

STATE OF VERMONT  
PUBLIC UTILITY COMMISSION

Case No. 23-1364-INV

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Public Utility Commission 2023 Investigation  
into Rates Related to Electric Vehicles

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Order entered: 04/27/2023

**ORDER OPENING AN INVESTIGATION AND REQUESTING COMMENTS**

On June 3, 2021, Act 55, entitled “An act relating to the Transportation Program and miscellaneous changes to laws related to transportation,” was signed into law.<sup>1</sup> Section 33 of Act 55 directs the Vermont Public Utility Commission (“Commission”) to file an annual report with the Legislature for four years, through January 15, 2025, regarding the progress of Vermont distribution utilities on implementing rates related to plug-in electric vehicles (“EVs” or “PEVs”) and electric vehicle supply equipment (“EVSE”). With this order, the Commission opens an investigation to gather the information needed to file its third report in January of 2024.

The Commission issued its first annual report to the Legislature on this topic on January 15, 2022, based on information collected in Case No. 21-5271-INV. The Commission’s second report was submitted to the Legislature on January 15, 2023, using information gathered in Case No. 22-4869-INV.<sup>2</sup> Before Act 55 was enacted, the Commission released two reports that addressed electrification of the transportation system more broadly.<sup>3</sup>

The Commission’s reports on EV rates must be developed “in consultation with the Department of Public Service and State electric distribution utilities” and “address the goals delineated in subdivisions (c)(1)(A)–(F) of [Section 33], as applicable, and any progress barriers towards the goals contained in subsections (a) and (b) of this section.”<sup>4</sup> In addition to the Commission’s reporting requirements, Section 33 of Act 55 directs distribution utilities to develop rates that will help manage EV-related loads for improved cost containment, while

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<sup>1</sup> Public Act No. 55 (2021 Vt., Bien. Sess.) (“Act 55”).

<sup>2</sup> The Commission’s 2021 and 2023 reports to the Legislature can be found in the “Commission Issued Documents” sections of Case Nos. 21-5271-INV and 22-4869-INV.

<sup>3</sup> See the Commission’s report *Promoting the Ownership and Use of Electric Vehicles*, of June 27, 2019, available at [https://puc.vermont.gov/sites/psbnew/files/doc\\_library/Electric%20vehicles%20report.pdf](https://puc.vermont.gov/sites/psbnew/files/doc_library/Electric%20vehicles%20report.pdf), and the Commission’s report *Supplemental Electric Vehicle Report Submitted Pursuant to Section 35 of Act 59 of the 2019-2020 Vermont Legislative Session* of December 13, 2019, available in Case No. 19-3009-INV.

<sup>4</sup> Act 55, Section 33(f).

encouraging increased customer participation in EV rates and the adoption of EVs. Utilities are required to offer EV rates to their customers by June 30, 2024, and several utilities already offer EV rates.

In past investigations opened pursuant to Act 55, the Commission has gathered information about the utilities' progress exclusively in written form through information requests. Because the deadline by which distribution utilities must offer EV rates is rapidly approaching, this year's investigation will involve both written information gathering and workshops to allow a more robust discussion of the utilities' understanding of their obligations under Act 55 and their progress toward meeting those obligations. Given the timelines allowed by 30 V.S.A. §§ 225(b) and 227(a) for tariff filings, the Commission expects that utilities will have filed their EVSE tariffs before the 2024 report is due.<sup>5</sup>

To facilitate the discussion, the Commission provides its understanding of the distribution utilities' obligations under Act 55. Section 33(b) of Act 55 requires "all State distribution utilities" to "offer PEV rates, which may include rates for electricity sales to an entire customer premises, for public and private EVSE." Act 55 specifies goals that the EV rates should encourage, and the criteria that the Commission will apply when evaluating a utility's proposed EV rate.<sup>6</sup> Section 33(d) provides a limited exemption to the requirements of subsection (b) for utilities that have EV rates that were approved by the Commission before July 1, 2021, but the exemption only extends to "the relevant rate classes, market segments, or customer segments in which the PEV rates are offered." Based on the above provisions, the Commission understands Act 55 to require each distribution utility to offer multiple EV rates, including rates for public and private EVSE as well as for "the relevant rate classes, market segments, and customer segments" within the public and private EVSE categories, as applicable.

In its 2024 report, the Commission will again provide an inventory of utilities' existing rates related to EVs and EVSE, and an update on the utilities' progress toward meeting the requirements of Act 55. The Commission also plans to include a list of pending EV-related tariffs that have been filed with the Commission in advance of the June 30, 2024, deadline.

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<sup>5</sup> To meet the June 30, 2024, deadline set by the Legislature in Act 55, the utilities will need to file their tariffs by October 16, 2023, to allow for the 45-day review and seven-month investigation periods.

<sup>6</sup> Act 55, Sections (b)(1)-(b)(4), (c)(1)-(c)(2).

To update the Commission on the distribution utilities' progress and any anticipated problems with meeting the deadline, the Commission requests that each distribution utility submit written comments addressing the following topics:


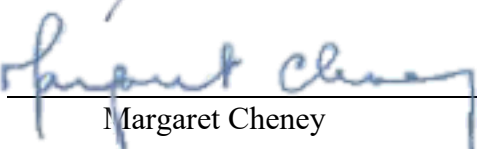
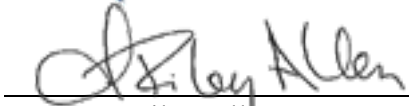
1. The approximate date that you expect to file your tariffs with the Commission.
2. Whether you will file multiple EVSE tariffs, and to which rate classes, market segments, or customer segments those rates will apply.
3. Progress barriers that you are encountering that could prevent you from meeting the requirements of Sections (a) and (b) of Act 55 and possible solutions to overcoming those barriers.
4. Whether you already offer an EVSE rate that qualifies for the exemption of Act 55, Section (d). Please identify the rate class, market segment, or customer segment to which the exemption applies.
5. Whether you expect to request an extension under Act 55, Section (e), with respect to any of the EVSE rate classes, market segments, or customer segments.
6. Suggested topics for additional workshops or written filings.

The Commission also invites comments relevant to the above topics or this Order from any other participant or interested party, including the Vermont Department of Public Service.

Please file your responses by May 31, 2023. The Commission will also convene a workshop to discuss the responses and asks the participants to select one of the following available dates: June 19 (A.M. only), June 22 (A.M. only), or June 23 (A.M. or P.M.), 2023. The Commission asks that the participants in this investigation confer with each other on the preferred date and notify the Commission of their decision by no later than May 4, 2023.


**SO ORDERED.**

Dated at Montpelier, Vermont, this 27th day of April, 2023.

 _____ )	) PUBLIC UTILITY ) ) COMMISSION ) OF VERMONT
Anthony Z. Roisman )	
_____ )	
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Margaret Cheney )	
_____ )	
 _____ )	
J. Riley Allen )	

OFFICE OF THE CLERK

Filed: April 27, 2023

Attest:   
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 Clerk of the Commission

*Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Commission (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: [puc.clerk@vermont.gov](mailto:puc.clerk@vermont.gov))*

PUC Case No. 23-1364-INV - SERVICE LIST

Erik Bailey  
Village of Johnson Water & Light Department  
PO Box 603  
Johnson, VT 05656  
ebailey@townofjohnson.com

(for Village of Johnson  
Water & Light  
Department)

Sarah Braese  
Vermont Public Power Supply Authority  
PO Box 126  
5195 Waterbury-Stowe Road  
Waterbury Center, VT 05677  
sbraese@vppsa.com

(for Vermont Public  
Power Supply Authority)

Victoria J. Brown, Esq.  
Vermont Electric Cooperative, Inc.  
42 Wescom Road  
Johnson, VT 05656  
vbrown@vermontelectric.coop

(for Vermont Electric  
Cooperative Inc.)

Jeffrey Cram  
GF Power LLC  
1000 River Street  
Essex Junction, VT 05452  
jeffrey.cram@globalfoundries.com

(for GF Power LLC)

Crystal L Currier  
Vermont Public Power Supply Authority  
PO Box 126  
Waterbury Center, VT 05677  
ccurrier@vppsa.com

(for Barton Village Inc.  
Electric Department)

William F. Ellis  
McNeil, Leddy & Sheahan  
271 South Union Street  
Burlington, VT 05401  
wellis@mcneilvt.com

(for City of Burlington  
Electric Department)

Jonathan Elwell  
Village of Lyndonville Electric Department  
PO Box 167  
20 Park Avenue  
Lyndonville, VT 05851  
jelwell@lyndonvilleelectric.com

(for Village of  
Lyndonville Electric  
Department)

Elijah D Emerson, Esq.  
Primmer Piper Eggleston & Cramer PC  
PO Box 1309  
Montpelier, VT 05601  
eemerson@primmer.com

(for Village of Johnson  
Water & Light  
Department) (for Town  
of Hardwick Electric  
Department) (for Village  
of Enosburg Falls Water  
& Light Department  
Inc.) (for Town of  
Northfield Electric  
Department)  
(for Village of Johnson  
Water & Light  
Department)

Marla Emery  
Village of Johnson Water & Light Department  
P.O. Box 603  
Johnson, VT 05656  
memery@townofjohnson.com

Brian Evans-Mongeon  
Village of Hyde Park Electric Department  
Brian.Evans-Mongeon@utilitysvcs.com

(for Village of Hyde  
Park Electric  
Department)

Steven R Farman  
Vermont Public Power Supply Authority  
5195 Waterbury-Stowe rd  
Waterbury Center, VT 05766  
sfarman@vppsa.com

(for Vermont Public  
Power Supply Authority)

Karen Field  
Town of Hardwick Electric Department  
PO Box 516  
Hardwick, VT 05843  
kfield@hardwickelectric.com

(for Town of Hardwick  
Electric Department)

James Gibbons  
City of Burlington Electric Department  
585 Pine Street  
Burlington, VT 05401  
jgibbons@burlingtonelectric.com

(for City of Burlington  
Electric Department)

Grace Grundhauser  
Green Mountain Power Corporation  
163 Acorn Lane  
Colchester, VT 05446  
grace.grundhauser@greenmountainpower.com

(for Green Mountain  
Power Corporation)

Michael J. Hall  
Stackpole & French Law Offices  
PO Box 819  
Stowe, VT 05672  
mhall@stackpolefrench.com

(for Town of Stowe  
Electric Department)

Scott Johnstone  
Village of Morrisville Water & Light Department  
857 Elmore Street  
Morrisville, VT 05661  
sjohnstone@mwlvt.com

(for Village of  
Morrisville Water &  
Light Department)

Michael Lazorchak  
Town of Stowe Electric Department  
PO Box 190  
Stowe, VT 05672  
mlazorchak@stoweelectric.com

(for Town of Stowe  
Electric Department)

Mari McClure  
Green Mountain Power Corporation  
163 Acorn Lane  
Colchester, VT 05446  
ceo@greenmountainpower.com

(for Green Mountain  
Power Corporation)

Abbey Miller  
Village of Enosburg Falls Water & Light Department  
42 Village Drive  
Enosburg Falls, VT 05450  
amiller@enosburg.net

(for Village of Enosburg  
Falls Water & Light  
Department Inc.)

Liz Miller  
Green Mountain Power  
163 Acorn Lane  
Colchester, VT 05446  
Liz.Miller@greenmountainpower.com

(for Green Mountain  
Power Corporation)

Pamela Moore  
Village of Jacksonville Electric Company  
P.O. Box 169  
Jacksonville, VT 05342  
sfarman@live.com

(for Village of  
Jacksonville Electric  
Company)

John Morley  
Village of Orleans Electric Department  
Municipal Building  
One Memorial Square  
Orleans, VT 05860  
jmorley@villageoforleansvt.org

(for Village of Orleans  
Electric Department)

Ken Nolan  
Vermont Public Power Supply Authority  
P.O. Box 126  
Waterbury Center, VT 05677  
knolan@vppsa.com

(for Vermont Public  
Power Supply Authority)

Lynn Paradis  
Village of Swanton  
Village of Swanton 120 First St.  
Swanton, VT 05488  
lparadis@swanton.net

(for Swanton Village,  
Inc. Electric Department)

Thomas Petraska  
Village of Ludlow Electric Light Department  
9 Pond Street  
Ludlow, VT 05149  
tpetraska@ludlowelectric.com

(for Village of Ludlow  
Electric Light  
Department)

Louis Porter  
Washington Electric Cooperative  
PO Box 8  
East Montpelier, VT 05651  
louis.porter@wec.coop

(for Washington Electric  
Cooperative Inc.)

Jackie Pratt  
Town of Stowe Electric Department  
PO Box 190  
Stowe, VT 05672  
jpratt@stoweelectric.com

(for Town of Stowe  
Electric Department)

James Porter, Director of Public Advocacy  
Vermont Department of Public Service  
112 State Street  
Montpelier, VT 05620-2601  
DPS-PA@vermont.gov

(for Vermont  
Department of Public  
Service)

Jeffrey Schulz  
Town of Northfield Electric Department  
51 South Main Street  
Northfield, VT 05663  
jschulz@northfield.vt.us

(for Town of Northfield  
Electric Department)

William (Bill) Sheets  
Swanton Village, Inc. Electric Department  
120 First Street  
Swanton, VT 05488  
wsheets@swanton.net

(for Swanton Village,  
Inc. Electric Department)

Ronald A. Shems, Esq.  
Tarrant, Gillies & Shems, LLP  
P.O. Box 1440  
Montpelier, VT 05601-1440  
ron@tarrantgillies.com

(for Washington Electric  
Cooperative Inc.)

Darren Springer  
City of Burlington Electric Department  
585 Pine Street  
Burlington, VT 05401  
dspringer@burlingtonelectric.com

(for City of Burlington  
Electric Department)

Emily Stebbins-Wheelock  
City of Burlington Electric Department  
585 Pine Street  
Burlington, VT 05401  
estebbins-wheelock@burlingtonelectric.com

(for City of Burlington  
Electric Department)

Michael Sullivan  
Town of Hardwick Electric Department  
P.O. Box 516  
Hardwick, VT 05843  
msullivan@hardwickelectric.com

(for Town of Hardwick  
Electric Department)

Rebecca Towne  
Vermont Electric Cooperative, Inc.  
42 Wescom Road  
Johnson, VT 05656  
rtowne@vermontelectric.coop

(for Vermont Electric  
Cooperative Inc.)