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December 27, 2024

Holly R. Anderson  
Clerk of the Public Utilities Commission  
112 State Street  
Montpelier, Vermont 05620-2701

Re: Case No. 23-2220-RULE, Proceeding to design the potential Clean Heat Standard  
Motion to Reconsider, Order Setting Declining Carbon Intensity Values for 2025 through 2030  
Topic tag 5, Pacing

Dear Ms. Anderson:

I move that the Public Utilities Commission reconsider its motion of December 23, 2024 setting decreasing carbon intensity values for 2025 through 2030.

**Reconsideration is necessary in order to correct the Commission's misapplication of the governing statute.** The order fails to establish an annual decrease in carbon intensity as required by 30 V.S.A. §8127(f)(2)(A) and (B).

A plain reading of §8127(f)(2) shows that the decrease must be annual. The subdivision (A) reinforces that the decrease in carbon intensity must be annual.

(f) Carbon intensity of fuels.

\* \* \*

- (2) The Commission shall establish and publish the rate at which carbon intensity values shall decrease annually for liquid and gaseous clean heat measures consistent with subdivision (1) of this subsection as follows:
- (A) on or before January 1, 2025 for 2025 to 2030; and
  - (B) on or before January 1, 2030 for 2031 to 2050.

This motion to reconsider is based on the location of the word "annually" in subdivision (2), and the inclusion of subdivisions (A) and (B).

The word "annually" appears immediately following the word "decrease" in subdivision (2). This means that the decrease in carbon intensity values is what is to occur annually. Subdivision (2) is written so that it is not the establishing, not the publishing, that occurs annually.

If the intent were for the establishing (or the publishing) to decrease annually, then "annually" would have been placed immediately before, or immediately after, "establish" (or "publish"). If the intent had been to allow no step decrease in the years 2026 through 2029, there would have been no need to include "annually" in subdivision (2).

My interpretation is further supported by the inclusion of subdivisions (A) and (B). If the intent had been to have no decrease in the years 2025 through 2029, there would have been no reason to include subdivision (A). Similar for a future publishing covering the years 2031 through 2050.

I did not previously raise this issue. The document the Commission issued was titled "Staff Straw Proposal on Pacing - Part I". The use of "Part I" implies that there will be a Part II. I fully expected, from my comments of June 19, 2024, that I was commenting on a straw proposal for a process. I did not expect that I was commenting on the result of a process. I requested that the Commission revise the straw proposal in response to questions I raised on the process. I fully expected the Commission to issue a revised process (Part II) for comment. There was no Part II.

**The Public Utilities Commission should revise the table on page 2 of the order.** Specifically the carbon intensity value covering the year 2026 needs to be decreased by a meaningful amount below 80% in 2026. The table needs to show additional meaningful decreases in each of the years 2027, 2028, and 2029.

Sincerely,  
Thomas Weiss, P. E.