

STATE OF VERMONT  
PUBLIC UTILITY COMMISSION

Case No. 23-2220-RULE

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Proceeding to design the potential Clean Heat Standard	
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Order entered: 09/17/2024

**ORDER DESCRIBING THE PUBLIC UTILITY COMMISSION’S ENFORCEMENT AUTHORITY,  
SETTING DEADLINE FOR REGISTRATION COMPLIANCE, AND  
PROVIDING GUIDANCE FOR YEAR TWO REGISTRATION AND REPORTING**

**I. INTRODUCTION**

In Public Act 18 (2023 Vt., Bien. Sess.) (“Act 18”), the Vermont Legislature directed the Vermont Public Utility Commission (“Commission”) to develop a proposed Clean Heat Standard.<sup>1</sup> Pursuant to 30 V.S.A. § 8124(b), entities that sell heating fuel into or in Vermont (“fuel dealers”) were required to register for the first time with the Commission on or before January 31, 2024.<sup>2</sup> The Commission provided a grace period for registration through February 29, 2024.

After a comprehensive review of the dataset of registered fuel dealers, the Commission has determined that not all fuel dealers have registered.

Section 8124(f)(1) provides for Commission enforcement of nonregistration, including in year one: “The Commission shall have the authority to enforce the requirements of this chapter and any rules or orders adopted to implement the provisions of this chapter. The Commission may use its existing authority under this title. As part of an enforcement order, the Commission may order penalties and injunctive relief.” Additionally, “[f]ailure to register with the Commission . . . is a violation of the Consumer Protection Act.”<sup>3</sup> Therefore, the Attorney General’s Office has concurrent jurisdiction to enforce against nonregistration.

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<sup>1</sup> For an overview of the work done to date and other information on the proposed Clean Heat Standard, please see the Commission's clean heat website at <https://puc.vermont.gov/clean-heat-standard>.

<sup>2</sup> The Commission issued instructions for how to register in an order. *See* Case No. 23-2220-RULE, Order of 1/17/2024. There is an ongoing obligation to register for entities that were not selling heating fuel into or in Vermont on or before January 31, 2024, but began doing so after that date. For such entities, the deadline to register is within 30 days of the “first sale of heating fuel to a location in Vermont.” 30 V.S.A. § 8124(b)(5). Please notify the Clerk of the Commission by email at [PUC.Clerk@vermont.gov](mailto:PUC.Clerk@vermont.gov), if you need to register based on Section 8124(b)(5).

<sup>3</sup> 30 V.S.A. § 8124(f)(6).

As we explained in our earlier orders regarding registration and reporting, the Commission is interested in taking whatever steps it can within the confines of the legislation to facilitate registration and communicate the registration obligation to a new group of regulated entities that now fall under the Commission's jurisdiction.<sup>4</sup> We also recognized that the registration obligation fell within the fuel dealers' busy season.<sup>5</sup>

However, the year-one registration obligation is a foundational component of the work the Commission must do to carry out the requirements of Act 18, accurately and completely report to the Legislature by January 15, 2025, and analyze the economics of the potential Clean Heat Standard. The obligation for fuel dealers to register and report annually is statutorily established whether or not the Clean Heat Standard passes into law. Failure to register with the Commission harms the regulatory process — a process that cannot function when regulated entities ignore their obligations. A failure in the function of the regulatory process causes harm to the integrity and credibility of that process, and therefore to the interests of the public.

Several factors — the fact that the Clean Heat Standard has not been adopted by the Legislature, that fuel dealers are not entities that typically interact with or are regulated by the Commission, that the registration obligation came at a time when fuel dealers are busiest, and that there have been ongoing uncertainties regarding the registration process — counsel in favor of allowing unregistered fuel dealers a final opportunity to come into compliance for year one. As such, the Commission will not enforce against an unregistered fuel dealer if the fuel dealer submits a registration form by October 31, 2024.<sup>6</sup>

Failure to register by October 31, 2024, may lead to enforcement by the Commission, including the imposition of a fine. Noncompliance may also be referred to the Vermont Attorney General, pursuant to 30 V.S.A. § 8124(f)(6).

The Commission recognizes that fuel dealers want additional guidance about the registration and reporting process. At this time, the Commission can offer the following

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<sup>4</sup> Registration is when an entity informs the Commission of its operation in the marketplace as a fuel dealer. Reporting is the submission of the data required for the Commission to ascertain how much heating fuel has been sold in the previous year and by which entities. There is an annual reporting requirement due every June 30.

<sup>5</sup> Case No. 23-2220-RULE, Order of 1/26/24 at 1. The Legislature also recognized that registration and reporting should be moved outside the fuel dealers' busy season and moved the deadline to June 30. *See* Public Act 142 at 10 (2024 Vt., Bien. Sess.).

<sup>6</sup> Fuel dealers should use the same form that was used by other registrants earlier this year.

information: (1) The Commission will continue to maintain a website or online platform for registration and reporting that does not require fuel dealers to submit information, pursuant to Section 8124, in the Commission’s electronic filing system, ePUC. (2) Fuel dealers were required to register by January 31, 2024.<sup>7</sup> If an entity has begun or begins selling heating fuel into or in Vermont after January 31, 2024, that fuel dealer must register within “30 days after the first sale of heating fuel to a location in Vermont.”<sup>8</sup> (3) Registrants are now required to report heating fuel sales via the Commission’s registration website by June 30 every year. The next reporting deadline is June 30, 2025. The Commission will provide any updates to the registration and reporting process after it submits its final proposed rule to the Legislature on January 15, 2025.

Finally, the definition of “heating fuel” in Act 18 is broad and ambiguous. Heating fuel is defined as “fossil-based heating fuel, including oil, propane, natural gas, coal, and kerosene.”<sup>9</sup> The stated purpose of the Clean Heat Standard is to “reduce greenhouse gas emissions attributable to the Vermont thermal sector.”<sup>10</sup> The statute further defines “thermal sector” as “ha[ving] the same meaning as the ‘Residential, Commercial and Industrial Fuel Use’ sector as used in the Vermont Greenhouse Gas Emissions Inventory and Forecast” but excludes “nonroad diesel or any other transportation or other fuel use categorized elsewhere in the Vermont Greenhouse Gas Emissions Inventory and Forecast.”<sup>11</sup> The Vermont Greenhouse Gas Inventory includes “. . . greenhouse gas emissions from the Residential/Commercial and Industrial Fuel Use sector . . . related to the use of fossil fuels for space heating, water heating, and cooking, in residential, commercial, and industrial buildings.”<sup>12</sup> Based on the statutory definitions and the thermal sector definition from the Vermont Greenhouse Gas Emission Inventory and Forecast, the Legislature has defined “heating fuels” to be fossil-based heating fuels without regard to end use.

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<sup>7</sup> 30 V.S.A. § 8124(b). This is a fuel dealer’s initial registration.

<sup>8</sup> 30 V.S.A. § 8124(b)(5).

<sup>9</sup> 30 V.S.A. § 8123(11).

<sup>10</sup> 30 V.S.A. § 8122(a).

<sup>11</sup> 30 V.S.A. § 8123(13).


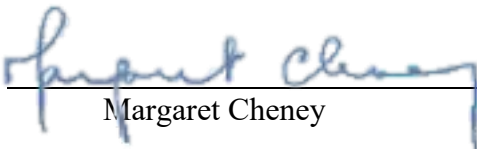
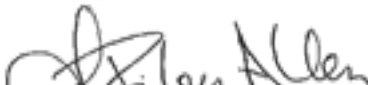
<sup>12</sup> Vermont Agency of Natural Resources Climate Action Office, “Vermont Greenhouse Gas Emissions Inventory and Forecast: 1990-2020,” April 2023 at 13, available at [https://outside.vermont.gov/agency/anr/climatecouncil/Shared%20Documents/\\_Vermont\\_Greenhouse\\_Gas\\_Emissions\\_Inventory\\_Update\\_1990-2020\\_Final.pdf](https://outside.vermont.gov/agency/anr/climatecouncil/Shared%20Documents/_Vermont_Greenhouse_Gas_Emissions_Inventory_Update_1990-2020_Final.pdf).

Entities selling certain fuels in Vermont — for example, someone who sells propane canisters for camping — may have believed that they did not have an obligation to register with the Commission. Because the definitions in Act 18 cannot be rectified without a legislative change, the Commission plans to report on this problem to the Legislature. For the time being, the statutory definition of “heating fuel” means fossil-based heating fuel, including oil, propane, natural gas, coal, and kerosene, regardless of end use. Thus, fuel dealers are obligated to register if they sell heating fuel into or in Vermont for all end uses.

If an entity qualifies as a fuel dealer because of this interpretation of “heating fuel” and has not yet registered with the Commission, then that entity is required to register for the first time as described above. On the other hand, if a fuel dealer has already registered and this definition of “heating fuel” would only affect the fuel dealer’s reporting, the fuel dealer does not need to re-register or amend its registration.

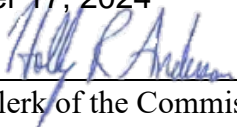
**SO ORDERED.**

Dated at Montpelier, Vermont, this 17th day of September, 2024.

 _____ )	) PUBLIC UTILITY
Edward McNamara )	
 _____ )	) COMMISSION
Margaret Cheney )	
 _____ )	) OF VERMONT
J. Riley Allen )	

OFFICE OF THE CLERK

Filed: September 17, 2024

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](mailto:puc.clerk@vermont.gov))*

PUC Case No. 23-2220-RULE - 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)

Malachi T. Brennan  
SRH Law PLLC  
91 College Street  
PO Box 545  
Burlington, VT 05401  
mbrennan@srhlaw.com

(for SRH Law PLLC)

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

(for The Valero  
Companies)

Heidi Clifford  
Irving Oil  
Heidi.Clifford@irvingoil.com

(for Irving Oil)

Andrea Cohen  
Vermont Electric Cooperative, Inc.  
42 Wescom Road  
Johnson, VT 05656  
acohen@vermontelectric.coop

(for Vermont Electric  
Cooperative Inc.)

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  
Meadow Hill Consulting  
matt@meadowhillvt.com

(for Vermont Fuel  
Dealers Association)

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

Anthea Dexter-Cooper  
Conservation Law Foundation  
15 East State Street  
Montpelier, VT 05602  
adexter-cooper@clf.org

(for Conservation Law  
Foundation)

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, *pro se*  
gregoryhdoremus@gmail.com

William Driscoll  
Associated Industries of Vermont  
wdriscoll@aivt.org

(for Associated  
Industries of Vermont)

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



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)

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)

David Hillman, *pro se*  
Dhillman73@icloud.com

Luce Hillman, *pro se*  
University of Vermont  
luce.hillman@uvm.edu

Devon Johnson  
Center for Resource Solutions  
devon.johnson@resource-solutions.org

(for Center for Resource  
Solutions)

Justin Johnson  
MMR, LLC  
45 Court Street  
Montpelier, VT 05602  
justin@mmrvt.com

(for MMR, LLC)

Ken Jones, *pro se*  
Energy Action Network  
kjonesvt5@gmail.com

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

(for Living Buildings  
LLC)

Michelle Keller, *pro se*  
vtkeller@gmavt.net

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

William "Casey" Lamont, *pro se*  
City of Burlington Electric Department  
clamont@burlingtonelectric.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, *pro se*  
Cedar Mountain Farm and Cobb Hill Cheese  
hartlandyoga@yahoo.com

Emily Levin, *pro se*  
elevin@nescaum.org

John Mandeville, *pro se*  
Central Vermont Council on Agencies on Aging  
jmandeville@cvcoa.org

John Mandeville  
Central Vermont Council on Agencies on Aging  
jmandeville@cvcoa.org

(for Vermont  
Association of Area  
Agencies on Aging)

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, *pro se*  
134 Dale Rd  
Burlington, VT 05408  
philsnextone@gmail.com

Elena Mihaly  
Conservation Law Foundation  
15 East State Street  
Ste. 4  
Montpelier, VT 05602  
emihaly@clf.org

(for Conservation Law  
Foundation)

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.)

Jen Myers, *pro se*  
Champlain Valley Office of Economic Opportunity  
jmckaymyers2020@gmail.com

Jen Myers, *pro se*  
Champlain Valley Office of Economic Opportunity  
jmckaymyers2020@gmail.com

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

Walter (TJ) Poor  
Vermont Department of Public Service  
112 State Street  
Montpelier, VT 05620  
tj.poor@vermont.gov

(for Vermont  
Department of Public  
Service)

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)

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)

Emily Roscoe  
Efficiency Vermont  
eroscoe@veic.org

(for Efficiency Vermont  
- Vermont Energy  
Investment Corporation)

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

(for Suburban Propane)

Amanda Sachs  
Rewiring America  
amanda@rewiringamerica.org

(for Rewiring America)

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)

Sriram Srinivasan, *pro se*  
slsrinivasan@gmail.com

Christopher Trombly  
Vermont State Housing Authority  
christopher.trombly@vsha.org

(for Vermont State  
Housing Authority)

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)

Jared Ulmer  
Vermont Department of Health  
108 Cherry St  
Burlington, VT 05401  
jared.ulmer@vermont.gov

(for Vermont  
Department of Health)

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

(for Global Partners LP)

Floyd V. Vergara, *pro se*  
Clean Fuels Alliance America  
1415 L Street, Suite 460  
Sacramento, CA 95814  
vergara.law@gmail.com

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

(for Vermont Public  
Interest Research Group)

Michael Wang, PhD., *pro se*  
Argonne National Laboratory  
mwang@anl.gov

Mia Watson  
Vermont Housing Finance Agency  
MWatson@vhfa.org

(for Vermont Housing  
Finance Agency)

Thomas Weiss, *pro se*  
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)

Frederick Weston, *pro se*  
formaine@comcast.net

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)

Geoff Wilcox  
Vermont Office of Economic Opportunity  
geoff.wilcox@vermont.gov

(for Vermont  
Department for Children  
and Families)

Patrick Wood, *pro se*  
Ag Methane Advisors LLC  
patrick@agmethaneadvisors.com

Brian Woods  
Agency of Natural Resources-Climate Action Office  
1 National Life Drive  
Davis 2  
Montpelier, VT 05620-3901  
Brian.Woods@vermont.gov

(for Vermont Agency of  
Natural Resources)



Dylan Zwicky  
Leonine Public Affairs  
Dylan@leoninepublicaffairs.com

(for Leonine Public  
Affairs)