

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Case No. 25-1792-TF

Tariff filing of Town of Stowe Electric Department revising residential time of use rate 03 and adding small commercial time of use rate - rate 21 and commercial demand time of use rate- rate 26 effective on service rendered on or after October 1, 2025	
Case No. 25-1809-TF Tariff filing of Town of Stowe Electric Department for approval of EV and EVSE Flexible Load Management Program effective on service rendered on or after October 1, 2025	

TOWN OF STOWE ELECTRIC DEPARTMENT RESPONSE

On February 9, 2026, the Vermont Department of Public Service (“Department”) filed a motion requesting to extend the deadline to file its prefiled testimony in Case No 25-1792-TF and Case No 25-1809-TF to February 18, 2026. *Case No. 25-1792-TF, Department Motion of 2/9/2026 at 1*. In its filing the Department also requested “a one-week extension in all remaining deadlines.” *Id.* The Town of Stowe Electric Department (“SED”) objects to this request and reiterates our desire to expedite the investigation into the tariffs filed in Case No. 25-1792-TF and Case No. 25-1809-TF.

As a threshold matter, the Department’s request to extend its deadline to submit its pre-filed testimony was not timely filed. Vermont Public Utility Commission (“Commission”) Rule 2.000 requires a motion to extend a deadline to be filed with the Commission “at least 3 days before the deadline” *Commission Rule 2.207(C)*. Rule 2.207 also states that electronic filings are considered filed on the date the filing is submitted before 4:30P.M. When computing the time

period, the Rule states, unless specified elsewhere, the filing party must “(e)xclude the date of the event that triggers the period.” *Commission Rule 2.207(B)(1)*. Here, the Department submitted their filing just prior to 4:30P.M. on February 9, 2026. However, the Rule appears to exclude February 9, 2026, as the appropriate filing date for the purpose of calculating the *at least three-day period* provided by the Rule. It appears to SED that the date of the event that triggers the timing is February 9, 2026, which means the Department should have made their filing on February 8, 2026 or earlier¹.

Commission Rule 2. 207(C) also requires the party requesting an extension to “set forth good cause why the extension should be granted.” In their motion the Department simply stated “(t)he Department is working diligently on completing its prefiled testimony but needs additional time due to unexpected illness that delayed Department testimony.” *Case No. 25-1792-TF, Department Motion of 2/9/2026 at 1*. SED acknowledges illness can be unexpected and is sympathetic to those individuals impacted, however, illness alone does not provide good cause for granting this motion. Simply stated, the Department has been aware of SED’s tariffs for *seven months* and is aware of SED’s eagerness to offer both tariffs to our customers. The Department has had ample time to consider SED’s program design and respond within the timeline developed in both dockets. Therefore, the Department has not shown good cause for why the Commission should grant the Department an extension for all remaining deadlines in both dockets.

A brief procedural history of both dockets might be helpful in reiterating SED’s desire to make these tariffs available to our customers.

¹ SED’s staff reached out to Department staff on February 6, 2026, for an update on the Department’s recommendation in both dockets. This provided the Department with an opportunity to discuss an extension of time to submit their pre-filed testimony. Instead, by emailing SED staff back less than two hours before the Department filed its request on February 9th, there was minimal opportunity for genuine discussion and collaboration between the parties.

- SED provided Department staff information on SED's time of use rates design in May 2025 and provided information on SED's flexible load management program before filing the tariffs with the Commission.
- On August 17, 2025, SED filed its time of use rates in Case No. 25-1792-TF, and August 18, 2025, SED filed its flexible load management program in Case No. 25-1809-TF.
- On September 17, 2025, the Department requested that the Commission open an investigation into both dockets.
- On September 18, 2025, SED objected to a lengthy investigation into the dockets.
- On September 25, 2025, the Commission opened investigations into both dockets.
- On November 3, 2025, the Department served its only round of discovery on SED.
- On November 14, 2025, SED responded to the Department's discovery.
- On December 30, 2025, SED filed a request asking the Commission to rule on both dockets and SED filed a Proposed Order to help facilitate a resolution.
- On January 8, 2026, the Department responded that it is "still reviewing these filings and plans to *use the time allotted* by the schedule to submit prefiled testimony"². *Case Nos. 25-1792-TF and 25-1809-TF, Department Comment of 1/8/2026 at 1 (emphasis added)*.
- SED has requested from the Department on several occasions clarification regarding the Department's review of SED's tariffs. As of this date, SED is not aware of any objection the Department has to the tariffs presented in Case No. 25-1792-TF and Case No. 25-1809-TF.

Respectfully, SED has worked diligently and in good faith with Department staff to proceed with this docket expeditiously. SED has spent considerable staff time and ratepayer resources to develop modern time of use rates and to develop a flexible load management program that meets the mandate articulated in Act 55 Section 33 (2021) and mirrors successful programs offered by Vermont and other ISO-New England public power utilities. SED hired a rate design specialist to complete the technical aspects of the rate design and consulted with

² See also *Case Nos. 25-1792-TF and 25-1809-TF, Department Comment of 1/8/2026 at 1* "While the Department has not yet taken a posture contesting SED's proposed tariff, we do plan to file testimony suggesting changes to these programs that the Department believes would improve rate design with respect to the goals of Section 33(b) and (c) of Act 55 (2021)."

Efficiency Vermont (“EVT”), Town of Stowe, and presented the program to the Department during the Department’s flexible load working group. SED’s Electric Department Board of Commissioners (“Board”), after multiple public meetings, voted to approve both tariffs and make them available to SED’s customers. SED is a municipal electric department, owned by its customers, and its customers’ opinions are represented both directly and indirectly by the Board. The Department should offer more information and justification regarding why SED should substitute the Department’s judgment for that of its Board.

As of this date, the Department has not offered any actionable comments for SED or the Commission to act on. Further delay in approving both dockets only delays SED’s ability to offer the tariffs to our customers and threatens funding available from EVT to SED customers participating in the program. SED’s flexible load management program is designed to provide a financial incentive to enrolled customers who participate in load curtailment events. Customer participation in these events will provide an on-bill credit to the customer and reduce SED’s power supply purchases. Considering the winter of 2025/2026 has had extended cold weather and increased power supply costs on ISO-NE participants, it stands to reason that making cost savings measures available to electric ratepayers is beneficial to Vermont households.

SED objects to further extensions of time in Case No 25-1792-TF and Case No 25-1809-TF. SED reiterates its request for the Commission’s determination filed on December 30, 2025.

Filed on this 10th day of February 2026.

Town of Stowe Electric Department

By: /s/ Michael Lazorchak
Regulatory Affairs
Town of Stowe Electric Department
PO Box 190
Stowe Vermont 05672