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INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) AGENDA **Monday, June 12, 2023, 2:00 p.m.**

To attend virtually via Microsoft Teams, please [click here to join the meeting](#) for full meeting audio and visual. If you require a call-in option to participate (e.g., computer does not have a microphone), dial 802-828-7667 and enter Phone Conference ID: 106 522 523#.

Physical meeting location suspended until July 1, 2024 due to [Open Meeting Law temporary provisions](#).

- Welcome
- Review and approval of the [minutes](#) from the May 8, 2023 meeting
- Note any additions or deletions from the agenda
- Public comment
- Presentation of the following proposed rule:
 - 1) Rule 5.400 5.400 Petitions to Construct Electric and Gas Facilities Pursuant to 30 V.S.A. §248, Public Utility Commission
 - a) The amendments proposed for Commission Rule 5.400 serve four primary purposes. First, the proposed amendments provide increased clarity on the information that must be filed for a Section 248 petition to be considered complete. Second, they update the means by which parties can exchange and collect information in response to technological advances and our experience with the COVID-19 pandemic. Third, they provide clarity on the processes that must be followed when petitioners seek to amend projects that are under review, and projects that have been reviewed and approved. Fourth, the amendments simplify the process for certain persons and entities to intervene as parties in Section 248 cases.
 - 2) 5.100 Rule Pertaining to Construction and Operation of Net-Metering Systems (the "Net-Metering Rule"), Vermont Public Utility Commission
 - a) This rulemaking involves amendments to the Net-Metering Rule, including changes to the definition of the term "preferred site"; limits on the amount of forest clearing associated with projects on "preferred sites"; updates to the registration and application processes for net-metering systems; changes to project amendment processes and requirements; clarifications regarding the rates applicable to expanded net-metering systems; updates to the transfer and extension requirements for net-metering system certificates of public good; the addition of language authorizing utilities to propose tariffs assessing locational adjustor fees for constrained areas of the grid; changes to update the Rule consistent with state statute and other Commission rules, including the Commission's Rules of Practice and Interconnection Rule; changes acknowledging the use of ePUC - the Commission's



electronic filing system; and other changes to otherwise improve, clarify, and streamline the Rule.

- 3) Rule 5.500: Interconnection Procedures For Proposed Electric Generation Resources And Energy Storage Devices, Vermont Public Utility Commission
 - a) The proposed rule addresses the interconnection of energy storage devices and makes revisions to the standards and procedures for the interconnection of electric generation facilities. The Commission has reorganized the structure of the proposed rule to improve readability and reduce repetition compared to the current rule.
 - 4) Education Quality Standards (Rule Series 2000), State Board of Education
 - a) The proposed amendments to Rule Series 2000 are designed to implement 2019 Act No. 1 and the recommendations of the Working Group, consistent with legislative intent. The amended rule series is intended to ensure that students in Vermont public schools (and independent schools seeking designation as an independent school meeting EQS under 16 V.S.A. section 165(f)) are afforded opportunities that are substantially equal in quality and are equitable, anti-racist, culturally responsive, anti-discriminatory, and inclusive. The amended rule series enhances the curriculum, provides for a culturally responsive pedagogy, and prohibits discrimination against any student pursuing an education or participating in the life or activities of a school based on a number of protected classifications.
 - 5) Vermont Use of Public Waters Rules, Agency of Natural Resources
 - a) The proposed rule is an amendment to Section 3 and Appendix A of the Vermont Use of Public Waters Rules (UPW), Environmental Protection Rule Chapter 32. The rule proposes to regulate "wakesports" involving a "wakeboat" on certain lakes and ponds in Vermont. The rule would prohibit such wakesports on lakes, ponds, and reservoirs that do not have a minimum of 50 contiguous acres that are both 500 feet from shore on all sides and a minimum of 20 feet deep (eligibility rule). The rule would also limit such wakesports to these defined areas that are 500 feet from shore and 20 feet deep (operating rule). Finally, the rule would require a "wakeboat" to only be used in one lake per summer unless the wakeboat is decontaminated at a certified Dept. of Environmental Conservation (DEC) service provider (home lake rule). This rule is in response to a petition that was submitted to DEC in March 2022, requesting that DEC regulate wakeboats on certain Vermont lakes. A few editorial corrections are also being made.
 - 6) Medicaid Coverage of Exception Requests, Agency of Human Services
 - a) This rule sets forth the criteria for Medicaid coverage pursuant to the Exceptions Request process. It amends current Medicaid Services Rule 7104 titled "Requesting Coverage Exceptions." Revisions include: (1) stating that the process only applies to beneficiaries age 21 years old or older, (2) stating that certain criteria are mandatory, (3) clarifying eligibility criteria, (4) changing the frequency that certain approved exception requests are published on the website of the Department of Vermont Health Access, and (5) removing references to the Interpretive Memo process and incorporating related processes into the rule.
- Committee discussion:
 - Potential resources available for proposed rules to be reviewed for copyediting prior to presenting to ICAR.
 - Use of terms 'regulation' and 'promulgation': Administrative Procedure Act rules are adopted. Regulations are not promulgated.
 - Other business
 - Next meeting date: Monday, July 10, 2023 at 2:00 p.m.
 - Adjournment

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