

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 6282

Petition of Green Mountain Power)
Corporation 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 13, 1999, Green Mountain Power Corporation ("GMP") filed a petition with the Public Service Board ("Board") requesting approval for a rebate of \$38,321.85 from the Weatherization Trust Fund under the terms of 33 V.S.A. § 2503. On October 22, 1999, a stipulation was filed with the Board on behalf of the Department of Public Service ("DPS"), the Vermont State Office of Economic Opportunity ("SOEO"), and GMP. The parties to the stipulation agree that the Board may approve a rebate to GMP for expenditures in the amount of \$38,321.85.

For the reasons discussed below, I recommend that the Board accept the parties' settlement and approve a rebate of \$38,321.85 from the Weatherization Trust Fund to GMP.

B. Procedural History

On August 13, 1999, GMP filed a petition with the Board requesting approval of a fuel gross receipts tax rebate of \$38,321.85 from the Weatherization Trust Fund under the terms of 33 V.S.A. § 2503.

On October 12, 1999, a prehearing conference, via telephone, was held in this Docket. The parties agreed that further hearings were unnecessary. The parties agreed to negotiate toward a jointly stipulated agreement which would be submitted to the Board by October 20, 1999.

On October 22, 1999, the parties filed a stipulation with the Board that represents a settlement regarding GMP's rebate request. The parties request that the Board approve a rebate of \$38,321.85 from the Weatherization Trust Fund to GMP 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 13, 1999, GMP filed a petition with the Board for approval of a fuel gross receipts tax rebate of \$38,321.85 pursuant to 33 V.S.A. § 2503(e). GMP petition, 8/13/99 at 1.

2. On October 22, 1999, a stipulation was filed with the Board on behalf of the DPS, SOEO, and GMP. The parties to the stipulation agree that the Board may approve a rebate to GMP for expenditures in the amount of \$38,321.85. Stipulation at 1.

3. GMP's rebate request is to recover expenditures paid during the 1999 fiscal year (ending June 30, 1999). GMP Petition, 8/13/99 at 1

4. GMP's rebate request is for expenditures made pursuant to piggyback agreements between GMP and SOEO, for services provided by energy service companies, and for expenditures for low-income participants in GMP's Residential energy efficiency programs. Stipulation at 2.

5. GMP requests a rebate for expenditures that were made to verified low-income households pursuant to an energy audit. *Id.*

6. The parties reserve their right, in future proceedings, to advocate positions that differ from those set forth in this Stipulation. Stipulation at 1.

7. GMP's expenditures of \$38,321.85 satisfy the statutory prerequisites for a tax rebate. *Id.* at 1-2.

III. DISCUSSION AND CONCLUSIONS

The parties all agree that \$38,321.85 is the appropriate amount for a rebate from the Weatherization Trust Fund for GMP'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 unlikely that the DPS would request that GMP 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 GMP receive a larger rebate than it deserves.

Second, the petition provides a description of the specific projects and measures installed that form the basis of GMP's settlement request of \$38,321.85. Verification of low-income status is indicated. These details, similar to those provided with GMP's previous rebate requests, provide significant assurance that statutory requirements have been met.

Thus, I conclude that GMP has expended at least \$38,321.85 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 GMP of \$38,321.85.

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 approve GMP's request for a fuel gross receipts tax rebate from the Weatherization Trust Fund for fiscal year 1999 expenditures in the amount of \$38,321.85.

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.