

STATE OF VERMONT  
PUBLIC SERVICE BOARD

EEU-2012-01

Proposed Modifications to C&I            )  
Customer Credit Program                )

Order Entered: 4/13/2012

**ORDER OPENING PROCEEDING TO CONSIDER**  
**PROPOSED MODIFICATIONS TO C&I CUSTOMER CREDIT PROGRAM AND**  
**PARTICIPATION OF OMYA, INC.**  
**AND NOTICE OF WORKSHOP**

On September 30, 1999, the Public Service Board ("Board"), as part of its Order related to the establishment of the Energy Efficiency Utility ("EEU") in Docket 5980, approved the C&I Customer Credit Program for commercial and industrial customers that met certain eligibility standards.<sup>1</sup> This program allows these customers to use most of their EEU Fund payments to implement energy-savings measures of their own as a substitute for participation in the system-wide programs of the EEU.<sup>2</sup>

On February 27, 2012, Omya, Inc. ("Omya"), made a filing with the Board indicating that it intends to participate in the C&I Customer Credit Program for calendar year 2012. In its filing, Omya also stated that Omya and the Department had negotiated revised eligibility standards for

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1. Docket 5980, *Investigation into Department of Public Service's Proposed Energy Efficiency Plan* (9/30/99) at 28, 29, 75, A-112-A-117. The C&I Customer Credit Program was proposed in Docket 5980 as part of a bilateral agreement between International Business Machines Corp. ("IBM") and the Vermont Department of Public Service ("Department").

2. On August 14, 2007, the Board issued an Order approving certain amendments to the C&I Customer Credit Program. *Order re Petition of IBM to Amend EEU Customer Credit Program* (8/14/07). *See also, Clarifying Order re Petition of IBM to Amend EEU Customer Credit Program* (10/11/07). Under these amendments to the C&I Customer Credit Program, the sole customer enrolled in the program was allowed to access up to 90% of the funds it paid into the EEU Fund for energy efficiency expenditures approved by the EEU. The Board also earlier approved some procedural changes to the program pursuant to a memorandum from the Board dated January 27, 2004.

the program to replace a previous requirement that was no longer applicable.<sup>3</sup> A copy of Omya's February 27 filing is attached to this Order.

Through this Order, the Board is opening a proceeding to consider the proposed modifications to the C&I Customer Credit Program, Omya's participation in the program and related matters. Given the absence of any basis to conclude that this proceeding will be a contested case, the Board believes that it may be possible to resolve these matters as part of a workshop process. In any case, the Board directs Board staff to conduct whatever proceedings may be necessary in order to make recommendations to the Board on these matters.

#### **NOTICE OF WORKSHOP**

Board staff will conduct a workshop in this matter, commencing at 9:30 A.M. on Tuesday, April 24, 2012, in the Board's third floor hearing room, People's United Bank Building, 112 State Street, Montpelier. All interested persons are welcome at the workshop. The workshop will be recorded by a court reporter. To the extent any participants in the workshop wish to file comments in advance of the workshop, they are requested to do so at least three days before the workshop.

**SO ORDERED.**

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3. The C&I Customer Credit Program requires that an eligible customer become a partner in the Climate Wise program that was formerly sponsored by the U.S. Department of Energy and Environmental Protection Agency. The Climate Wise program has been terminated, so it is no longer possible for Omya to meet this requirement. In its Order in Docket 7660 approving the sale of the assets of the Vermont Marble Power Division of Omya, Inc., to Central Vermont Public Service Corporation, the Board concluded, with respect to Omya's possible participation in the C&I Customer Credit Program following the asset sale, that suitable alternatives to participation in the Climate Wise program could be developed. Order of 6/10/11 at 67.

Dated at Montpelier, Vermont, this 13th day of April 2012.

s/James Volz	)	
_____	)	
	)	PUBLIC SERVICE
	)	
s/David C. Coen	)	BOARD
_____	)	
	)	
	)	OF VERMONT
s/John D. Burke	)	
_____	)	

OFFICE OF THE CLERK

FILED: April 13, 2012

ATTEST: s/Judith C. Whitney  
Deputy Clerk of the Board

*NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)*