

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 23-1364-INV

Public Utility Commission 2023 investigation into rates related to electric vehicles	
---	--

Order entered: 08/23/2023

**ORDER ESTABLISHING FILING PROCEDURES, REQUESTING COMMENTS,
AND NOTICE OF SECOND WORKSHOP**

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.¹ Section 33(f) 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, describing the progress of Vermont distribution utilities toward implementing rates related to plug-in electric vehicles (“EVs” or “PEVs”) and electric vehicle supply equipment (“EVSE”) by the June 30, 2024, deadline required by Section 33(b) of Act 55.

The Commission opened this investigation to gather information for its report due on January 15, 2024, and to provide guidance to the distribution utilities on filing expectations as the June 30, 2024, rate-implementation deadline approaches.² In the order opening this year’s investigation, the Commission requested written comments describing the distribution utilities’ progress toward meeting the requirements of Act 55. On June 23, 2023, the Commission convened a workshop to discuss the comments filed by the distribution utilities and other participants in the investigation.

In this order, the Commission provides additional guidance to the distribution utilities on filing the tariffs required by Act 55, requesting extensions, and claiming exemptions for existing PEV tariffs. This order also requests comments from the participants and identifies topics for the next workshop.

¹ Public Act No. 55 (2021 Vt., Bien. Sess.) (“Act 55”).

² The Commission has annually opened investigations to prepare the reports required by Act 55. *See* Case Nos. 22-4869-INV, 21-5271-INV.

I. PROCEDURES FOR FILINGS UNDER ACT 55, SECTION 33

A. New Tariff Filings Under Section 33 of Act 55

Section 33(c) of Act 55 specifies the following criteria that the Commission must consider when evaluating PEV tariffs filed pursuant to Act 55:

(1) The Public Utility Commission shall approve PEV rates that it finds, at a minimum:

(A) support greater adoption of PEVs;

(B) adequately compensate PEV operators and owners of EVSE available to the public for the value of grid-related services, including costs avoided through peak management;

(C) adequately compensate the electric distribution utility and its customers for the additional costs that are directly attributable to the delivery of electricity through a PEV rate;

(D) include a reasonable contribution to historic or embedded costs required to meet the overall cost of service;

(E) do not discourage EVSE available to the public; and

(F) do not have an adverse impact to ratepayers not utilizing the PEV rate.

(2) The Public Utility Commission may approve PEV rates that utilize direct load control, third-party managed load control, static or dynamic time-varying rates, or other innovative practices that accomplish the goals set forth in subsection (a) of this section.

The specific PEV-rate criteria provided by Act 55 are in addition to the Commission's general responsibility under 30 V.S.A. §§ 218 and 226 to ensure that the proposed rates are just and reasonable. When filing new tariffs pursuant to the requirements of Section 33 of Act 55, distribution utilities should address each criterion in addition to demonstrating that the proposed EV tariffs are just and reasonable. As we explained in our order opening this investigation, PEV tariffs should be filed by October 16, 2023, to allow the necessary time for investigation and implementation before the June 30, 2024, deadline.

B. Requests for Extension of Deadline

Section 33(e) of Act 55 allows for extensions of the June 30, 2024, deadline for EV-rate implementation for good cause:

The Public Utility Commission may grant a petitioning electric distribution utility an extension of the June 30, 2024, implementation deadline. An extension may

only be granted in response to a petition if the Public Utility Commission finds that the electric distribution utility's inability to meet the June 30, 2024, implementation deadline is due to a technical inability to implement a PEV rate, adverse economic impacts to ratepayers that would result from the implementation of a PEV rate, or other good cause demonstrated. The length of the extension shall be directly related to the demonstrated need for the extension.

Pursuant to the above provision, distribution utilities seeking an extension of the implementation deadline for their EV tariff filings should file a petition in ePUC as a new petition case by October 16, 2023. Petitions for extensions should include admissible evidence sufficient to demonstrate good cause for the extension as required by Section 33(e).

C. Exemption Claims under Section 33(d) of Act 55

Section 33(d) of Act 55 provides a limited exemption from the PEV-tariff requirements of Section 33(b):

Electric distribution utilities with PEV rates approved by the Public Utility Commission prior to July 1, 2021, currently implemented as tariffs by those electric distribution utilities are exempt from subsection (b) of this section for the relevant rate classes, market segments, or customer segments in which the PEV rates are offered.

Several distribution utilities indicated in their responses to the Commission's request for comments that they had tariffs that qualified for exemption.

The limited exemption of Section 33(d) extends only to the rate class, market segment, or customer segment to which an approved PEV tariff is offered. For example, a distribution utility with a residential PEV rate that qualifies for an exemption would not be exempt from the Act 55 obligations for other rate classes, market segments, or customer segments such as commercial and industrial customers.

The Commission is still finalizing its process for evaluating exemption requests under Section 33(d). However, to ensure that the Commission has a complete record of the distribution utilities' compliance with Act 55, the Commission will require distribution utilities to file a petition in ePUC as a new petition case for an exemption that demonstrates that the utility satisfies the exemption requirements. At this time, the Commission has determined that exemption petitions will need to be supported by admissible testimony or an affidavit containing at least the following information:

- The title of each PEV tariff or tariffs for which an exemption is claimed;
- The rate classes, market segments, or customer segments for which each PEV tariff is available;
- The date the Commission approved each PEV tariff for each rate class, market segment, or customer segment for which the utility is claiming an exemption; and
- Any rate classes, market segments, or customer segments within the distribution utility's service territory for which the distribution utility does not offer a PEV tariff.

For any distribution utilities claiming an exemption based on a tariff that is not expressly described in the tariff as a PEV rate, the exemption claim should also explain how the tariff accomplishes the goals set forth in Section 33(a) of Act 55. Specifically, the distribution utility should explain how the tariff encourages:

- (1) efficient use of PEV loads consistent with objectives of least-cost integrated planning, set out in 30 V.S.A. § 218c, and 30 V.S.A. § 202(b) and (c);
- (2) participation in the PEV rates;
- (3) travel by PEV relative to available alternatives; and
- (4) greater adoption of PEVs.

Petitions for an exemption must be filed by October 16, 2023.

In advance of the deadline for filing exemption petitions and to aid in finalizing the process for evaluating those petitions, the Commission also requests comments on the following questions related to the criteria that the Commission should consider when evaluating exemption requests:

- Should exemptions apply to PEV rates for customer classes or segments of customer classes where the rate has not advanced the goals of Section 33(b) of Act 55 because participation in the rate has been minimal; or
- Should exemptions be limited to rates that have demonstrated that they encourage material participation and advance the goals of Section 33(b).

To provide context to the above questions, the Commission would like to hear from the distribution utilities with implemented PEV rates about whether those rates, including the rates for which a distribution utility will seek an exemption, have been successful in advancing the Act 55 goals. Therefore, the distribution utilities with implemented PEV rates should include the following information in their responses to the above questions:

- The number of customers eligible for participation in the applicable rates (*i.e.*, the rates for which the utility is seeking the exemption);

- The number of customers that have elected to participate in each applicable rate;
- The total loads that are eligible to participate in the applicable rates;
- The total loads that participate in each applicable rate;
- The rate differentials that encourage both participation in the rate and then encourage meaningful responsiveness to either time-varying pricing or managed loads.

The information above will help inform future PEV rate designs by other Vermont distribution utilities and may also help the Commission in considering the merits of exemption requests for rates that do not narrowly apply to electric vehicle loads (*e.g.*, time-varying general service rates or whole-premises rates).

Comments including the additional information requested above should be submitted by September 22, 2023, and may be discussed with participants at a second workshop, scheduled below.

II. ADDITIONAL DISCUSSION TOPICS

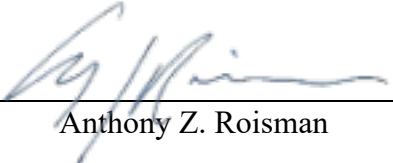
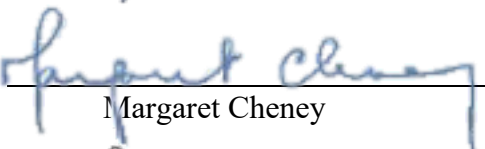
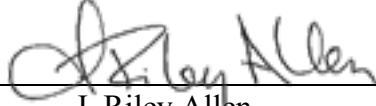
In their comments and at the June 23 workshop, the participants raised additional topics related to PEV rates for discussion as part of this investigation. Those topics included:

- demand charges;
- multi-unit residences;
- effectiveness and design of whole premises time-of-use rates; and
- other experiences and lessons learned.

The Commission will convene a second workshop to discuss these issues on October 2, 2023, and participants should submit comments on these topics in advance by the same September 22, 2023, deadline set above. Unlike the first workshop, which focused on the distribution utilities' individual progress toward meeting their Act 55 obligations, the Commission encourages the workshop participants to prepare for an open round-table discussion format in which the participants share their knowledge and experiences related to the substantive topics above in the second workshop. Information sharing on these topics will be beneficial to the Commission as well as other distribution utilities as they prepare for the June 30, 2024, EV-rate implementation deadline. The Commission will issue a separate notice for the workshop that provides the details for accessing the workshop.

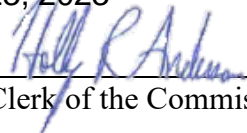
SO ORDERED.

Dated at Montpelier, Vermont, this 23rd day of August, 2023.

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

OFFICE OF THE CLERK

Filed: August 23, 2023

Attest: 
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)

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)

Erin C. Brennan, Esq.
Vermont Department of Public Service
112 State Street
Montpelier, VT 05620
Erin.Brennan@vermont.gov

(for Vermont
Department of Public
Service)

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 Town of Northfield
Electric Department)
(for Village of Johnson
Water & Light
Department) (for Town
of Hardwick Electric
Department) (for Village
of Enosburg Falls Water
& Light Department
Inc.)
(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
P.O. Box 400
Hyde Park, VT 05655
gm@villageofhydepark.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)

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

(for Village of Hyde
Park 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.)

William Allen Powell
Washington Electric Co-op
P.O. Box 8
East Montpelier, VT 05651
bill.powell@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)

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.)