

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 6420

Petition of Central Vermont Public Service)
Corporation for approval of a fuel gross receipts)
tax rebate under 33 V.S.A. Section 2503(e))

Order entered: 11/8/2000

I. INTRODUCTION

A. Summary

On August 14, 2000, Central Vermont Public Service Corporation ("CVPS") filed a petition with the Public Service Board ("Board") requesting approval for a rebate of an amount not to exceed \$100,000.00 from the Weatherization Trust Fund under the terms of 33 V.S.A. § 2503. On October 26, 2000, a stipulation was filed with the Board on behalf of the Vermont Department of Public Service ("DPS"), the Vermont State Office of Economic Opportunity ("SOEO"), and CVPS. In that stipulation, the parties agree that the Board may approve a rebate to CVPS for expenditures in the amount of \$38,438.65.

For the reasons discussed below, I recommend that the Board accept the parties' settlement and approve a rebate of \$38,438.65 from the Weatherization Trust Fund to CVPS.

B. Procedural History

On August 14, 2000, CVPS filed a petition with the Board requesting approval for a fuel gross receipts tax rebate of an amount not to exceed \$100,000.00 from the Weatherization Trust Fund under the terms of 33 V.S.A. § 2503.

On October 4, 2000, a prehearing conference, via telephone, was held in this Docket. The parties stated that they were negotiating toward a settlement and agreed to a deadline of October 20, 2000, for filing a joint stipulation or, in the alternative, a proposed schedule for the future course of the proceedings. The deadline was subsequently extended to November 13, 2000, at the parties' request.

On October 26, 2000, the parties filed a signed stipulation with the Board. The parties request that the Board approve a rebate of \$38,438.65 from the Weatherization Trust Fund to

CVPS for expenditures that meet the statutory requirements. The parties also waive their rights to a hearing and to comment on the Proposal for Decision pursuant to 3 V.S.A. § 811.

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 14, 2000, CVPS filed a petition with the Board for approval of a fuel gross receipts tax rebate of an amount not to exceed \$100,000 pursuant to 33 V.S.A. § 2503(e). CVPS petition filed August 14, 2000.

2. On October 26, 2000, CVPS modified its request under a signed stipulation which was filed with the Board on behalf of the DPS, SOEO, and CVPS. The parties to the stipulation agree that the Board may approve a rebate to CVPS for expenditures in the amount of \$38,438.65 Stipulation at 1.

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

4. CVPS's rebate request is for expenditures made pursuant to "piggyback" agreements with SOEO or by CVPS directly for expenditures on weatherization services to 222 low-income customers whose family incomes were certified as being at or below 150% of the Federal poverty level following a comprehensive energy audit and work plan. Stipulation at 1-3.

5. CVPS agrees to coordinate its efforts with SOEO to ensure that households in the residences served receive the benefits intended to result from this work. Stipulation at 2.

6. CVPS's expenditures of \$38,438.65 satisfy the statutory prerequisites for a tax rebate. Stipulation at 1.

III. DISCUSSION AND CONCLUSIONS

The parties all agree that \$38,438.65 is the appropriate amount for a rebate from the Weatherization Trust Fund for CVPS's 1998 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 unlikely that the DPS would request that CVPS 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 CVPS receive a larger rebate than it deserves.

Second, the stipulation provides a description of the specific project and measures installed that form the basis of CVPS's request of \$38,438.65. Verification of low-income status is indicated and measures were installed after comprehensive energy audits. These details provide significant assurance that statutory requirements have been met.

Thus, I conclude that CVPS has most likely expended at least \$38,438.65 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 CVPS of \$38,438.65.

DATED at Montpelier, Vermont, this 8th day of November, 2000.

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

IV. 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 CVPS's modified request for a fuel gross receipts tax rebate from the Weatherization Trust Fund for fiscal year 2000 expenditures in the amount of \$38,438.65.

DATED at Montpelier, Vermont, this 8th day of November, 2000.

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

OFFICE OF THE CLERK

FILED: November 8, 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 in writing) 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.