

**STATE OF VERMONT  
DEPARTMENT OF PUBLIC SERVICE**

**24 V.S.A. § 4352 Determination No. 21**

**DETERMINATION OF ENERGY PLANNING COMPLIANCE PURSUANT TO  
24 V.S.A. § 4352 FOR WINDHAM REGIONAL COMMISSION'S REGIONAL PLAN**

**I. INTRODUCTION**

Today, in my capacity as the Commissioner of the Vermont Department of Public Service (“Department”), I have issued the attached certificate memorializing my affirmative determination pursuant to 24 V.S.A. § 4352(a) that the Windham Regional Commission (“WRC”) Regional Plan (“Plan”) complies with the requirements of 24 V.S.A. § 4352 for enhanced energy planning.<sup>1</sup> This determination is made solely as to whether the Plan complies with the statutory planning requirements of 24 V.S.A. § 4352. This determination does not mean that the Department endorses the substantive policy judgments contemplated or promoted in these plans. Additionally, I hereby record the procedural history leading to the compliance determination, as well as a report of the public comments the Department received.

**II. PROCEDURAL HISTORY**

On August 21, 2025, WRC submitted the Plan for a determination of compliance with the enhanced energy planning standards set forth in 24 V.S.A. § 4352.

On September 5, 2025, the Department solicited recommendations from the Secretaries of the Agencies of: Agriculture, Food, and Markets; Commerce and Community Development; Natural Resources; and Transportation as to whether the Plan should be certified as compliant with the requirements of 24 V.S.A. § 4352.

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<sup>1</sup> The Plan was adopted on July 29, 2025, in accordance with 24 V.S.A. § 4348b.

On September 5, 2025, notice of a public hearing scheduled for September 30, 2025, was emailed directly to WRC.

On September 12, 2025, notice of a public hearing scheduled for September 30, 2025, was published in the Brattleboro Reformer.

On September 5, 2025, notice of a public hearing scheduled for September 30, 2025, was posted on the Department's website. On September 12, an announcement related to the hearing was posted on the Department's website home page.

On September 30, 2025, the Department convened a hybrid public hearing at the Windham Regional Commission office, 139 Main St. Brattleboro, VT, and via the Microsoft Teams Platform.

### **III. AGENCY COMMENTS**

#### ***Agency of Commerce and Community Development***

The Agency of Commerce and Community Development did not submit any comments on the Plan.

#### ***Agency of Transportation***

The Agency of Transportation submitted comments that they supported the affirmative certification of the WRC Regional Plan.

#### ***Agency of Natural Resources***

The Agency of Natural Resources submitted comments that they had reviewed the plan and had no substantive comments that would prevent the Department from granting an affirmative determination.

*Agency of Agriculture, Food, and Markets*

The Agency of Agriculture, Food, and Markets did not submit any comments on the Plan.

**IV. PUBLIC COMMENTS**

No members of the public attended the public hearing, and the Department did not receive any additional public comments in writing.

**V. DEPARTMENT OBSERVATIONS**

*General Observations*

Act 174 created a new energy planning process in Vermont for RPCs and municipal planning bodies. Pursuant to this process, a Regional Planning Commission (“RPC”) has the option of submitting its duly adopted regional plan to the Commissioner of the Department of Public Service for an affirmative determination of energy planning compliance with the statutory standards of 24 V.S.A. § 4352. When a regional plan has received an affirmative determination of energy planning compliance determination under 30 V.S.A. § 4352, the Vermont Public Utility Commission is required to afford substantial deference in 30 V.S.A. § 248 proceedings to the land conservation measures and specific policies contained in such a duly adopted regional plan when reviewing any proposed electric generation facility in the region covered by that plan.

While a regional plan that has received an affirmative determination of energy planning compliance must be given substantial deference by the Public Utility Commission when reviewing the siting impact of a project, such as under the "orderly development" criterion of Section 248(b)(1), that does not mean that the regional plan automatically or ultimately decides whether a project will receive a Section 248 permit. Rather, a regional plan that has been determined to comply with 24 V.S.A. § 4352 will only serve, as warranted, to inform the several

statutory criteria the Commission must apply when considering whether a proposed project should receive a Section 248 permit.

Pursuant to 24 V.S.A. § 4348b(a), regional plans expire every eight years, thereby requiring plan amendments or updates and adoption or readoption at that time, although there may be other circumstances that might cause an RPC to update their plan before the end of the eight-year period. Under 24 V.S.A. § 4352(h), an affirmative determination of energy planning compliance remains in effect until it either expires at the end of the eight-year period or the plan is readopted. Thus, once a plan has expired or been readopted, the RPC must submit their new plan for determination of compliance with 24 V.S.A. § 4352 to maintain its affirmative determination.

The Department views each iteration of the regional plans and its determination of compliance with 24 V.S.A. § 4352 as an important part of the planning process. Each new plan provides an opportunity to review, update, and reflect changes within the community since the adoption of the previous plan and the energy element. As such, the Department asks that RPCs and municipalities take steps to make updates to the extent possible, ensuring the data, goals, and recommendations reflect current reality of the region. Such updates will prove key to effectively taking actions and measuring progress toward reaching the state's clean energy and greenhouse gas reduction targets.

The Department greatly appreciates the pre-filing collaboration with WRC that occurred while WRC updated their regional plan and especially the responsiveness of WRC staff to Department comments and questions. Pre-determination collaboration is encouraged and gratefully received by the Department, as it offers the Department opportunities to engage in conversation about issues the region may be facing, offer technical support as needed, and

identify and address questions before a plan is adopted. The Department looks forward to continuing such engagement with WRC in advance of its next plan.

**VI. CONCLUSIONS**

Based on my review of the Plan, I have determined that it complies with the requirements of 24 V.S.A. § 4352.

Dated at Montpelier, Vermont this 21<sup>st</sup> day of October 2025.

VERMONT DEPARTMENT OF PUBLIC SERVICE

Signed by:  
  
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Kerrick Johnson  
Commissioner  
Vermont Department of Public Service