

This document has been electronically filed using ePUC

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Case No. 23-3604-PET

Petition of Vermont Public Power Supply Authority for approval of a proposed EV/EVSE tariff rider program for its member utilities	
--	--

MOTION FOR EXTENSION OF TIME

NOW COMES Vermont Public Power Supply Authority (“VPPSA”), by and through its attorneys, McNeil, Leddy & Sheahan, P.C., and on behalf of itself and its member utilities,¹ hereby moves the Vermont Public Utility Commission (“Commission”) pursuant to Rule 2.207(C) of the Commission’s Rules of Practice and Section 33(e) of Public Act No. 55 (2021 Vt., Bien. Sess.) (“Act 55”), to extend the June 30, 2024 deadline for implementing PEV rates for public and private EVSE as required by Section 33(b) of Act 55. In support of this Motion, VPPSA states as follows:

Factual Background

1. On October 16, 2023, VPPSA filed a Petition with the Commission seeking approval of its proposed Electric Vehicle (“EV”)/Electric Vehicle Supply Equipment (“EVSE”) tariff rider program (“Program”). The Petition was supported by the Direct Prefiled Testimony of Sarah Braese and accompanying exhibits.

¹ Barton Village, Inc., Electric Department (“Barton”); Village of Enosburg Falls Electric Department (“Enosburg”); Town of Hardwick Electric Department (“Hardwick”); Jacksonville Electric Company (“Jacksonville”); Village of Johnson Water & Light Department (“Johnson”); Village of Ludlow Electric Light Department (“Ludlow”); Town of Lyndon Electric Department (“Lyndon”); Village of Morrisville Water & Light Department (“Morrisville”); Town of Northfield Electric Department (“Northfield”); Village of Orleans Electric Department (“Orleans”); and Village of Swanton, Inc., Electric Department (“Swanton”) (each individually a “Member” and collectively, “Members”).

2. On January 11, 2024, a workshop was held with Commission members and staff at which VPPSA presented its proposed Program and responded to questions.
3. On February 12, 2024, VPPSA filed the Supplemental Prefiled Testimony of Sarah Braese and on March 13, 2024, following two rounds of discovery, the Vermont Department of Public Service (“Department”) filed comments in support of VPPSA’s Program.
4. On April 12, 2024, VPPSA’s Program consultant, Bellawatt, issued its *VPPSA EV/EVSE Tariff Rider Implementation Plan*, a redacted copy of which is being provided herewith as Attachment A (“Implementation Plan”).
5. Bellawatt projects that, while there is a potential for some parallel work, it will take eighteen (18) weeks from the kick-off meeting to design, develop and deliver the Program components. Implementation Plan at 31-34.
6. VPPSA requires additional information from Bellawatt’s anticipated Phase II work to prepare and file with the Commission EV/EVSE tariffs consistent with Act 55 on behalf of its Members.
7. On May 10, 2024, the Commission issued its *Order Providing Guidance on Electric Vehicle Tariff Design Concept* in the above-captioned matter (Order”), in which the Commission did not approve or reject VPPSA’s Program, but rather offered guidance to help inform the development of future tariff filings.
8. The Commission also expressly noted that VPPSA may request an extension of time under Section 33(e) of Act 55 if it needed additional time to prepare tariff filings for its Members. Order at 9.

Discussion

The question presented by this Motion is whether the Commission should extend the June 30, 2024 deadline for VPPSA Members to file tariffs to implement PEV rates for public and private EVSE as required by Section 33(b) of Act 55. Commission Rule 2.207(C) provides: “Absent extraordinary circumstances, any motion to extend a deadline must be filed at least 3 days before the deadline and must set forth good cause why the extension should be granted.” *Id.* Pursuant to Section 33(e) of Act 55, the Commission may grant an extension of the deadline only if the “inability to meet the June 30, 2024 implementation deadline is due to a technical inability to implement a PEV rate, . . . or other good cause demonstrated.” Act 55 at 41.

Although Act 55 does not define “technical inability,” Attachment A establishes that VPPSA Members presently do not have the technical ability to implement the Program, and that it will take eighteen (18) weeks for Bellawatt to design, develop and deploy the Program. VPPSA requires additional information from Bellawatt’s anticipated Phase II work to finalize tariffs consistent with Act 55 requirements. While there is potential for some work to be performed in parallel, VPPSA requires additional time beyond June 30th to prepare, finalize and file tariffs meeting the requirements of Act 55. VPPSA intends to move forward with development of the Bellawatt software but will not be able to solidify the final implementation schedule until the Commission has acted on the tariff filings. VPPSA also notes that a further extension may be required to implement the technology needed to activate the final tariffs.

Act 55 provides that “[t]he length of the extension shall be directly related to the demonstrated need for the extension.” *Id.* VPPSA anticipates being in a position to file tariffs by September 30, 2024, and respectfully requests that the Commission extend the deadline for its Members to file tariffs to that date.

Conclusion

WHEREFORE, VPPSA respectfully requests that the Commission conclude that VPPSA Members presently do not have the technical ability to implement the Program by June 30, 2024. In the alternative and in any event, VPPSA respectfully requests that the Commission conclude that VPPSA has demonstrated good cause for extending the deadline for filing tariffs consistent with Act 55 requirements to September 30, 2024.

Pursuant to Rule 2.206(K), VPPSA shared a copy of the Motion with the Department in advance and was informed that the Department does not object and consents to the Motion.

Dated at Burlington, Vermont this 21st day of June 2024.

Respectfully submitted,

William F. Ellis

William F. Ellis, Esq.
McNeil, Leddy & Sheahan, P.C.
271 South Union Street
Burlington, VT 05401
Telephone: (802) 863-4531
Facsimile: (802) 863-1743
wellis@mcneilvt.com
Attorneys for Vermont Public Power Supply
Authority

cc: Filed in ePUC