePUC, we identified the dates cases were filed for the PUC’s review, and the dates they were decided or otherwise resolved and thus cleared from the PUC’s caseload. Overall, for a four-year period, we found that the PUC generally kept up with its caseload and did not have significant backlogs. For some case types, the total number of cleared cases lagged slightly behind the cases filed, as shown in Exhibit 7.

Exhibit 7: Clearance Rate by Case Type, Fiscal Years 2019 – 2022

| Case Type | Cases Filed | Cases Cleared | Overall Clearance Rate |
|---|-------------|---------------|------------------------|
| Net-Metering Registrations | 10,328 | 10,013 | 97% |
| Net-Metering Applications | 49 | 48 | 98% |
| Net-Metering Petitions | 125 | 169 | 135% |
| Large Siting Projects | 49 | 46 | 94% |
| Limited Size & Scope Siting Projects | 18 | 19 | 106% |
| Telecommunications Siting Projects | 466 | 488 | 105% |
| Tariff Cases | 156 | 156 | 100% |
| Special Contracts | 20 | 20 | 100% |
| Financing Cases | 26 | 27 | 104% |
| Accounting Orders | 6 | 6 | 100% |
| Telecommunications Providers – CPG Applications | 16 | 18 | 113% |
| Telecommunications Providers – Cellular Registrations | 41 | 42 | 102% |

Source: SAO calculations based on ePUC data.

Age of Active Pending Caseload

The NCSC also recommends identifying and monitoring the cases that make up the pending caseload. These are open cases that are actively moving through the PUC's processing but have not yet been decided or otherwise resolved. Tracking the number and age of pending cases indicates, for example, the number and type of cases drawing near or about to surpass time processing standards. Knowing the spectrum of these pending cases helps focus attention on what is needed to ensure that cases are brought to completion within reasonable timeframes.

As of March 31, 2023, which is when the data was extracted from ePUC for the audit, a small number of the PUC's cases, totaling 91, were open and pending resolution. Of these, 30 cases were older than the PUC's time standard goals. Exhibit 8 lists the number of open cases surpassing the PUC's goals for each case type as well as the age of the oldest open case for that type.

Exhibit 8: Age of Oldest Active Pending Case by Case Type, as of March 31, 2023

| Case Type | Timeframe Goal for All Cases | Number of Open Cases Surpassing Goal | Age of Oldest Open Case Surpassing Goal |
|---|------------------------------|--------------------------------------|---|
| Net-Metering Registrations | within 90 days | 20 | 790 days |
| Net-Metering Applications | within 120 days | 2 | 242 days |
| Net-Metering Petitions | within 270 days | 2 | 554 days |
| Large Siting Projects | within 545 days | 0 | n/a |
| Limited Size & Scope Siting Projects | within 270 days | 1 | 1,000 days |
| Telecommunications Siting Projects | within 180 days | 3 | 294 days |
| Tariff Cases | within 135 days | 1 | 183 days |
| Special Contracts | within 120 days | 0 | n/a |
| Financing Cases | within 90 days | 0 | n/a |
| Accounting Orders | within 90 days | 1 | 120 days |
| Telecommunications Providers – CPG Applications | within 45 days | 0 | n/a |
| Telecommunications Providers – Cellular Registrations | within 45 days | 0 | n/a |

Source: SAO calculations based on ePUC data.

While the PUC has not developed a performance measure on case aging, the operations director periodically runs case status “clean up” reports in ePUC, for example to identify open pending cases that have had no activity in the system for 90 days. These monitoring activities are not comprehensive and do not help staff identify which cases are about to surpass timeframe expectations and thus should be looked into further.

PUC’s Methodology for Calculating Time to Disposition

The PUC operations director extracts case information from ePUC to calculate annual time to disposition results for performance measurement. Following written procedures outlined in the ePUC user manual, the operations director conducts a series of queries to extract data on disposed cases, then exports the data sets to a spreadsheet to manually review, adjust, and ultimately calculate time to disposition for each case.

Overall, in calculating timeliness statistics we were able to generally confirm the PUC’s annual results for time to disposition, but we identified some discrepancies between data in our calculations and the PUC’s. For example, the cases that made up our calculations for some of the case types were not identical to the PUC’s. Sometimes this was due to ePUC data entry errors and omissions that had not been identified and corrected, such as staff not changing the case status to “open” on the appropriate date, or not ensuring the correct coding was used.

However, in some cases we found that the differences stemmed from ePUC limitations that caused the PUC operations director to manually adjust the performance data.

- **Case determination date is not recorded in a dedicated field that can be used for performance measurement for some cases.** For example, for the net-metering registration case type, a small percentage of cases do not get recorded in the field typically used for indicating case determination for this case type, specifically that the PUC has issued a CPG. Instead, these case determinations are recorded in other fields and the operations director has to conduct multiple searches for words and phrases, in the open-ended case narrative log, to identify registration cases that did not go through the typical automated process that records a CPG as issued. The director then adds the cases manually in a spreadsheet to then calculate days to disposition.⁴ Additionally, some tariff case determinations are also not recorded in a field typically used for this case type. Specifically, for tariff cases that undergo a PUC investigation, discussed later in this report, the operations director has to extract records for investigations separately, to identify which are for tariff cases, and add these to the spreadsheet for calculating performance measure results.
- **Cases appear multiple times in extracted data.** A PUC case may have multiple determinations recorded under multiple “final order” documents, particularly if the case is more complex and multiple issues need decisions prior to closing the case. As such, when staff extract the ePUC data, they must manually check for duplicate records and research reasons behind duplicates. The ePUC user manual states, “When reviewing the results to remove duplicates, you will sometimes need to look at the case in ePUC to see what specifically happened in the case.” If a case has multiple issues separately determined, staff assess which final order and date is most appropriate for logging the time-to-determination for performance measurement.
- **Extracted case data does not specify “stayed” periods that reduce case determination time.** The ePUC user manual also notes that the data may include duplicate records if a case was ever “stayed,” which happens when case proceedings are put on hold temporarily and the case was considered inactive for a period. For example, the person or utility filing the case may request a stay if litigation occurs that could

⁴ It was not practicable for us to use the PUC’s open-ended narrative log to conduct word searches and as a result, for the 4-year period, the PUC’s calculations identified 10,300 NMR cases and we included 2.8 percent less, or 10,013 NMR cases.

affect the information that they provided in their case filing. In these instances, staff manually review the ePUC data and individually research the time period of the stay to deduct it from the performance measure calculations.

- **Extracted case data includes cases filed in error.** The ePUC system was implemented to allow the public to file cases electronically, and access case information more easily via the PUC's website. If someone files a case in error, the record remains and staff change the case name to indicate the error, such as by typing "this is filed in error" into the case name field. For performance measurement calculation, these records are manually identified and deleted from the results.

The PUC operations director has been diligent in applying the methodology for identifying resolved cases and calculating the time to disposition performance measure results. However, because the operations director has to make line-by-line manual adjustments to the ePUC data, including those described here, it is difficult to recreate the final results exactly, and makes errors more likely. Over the course of the audit when working with the operations director to identify differences between the cases and dates used for calculating time to disposition, we confirmed at least one error in both their results and in our calculations that had to be corrected in almost every data set.

To date, the PUC has depended on the operations director's historical knowledge and expertise and has not looked at what ePUC modifications could or should be made to limit manual review and correction to thus better mitigate the risk of error. For example, the PUC has not looked into whether data fields could be added or modified to specifically record the date of disposition for use in performance measure calculations.

Tariff Cases

During our work to identify and calculate decision timeframes for each case type, we confirmed that when a tariff case results in an investigation, it receives different coding in ePUC. We found that, at that point, the time period for the investigation is not included in performance measure calculations. The operations director stated that when the PUC established the tariff goals it focused on the statutory requirement stating the PUC must act within a certain number of days for tariff cases—specifically, either approve the tariff or open an investigation. Of the 156 tariff cases included in our review period, 18 went on to investigation prior to being ultimately resolved but the PUC's performance measure results do not reflect the time to complete these investigations. The average time period from the date ordering an investigation to the date of resolution for these 18 cases was 190

days, and ranged from 91 to 285 days. The PUC stated that performance goals could potentially be established for the tariff investigative periods.

Conclusions

Overall, our calculations on time to render case decisions are supported by ePUC case data, and generally match the PUC's annual reporting. However, the PUC's reporting is highly summarized and in order for its timeliness goals and results to be useful to stakeholders, the PUC needs to provide more detailed information publicly on a regular basis, such as via its website or annual reporting. The PUC should also revisit whether its time to disposition goals are appropriate for gauging timeliness for most cases and should establish goals to measure case clearance rates and age of caseload. Finally, the PUC should identify whether efficiencies can be gained in its methodology for calculating timeliness results, which is highly manual and dependent on one person's historical knowledge and expertise.

Recommendations

We make the recommendations in Exhibit 9 to the Public Utility Commission.

Exhibit 9: Recommendations and Related Issues

| Recommendation | Report Pages | Issue |
|--|--------------|--|
| 1. Routinely publicize information via the PUC's website and annual report about performance measure goals and results for individual case types by performance goal tier, including what actions the PUC will take, if any, to address areas that lag below expectations. | 8-9 | For performance measure reporting the PUC only used the timeframes it estimated were needed for the most complex cases. The PUC does not report or otherwise publicize case type results, timeframes it uses for calculating performance measure results, or information on how long it estimated most cases will take to resolve. |
| 2. Reevaluate the timeframe goals and ensure they are appropriate for demonstrating timeliness for most cases. | 11 | For most case types, the PUC has not revisited whether its tiered performance measurement goals are reasonable for demonstrating timeliness since it established these goals. |
| 3. Implement goals to measure case clearance rates and age of pending cases, to use in conjunction with the time to disposition measure, as recommended under the best practice guidance the PUC follows, and then publicize the results. | 11-14 | The PUC has not used two of the three measures that the best practice guidance it states it follows specifies need to be used, in conjunction with time to disposition, in order to get an accurate picture of timeliness. |

| Recommendation | Report Pages | Issue |
|--|--------------|--|
| 4. Assess ways to use or modify ePUC to reduce the need for manual review and adjustment to case data by staff for use in performance measurement. | 15-16 | The PUC has relied on one staff member's historical knowledge and expertise and has not looked at what ePUC modifications could or should be made to limit the dependency on their manual review and correction, to thus better mitigate the risk of error when calculating results for performance measurement. |
| 5. Implement performance measure goals for the investigative period for tariff cases. | 16 | For tariff cases, the PUC's performance measure results do not reflect the time to complete investigations but rather only reflect the time taken up to the point of deciding an investigation is needed. |

Management's Comments

The Commissioners of the PUC provided written comments on a draft of this report dated November 15, 2023, which are reprinted in Appendix V.

Appendix I

Scope and Methodology

To address our objective, we reviewed Vermont Title 30, which authorizes the PUC's jurisdiction over utility cases and includes requirements for overseeing the industries it regulates. We reviewed PUC rules, directives, and other guidance to identify timeliness requirements and expectations for case proceedings and performance measurement. We reviewed Vermont's PPMB reporting requirements and guidance for state agencies, and NCSC best practice guidance on performance measurement for case decision timeliness. We also reviewed the PUC's most recent annual reports and its website.

Our review period was fiscal years 2019 – 2022, for cases filed and maintained in ePUC. We obtained ePUC data for all regulatory cases created in the system, through March 31, 2023. We assessed and confirmed the data's reliability for use under our audit objective, and we used our data analysis software, IDEA®, and MS Excel® to calculate the statistics included throughout this report. This includes statistics by case type on time to disposition, annual clearance rates, and age of active pending caseloads.

We compared our time to disposition calculations to those of the PUC, which showed relatively minor differences after line-level review and use of ePUC to research anomalies. In some cases, the differences were due to PUC errors as described in the report. In other cases, they were due to differences in methodology. For example, our analyses excluded "legacy" cases, which are cases that began prior to fiscal year 2017 but were decided in subsequent years, because they did not have complete case information in ePUC. We omitted all legacy cases from our calculations, while the PUC's include a few legacy cases.

We discussed case proceedings, including how ePUC is used, and performance measurement activities with PUC staff. We reviewed documents intended to illustrate how measures, timeframe goals, and annual results were determined. As necessary, we followed up on discrepancies with the operations director and/or used detailed case information in ePUC, including extended case log narratives recorded there for each case.

As it pertains to internal controls, we limited our work to evaluating the quality and reporting of the PUC's performance data and assessing the reliability of the ePUC data used in our analyses. We considered the State's [internal control guidance](#) and a generally accepted internal control standard when evaluating the results of our work.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit

Appendix I

Scope and Methodology

objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Appendix II Abbreviations

| | |
|------|---|
| CPG | Certificate of Public Good |
| FY | Fiscal Year |
| NMR | Net-Metering Registration |
| NCSC | National Center for State Courts |
| PPMB | Programmatic and Performance Measure Budget |
| PUC | Public Utility Commission |

Appendix III Auditor Calculations of Time to Render Case Decisions

This appendix provides our calculations of time to render case decisions, by case type, for the audit review period.

Exhibit 10: Average Time to PUC Determination, by Case Type (Fiscal Years 2019 - 2022)

| Statutory Reference under Title 30 | PUC Case Type | Total # of Cases Over 4 Years | Average # of Days to Disposition | | | |
|------------------------------------|---|-------------------------------|----------------------------------|----------|----------|----------|
| | | | Fiscal Year | | | |
| | | | 2019 | 2020 | 2021 | 2022 |
| Net-Metering Systems under §8010 | Registrations <i>Includes the smallest net-metering systems, such as roof-mounted solar panels for private residences</i> | 10,013 cases | 21 days | 25 days | 22 days | 23 days |
| | Applications <i>Mid-size net-metering systems</i> | 48 cases | 72 days | 76 days | 63 days | 74 days |
| | Petitions <i>Largest net-metering systems</i> | 169 cases | 130 days | 185 days | 135 days | 202 days |
| Siting Cases under §248 | Large Siting Projects <i>Includes utility-scale solar, wind, and biomass construction, repair, extensions of substations and utility lines; modification of hydroelectric facilities; and natural gas infrastructure</i> | 46 cases | 243 days | 196 days | 236 days | 207 days |
| Siting Cases under §248(a)(4)(J) | Limited Size and Scope Projects <i>Allows for simplified case proceedings</i> | 19 cases | 65 days | 54 days | 95 days | 123 days |
| Siting Cases under §248a | Telecommunications Siting Projects <i>Includes cell towers, installation of wireless communication equipment</i> | 488 cases | 46 days | 45 days | 51 days | 50 days |
| Rate Regulation under §225 | Tariff cases | 156 cases | 36 days | 38 days | 56 days | 36 days |
| Contracts under §229 | Special Contracts | 20 cases | 38 days | 36 days | 67 days | 50 days |
| Financing Petitions under §108 | Financing | 27 cases | 43 days | 29 days | 71 days | 45 days |
| Regulatory Accounting under §221 | Accounting Orders | 6 cases | n/a | n/a | 61 days | 34 days |
| Provider Applications under §248a | Telecommunications Providers – CPG Applications | 18 cases | 221 days | 229 days | 68 days | 63 days |
| Registrations under §248a | Telecommunications Providers -- Cellular Registrations | 42 cases | 56 days | 119 days | 83 days | 34 days |

Appendix IV

Performance Data by Case Type

This appendix provides the results we calculated for each of the 12 case types the PUC uses for its performance measures. For each of these case types, we calculated the NSCS recommendations for timeliness measures.

- **Time to Disposition.** This measure tracks the length of time taken to determine or otherwise resolve cases. Timeframes for the amount of time (in days) cases are expected to take are established, to use as the measure of comparison. Results for the measure are calculated as the percentage of cases that meet these timeframes.
- **Clearance Rate.** This measure tracks the rate at which cases come in, and are resolved, to monitor whether the PUC is keeping current with its incoming caseload. A clearance rate lower than 100 percent indicates more cases are coming in than are resolved and thus may indicate that a backlog is developing.
- **Age of Active Pending Cases.** This measure tracks the cases that are open and are actively moving through the PUC's processing but have not yet been decided or otherwise resolved. Tracking the age of pending cases against the established timeframes for the case type allows the PUC to focus attention on what is required to ensure open cases are brought to completion within reasonable timeframes.

Net-Metering Systems: Registrations (NMR)

PUC’s case categorization for applications for net-metering systems that are for small, ground-mounted solar systems up to 15 kW, roof-mounted solar systems up to 500 kW, and hydroelectric facilities up to 500kW. Though these cases are for small systems and are typically routine, the electric company serving each project and the Department of Public Service review and have an opportunity to comment on all NMR cases. When commentary occurs the time period needed for final determination is significantly extended.

Time to Disposition Performance Measure

Exhibit 11: Time to Disposition Goals and Results, NMR

| Time to Disposition Goal | | | Percentage of Disposed Cases Achieved | | | |
|--------------------------|---------------------|---------------------|---------------------------------------|---------|---------|---------|
| Tier | Days to Disposition | Percentage of cases | FY 2019 | FY 2020 | FY 2021 | FY 2022 |
| Tier 1 | Within 16 days | 70% | 46% | 51% | 59% | 58% |
| Tier 2 | Within 34 days | 85% | 96% | 90% | 92% | 92% |
| Tier 3 | Within 90 days | 100% | 98% | 96% | 99% | 98% |

Clearance Rate Performance Measure

Exhibit 12: Total Number of Cases Filed and Cleared, NMR

| | FY 2019 | FY 2020 | FY 2021 | FY 2022 |
|--------------------|---------|---------|---------|---------|
| # of Cases Filed | 2,754 | 1,771 | 2,732 | 3,071 |
| # of Cases Cleared | 2,473 | 2,099 | 2,579 | 2,862 |
| Clearance Rate | 90% | 119% | 94% | 93% |

Age of Active Pending Caseload Performance Measure

Exhibit 13: Total Number of Open Cases, NMR (ePUC data as of March 31, 2023)

| PUC Goal | Age of Open Case | Total Number of Cases |
|----------|------------------|-----------------------|
| Tier 1 | Within 16 days | 12 |
| Tier 2 | 17 - 34 days | 4 |
| Tier 3 | 35 - 90 days | 7 |
| | Over 90 days | 20 |

Net-Metering Systems: Applications

PUC’s case categorization for project applications for net-metering systems that exceed or do not meet parameters set for NMR and petition cases. Net-metering application cases include ground-mounted solar systems greater than 15 kW and up to 50 kW.

Time to Disposition Performance Measure

Exhibit 14: Time to Disposition Goals and Results, Net-Metering Applications

| Time to Disposition Goal | | | Percentage of Disposed Cases Achieved | | | |
|--------------------------|---------------------|---------------------|---------------------------------------|---------|---------|---------|
| Tier | Days to Disposition | Percentage of cases | FY 2019 | FY 2020 | FY 2021 | FY 2022 |
| Tier 1 | Within 60 days | 75% | 25% | 50% | 53% | 41% |
| Tier 2 | Within 90 days | 85% | 75% | 63% | 87% | 76% |
| Tier 3 | Within 120 days | 100% | 100% | 88% | 100% | 88% |

Clearance Rate Performance Measure

Exhibit 15: Total Number of Cases Filed and Cleared, Net-Metering Applications

| | FY 2019 | FY 2020 | FY 2021 | FY 2022 |
|--------------------|---------|---------|---------|---------|
| # of Cases Filed | 11 | 7 | 14 | 17 |
| # of Cases Cleared | 8 | 8 | 15 | 17 |
| Clearance Rate | 73% | 114% | 107% | 100% |

Age of Active Pending Caseload Performance Measure

Exhibit 16: Total Number of Open Cases, Net-Metering Applications (*ePUC data as of March 31, 2023*),

| PUC Goal | Age of Open Case | Total Number of Cases |
|----------|------------------|-----------------------|
| Tier 1 | Within 60 days | 0 |
| Tier 2 | 61 - 90 days | 0 |
| Tier 3 | 91 - 120 days | 0 |
| | Over 120 days | 2 |

Net-Metering Systems: Petitions

PUC’s case categorization for project applications for net-metering systems that are for solar and other systems greater than 50 kW and up to 500kW.

Time to Disposition Performance Measure

Exhibit 17: Time to Disposition Goals and Results, Net-Metering Petitions

| Time to Disposition Goal | | | Percentage of Disposed Cases Achieved | | | |
|--------------------------|---------------------|---------------------|---------------------------------------|---------|---------|---------|
| Tier | Days to Disposition | Percentage of cases | FY 2019 | FY 2020 | FY 2021 | FY 2022 |
| Tier 1 | Within 60 days | 50% | 16% | 10% | 17% | 5% |
| Tier 2 | Within 120 days | 80% | 59% | 46% | 64% | 34% |
| Tier 3 | Within 270 days | 100% | 93% | 85% | 94% | 82% |

Clearance Rate Performance Measure

Exhibit 18: Total Number of Cases Filed and Cleared, Net-Metering Petitions

| | FY 2019 | FY 2020 | FY 2021 | FY 2022 |
|--------------------|---------|---------|---------|---------|
| # of Cases Filed | 40 | 16 | 44 | 25 |
| # of Cases Cleared | 55 | 39 | 37 | 38 |
| Clearance Rate | 138% | 244% | 84% | 152% |

Age of Active Pending Caseload Performance Measure

Exhibit 19: Total Number of Open Cases, Net-Metering Petitions (ePUC data as of March 31, 2023)

| PUC Goal | Age of Open Case | Total Number of Cases |
|----------|------------------|-----------------------|
| Tier 1 | Within 60 days | 1 |
| Tier 2 | 61 – 120 days | 0 |
| Tier 3 | 121 – 270 days | 1 |
| | Over 270 days | 2 |

Siting Cases: Large Siting Projects

PUC’s case categorization for project applications to begin site preparation or construction of electric transmission facilities (e.g., a substation or large utility line); electric generation facilities (e.g., a power plant, solar, or wind facility); and certain gas pipelines and associated infrastructure.

Time to Disposition Performance Measure

Exhibit 20: Time to Disposition Goals and Results, Large Siting Projects

| Time to Disposition Goal | | | Percentage of Disposed Cases Achieved | | | |
|--------------------------|---------------------|---------------------|---------------------------------------|---------|---------|---------|
| Tier | Days to Disposition | Percentage of cases | FY 2019 | FY 2020 | FY 2021 | FY 2022 |
| Tier 1 | Within 180 days | 33% | 40% | 33% | 60% | 35% |
| Tier 2 | Within 365 days | 80% | 80% | 100% | 90% | 88% |
| Tier 3 | Within 545 days | 100% | 90% | 100% | 90% | 100% |

Clearance Rate Performance Measure

Exhibit 21: Total Number of Cases Filed and Cleared, Large Siting Projects

| | FY 2019 | FY 2020 | FY 2021 | FY 2022 |
|--------------------|---------|---------|---------|---------|
| # of Cases Filed | 12 | 13 | 10 | 14 |
| # of Cases Cleared | 10 | 9 | 10 | 17 |
| Clearance Rate | 83% | 69% | 100% | 121% |

Age of Active Pending Caseload Performance Measure

Exhibit 22: Total Number of Open Cases, Large Siting Projects (ePUC data as of March 31, 2023)

| PUC Goal | Age of Open Case | Total Number of Cases |
|----------|------------------|-----------------------|
| Tier 1 | Within 180 days | 10 |
| Tier 2 | 181 - 365 days | 2 |
| Tier 3 | 366 - 545 days | 0 |
| | Over 545 days | 0 |

Siting Cases: Limited Size & Scope Siting Projects

PUC’s case categorization for project applications that fall under 30 V.S.A. Section 248 but are of limited size and scope, as defined in statute.

Time to Disposition Performance Measure

Exhibit 23: Time to Disposition Goals and Results, Limited Size & Scope Siting Projects

| Time to Disposition Goal | | | Percentage of Disposed Cases Achieved | | | |
|--------------------------|---------------------|---------------------|---------------------------------------|---------|---------|---------|
| Tier | Days to Disposition | Percentage of cases | FY 2019 | FY 2020 | FY 2021 | FY 2022 |
| Tier 1 | Within 90 days | 70% | 83% | 100% | 67% | 25% |
| Tier 2 | Within 180 days | 90% | 100% | 100% | 100% | 75% |
| Tier 3 | Within 270 days | 100% | 100% | 100% | 100% | 100% |

Clearance Rate Performance Measure

Exhibit 24: Total Number of Cases Filed and Cleared, Limited Size & Scope Siting Projects

| | FY 2019 | FY 2020 | FY 2021 | FY 2022 |
|--------------------|---------|---------|---------|---------|
| # of Cases Filed | 5 | 3 | 8 | 2 |
| # of Cases Cleared | 6 | 3 | 6 | 4 |
| Clearance Rate | 120% | 100% | 75% | 200% |

Age of Active Pending Caseload Performance Measure

Exhibit 25: Total Number of Open Cases, Limited Size & Scope Siting Projects (ePUC data as of March 31, 2023)

| PUC Goal | Age of Open Case | Total Number of Cases |
|----------|------------------|-----------------------|
| Tier 1 | Within 90 days | 1 |
| Tier 2 | 91 - 180 days | 0 |
| Tier 3 | 181 - 270 days | 1 |
| | Over 270 days | 1 |

Siting Cases: Telecommunications Projects

PUC’s case categorization for project applications to install or modify telecommunication facilities regulated under Section 248a of Title 30, including those for services for cell phone, mobile radio and paging, wireless data, and radio dispatch. Section 248a also applies to structures such as cell towers, antennas, and other communication system equipment. The PUC further categorizes 248a cases into three subgroups: “de minimis” modifications of existing structures; projects of limited size and scope; and large projects.

Time to Disposition Performance Measure

Exhibit 26: Time to Disposition Goals and Results, Telecommunications Projects

| Time to Disposition Goal | | | Percentage of Disposed Cases Achieved | | | |
|--------------------------|---------------------|---------------------|---------------------------------------|---------|---------|---------|
| Tier | Days to Disposition | Percentage of cases | FY 2019 | FY 2020 | FY 2021 | FY 2022 |
| Tier 1 | Within 90 days | 90% | 99% | 99% | 93% | 94% |
| Tier 2 | Within 180 days | 100% | 100% | 100% | 99% | 98% |

Clearance Rate Performance Measure

Exhibit 27: Total Number of Cases Filed and Cleared, Telecommunications Projects

| | FY 2019 | FY 2020 | FY 2021 | FY 2022 |
|--------------------|---------|---------|---------|---------|
| # of Cases Filed | 132 | 105 | 108 | 121 |
| # of Cases Cleared | 145 | 120 | 99 | 124 |
| Clearance Rate | 110% | 114% | 92% | 102% |

Age of Active Pending Caseload Performance Measure

Exhibit 28: Total Number of Open Cases, Telecommunications Projects (ePUC data as of March 31, 2023)

| PUC Goal | Age of Open Case | Total Number of Cases |
|----------|------------------|-----------------------|
| Tier 1 | Within 90 days | 16 |
| Tier 2 | 91 - 180 days | 1 |
| | Over 180 days | 3 |

Rate Regulation: Tariff Cases

PUC’s case categorization for proposed changes to the rates charged by utilities (e.g., electric, gas, telecommunications, water). Under Vermont law, utilities may only charge rates based on a tariff on file with the PUC.

Time to Disposition Performance Measure

Exhibit 29: Time to Disposition Goals and Results, Tariff Cases

| Time to Disposition Goal | | | Percentage of Disposed Cases Achieved | | | |
|--------------------------|---------------------|---------------------|---------------------------------------|---------|---------|---------|
| Tier | Days to Disposition | Percentage of cases | FY 2019 | FY 2020 | FY 2021 | FY 2022 |
| Tier 1 | Within 45 days | 90% | 77% | 73% | 27% | 81% |
| Tier 2 | Within 135 days | 100% | 100% | 100% | 97% | 100% |

Clearance Rate Performance Measure

Exhibit 30: Total Number of Cases Filed and Cleared, Tariff Cases

| | FY 2019 | FY 2020 | FY 2021 | FY 2022 |
|--------------------|---------|---------|---------|---------|
| # of Cases Filed | 28 | 27 | 71 | 30 |
| # of Cases Cleared | 26 | 26 | 62 | 42 |
| Clearance Rate | 93% | 96% | 87% | 140% |

Age of Active Pending Caseload Performance Measure

Exhibit 31: Total Number of Open Cases, Tariff Cases (ePUC data as of March 31, 2023)

| PUC Goal | Age of Open Case | Total Number of Cases |
|----------|------------------|-----------------------|
| Tier 1 | Within 45 days | 2 |
| Tier 2 | 46 – 135 days | 0 |
| | Over 135 days | 1 |

Other: Special Contract Cases

PUC’s case categorization for performance measurement for contracts that fall under 30 V.S.A. Section 229.

Time to Disposition Performance Measure

Exhibit 32: Time to Disposition Goals and Results, Special Contract Cases

| Time to Disposition Goal | | | Percentage of Disposed Cases Achieved | | | |
|--------------------------|---------------------|---------------------|---------------------------------------|---------|---------|---------|
| Tier | Days to Disposition | Percentage of cases | FY 2019 | FY 2020 | FY 2021 | FY 2022 |
| Tier 1 | Within 60 days | 95% | 100% | 100% | 50% | 75% |
| Tier 2 | Within 120 days | 100% | 100% | 100% | 100% | 100% |

Clearance Rate Performance Measure

Exhibit 33: Total Number of Cases Filed and Cleared, Special Contract Cases

| | FY 2019 | FY 2020 | FY 2021 | FY 2022 |
|--------------------|---------|---------|---------|---------|
| # of Cases Filed | 9 | 4 | 3 | 4 |
| # of Cases Cleared | 7 | 5 | 4 | 4 |
| Clearance Rate | 78% | 125% | 133% | 100% |

Age of Active Pending Caseload Performance Measure

Exhibit 34: Total Number of Open Cases, Special Contract Cases (ePUC data as of March 31, 2023)

| PUC Goal | Age of Open Case | Total Number of Cases |
|----------|------------------|-----------------------|
| Tier 1 | Within 60 days | 0 |
| Tier 2 | 61 – 120 days | 0 |
| | Over 120 days | 0 |

Other: Financing Cases

PUC’s case categorization for performance measurement for financing petitions that fall under 30 V.S.A. Section 108.

Time to Disposition Performance Measure

Exhibit 35: Time to Disposition Goals and Results, Financing Cases

| Time to Disposition Goal | | | Percentage of Disposed Cases Achieved | | | |
|--------------------------|---------------------|---------------------|---------------------------------------|---------|---------|---------|
| Tier | Days to Disposition | Percentage of cases | FY 2019 | FY 2020 | FY 2021 | FY 2022 |
| Tier 1 | Within 60 days | 95% | 100% | 88% | 56% | 100% |
| Tier 2 | Within 90 days | 100% | 100% | 100% | 89% | 100% |

Clearance Rate Performance Measure

Exhibit 36: Total Number of Cases Filed and Cleared, Financing Cases

| | FY 2019 | FY 2020 | FY 2021 | FY 2022 |
|--------------------|---------|---------|---------|---------|
| # of Cases Filed | 7 | 9 | 7 | 3 |
| # of Cases Cleared | 8 | 8 | 9 | 2 |
| Clearance Rate | 114% | 89% | 129% | 67% |

Age of Active Pending Caseload Performance Measure

Exhibit 37: Total Number of Open Cases, Financing Cases (ePUC data as of March 31, 2023)

| PUC Goal | Age of Open Case | Total Number of Cases |
|----------|------------------|-----------------------|
| Tier 1 | Within 60 days | 2 |
| Tier 2 | 61 - 90 days | 0 |
| | Over 90 days | 0 |

Other: Accounting Orders

PUC’s case categorization for requests from utilities for PUC approval for regulatory accounting treatment of eligible costs or revenue, under Section 221 of Title 30.

Time to Disposition Performance Measure

Exhibit 38: Time to disposition Goals and Results, Accounting Orders

| Time to Disposition Goal | | | Percentage of Disposed Cases Achieved | | | |
|--------------------------|---------------------|---------------------|---------------------------------------|---------|---------|---------|
| Tier | Days to Disposition | Percentage of cases | FY 2019 | FY 2020 | FY 2021 | FY 2022 |
| Tier 1 | Within 45 days | 95% | n/a | n/a | 33% | 33% |
| Tier 2 | Within 90 days | 100% | n/a | n/a | 100% | 100% |

Clearance Rate Performance Measure

Exhibit 39: Total Number of Cases Filed and Cleared, Accounting Orders

| | FY 2019 | FY 2020 | FY 2021 | FY 2022 |
|--------------------|---------|---------|---------|---------|
| # of Cases Filed | 0 | 0 | 4 | 2 |
| # of Cases Cleared | 0 | 0 | 3 | 3 |
| Clearance Rate | n/a | n/a | 75% | 150% |

Age of Active Pending Caseload Performance Measure

Exhibit 40: Total Number of Open Cases, Accounting Orders (ePUC data as of March 31, 2023)

| PUC Goal | Age of Open Case | Total Number of Cases |
|----------|------------------|-----------------------|
| Tier 1 | Within 45 days | 0 |
| Tier 2 | 46 - 90 days | 0 |
| | Over 90 days | 1 |

Other: Telecommunications Providers – CPG Applications

PUC’s case categorization for CPG applications by telecommunications service providers to provide service in Vermont.

Time to Disposition Performance Measure

Exhibit 41: Time to Disposition Goals and Results, Telecommunications Providers – CPG Applications

| Time to Disposition Goal | | | Percentage of Disposed Cases Achieved | | | |
|--------------------------|---------------------|---------------------|---------------------------------------|---------|---------|---------|
| Tier | Days to Disposition | Percentage of cases | FY 2019 | FY 2020 | FY 2021 | FY 2022 |
| Tier 1 | Within 30 days | 75% | 0% | 0% | 0% | 14% |
| Tier 2 | Within 45 days | 100% | 0% | 0% | 25% | 43% |

Clearance Rate Performance Measure

Exhibit 42: Total Number of Cases Filed and Cleared, Telecommunications Providers – CPG Applications

| | FY 2019 | FY 2020 | FY 2021 | FY 2022 |
|--------------------|---------|---------|---------|---------|
| # of Cases Filed | 4 | 1 | 6 | 5 |
| # of Cases Cleared | 3 | 4 | 4 | 7 |
| Clearance Rate | 75% | 400% | 67% | 140% |

Age of Active Pending Caseload Performance Measure

Exhibit 43: Total Number of Open Cases, Telecommunications Providers – CPG Applications (ePUC data as of March 31, 2023)

| PUC Goal | Age of Open Case | Total Number of Cases |
|----------|------------------|-----------------------|
| Tier 1 | Within 30 days | 0 |
| Tier 2 | 31 – 45 days | 0 |
| | Over 45 days | 0 |

Other: Telecommunications Providers – Cellular Registrations

PUC’s case categorization for telecommunications providers requesting approval to register to provide commercial mobile radio service, commonly referred to as cellular service.

Time to Disposition Performance Measure

Exhibit 44: Time to Disposition Goals and Results, Telecommunications Providers – Cellular Registrations

| Time to Disposition Goal | | | Percentage of Disposed Cases Achieved | | | |
|--------------------------|---------------------|---------------------|---------------------------------------|---------|---------|---------|
| Tier | Days to Disposition | Percentage of cases | FY 2019 | FY 2020 | FY 2021 | FY 2022 |
| Tier 1 | Within 30 days | 75% | 29% | 63% | 36% | 62% |
| Tier 2 | Within 45 days | 100% | 43% | 63% | 43% | 77% |

Clearance Rate Performance Measure

Exhibit 45: Total Number of Cases Filed and Cleared, Telecommunications Providers – Cellular Registrations

| | FY 2019 | FY 2020 | FY 2021 | FY 2022 |
|--------------------|---------|---------|---------|---------|
| # of Cases Filed | 8 | 10 | 12 | 11 |
| # of Cases Cleared | 7 | 8 | 14 | 13 |
| Clearance Rate | 88% | 80% | 117% | 118% |

Age of Active Pending Caseload Performance Measure

Exhibit 46: Total Number of Open Cases, Telecommunications Providers – Cellular Registrations (ePUC data as of March 31, 2023)

| PUC Goal | Age of Open Case | Total Number of Cases |
|----------|------------------|-----------------------|
| Tier 1 | Within 30 days | 1 |
| Tier 2 | 31 – 45 days | 0 |
| | Over 45 days | 0 |

Appendix V Reprint of Management's Comments

The following is a reprint of management's response to a draft of this report.

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**State of Vermont
Public Utility Commission**

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November 15, 2023

The Honorable Douglas R. Hoffer
Vermont State Auditor

Re: Response to Draft Audit

Dear State Auditor Hoffer:

Thank you very much for providing the Public Utility Commission ("Commission") with an opportunity to comment on the final draft of your audit of the Commission's reporting of the timeliness of our decisions in FY19 through FY22.

We are pleased that the audit found that our reporting of our performance on two time-to-disposition performance metrics was accurate.

We also appreciate that the audit recognized that there are multiple important considerations when evaluating the Commission's decision-making, including timeliness, the soundness of the decisions themselves, and the ease of citizen participation in our proceedings. This last consideration has become increasingly important over the last 15 years as the number of citizens participating in our proceedings has grown significantly, primarily due to the increase in the number and complexity of the cases before the Commission related to infrastructure siting. This change in the Commission's workload has, in turn, affected the length of time it takes the Commission to process those complex cases. One reason for this is that when there is a conflict, we tend to prioritize providing a fair process in which all parties have a reasonable opportunity to present their cases over deciding a case within a certain time period.

This prioritization supports the audit's recommendation that the Commission reevaluate the timeframe goals in our performance metrics to ensure that they are appropriate for demonstrating timeliness for most cases. The Commission originally established these goals before ePUC, our online case-management system, was operational. As a result, the goals were not based on actual data regarding how long different types of cases took to resolve. Now that ePUC includes five years of data, it is appropriate for us to use those data to revise our timeframe goals. We can also use the data to implement goals for the investigative period of tariff cases and to measure case clearance rates and the age of pending cases, as the audit recommends. We intend to implement these recommendations for the FY24 performance period.

 VERMONT

Appendix V Reprint of Management's Comments

The audit correctly notes that we have not publicized the timeframes we use for calculating performance measure results, the information on how long we estimate most cases will take to resolve, or our performance results by case type and performance goal tier. Posting this information on our website would be consistent with the Commission's ongoing efforts to increase transparency and make information about our cases available online. We intend to do so starting with our FY23 performance results, and we will include information about the recommended new performance metrics starting with our FY24 performance results.

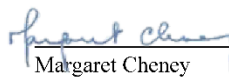
We also agree with the audit's recommendation that the Commission assess ways to use or modify ePUC to reduce the need for manual review and adjustment of case data by staff for use in performance measurement. It is preferable to use automated tools, rather than manual adjustments, to the extent possible. We intend to start this assessment of ePUC during FY24, although depending on the complexity of the changes to ePUC that may result from this assessment, it may be FY25 before those changes are implemented.

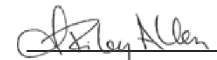
Finally, we will continue our current practice of using our detailed performance results as a management tool to identify areas that lag below expectations and opportunities for process improvements.

Thank you again for this opportunity to comment on the draft audit report.

Sincerely,


Anthony Z. Roisman
Chair


Margaret Cheney
Commissioner


J. Riley Allen
Commissioner