

Standards and Procedures Applicable to Electronic Filing Using ePSB

Section I. Applicability; Effective Dates; Title

(a) These electronic filing procedures shall be known as the ePSB Procedures for Electronic Filing and shall be cited as ePSB Pr. These procedures are applicable in the following matters: 1) net-metering registrations and applications; 2) applications for non-net-metering small renewable facilities; 3) advance notices pursuant to 30 V.S.A. §§ 248(f) and (g); 4) petitions; 5) investigations initiated by the Board; 6) public comments unrelated to a specific proceeding; 7) consumer complaints; 8) accounting orders; 9) proposed disconnect notice forms; 10) Board rule 5.202 notices; 11) special contracts; 12) energy savings accounts; and 13) miscellaneous administrative matters (hereinafter “Board proceeding”) commenced with the Vermont Public Service Board (hereinafter “Board”) on and after November 1, 2016, and where a filer elects to utilize electronic filing. .

(b) When a party to a Board proceeding elects to utilize electronic filing, then, in the event of a conflict between these procedures and any other Board rule or procedure these procedures shall govern.

(c) When a party to a Board proceeding elects not to utilize electronic filing, then the filing provisions in other relevant rules and procedures shall apply.

(d) Until further notice, each party or participant to a Board proceeding shall file with the Board one hard copy of each document that is electronically filed using ePSB.

Section II. Definitions

The following definitions apply to these ePSB Procedures for Electronic Filing:

(1) “Agency account” means an account established by an organization, including a law firm, business, interest group, government agency, etc. An organization only needs to create one agency account and then the organization’s appointed account administrator can create multiple users under the agency account.

(2) “Asserted confidential document” means a document containing information for which confidentiality has been asserted and that has been filed in a Board proceeding subject to a properly supported motion or other request for confidential treatment.

(3) “Board” means the Public Service Board of the State of Vermont or any authorized employee thereof as the context allows.

- (4) “Board-generated document” means any document generated by the Board or any authorized employee of the Board.
- (5) “Clerk of the Board” means the Clerk, Deputy Clerk, or Acting Clerk of the Public Service Board of the State of Vermont, as the context allows.
- (6) “Confidential document” means a document containing information for which confidentiality has been asserted and that has been filed with the Board and parties in a proceeding subject to a protective order duly issued by the Board.
- (7) “Document” means information inscribed on a tangible medium or stored in an electronic or other medium and retrievable in perceivable form.
- (8) “Electronic case file” means an assemblage of the items pertaining to a single Board proceeding under a single identifying number electronically submitted to and stored in ePSB’s file server via the ePSB system website, by interface from another agency, or electronically issued or generated by the Board via ePSB, and any paper document that was scanned by the Board and electronically stored in the ePSB file server.
- (9) “Electronic filing” means the transmission of documents to the Board by electronic means.
- (10) “Electronic issuance” means:
- (A) the transmission by electronic means of a document that the Board has issued, including an order, proposal for decision, or notice; or
 - (B) the transmission of a message from the Board by electronic means informing the recipients that the Board has issued a document, including an order, proposal for decision, or notice, and that it is available for viewing and retrieval from ePSB.
- (11) “Electronic means” means any Board-authorized method of direct electronic transmission of a document from the sender’s computer or electronic filing system to the recipient’s computer or electronic filing system.
- (12) “Electronic service” means the receipt of a notice via the ePSB system by an official representative of a party or participant to a Board proceeding that a document has been filed with or issued by the Board using ePSB and is available for access and downloading through ePSB by that official representative. Receipt of such notice constitutes service for purposes of Public Service Board Rule 2.204(A) and (B), and V.R.C.P. 5.
- (13) “ePSB” means a Board-designated system that provides for the electronic filing of documents with the Board and for the electronic issuance of documents by the Board.

(14) “Individual account” (as opposed to an “Agency Account”) means an account established by persons who are using ePSB to participate in a Board proceeding as an individual.

(15) “Non-electronic means” means any method of transmitting a document for filing by any means other than by direct electronic transmission from the sender’s computer or electronic filing system to the recipient’s computer or electronic filing system.

(16) “Official representative” means an individual authorized and designated to appear on a service list on behalf of a party or participant, including a self-represented party or participant (“*pro se*”), in a Board proceeding. An official representative shall also act as the proper point of contact for receipt of all notifications from ePSB regarding events occurring or actions taken in a Board proceeding.

(17) “Participant” means a person, entity, or group of persons functioning as a single entity that is allowed to actively participate in a non-contested case Board proceeding but that has not been granted party status.

(18) “Party” means a person, entity, or group of persons functioning as a single entity that has party status in a Board proceeding.

(19) “Petitioner” or “Applicant” means the person, entity, or group of persons functioning as a single entity that initiates a Board proceeding through the filing of a petition, application, or other similar document.

Section III. Confidential Documents and Asserted Confidential Documents

(a) Until further notice, these electronic filing procedures are not available for use in filing documents with the Board that contain asserted confidential or confidential information. Asserted confidential information and confidential information shall continue to be filed in hard copy and served on other authorized parties to the proceeding consistent with existing Board practice.

(b) Public, non-confidential versions of documents containing asserted confidential or confidential information may be filed electronically using these procedures, and in the event a filer chooses to utilize these electronic filing procedures in a Board proceeding, such public, non-confidential versions shall be filed electronically using these procedures.

Section IV. Initiation of and Participation in Board Proceedings via ePSB

(a) These procedures shall not alter the requirements for service of citations and notices in writing as set forth in 30 V.S.A. §§ 111(b), 111a(i), and 2804.

(b) In order to file anything with the Board via ePSB other than a public comment, a user must first log into ePSB's public portal using a user name and password.

(c) When a party or participant makes a filing that initiates a Board proceeding, filing with the Board and service on any state agency that is entitled to service of that filing shall be accomplished via filing through the ePSB system. Any other individual or entity that is entitled to service of such a filing must be served in hard copy pursuant to Public Service Board Rule 2.204(A) and (B), and V.R.C.P. 5.

(d) When a petitioner or applicant logs into ePSB's public portal and files a petition, application, or other similar document that initiates a new case, the official representative and the individual making the filing will receive notification that the case has been initiated and the case will appear in the official representative's "My Existing Cases" file. If the person making the filing does so using an agency account, then the case will appear in the "My Existing Cases" file for each individual included under the agency account.

(e) A person, entity, or group of persons functioning as a single entity may file a motion to intervene in a Board proceeding. The case will then appear in the official representative's "My Existing Cases" file. If the official representative is included under an agency account, then the case will appear in the "My Existing Cases" file for each individual included under the agency account.

Section V. Official Representatives

(a) ePSB will maintain a directory of official representatives and their contact information so that the official representative may be selected from a drop-down menu and the relevant information fields will be automatically populated. It is the responsibility of each official representative to ensure that his or her contact information is accurate and up-to-date at all times.

(b) The primary email address submitted for an official representative shall be the email address to which all notices of filings and issuance of Board-generated documents for a particular Board proceeding will be sent.

(c) Electronic filing of any document through ePSB by or on behalf of an official representative in a Board proceeding constitutes consent by that official representative to be served with and to receive any and all documents filed with or issued by the Board via electronic service in that Board proceeding.

(d) In any Board proceeding in which an official representative has appeared on behalf of a party or participant in accordance with the Board's rules of procedure and these procedures, that official representative may, in addition to the functions available for public access to ePSB, file documents electronically as provided in these procedures.

Section VI. Public Access to and Use of ePSB

Any person, including members of the general public, may use ePSB to:

- (a) File public comments in any Board proceeding.
- (b) Subscribe to receive notification of the filing of any documents filed by parties or issued by the Board in any Board proceeding. In order to subscribe to a case, a user must log into ePSB (creating an account if necessary), search for the case to which the person would like to subscribe, select “Subscribe to a Case” from the “Select Action” drop-down menu, and fill in the fields on that screen. A person who wishes to stop subscribing to a case or update the email address he or she used to subscribe should contact the Clerk of the Board at psb.clerk@vermont.gov.
- (c) View, access, and download all public documents and case information in any Board proceeding.
- (d) Search for all public documents and case information in any Board proceeding.

Section VII. Procedures for Electronic Filing

- (a) Except where hard copies are required, an official representative may initiate a new Board proceeding, or file documents in an existing Board proceeding that is in ePSB, by logging into the ePSB portal on the Board’s website with a user name and password.
- (b) Each filing will be accomplished by completing the appropriate screens on the ePSB website and by attaching documents required or permitted to be filed that have been prepared, formatted, and signed as provided in these procedures, and until further notice, redacted if the documents contain any asserted confidential information.
- (c) An electronic filing may be submitted on any day, including holidays and weekends, and at any time. A filing is considered filed on a date if it is submitted by 5:00 P.M. on a date that the Board is open for business. A filing submitted after 5:00 P.M. or on a weekend, holiday, or any other day the Board is not open for business will be considered filed on the next business day. Failure of the filer’s system will not excuse a failure to comply with a filing deadline unless the Board exercises its discretion to extend the deadline. A deadline shall be extended for unavailability of the ePSB system, or any of its subsystems, due to system maintenance or failure.
- (d) The ePSB system will automatically acknowledge receipt of any filing, and will provide an identifying case number in the email confirmation of any initial filing that has been submitted. The assigned case number must appear on all subsequent filings pertaining to that Board proceeding.

(e) ePSB will not allow a filer to submit any filing that does not comply with the requirements described by these procedures and the ePSB system.

(f) An initial filing that has been submitted via ePSB will be reviewed by the Board for compliance with the requirements of these procedures and the ePSB system, and with any applicable statutes and Board rules. After review of the filing, the Board will electronically notify the filer if the filing cannot be processed until specified actions have been taken as required by these procedures and the ePSB system, and by any applicable statutes and Board rules. If a filing has not been accepted, a filer may submit a corrected filing. The Board will accept a corrected filing if all requirements of these procedures and the ePSB system, and of any applicable statutes and Board rules, have been met. When a corrected filing has been accepted, the date and time of filing for all purposes under the Board's rules of procedure are the date and time that the corrected filing was submitted. The Board will provide an identifying case number for a new or corrected filing in the email confirmation for that filing when it is submitted via ePSB. The assigned case number must appear on all subsequent filings pertaining to that Board proceeding.

(g) The filer, or the Board in the case of a Board-generated document, must serve a hard copy of an electronically filed document on all parties or persons upon whom service is required by the applicable rules of procedure, and who is not using ePSB to participate in a Board proceeding.

(h) Motions, responses, and supporting matters must be filed as provided in this subsection.

(1) A motion requesting alternative forms of relief¹ may be filed as a single document. A response to such a motion may also be filed as a single document.

(2) Motions requesting independent forms of relief must be filed as separate documents. Responses to such motions must also be filed as separate documents.

(3) A response to a motion may not be combined in the same document with a new motion.

(4) A memorandum of law, affidavit, exhibit, or other supporting matter or required attachment to a motion or response must be filed as a separate document and must identify the motions or responses to which the supporting matter relates and must be referenced in the motions or responses unless it is filed after them.

Section VIII. Format of Electronically Filed Documents

(a) An electronically filed document cannot be submitted via ePSB if it:

1. Alternative forms of relief are those sought when a party requests that the Board grant relief in one form *or* another based on related facts.

(1) is not created or saved in, or converted to, searchable PDF, searchable PDF/A, Excel, jpeg, .ptx, Powerpoint, MS Word, MP4, or AVI format;

(2) is larger than 50 MB, unless it is filed in segments no larger than 50 MB; or

(3) contains a virus detected by the ePSB system.

(b) An electronically filed document that has been submitted via ePSB pursuant to (a) will be accepted by the Board as provided in these procedures only if:

(1) it has been formatted as required by the Board's rules of procedure and is clearly legible in the electronic format in which it is filed;

(2) any password protection or other security device has been removed; and

(3) all information required to be included with the filing has been submitted.

Section IX. Non-Electronically Filed Documents; Format and Service

(a) With the exception of public comments and consumer complaints, a non-electronically filed document will be accepted as provided in these procedures only if it:

(1) is clearly legible, with all text visible and dark enough to be readable on a scanned image;

(2) is formatted as required by the Board's rules of procedure;

(3) is printed on white paper and on only one side of the paper;

(4) is not secured by staples;

(5) is free of bar codes on any page; and

(6) uses exhibit separator pages instead of exhibit tabs.

(b) When a person or entity files a document in a Board proceeding in a non-electronic format, that person or entity shall serve hard copies of the document on all other persons or entities entitled to receive copies of the document, pursuant to the requirements of the Board's rules of procedure.

(c) When a non-electronic filing of a document is made, the Board will scan the document in PDF format and include it in the electronic file for that Board proceeding, provided that if a document cannot reasonably be scanned and filed electronically because of its size, shape, or

condition, it will be retained as a non-electronic file. If a document that is required to be filed electronically is filed non-electronically, notice will be provided that it will not be accepted and will not be scanned, unless the Board has granted an exception pursuant to Section X of these procedures. The filer may resubmit the document electronically pursuant to these procedures, and the date and time of filing for all purposes under the applicable rules of procedure will be the date and time that the filing was submitted in electronic format.

(d) The Clerk of the Board is not required to maintain non-electronic files for Board proceedings commenced after the dates on which electronic filing is permitted under these procedures, except for items that cannot be filed or scanned in electronic format. The Clerk will discard all paper documents filed with the Board no less than 30 days after the date that such documents have been successfully scanned and uploaded into ePSB. Official representatives are therefore encouraged to retain originals or copies of any non-electronic documents filed with the Board that have intrinsic value.

(e) A paper filing may be made at any time permitted by the applicable rules of procedure.

(f) If a filer participates in a Board proceeding in non-electronic form subsequent to the effective date of these procedures, that filer may elect to participate in the remainder of the case in electronic form by filing a letter with the Board stating their intent to proceed using ePSB going forward in that case. In that event, the filer will be required to use ePSB for the remainder of the case as described in these procedures.

Section X. Exceptions to Electronic Filing

(a) Until further notice, the non-redacted versions of all documents containing asserted confidential or confidential information shall not be filed using ePSB.

(b) Public comments and consumer complaints may be filed in non-electronic format.

(c) The Board in its discretion may require a filer to file in non-electronic format upon a determination that the filer has abused the ePSB system by repeated filing of irrelevant, abusive, or duplicative documents or information.

(d) The Board in its discretion and for good cause shown may allow a filer to file using non-electronic means when electronic filing would otherwise be required.

(e) A notice of appeal from a final decision of the Board to the Vermont Supreme Court in a case filed under this rule must be filed with the Clerk of the Board by non-electronic means, with any entry fee paid in the manner set forth in Rule 3 of the Vermont Rules of Appellate Procedure. A request for permission to appeal prior to final judgment may be filed electronically.

Section XI. Signatures

(a) Form and Effect of Signature.

(1) Where a signature is required, the electronic filing of a petition, pleading, motion, or other document constitutes the official representative's or self-represented party's or participant's signature on the document and for all other purposes under the applicable rules of procedure, including the imposition of sanctions under V.R.C.P. 11. An electronically filed document that requires a signature must include a signature block containing the official representative's or self-represented party's or participant's typed-in name, preceded by "s/," or an electronic facsimile of the signature, a scanned copy of it, or another form of electronic signature as defined in 9 V.S.A. § 271(9), and the name, address, telephone number, and email address of the official representative or self-represented party or participant.

(2) A procedural document filed by non-electronic means must be signed as provided in the applicable rules of procedure.

(3) If a stipulation or other signed document relevant to the merits of any issue in a Board proceeding is to be filed electronically under these procedures, the original, signed as provided in the applicable rules of procedure or other provisions of law, must be scanned and filed as a PDF file by the filer. If such a document is to be filed by non-electronic means when permitted under these procedures, it must be the original document unless otherwise provided in the applicable rules of procedure or other provisions of law. When an original of such a document is filed using non-electronic means, the parties to the document are encouraged to execute multiple originals for their record-keeping purposes, or to submit a self-addressed, stamped envelope with a request that the original be returned to the filer via mail.

(b) Multiple Signatures.

(1) A petition, pleading, motion, or other procedural document filed jointly by an official representative or self-represented party or participant, and by other parties or counsel aligned in interest, must contain the signature of the official representative or self-represented party or participant, and of the other parties or participants or counsel in the form provided in (a)(1) or (2), above. If such a document is filed electronically, the act of filing by or on behalf of an official representative or self-represented party or participant constitutes a representation that all the other signers consented to the filing of the document.

(2) Any other document that contains the signatures of persons other than the official representative or self-represented party or participant on whose behalf the filing is made must be filed and signed as provided in (a)(3), above.

(3) The official representative or self-represented party or participant in possession of any document containing the signatures of other persons must retain a paper or electronic copy of the document available for inspection by the signers or by the Board until the longer of two years or final disposition of the action, including the disposition of all appeals or the running of the time for appeal.

(c) Documents under Oath.

If a notarized, acknowledged, or verified document or a document signed under oath is to be filed electronically under these procedures, the original, signed and attested as provided in the applicable rules of procedure or other provisions of law, must be scanned and filed in PDF format. The signatory on whose behalf the filing is made must retain the original of the document available for inspection by the signers or by the Board until the longer of two years from the date of filing or final disposition of the action, including the disposition of all appeals or the running of the time for appeal.

(d) Signatures of Board Personnel.

(1) Board Members may sign any Board-generated document created and to be sent or filed in electronic form with his or her electronic facsimile signature followed by a signature block containing the signer's typed name and title. That signature shall have the same effect as a handwritten signature on a non-electronic document, subject to the conditions listed in subsections (A) through (D), below.

(2) A Hearing Officer may sign any document to be issued by that Hearing Officer in the course of conducting a Board proceeding and to be sent or filed in electronic form with his or her electronic facsimile signature followed by a signature block containing the signer's typed name and title. That signature shall have the same effect as a handwritten signature on a non-electronic document, subject to the conditions listed in subsections (A) through (D), below.

(3) The Clerk of the Board may sign any document in pursuance of the regular course of authorized duties for the Office of the Clerk of the Board that is to be sent or filed in electronic form with his or her electronic facsimile signature followed by a signature block containing the signer's typed name and title. That signature shall have the same effect as a handwritten signature on a non-electronic document, subject to the conditions listed in subsections (A) through (D), below.

(A) Each Board Member, Hearing Officer, and Clerk of the Board must create through the Office of the Clerk of the Board, and maintain, an electronic facsimile of his or her signature.

(B) An electronic facsimile signature of a Board Member, Hearing Officer, or Clerk of the Board on a Board-generated document and filed in the ePSB electronic filing system is presumed valid.

(C) Except for Orders, a Board Member or Hearing Officer may delegate the use of his or her electronic facsimile signature image to an authorized designee. Whenever the designee uses the facsimile signature image, the designation shall be disclosed on the document.

(D) Unauthorized use of an electronic facsimile signature will render invalid the document that was issued with the unauthorized signature unless the Board Member, Hearing Officer, or Clerk of the Board ratifies the use of his or her signature.

Section XII. Access to Electronic Case Files

(a) All official representatives, parties, party representatives, participants, interested persons, and members of the general public shall have access to all non-confidential documents in all Board proceedings that are filed with or issued by the Board using ePSB via the Board's website.

(b) Interested persons may subscribe to receive notification of the filing of any documents filed by parties with or issued by the Board in any Board proceeding. In order to subscribe to a case, a user must log into ePSB (creating an account if necessary), search for the case to which the person would like to subscribe, select "Subscribe to a Case" from the "Select Action" drop-down menu, and fill in the fields on that screen. A person who wishes to stop subscribing to a case or update the email address he or she used to subscribe should contact the Clerk of the Board at psb.clerk@vermont.gov.

Section XIII. Transcripts

Where prefiled testimony has been admitted into the evidentiary record, the prefiled testimony need not be included in the transcript of the hearing in which the prefiled testimony was admitted.