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**State of Vermont
Public Utility Commission
MEMORANDUM**

To: Environmental Justice Advisory Council
From: Vermont Public Utility Commission
Re: 2025 Environmental Justice Complaint Report
Date: March 7, 2025

Pursuant to 3 V.S.A. § 6004(d), the Vermont Public Utility Commission (“Commission”) must annually submit a report to the Environmental Justice Advisory Council detailing all complaints alleging environmental justice issues (“EJIs”) and any action taken to resolve those complaints. Section 6004(d) also requires covered agencies to submit complaints alleging Title VI violations, if applicable. Title VI of the Civil Rights Act of 1964 applies to Vermont state agencies that receive federal funds.¹ The Commission does not receive federal funds and therefore is not subject to Title VI.

The Commission interprets the term “EJI complaint” based on the definition of “environmental justice” in Vermont law.² Therefore, the Commission defines an “environmental justice issue complaint” as:

A complaint alleging that an individual or individuals, because of their race, color, income class, ability, gender identity, sexual orientation, national origin, ethnicity or ancestry, religious belief, or English language proficiency level, were not afforded equitable access to and distribution of environmental benefits; equitable distribution of environmental burdens; or fair and equitable treatment and meaningful participation in decision-making processes, including the development, implementation, and enforcement of environmental laws, regulations, and policies.

¹ See *e.g.*, Public Act 154 (2022 Vt.) § 1(12).

² “‘Environmental justice’ means all individuals are afforded equitable access to and distribution of environmental benefits; equitable distribution of environmental burdens; and fair and equitable treatment and meaningful participation in decision-making processes, including the development, implementation, and enforcement of environmental laws, regulations, and policies. Environmental justice recognizes the particular needs of individuals of every race, color, income, class, ability status, gender identity, sexual orientation, national origin, ethnicity or ancestry, religious belief, or English language proficiency level. Environmental justice redresses structural and institutional racism, colonialism, and other systems of oppression that result in the marginalization, degradation, disinvestment, and neglect of Black, Indigenous, and Persons of Color. Environmental justice requires providing a proportional amount of resources for community revitalization, ecological restoration, resilience planning, and a just recovery to communities most affected by environmental burdens and natural disasters.” 3 V.S.A. § 6002(3).

During 2024, the Commission did not receive any EJI complaints.

In the Commission's report to the Environmental Justice Advisory Council in 2024, the Commission proposed setting up its own webpage with information about what constitutes an EJI complaint and how to submit such a complaint.³ In response to the Commission's report and the reports of the other covered agencies, the Environmental Justice Advisory Council recommended that agencies establish a unified-across-agencies Complaints Response System, rather than having 10 separate agency processes.

The Commission is committed to working with the other covered agencies to establish a unified system.

In the interim, until such a system is in place, individuals who wish to file an EJI complaint with the Commission may do so by emailing or sending a letter to the Clerk of the Commission.⁴ Complainants should specify, with as much detail as possible, the alleged discrimination. All complaints that are filed will be acknowledged. Complaints will be managed in ePUC (the Commission's online document management system) in the same way consumer complaints are managed in that system. To the extent applicable, the Commission will protect from public disclosure complaint and complainant information, as required by 1 V.S.A. § 317(c)(27) and (42).⁵ All complaints will be reviewed by an attorney on staff, who may consult with the Commission's general counsel and other staff, as necessary, to recommend to the Commissioners what, if any, further action is required to address or investigate the complaint. If a complaint includes accusations against a Commission employee or employees, those individuals will be screened from all records and Commission processes related to the complaint.

As previously noted by the Commission in its report last year, the Commission has also identified an area of concern that the Interagency Environmental Justice Committee and Environmental Justice Advisory Council may wish to address. While certain exemptions under the Public Records Act will protect complainant information in specified cases, not all complaints and complainant information will be protected from disclosure. Without this protection, some individuals may be reluctant to file a complaint. A legislative amendment to create an exemption to the Public Records Act specific to EJI complaints could resolve this issue.

³ See <https://puc.vermont.gov/environmental-justice-issue-complaints>.

⁴ In addition, if an EJI complaint is raised during a Commission proceeding, the complaint will be reviewed, acknowledged, dealt with as appropriate, tracked, and reported like all other EJI complaints that are submitted to the Commission.

⁵ Section 317(c)(27) exempts from public disclosure "[i]nformation and records provided to the Department of Public Service or the Public Utility Commission by an individual for the purposes of having the Department or Commission assist that individual in resolving a dispute with a utility regulated by the Department or Commission, or by the utility or any other person in connection with the individual's dispute."

Section 317(c)(42) exempts from public disclosure "[e]xcept as otherwise provided by law, information that could be used to identify a complainant who alleges that a public agency, a public employee or official, or a person providing goods or services to a public agency under contract has engaged in a violation of law, or in waste, fraud, or abuse of authority, or in an act creating a threat to health or safety, unless the complainant consents to disclosure of his or her identity."