

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Docket No. 6419

Petition of Vermont Gas Systems, Inc. )  
for approval of a fuel gross receipts tax )  
rebate under 33 V.S.A. Section 2503(e) )

Order entered: 10/26/2000

**I. INTRODUCTION**

**A. Summary**

On August 9, 2000, Vermont Gas Systems, Inc. ("VGS") filed a petition with the Public Service Board ("Board") requesting approval for a rebate of \$33,794 from the Weatherization Trust Fund pursuant to 33 V.S.A. § 2503. On August 10, 2000, a stipulation signed by the Department of Public Service ("DPS"), the Vermont State Office of Economic Opportunity ("SOEO"), and VGS was filed with the Board. The parties to the stipulation agree that the Board should approve a rebate to VGS for expenditures in the amount of \$33,794.

For the reasons discussed below, I recommend that the Board accept the parties' settlement and approve a rebate of \$33,794 from the Weatherization Trust Fund to VGS.

**B. Procedural History**

On August 9, 2000, VGS filed a petition with the Board requesting approval for a fuel gross receipts tax rebate of \$33,794 from the Weatherization Trust Fund under the terms of 33 V.S.A. § 2503. A stipulation signed by the DPS, SOEO, and VGS representing a settlement regarding VGS's rebate request, was filed on August 10, 2000. The parties, in the stipulation, request that the Board approve a rebate of \$33,794 from the Weatherization Trust Fund to VGS for expenditures that meet the statutory requirements. In addition, the parties waive their rights to a hearing and to comment on the Proposal for Decision pursuant to 3 V.S.A. § 811.

On October 4, 2000, a prehearing conference, via telephone, was held in this Docket. The parties agreed that hearings in this matter were unnecessary.

I present the following Findings of Fact to the Board in accordance with 30 V.S.A.

§ 8.

## **II. FINDINGS OF FACT**

1. On August 9, 2000, VGS filed a petition with the Board for approval of a fuel gross receipts tax rebate of \$33,794 pursuant to 33 V.S.A. § 2503(e). VGS petition dated July 25, 2000.

2. The petition was followed by a stipulation among the DPS, SOEO, and VGS filed on August 10, 2000. The parties to the stipulation agree that the Board may approve a rebate to VGS for expenditures in the amount of \$33,794. Stipulation at 1.

3. VGS's rebate request is to recover expenditures paid during the 2000 fiscal year (ending June 30, 2000). VGS petition at 1.

4. VGS's rebate request is for expenditures made pursuant to a negotiated "piggyback" agreement with SOEO, under which energy efficiency services were provided by VGS through Champlain Valley Weatherization Services. VGS petition at 1.

5. The energy efficiency services were provided to 44 households at or below the 150 percent Federal poverty standard, as part of basic weatherization services following a comprehensive energy audit and workplan. Stipulation at 1; VGS petition at 2.

6. VGS agrees to work with SOEO to improve the penetration of services to low-income households and to ensure that those services are as comprehensive as possible. Stipulation at 1.

7. VGS expended an additional \$3,282 for incentives and administrative costs for projects under the Residential Energy Efficiency Program. VGS will not seek a refund from the Weatherization Trust Fund for these expenses. Stipulation at 1.

8. VGS's expenditures of \$33,794 satisfy the statutory prerequisites for a fuel gross receipts tax rebate. Stipulation at 1.

## **III. DISCUSSION AND CONCLUSIONS**

The parties all agree that \$33,794 is the appropriate amount for a rebate from the Weatherization Trust Fund for VGS's 2000 fiscal year expenditures. I recommend that the Board approve this settlement for the following reasons.

First, the agreement was reached through negotiations with adverse parties. The DPS

represents the interests of ratepayers and the State of Vermont; it is, therefore, unlikely that the DPS would request that VGS receive a larger rebate than it deserves. SOEO, and the community action agencies that contract with SOEO, are the direct beneficiaries of the Weatherization Trust Fund. It is unlikely that SOEO would request that VGS receive a larger rebate than it deserves.

Second, the petition and stipulation provide a description of the specific projects and measures installed that form the basis of VGS's request of \$33,794. Low-income status was verified and measures were installed after comprehensive energy audits. These details provide significant assurance that statutory requirements have been met.

Thus, I conclude that VGS has expended at least \$33,794 for the provision of energy efficiency services to low-income residents that "meet the goals of the weatherization program." 33 V.S.A. § 2503(e). I recommend that the Board accept the parties' stipulation and approve a rebate from the Weatherization Trust Fund for VGS of \$33,794.

DATED at Montpelier, Vermont, this 17<sup>th</sup> day of October, 2000.

s/Gregg C. Faber  
Gregg C. Faber  
Hearing Officer

**VI. ORDER**

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED by the Public Service Board of the State of Vermont that:

1. The Hearing Officer's findings, conclusions, and recommendations are adopted.
2. We accept the parties' stipulation and approve VGS's request for a fuel gross receipts tax rebate from the Weatherization Trust Fund for fiscal year 2000 expenditures in the amount of \$33,794.

DATED at Montpelier, Vermont, this 26<sup>th</sup> day of October, 2000.

s/Michael H. Dworkin	)	PUBLIC SERVICE  BOARD  OF VERMONT
_____	)	
_____	)	
s/David C. Coen	)	
_____	)	
_____	)	

OFFICE OF THE CLERK

FILED: October 26, 2000

ATTEST: s/Susan M. Hudson  
Clerk of the Board

*Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or mail) of any technical errors, in order that any necessary corrections may be made. (E-mail address: Clerk@psb.state.vt.us)*

*Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.*