

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 23-2221-INV

Investigation into the Clean Heat Standard Default Delivery Agent Costs and Quantities	
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Order entered: 10/23/2023

**ORDER ADDRESSING CASE SCOPE AND PROCEDURES AND
SEEKING RECOMMENDATIONS FOR SCHEDULE**

I. INTRODUCTION AND BACKGROUND

In this Order, the Vermont Public Utility Commission (“Commission”) establishes the scope and procedures for the above-captioned proceeding and requests comments on the timing of the appointment of the default delivery agent(s) (“DDA”).

On June 30, 2023, the Commission issued an Order opening this investigation to establish the DDA credit cost or costs, the quantity of credits to be generated for the subsequent three years, and all other directly related matters, pursuant to 30 V.S.A. § 8125(e)(1). The Commission requested comments from stakeholders and members of the public as to the scope and process to be followed in this proceeding. In addition, the Commission requested comments on whether to employ any contested-case-like procedures for this proceeding.

II. PARTICIPANT COMMENTS

Case Scope

Efficiency Vermont states that a DDA appointment proceeding will require identification of the responsibilities and compensation structure of the DDA(s), which in turn will inform the three-year plan and budget of the DDA(s) in this proceeding. Efficiency Vermont recommends that the DDA appointment take place in a separate proceeding contemporaneous with the process in this case. More generally, Efficiency Vermont recommends a process to organize the elements of Act 18 into appropriate tracks and schedules.

Vermont Public Power Supply Authority (“VPPSA”) suggests it will be important to clearly define eligibility for entities to be appointed as DDAs, the possible number of DDAs, the criteria under which the Commission will evaluate and appoint DDAs, as well as a DDA’s

obligations and requirements. VPPSA maintains that these definitions will contribute to the analysis of DDA costs and credits.

Case Procedures

The City of Burlington Electric Department, the Town of Stowe Electric Department, Vermonters for a Clean Environment, Conservation Law Foundation, and AllEarth Renewables, Inc., all support contested-case procedures in this proceeding. Green Mountain Power Corporation maintains that contested-case procedures may be appropriate given the number of topics and participants. Vermont Gas Systems, Inc., affirmatively states no preference on the question of case procedures.

Efficiency Vermont maintains that the Department of Public Service's ("Department") potential study will be a critical component of the potential clean heat program. As such, Efficiency Vermont argues that there should be as much opportunity for public comment and review of the potential study as possible without the complexities associated with contested-case procedures. Even so, once the case turns to setting DDA budget(s), Efficiency Vermont suggests that contested-case procedures with multiple opportunities for non-parties to provide input would effectively balance transparency, stakeholder engagement, and building an evidentiary record.

VPPSA recommends case procedures that promote robust engagement and inclusivity to ensure transparency and adequate opportunity for public and stakeholder engagement.

Thomas Weiss recommends that the Commission use case procedures that enable public participation and close coordination between the Department and the Technical Advisory Group.

The Vermont Fuel Dealers Association ("VFDA") and Heating and Cooling Contractors of Vermont ("HCCV") suggest that a workshop approach for the budget and designation of DDAs makes sense. However, VFDA and HCCV contend that it may be appropriate to follow fully contested proceedings if workshops "create findings and conclusions that do not follow Act 18."¹

The Department recommends that the Commission follow the procedures used in Case No. 19-0397-PET, where the proceeding was not conducted as a contested case, but the schedule

¹ VFDA and VCCV comments of 8/4/23 at 2.

included testimony and an evidentiary hearing. The Department maintains that this will allow the most people to participate and voice their positions in a less formal, yet structured manner.

III. DISCUSSION

Case Scope

In the Commission's Order of June 30, 2023, we stated that the purpose of this investigation is to establish the DDA credit cost or costs, the quantity of credits to be generated for the subsequent three years, and all other directly related matters, pursuant to 30 V.S.A. § 8125(e)(1).

Based on the feedback received from stakeholders, we hereby clarify and refine the scope of this investigation. We intend to proceed with this case in two tracks. One track of this proceeding will focus on matters related to the three-year budgets and plans of the DDA(s). The other track will focus on matters related to the appointment of DDA(s), including: (1) obligations, responsibilities, and compensation structure of the DDA(s); (2) eligibility requirements and evaluation criteria for DDA appointments; and (3) the possible number of DDA appointments. Once the Commission has decided the issues in the second track of this docket, the solicitation, review, and appointment of DDAs will occur in a separate proceeding.

Case Procedures

This investigation case will not be conducted using full contested-case procedures.² Given the scope of work described above, we seek to employ procedures that will maximize the opportunity for public participation without the complexities of full contested-case procedures. We agree with Efficiency Vermont and the Department that portions of this case may benefit from incorporation of certain elements of those more formal procedures. As such, when it comes time to review and determine the three-year budgets and plans for the DDA(s), we will institute a schedule that includes opportunities for filing testimony and an evidentiary hearing.

IV. REQUEST FOR SCHEDULE RECOMMENDATIONS

We request that participants file recommendations for schedules to address the matters within the two tracks identified above by November 6, 2023. We envision that schedule


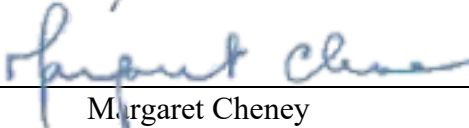
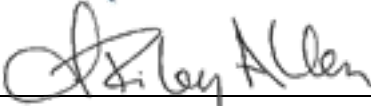
² See 3 V.S.A. § 809 for a discussion of contested cases.

recommendations for each of the two tracks may include, at a minimum, an opportunity to file written comments, one or more workshops, and an opportunity to file reply comments. To the extent practicable, participants should collaborate on schedules and provide joint recommendations.

We also specifically request comments on the timing of the appointment of DDA(s) by the statutory deadline of June 1, 2024, relative to the September 1, 2024, statutory deadline for the Department's potential study and the subsequent consideration of DDA budgets and plans, and whether the current statutory schedule is practicable.

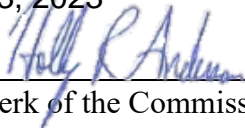
SO ORDERED.

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

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

OFFICE OF THE CLERK

Filed: October 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. 23-2221-INV - SERVICE LIST

Ashley Adams, *pro se*
544 S PROSPECT ST
Burlington, VT 05401
ashleyjaneadams@gmail.com

Ray Albrecht, P.E., *pro se*
National Biodiesel Board
rayalbrechtpe@gmail.com

Isaac Bissell, *pro se*
isaacwbissell@gmail.com

Stuart Blood, *pro se*
851 Poor Farm Road
Thetford Center, VT 05075
ssblood@riseup.net

Catherine Bock, *pro se*
175 A North Prospect St.
Burlington, VT 05401
tinki.bock@gmail.com

Mary Bouchard
Vermont Gas Systems, Inc.
85 Swift Street
South Burlington, VT 05403
mbouchard@vermontgas.com

(for Vermont Gas
Systems, Inc.)

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.)

Carolyn Champion
The Valero Companies
One Valero Way
San Antonio, TX 78249
Carolyn.Campion@valero.com

(for The Valero
Companies)

William Coster
Vermont Agency of Natural Resources
1 National Life Drive
Davis 2
Montpelier, VT 05620
billy.coster@vermont.gov

(for Vermont Agency of
Natural Resources)

Matt Cota, *pro se*
matt@meadowhillvt.com

Heather D'Arcy
Vermont Public Power Supply Authority
PO Box 126
Waterbury Center, VT 05677
hdarcy@vppsa.com

(for Vermont Public
Power Supply Authority)

Connor Daley
Vermont Public Power Supply Authority
PO Box 126
Waterbury Center, VT 05677
cdaley@vppsa.com

(for Vermont Public
Power Supply Authority)

Alex DePillis
Agency of Agriculture Food & Markets
116 State Street
Drawer 20
Montpelier, VT 05620-2901
Alex.DePillis@vermont.gov

(for Vermont Agency of
Agriculture, Food and
Markets)

Alison Despathy, *pro se*
alison.despathy@gmail.com

Joshua Diamond
Dinse
209 Battery Street
Burlington, VT 05401
jdiamond@dinse.com

(for Vermont Fuel
Dealers Association)

Joshua Diamond
Dinse
209 Battery Street
Burlington, VT 05401
jdiamond@dinse.com

(for Heating and Cooling
Contractors of Vermont)

Steve Dodge
Clean Fuels Alliance America
sdodge@cleanfuels.org

(for Clean Fuels Alliance
America)

Greg Doremus
gregoryhdoremus@gmail.com

James Dumont
PO Box 229
Bristol, VT 05443
dumont@gmavt.net

(for Law Office of James
A. Dumont, Esq. PC)

Laura Edling, *pro se*
81 Carrigan Drive
Burlington, VT
laura.edling@uvm.edu

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)

Thomas T. Garden
Triland Partners LP
PO Box 777
44 Indian Rock Road
Windham, NH 03087
tgarden@trilandpartners.com

(for Triland Partners LP)

Geoffrey Gardner, *pro se*
938 Old Post Road
Bradford, VT 05033
Geoffrey323@myfairpoint.net

Joyce George, *pro se*
joyce802@gmail.com

Linda Gray, *pro se*
175 Kerwin Hill Road
Norwich, VT 05055
linda.c.gray@gmail.com

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

(for Green Mountain
Power Corporation)

Laura Haight
Partnership for Policy Integrity
lhaight@pfpi.net

(for Partnership for
Policy Integrity)

Geoffrey Hand, Esq.
SRH Law PLLC
91 College Street
PO Box 545
Burlington, VT 05402
ghand@srhlaw.com

(for SRH Law PLLC)

Marcus Jones
Living Buildings, LLC
PO Box 42
North Bennington, VT 05257
marcus@livingbuildings.co

(for Living Buildings
LLC)

James Kelly, *pro se*
kellyjfp@gmail.com

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

(for Town of Stowe
Electric Department)

Donna J. Leban
American Institute of Architects Vermont Chapter
7 Iris Lane
South Burlington, VT 05403
lightspd@comcast.net

(for American Institute
Of Architects Vermont
Chapter)

Sam Lehr
Coalition for Renewable Natural Gas
sam.lehr@rngcoalition.com

(for Coalition for
Renewable Natural Gas)

Stephen Leslie
Cedar Mountain Farm and Cobb Hill Cheese
hartlandyoga@yahoo.com

Henry Mauck
112 State Street
Montpelier, VT 05620
henry.mauck@vermont.gov

(for Vermont
Department of Public
Service)

John L. McCormick
Louise Diamond Committee to Protect Next Generations
280 Rounds Road
Bristol, VT 05443
jmccormick@imtd.org

(for Louise Diamond
Committee to Protect
Next Generations)

Phillip Merrick
134 Dale Rd
Burlington, VT 05408
philsnextone@gmail.com

Johanna Miller
Vermont Natural Resources Council
11 Baldwin Street
Montpelier, VT 05602
jmiller@vnrc.org

(for Vermont Natural
Resources Council)

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

(for Green Mountain
Power Corporation)

David Mullett
AllEarth Renewables, Inc.
94 Harvest Lane, Suite 100
Williston, VT 05495
dmullett@allearthrenewables.com

(for ALLEARTH
RENEWABLES, INC.)

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

(for Vermont Public
Power Supply Authority)

Frederick M Parks, *pro se*
PO Box 217
Fairfield, VT 05455
parkstrib@gmail.com

Katherine E Parks, *pro se*
PO Box 217
Fairfield, VT 05455
parkstrib@gmail.com

Jill Pfenning
Vermont Gas Systems, Inc.
85 Swift Street
South Burlington, VT 05403
jpfenning@vermontgas.com

(for Vermont Gas
Systems, Inc.)

Gregory Pierce, *pro se*
12 Farrar Street
Saint Albans, VT 05478-1540
greg.pierce7@gmail.com

James Porter, Esq.
Vermont Department of Public Service
112 State Street
Montpelier, VT 05620
james.porter@vermont.gov

(for Vermont
Department of Public
Service)

Pike Porter, *pro se*
544 S Prospect St
Burlington, VT 05401
pikeporter@gmail.com

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)

Paul J.M. Quackenbush
SRH Law PLLC
PO Box 545
91 College Street
Burlington, VT 05402-0545
pquackenbush@srhlaw.com

(for SRH Law PLLC)

Paul J.M. Quackenbush
SRH Law PLLC
PO Box 545
91 College Street
Burlington, VT 05402-0545
pquackenbush@srhlaw.com

(for SRH Law PLLC)

Andrew N. Raubvogel, Esq.
SRH Law PLLC
91 College Street
P.O. Box 545
Burlington, VT 05402-0545
araubvogel@srhlaw.com

(for SRH Law PLLC)

Paul Rozenberg
Suburban Propane
PO Box 206
240 Route 10 West
Whippany, NJ 07981
PROzenberg@suburbanpropane.com

(for Suburban Propane)

Laura Simon, *pro se*
PO Box 1112
Wilder, VT 05088
simonlaura06@gmail.com

Annette Smith
Vermonters for a Clean Environment, Inc.
789 Baker Road
Danby, VT 05739
vce@vermontel.net

(for Vermonters for a
Clean Environment)

Michael C. Trunzo
Shenker Russo & Clark LLP
121 State Street
4th Floor
Albany, NY 12207
michael.trunzo@srclawoffices.com

(for Shenker Russo &
Clark LLP)

Michael C. Trunzo
Shenker Russo & Clark LLP
121 State Street
4th Floor
Albany, NY 12207
michael.trunzo@srclawoffices.com

(for Clean Fuels Alliance
America)

Ryan Vazza
Global Partners LP
800 South Street, Suite 500
Waltham, MA 02453
ryan.vazza@globalp.com

(for Global Partners LP)

Floyd V. Vergara
Clean Fuels Alliance America
1415 L Street, Suite 460
Sacramento, CA 95814
FVergara@CleanFuels.org

(for Clean Fuels Alliance
America)

Ben Walsh
Vermont Public Interest Research Group
bwalsh@vpirg.org

(for Vermont Public
Interest Research Group)

Thomas Weiss
PO Box 512
Montpelier, VT 05601
bandsol@together.net

Victoria M. Westgate, Esq.
SRH Law PLLC
91 College Street
P.O. Box 545
Burlington, VT 05402-0545
vwestgate@srhlaw.com

(for SRH Law PLLC)

David C. Westman
Efficiency Vermont - Vermont Energy Investment Corporation
20 Winooski Falls Way
5th Floor
Winooski, VT 05404
dwestman@veic.org

(for Efficiency Vermont
- Vermont Energy
Investment Corporation)

Chase Whiting, Esq.
Conservation Law Foundation
CLF 15 East State Street, Suite 4
Montpelier, VT 05602
cwhiting@clf.org

(for Conservation Law
Foundation)

Amber Widmayer
City of Burlington Electric Department
awidmayer@burlingtonelectric.com

(for City of Burlington
Electric Department)

Dylan Zwicky
Leonine Public Affairs
Dylan@leoninepublicaffairs.com

(for Leonine Public
Affairs)