

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 6280

Petition of Citizens Utilities Company)
for approval of a fuel gross receipts tax)
rebate under 33 V.S.A. Section 2503(e))

Order entered: 12/1/99

I. INTRODUCTION

A. Summary

On August 11, 1999, Citizens Utilities Company ("CUC") filed a petition with the Public Service Board ("Board") requesting approval for a rebate of \$103,355.40 from the Weatherization Trust Fund under the terms of 33 V.S.A. § 2503. On October 21, 1999, a stipulation signed by the Department of Public Service ("DPS"), the Vermont State Office of Economic Opportunity ("SOEO"), and CUC was filed with the Board. The parties to the stipulation agree that the Board should approve a rebate to CUC for expenditures in the amount of \$98,833.84.

For the reasons discussed below, I recommend that the Board accept the parties' settlement and approve a rebate of \$98,833.84 from the Weatherization Trust Fund to CUC.

B. Procedural History

On August 11, 1999, CUC filed a petition with the Board requesting approval for a fuel gross receipts tax rebate of \$103,355.40 from the Weatherization Trust Fund under the terms of 33 V.S.A. § 2503. Subsequently, after negotiations between the parties, a stipulation signed by the DPS, SOEO, and CUC was filed with the Board, on October 21, 1999, that represents a settlement regarding CUC's rebate request. The parties request that the Board approve a rebate of \$98,833.84 from the Weatherization Trust Fund to CUC 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 12, 1999, 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 11 1999, CUC filed a petition with the Board for approval of a fuel gross receipts tax rebate of \$103,355.40, pursuant to 33 V.S.A. § 2503(e). CUC petition, 8/11/99.

2. On October 21, 1999 a stipulation was filed on behalf of the DPS, SOEO, and CUC. The parties to the stipulation agree that the Board may approve a rebate to CUC for expenditures in the amount of \$98,833.34. Stipulation at 1.

3. CUC's rebate request is to recover expenditures paid during the 1999 fiscal year (ending June 30, 1999). CUC petition at 1.

4. CUC's rebate request is for expenditures made pursuant to a negotiated "piggyback" agreement with SOEO, under which services are provided by CUC through Champlain Valley Weatherization Services. Stipulation at 2.

5. The parties state that the energy efficiency services were provided to 123 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.

6. CUC 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 2.

7. CUC has agreed to limit its request for reimbursement of administrative and planning costs to five percent of costs incurred for incentives, audits, and contract management. Stipulation at 3.

8. CUC has agreed to limit its request for reimbursement of low income verification fees to fifty percent of costs incurred. Stipulation at 3.

9. CUC's expenditures of \$98,833.84 satisfy the statutory prerequisites for a tax rebate.

Id.

III. DISCUSSION AND CONCLUSIONS

The parties all agree that \$98,833.84 is the appropriate amount for a rebate from the Weatherization Trust Fund for CUC's 1999 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 CUC 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 CUC 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 CUC's request of \$98,833.84. 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 CUC has expended at least \$98,833.84 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 CUC of \$98,833.84.

DATED at Montpelier, Vermont, this 2nd day of December, 1999.

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 we approve CUC's modified request for a fuel gross receipts tax rebate from the Weatherization Trust Fund for fiscal year 1999 expenditures in the amount of \$98,833.84.

DATED at Montpelier, Vermont, this 1st day of December, 1999.

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

OFFICE OF THE CLERK

FILED: December 1, 1999

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 of any technical errors, in order that any necessary corrections may be made.

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.