

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Docket No. 6283

Petition of Washington Electric Cooperative, Inc. )  
for approval of a fuel gross receipts tax rebate )  
under 33 V.S.A. Section 2503(e) )

Order entered: 1/14/2000

I. INTRODUCTION

A. Summary

On August 13, 1999, Washington Electric Cooperative, Inc. ("WEC") filed a petition with the Public Service Board ("Board") requesting approval for a rebate of \$6,766 from the Weatherization Trust Fund under the terms of 33 V.S.A. § 2503. The petition is in the form of an unsigned stipulation. On January 12, 2000, WEC filed a Stipulation with the Board on behalf of the Vermont Department of Public Service ("DPS"), the Vermont State Office of Economic Opportunity ("SOEO"), and WEC. In that Stipulation, the parties agree that the Board may approve a rebate to WEC for expenditures in the amount of \$2,102.42.

For the reasons discussed below, I recommend that the Board accept the parties' settlement and approve a rebate of \$2,102.42 from the Weatherization Trust Fund to WEC.

B. Procedural History

On August 13, 1999, WEC filed a petition with the Board requesting approval for a fuel gross receipts tax rebate of \$6,766 from the Weatherization Trust Fund under the terms of 33 V.S.A. § 2503.

On October 20, 1998, a prehearing conference, via telephone, was held in this Docket. The parties agreed that they would attempt to submit a joint stipulation to the Hearing Officer by November 1, 1999. It was also agreed that should the parties fail to reach agreement through negotiation, a status conference would be convened to schedule further proceedings.

On November 3, 1999, the parties filed a jointly signed stipulation requesting an extension of the November 1, 1999, deadline for filing a joint stipulation until December 20, 1999. The stipulation also stated that WEC had waived any rights it may have under 33 V.S.A. § 2503(e) to a Board decision on its rebate request by January 15, 2000, provided that the Board make such determination by March 6, 2000.

On December 20, 1999, WEC filed a revised rebate request in the amount of \$3,967.50, and stated its intention to work with the parties to revise the proposed stipulation filed earlier.

On January 12, 2000, I convened a status conference, via telephone, to ascertain the progress of negotiations toward a revised stipulation in this matter. The parties agreed to file a revised stipulation, reflecting the rebate amount of \$2,102.42 agreed upon by the parties at the status conference. That stipulation was filed in a timely manner.

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, 1998, WEC filed a petition with the Board for approval of a fuel gross receipts tax rebate of \$6,766 pursuant to 33 V.S.A. § 2503(e). WEC petition, 8/13/99 at 1.
2. On January 12, 2000, a signed Stipulation was filed with the Board on behalf of the DPS, the SOEO, and WEC. The parties to the Stipulation agree that the Board may approve a rebate to WEC for expenditures in the amount of \$2,102.42. Stip. at 1.
3. WEC's rebate request is to recover expenditures paid during the 1999 fiscal year (ending June, 1999). Id.
4. WEC's rebate request is for services provided directly by WEC through its energy services contractor, Vermont Energy Investment Corp. Income verification was performed by the Central Vermont Community Agency on behalf of WEC. Stip at 1.
5. WEC's expenditures of \$2,102.42 satisfy the statutory prerequisites for a tax rebate. Id. at 1-2.

### III. DISCUSSION AND CONCLUSIONS

The parties all agree that \$2,102.42 is the appropriate amount for a rebate from the Weatherization Trust Fund for WEC'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 WEC 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 WEC 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 WEC's request of \$2,102.42. 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 am persuaded that WEC has probably expended at least \$2,102.42 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 WEC of \$2,102.42.

DATED at Montpelier, Vermont, this 12<sup>th</sup> day of January, 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 WEC's request for a fuel gross receipts tax rebate from the Weatherization Trust Fund for fiscal year 1999 expenditures in the amount of \$2,102.42.

DATED at Montpelier, Vermont, this 14<sup>th</sup> day of January, 2000.

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

OFFICE OF THE CLERK

FILED: January 14, 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 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.*