



reconsider its orders declining to grant a fifth or sixth extension of the commissioning deadline. The PUC concluded that it was without authority to consider the motion under Kotz v. Kotz, 134 Vt. 36 (1975). In Kotz, we held that a superior court cannot “entertain, much less grant” a motion seeking relief from a judgment or order that is on appeal to this Court in the absence of a remand for that purpose. 134 Vt. at 38. The PUC reasoned that because the orders petitioner asked it to revisit were before this Court in the consolidated appeal, the agency was without jurisdiction to take up that request. It therefore denied the motion.

Petitioner appealed the PUC’s denial of its motion for relief from judgment to this Court, giving rise to the instant appeal. The briefing was complete in March 2026. Later that same month, however, we issued a decision on petitioner’s consolidated appeals. In re Petition of Apple Hill Solar LLC (Apple Hill IV), 2026 VT 8. There, we affirmed the PUC’s orders dismissing petitioner’s fifth extension request, denying its subsequent motion for reconsideration, and denying its sixth extension request. Id. ¶ 1.

We conclude that this appeal was mooted by the issuance of Apple Hill IV and therefore dismiss without reaching the merits. “A case becomes moot—and this Court loses jurisdiction—when there no longer is an actual controversy or the litigants no longer have a legally cognizable interest” in its outcome. Paige v. State, 2017 VT 54, ¶ 7, 205 Vt. 287; see Holton v. Dep’t of Emp. & Training, 2005 VT 42, ¶ 14, 178 Vt. 147 (explaining that mootness doctrine arises from Vermont Constitution, which limits courts’ jurisdiction to “determination of actual, live controversies between adverse litigants”). “Even if a case originally presented an actual controversy in the trial court,” it “must remain live throughout the appellate process for us to examine the issues.” Houston v. Town of Waitsfield, 2007 VT 135, ¶ 5, 183 Vt. 543. Thus, a change in circumstances can render an appeal moot if “this Court can no longer grant effective relief.” Id. (quotation omitted).

In the instant appeal, petitioner argues that the PUC erred in concluding it was without jurisdiction over the motion for relief from judgment because Apple Hill IV was pending before this Court. Petitioner contends that the PUC had authority to consider the motion and, in the event the agency indicated that it was likely to grant relief, petitioner could then move this Court to remand for that purpose. Given our intervening decision in Apple Hill IV, this appeal no longer presents a live controversy. See id. It is therefore dismissed as moot.

Appeal dismissed as moot.

BY THE COURT:

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Harold E. Eaton, Jr., Associate Justice

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Christina E. Nolan, Associate Justice

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Michael P. Drescher, Associate Justice