

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 23-2220-RULE

Proceeding to design the potential Clean Heat Standard	
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Order entered: 12/21/2023

ORDER REQUESTING COMMENTS ON DRAFT SCHEDULE

I. INTRODUCTION

On June 30, 2023, the Vermont Public Utility Commission (“Commission”) issued an order opening this rulemaking proceeding to design the potential Clean Heat Standard pursuant to Public Act No. 18 (2023 Vt., Bien. Sess.).¹ The Vermont Legislature directed the Commission to undertake the design of the potential Clean Heat Standard and to bring it back to the Legislature in 2025 in the form of a proposed rule. In the initial months of this case, the Commission issued multiple orders seeking recommendations and information on discrete topics, established the Equity Advisory Group and Technical Advisory Group, and is finalizing contracts for a public engagement facilitator and a technical consultant. The Commission now seeks to create a comprehensive schedule for the rulemaking proceeding that will serve as a roadmap for the Commission and participants. The Commission seeks comments on the attached draft schedule by January 12, 2024.

II. DISCUSSION

On October 23, 2023, in the companion case, Case No. 23-2221-INV, the Commission sought recommendations for a schedule for that case. Efficiency Vermont, Vermont Gas Systems, Inc., the City of Burlington Electric Department, Conservation Law Foundation, Vermont Public Interest Research Group, and the Vermont Natural Resources Council (together, the “Joint Responders”) recommended a schedule that also considered items that will be addressed in this rulemaking case. Considering that recommendation and the statutory requirements, the Commission has constructed a proposed schedule for this case for public comment. The proposed schedule aims to comprehensively address the topics that must be

¹ The Commission also opened a companion case to address issues related to the Clean Heat Standard Default Delivery Agent. *See* Case No. 23-2221-INV.

considered as part of the potential Clean Heat Standard rulemaking in a practical and transparent manner.

This proposed schedule includes opportunities for different types of public input: written comments and reply comments, public workshops, and advisory group consultation. The information gathered through these means will inform the Commission's proposed rule and reports to the Vermont Legislature.

In addition, the Commission will soon enter a contract with a public engagement facilitator who will develop and convene additional opportunities for the public to provide input into this process.²

III. PROPOSED SCHEDULE AND REQUEST FOR COMMENTS

Attached to this Order is a draft proposed schedule that lists all the comment deadlines, workshop dates, and target decision dates. All workshop dates should be understood to be approximate. All workshops will be duly noticed by the Clerk of the Commission when an exact date is set, and notices of advisory group meetings will be posted on the Commission's Clean Heat Standard website and in ePUC.

Accompanying this Order is an Excel document with additional information to help the public understand, organize, and respond to this request for comments on the draft schedule. Going beyond the basic information listed below, the spreadsheet contains a full weekday calendar, the "CHS Topic Tag" that we anticipate will be associated with the item, and the relevant statutory language and citation. Filters have been added to enable participants to sort by each column. Individual items are numbered so that they can be easily sorted – the numbers have no significance beyond identifying different items.

The Commission seeks comments on this proposed schedule and recommendations on any proposed changes. Specifically, we request that participants inform the Commission of proposed changes in the sequence or schedule of topics to be addressed and whether there are additional items that should be addressed within this rulemaking proceeding, and if so, when. We also request comment on which topics, if any, should be addressed by one or both advisory groups first, before the Commission seeks public input. All scheduling recommendations should

² Section 6(c) of Act 18.

include necessary process to resolve the rulemaking topics by August 31, 2024.³ Resolving these issues by that date will give the Commission a few weeks to draft proposed rules before commencing a 30-day public comment period on the draft proposed rules pursuant to Section 6(e) of Act 18.

To the extent practicable, participants are requested to collaborate on schedules and provide joint recommendations.

Comments must be filed by January 12, 2024, and tagged with the “[0 Procedural Issues](#)” dropdown option when filing.⁴

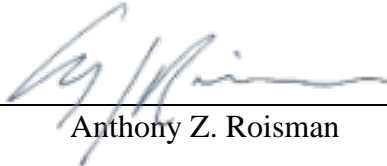
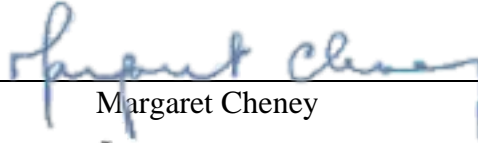
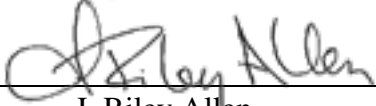
The Commission will continue to engage in the substantive work required by Act 18 as participants consider this draft schedule and provide us with recommendations. Accordingly, participants may anticipate additional process or requests for information before the schedule is finalized.

SO ORDERED.

³ The Commission will continue to gather information for the 2025 check-back report, and other topics as necessary, after that date.

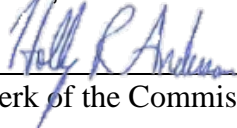
⁴ See the 12/7/23 Order titled “Procedural Order Creating Topic Tag System for Clean Heat Standard Cases” for more information on the topic tags dropdown menu.

Dated at Montpelier, Vermont, this 21st day of December, 2023.

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 _____)) COMMISSION
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OFFICE OF THE CLERK

Filed: December 21, 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)

Draft Schedule

Note: Multiple topics in this draft schedule include an opportunity for the Commission to issue a decision. Although certain topics may require or benefit from an interim decision, other topics that currently indicate an opportunity for a Commission decision may ultimately be resolved by the Commission and communicated to participants through the draft rule.

Statutory Topic: Required amounts (30 V.S.A. § 8124(a))

Thursday, January 4, 2024	PUC issues Request for Comment
Friday, January 26, 2024	First Comments Due
Monday, February 5, 2024	Workshop
Wednesday, February 14, 2024	Reply Comments Due
Friday, March 1, 2024	Target Date for PUC Decision

This task will address the process for setting the total retirement schedule under 30 V.S.A. § 8124(a).

Statutory Topic: Annual registration (30 V.S.A. § 8124(b))

Tuesday, January 16, 2024	Workshop
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Presentation by PUC staff on how to use the annual registration form.

Statutory Topic: Credit values (30 V.S.A. § 8127(c) and (i))

Thursday, February 8, 2024	PUC issues Request for Comment
Monday, March 4, 2024	Consult with TAG
Friday, March 15, 2024	First Comments Due

This task will address the process for setting clean heat measure credit values and time stamps. Ultimately, these values will be significantly informed by the work of the Commission's technical consultant and the Technical Advisory Group.

Statutory Topic: Setting and Adjusting Annual Required Amounts (30 V.S.A. § 8124(a))

Thursday, February 22, 2024	PUC issues Request for Comment
Friday, March 8, 2024	First Comments Due
Friday, March 15, 2024	Workshop
Monday, March 25, 2024	Reply Comments Due
Tuesday, April 2, 2024	Consult with advisory groups
Friday, April 19, 2024	Target Date for PUC Decision

This task will address the process for setting and adjusting individual obligated parties' annual required amounts under 30 V.S.A. § 8124(a).

Statutory Topic: Equitable distribution of clean heat measures (30 V.S.A. § 8124(d))

Thursday, March 7, 2024	PUC issues Request for Comment
Tuesday, March 19, 2024	Consult with EAG
Wednesday, April 3, 2024	First Comments Due
Friday, April 12, 2024	Workshop
Friday, April 26, 2024	Reply Comments Due
Friday, May 10, 2024	Target Date for PUC Decision

This task will address considerations of 30 V.S.A. § 8124(d) related to the equitable distribution of clean heat measures and the process and criteria for altering the statutory percentages.

Statutory Topic: Emissions Schedule (30 V.S.A. § 8127(g))

Thursday, March 14, 2024	PUC issues Request for Comment
Thursday, March 28, 2024	First Comments Due
Tuesday, April 9, 2024	Workshop
Friday, April 19, 2024	Reply Comments Due

This task will address the process for establishing a schedule of lifecycle emission rates for heating fuels and any fuel that is used in a clean heat measure. The emissions schedule will ultimately be informed by the work of the Commission's technical consultant and the Technical Advisory Group.

Statutory Topic: System of tradeable clean heat credits (30 V.S.A. § 8127(a))

Thursday, April 18, 2024	PUC issues Request for Comment
Friday, May 3, 2024	First Comments Due
Friday, May 10, 2024	Workshop
Friday, May 17, 2024	Reply Comments Due
Friday, May 31, 2024	Target Date for PUC Decision

This task will address the system of tradeable clean heat credits required by 30 V.S.A. § 8127(a). In particular, this task will address the process for the recognition, approval, and monitoring of clean heat credits, as well as the process for verification of clean heat credit claims that will be performed by the Department of Public Service.

Statutory Topic: Carbon intensity of fuels (30 V.S.A. § 8127(f)(2))

Tuesday, April 23, 2024	Consult with TAG
Thursday, May 9, 2024	PUC issues Request for Comment
Friday, May 24, 2024	First Comments Due

Friday, June 14, 2024	Target Date for PUC Decision
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This task will address the process for the Commission to consider the rate at which the carbon intensity of fuels will decrease annually for liquid and gaseous clean heat measures.

Statutory Topic: Carbon intensity of fuels (30 V.S.A. § 8127(f)(2))

Friday, June 21, 2024	Consult with TAG
Friday, July 5, 2024	PUC issues Request for Comment
Thursday, July 18, 2024	First Comments Due
Friday, August 2, 2024	Target Date for PUC Decision

This task will establish and publish the rate at which the carbon intensity of fuels will decrease annually for liquid and gaseous clean heat measures.

Statutory Topic: Banking, trading, and retiring clean heat credits (30 V.S.A. § 8124(e) and 8127(l))

Thursday, April 18, 2024	PUC issues Request for Comment
Friday, May 3, 2024	First Comments Due
Friday, May 10, 2024	Workshop
Friday, May 17, 2024	Reply Comments Due
Friday, May 31, 2024	Target Date for PUC Decision

This task will address rules and processes regarding banking, trading, and retiring clean heat credits.

Statutory Topic: Credit eligibility (30 V.S.A. § 8127(k))

Thursday, June 6, 2024	PUC issues Request for Comment
Friday, June 21, 2024	First Comments Due
Thursday, June 27, 2024	Consult with EAG
Friday, July 19, 2024	Target Date for PUC Decision

This task will address eligibility and other requirements of clean heat measures that derive from other State and federal programs.

Statutory Topic: Enforcement (30 V.S.A. § 8124(f))

Thursday, June 6, 2024	PUC issues Request for Comment
Friday, June 21, 2024	First Comments Due
Friday, July 5, 2024	Reply Comments Due
Friday, July 19, 2024	Target Date for PUC Decision

This task will address the PUC’s enforcement of the statutory requirements, including the process and criteria for waiver of noncompliance payments.

Statutory Topic: Review of consequences (30 V.S.A. § 8127(h))

Thursday, July 25, 2024	PUC issues Request for Comment
Thursday, August 8, 2024	First Comments Due
Monday, August 19, 2024	Consult with EAG
Friday, August 30, 2024	Target Date for PUC Decision

This task will address the process and information required for the Commission’s biennial assessment of harmful consequences that may arise from the implementation of certain clean heat measures.

Statutory Topic: Process for adopting new clean heat measures (30 V.S.A. § 8123(3))

Thursday, June 13, 2024	PUC issues Request for Comment
Friday, June 28, 2024	First Comments Due
Friday, July 5, 2024	Workshop
Friday, July 12, 2024	Reply Comments Due
Friday, August 2, 2024	Target Date for PUC Decision

This task will address the process for consideration of acceptable actions that may qualify as clean heat measures.

Statutory Topic: Records (30 V.S.A. § 8124(g))

Thursday, July 18, 2024	PUC issues Request for Comment
Friday, August 2, 2024	First Comments Due
Wednesday, August 14, 2024	Reply Comments Due
Friday, August 30, 2024	Target Date for PUC Decision

This task will address the requirements for the types of records to be submitted by obligated parties, a record retention schedule for required records, and a process for verification of compliance records and data.

Statutory Topic: Use of default delivery agent (30 V.S.A. § 8125(d))

Thursday, June 13, 2024	PUC issues Request for Comment
Friday, June 28, 2024	First Comments Due
Friday, July 12, 2024	Reply Comments Due
Wednesday, July 17, 2024	Workshop

Friday, July 26, 2024	Target Date for PUC Decision
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This topic will address the process, schedule, and criteria for review of the obligated parties' plans to meet annual requirements.

Statutory Topic: Annual registration (30 V.S.A. § 8124(b))

Thursday, July 25, 2024	PUC issues Request for Comment
Friday, August 9, 2024	First Comments Due
Wednesday, August 21, 2024	Reply Comments Due
Friday, September 6, 2024	Target Date for PUC Decision

This task will address codification of the annual registration information, lessons learned from the first year of registration, and consideration of the annual deadline for registration.

Statutory Topic: Required amounts (30 V.S.A. § 8124(a), Sec. 6(h)(5) of Act 18)

Monday, September 9, 2024	PUC issues Request for Comment
Wednesday, September 25, 2024	First Comments Due
Monday, October 7, 2024	Reply Comments Due
Monday, October 14, 2024	Consult with EAG
Monday, October 14, 2024	Consult with TAG
Thursday, October 31, 2024	Target Date for PUC Decision

This task will establish the first set of annual required amounts for obligated parties, which must be included in the final proposed rulemaking.

Statutory Topic: Annual requirements in plain terms (30 V.S.A. § 8124(a)(2))

Thursday, May 2, 2024	PUC issues Request for Comment
Monday, May 13, 2024	Consult with EAG
Friday, May 17, 2024	First Comments Due
Friday, May 31, 2024	Target Date for PUC Decision

This task will address how to ensure understanding in plain terms among obligated parties of the annual requirements.

Statutory Topic: Emissions schedule (30 V.S.A. § 8127(g))

Monday, September 16, 2024	PUC issues Request for Comment
Friday, October 4, 2024	First Comments Due
Monday, October 21, 2024	Reply Comments Due

Friday, October 25, 2024	Consult with TAG
Friday, November 8, 2024	Target Date for PUC Decision

This task will address the establishment, and a process for subsequent amendment, of a schedule of lifecycle emission rates for heating fuels and any fuel that is used in a clean heat measure, including electricity, or is itself a clean heat measure, including biofuels.

Statutory Topic: Default delivery agent budget (30 V.S.A. § 8125(e))

Thursday, June 27, 2024	PUC issues Request for Comment
Monday, July 15, 2024	First Comments Due
Tuesday, July 23, 2024	Consult with TAG
Wednesday, July 31, 2024	Reply Comments Due
Thursday, August 15, 2024	Target Date for PUC Decision

This task will address the process for review of default delivery agent three-year plans and budgets. This schedule is consistent with the current schedule for this task as detailed in Case No. 23-2221-INV.

Statutory Topic: Second checkback report (Sec. 5(i) of Act 18)

Thursday, September 26, 2024	PUC issues Request for Comment
Friday, October 11, 2024	First Comments Due
Tuesday, October 22, 2024	Workshop
Friday, November 1, 2024	Reply Comments Due
Wednesday, January 15, 2025	Issue Report

This task will address the information required to be included in the second checkback report, as well as information that is required to be filed as part of the administrative rulemaking process.

Statutory Topic: Credit trading platform (30 V.S.A. § 8127(l))

Thursday, October 10, 2024	PUC issues Request for Comment
Friday, October 25, 2024	First Comments Due
Friday, November 15, 2024	Issue Draft RFP for Comment
Friday, December 6, 2024	Comments on RFP Due
Friday, January 31, 2025	Issue RFP

This task will address the functions and capabilities of the administrative system to register, sell, transfer, and trade credits to obligated parties.

PUC Case No. 23-2220-RULE - SERVICE LIST

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