

**From:** MacLean, Alex  
**Sent:** Sunday, April 01, 2012 3:22 PM  
**To:** Miller, Elizabeth  
**CC:** Spaulding, Jeb; Lofy, Bill; London, Sarah  
**Subject:** Re: MEDIA CLIPS FOR SUNDAY, APRIL 1:

I haven't seen it, just heard about it from Shap on Friday afternoon. Apparently, it says give checks back to residential ratepayers and use the remaining money to invest in energy efficiency. Shap tried to push a letter but got no traction and he felt like this was a good way forward. Nothing's a done deal.

Sent from my iPhone

On Apr 1, 2012, at 3:18 PM, "Miller, Elizabeth" <Elizabeth.Miller@state.vt.us> wrote:

> What is the resolution is proposed to say? That would play into your question.

>

> Elizabeth H. Miller

> Commissioner

> Department of Public Service

> 802-828-2321, office

> elizabeth.miller@state.vt.us

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> From: MacLean, Alex

> Sent: Sunday, April 01, 2012 3:06 PM

> To: Spaulding, Jeb

> Cc: Miller, Elizabeth; Lofy, Bill; London, Sarah

> Subject: Re: MEDIA CLIPS FOR SUNDAY, APRIL 1:

>

> We felt that it was a resolution that wouldn't do much other than let off some steam but perhaps Liz feels that a resolution would hold more weight than we thought with the PSB...?

>

> Sent from my iPhone

>

> On Apr 1, 2012, at 2:11 PM, "Spaulding, Jeb" <Jeb.Spaulding@state.vt.us> wrote:

>

>> I've been thinking about the concept since I read Gaye Symington's column in the clips. It sounds good on the surface, but, for some reason, I have cautionary feelings in my gut. Would there be administrative issues? If cash is going back to individuals, why not struggling small businesses? I hope this wouldn't unwind the whole idea on the \$21 mill.

>>

>> Jeb Spaulding, via mobile

>> Secretary of Administration

>> State of Vermont

>>

>>

>> On Apr 1, 2012, at 1:04 PM, "Miller, Elizabeth" <Elizabeth.Miller@state.vt.us> wrote:

>>

>>> I can talk any time after 9 a.m.; just need to move internal meetings etc. I have prep for testimony starting at 11 so earlier better I guess. I have not seen any resolution and do not have an understanding of what it is proposed to say. Liz

>>>

>>> Elizabeth H. Miller

>>> Commissioner

>>> Department of Public Service

>>> 802-828-2321, office  
>>> elizabeth.miller@state.vt.us  
>>> \_\_\_\_\_

>>> From: MacLean, Alex  
>>> Sent: Sunday, April 01, 2012 12:56 PM  
>>> To: Miller, Elizabeth  
>>> Cc: Lofy, Bill; Spaulding, Jeb; London, Sarah  
>>> Subject: Re: MEDIA CLIPS FOR SUNDAY, APRIL 1:

>>>  
>>> Sounds good. The thinking was not to back off of our position but to let some wind out of the sails. Liz, if you see a big problem with the resolution we can more actively oppose. What time works for you tomorrow?

>>>  
>>> Sent from my iPhone

>>> On Apr 1, 2012, at 10:12 AM, "Miller, Elizabeth" <Elizabeth.Miller@state.vt.us> wrote:

>>>  
>>>> Perhaps we can have a brief call to discuss tomorrow. I have to testify on Tuesday at the PSB in support of the merger and MOU. Liz

>>>>  
>>>> Elizabeth H. Miller  
>>>> Commissioner  
>>>> Department of Public Service  
>>>> 802-828-2321, office  
>>>> 802-522-3090, cell  
>>>> elizabeth.miller@state.vt.us

>>>> \_\_\_\_\_  
>>>> From: MacLean, Alex  
>>>> Sent: Sunday, April 01, 2012 9:45 AM  
>>>> To: Miller, Elizabeth; Lofy, Bill; Spaulding, Jeb; London, Sarah  
>>>> Subject: FW: MEDIA CLIPS FOR SUNDAY, APRIL 1:

>>>>  
>>>> FYI - GPS and I discussed the potential House compromise resolution that would call on the PSB to send checks back to the residential ratepayers and invest the rest of the money into efficiency on Friday. We both thought it made sense to lay low on this as it may reduce the noise. If any of you think that is a bad idea we should talk.

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>>>>  
>>>> Alexandra MacLean  
>>>> Secretary of Civil and Military Affairs  
>>>> 1-802-272-0443

>>>> \_\_\_\_\_  
>>>> From: Allen, Susan  
>>>> Sent: Sunday, April 01, 2012 6:17 AM  
>>>> To: Allen, Susan  
>>>> Subject: MEDIA CLIPS FOR SUNDAY, APRIL 1:

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>>>> TIMES ARGUS/RUTLAND HERALD:  
>>>>  
>>>> Making math and science count

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>>>>  
>>>> By Daniel Staples<<mailto:daniel.staples@timesargus.com>>  
>>>> Staff Writer - Published: April 1, 2012  
>>>>

>>>> NORTHFIELD — Vermont's young scientists, mathematicians and engineers brought their best work to the Vermont State Science & Mathematics Fair at Norwich University on Saturday.

>>>>

>>>> At the fair, nearly 200 student projects from students from the fifth grade through high school were on display. The projects, selected from more than 2,000 projects statewide, addressed questions in all areas of science, technology, engineering and mathematics.

>>>>

>>>> The projects covered a range of subjects, many with real-world applications, from the radiation emitted by cellphones to the effects of *Allium vineale*, or garlic, on *Oscillatoria* or *Cyanobacteria* — the type of blue green algae that grows in Lake Champlain.

>>>>

>>>> Nicole Dulac, a Windsor High School junior, said she wanted her experiment — testing the effect of shape on flow rate — to demonstrate how a body of water could be drained using multiple outlets without losing efficiency.

>>>>

>>>> "I feel like doing a science experiment that doesn't pertain to something real is pointless," said Dulac, who was competing at the VSSMF for the first time.

>>>>

>>>> Dulac, who after high school hopes to pursue a career in engineering, said that results of experiments like hers can affect how dams are built and managed.

>>>>

>>>> Students at the fair competed for more than \$8,000 in cash and prizes, \$13,000 in trip awards and expenses donated by local organizations, and \$900,000 in scholarships to Vermont colleges.

>>>>

>>>> According to the VSSMF website, the purpose of the competition is to have Vermont be a state where an increasing proportion of secondary students continue their post-secondary education or training in the math and science fields.

>>>>

>>>> Rutland High School senior Dakota Wright, whose experiment dealt with the effects of helicopter blades on lift, said he hopes to enter the military and chose a subject that both interested him and gave him insight into the physics of flying.

>>>>

>>>> Wright said although the results of his experiment were not exactly what he had expected he was pleased to be at the VSSMF, where he was able to meet other student with like-minded interests.

>>>>

>>>> Each of the projects are judged by at least three judges, separately, over the course of the morning to determine winners for each of the categories.

>>>>

>>>> Wright said he had been visited by several judges during the day and was nervous at first but had relaxed as the day progressed.

>>>>

>>>> Dulac echoed that experience.

>>>>

>>>> "I feel like after each judging I had a better understanding of my own project," Dulac said.

>>>>

>>>> Approximately 150 judges include industry scientists and engineers, secondary education faculty, medical professionals, military personnel and retirees, and other science-related professionals from across Vermont.

>>>>

>>>> Although each of the experiments posed their own challenges, Winthrop Townsend, a Windsor High School senior, had several challenges to overcome to test the surface textures of airplane wings on their efficiencies.

>>>>

>>>> Townsend said he got the idea to test his hypothesis after looking at the dimpling of a golf ball.

>>>>

>>>> "I hypothesized that texturing a wing in the form of dimpling might have a positive impact on the efficiency of the wing," Townsend said.

>>>>

>>>> To test his hypothesis Townsend created three different miniature airfoils. One was covered in sawdust to simulate ice, another was smooth, and the third was dimpled to simulate the golf ball effect.

>>>>

>>>> After building the airfoils, which look like a small section of an airplane wing, Townsend created a contraption that was mounted on his car and measured the lift and drag of the airfoil.

>>>>

>>>> Townsend said that he was surprised to find out that the dimpled airfoil was most efficient, probably because of the increased surface area created by the dimples.

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>>>> Townsend said he was not sure if his project might translate into the future of aerodynamics engineering, but it may be a start to something.

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>>>> High court rules no insurance coverage in Brooke Bennett case

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>>>> By SUSAN SMALLHEER

>>>> Staff Writer - Published: April 1, 2012

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>>>> MONTPELIER — The Vermont Supreme Court has rejected an attempt by the family of Brooke Bennett of Randolph to collect on the homeowner's policy held by the man who is charged with sexually assaulting and killing her.

>>>>

>>>> In a decision released Friday, the state's high court upheld an Orange County civil court decision, which had ruled that the policy purchased by Michael Jacques and his now ex-wife, Denise Woodward, did not cover "intentional" acts.

>>>>

>>>> The high court also rejected a claim by James Bennett, Brooke Bennett's father and the administrator of her estate, that Woodward, the dead girl's aunt, had also been negligent by not warning the Bennett family of her husband's history of sexual violence, and thus triggered the policy's coverage as well.

>>>>

>>>> Brooke Bennett, 12, was kidnapped, raped and killed on June 25, 2008, in Randolph. Her death triggered a review of the state's laws regarding sexual crimes against children.

>>>>

>>>> James Bennett had filed suit against Woodward, who was insured by Co-operative Insurance Co. of Middlebury. Woodward is Brooke Bennett's aunt, and her mother's sister.

>>>>

>>>> Jacques is in a federal prison awaiting trial on the various charges filed against him shortly after the young girl's abduction and death.

>>>>

>>>> The high court, in rejecting various theories put forward by James Bennett's attorney, said that it reviewed the language in the Co-op homeowners' policy and rejected their claims.

>>>>

>>>> "Our guiding principle requires us to 'review the language of an insurance contract from the perspective of what a reasonably prudent person applying for insurance would have understood it to mean,'" wrote Chief Justice Paul Reiber, in a unanimous decision.

>>>>

>>>> The high court noted that Jacques had "lured Brooke to his residence 'with the intention to commit violent and devious harm, personal injury and criminal acts.'"

>>>>

>>>> Jacques also allegedly drugged the 12-year-old, sexually assaulted her and then killed her, the court said.

>>>>

>>>> “These alleged acts are inherently harmful and so certain to cause injury that we must conclude as a matter of law that uncle had intent to harm. It would ‘fly in the face of all reason, common sense and experience’ to hold otherwise,” the chief justice wrote.

>>>>

>>>> “We conclude that the harm that resulted from uncle’s actions was intended, there was no ‘accident’ and therefore no ‘occurrence’ as defined in the policy,” Reiber wrote.

>>>>

>>>> The policy had specifically excluded injury or harm as a result of “sexual molestation of any person.” The policy stated it covered an “occurrence,” which it defined as an accident, or series of accidents, but not “intentional acts.”

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>>>> Controversy boils over in maple syrup bill

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>>>> By Peter Hirschfeld<<mailto:peter.hirschfeld@timesargus.com>>

>>>> Vermont Press Bureau - Published: April 1, 2012

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>>>> MONTPELIER — Would a “Grade A Fancy” by any other name taste as sweet?

>>>>

>>>> It’s a question that’s poised to set off a heated debate in Montpelier as state officials look to give Vermont’s hallmark agriculture product a marketing facelift.

>>>>

>>>> Legislation already passed in the Vermont Senate would do away with the decades-old maple-syrup grading system that has given rise to terms like “fancy” and “medium amber.”

>>>>

>>>> Instead of selling jugs labeled “Vermont Grade A Fancy,” sugar makers would be required to use the term “Golden Delicate.” “Grade A Medium Amber” would become “Amber Rich.” “Grade A Dark Amber?” How about “Dark Robust” instead. And so-called “Vermont Grade B” would be supplanted by “Very Dark Strong.”

>>>>

>>>> The nomenclature isn’t sitting well with everyone.

>>>>

>>>> “Dark robust? Sounds like coffee for Christ’s sake,” says Ed Merrow, a longtime sugar maker from Danby. “It’s taken me 20 years to teach customers what ‘medium amber’ is. Now I’ve got to start over with this?”

>>>>

>>>> Merrow is among a small but vocal group of maple syrup producers protesting the proposed law, which would set in motion a rule-making process to adopt the new classification system.

>>>>

>>>> Proponents of the legislation say it will unify the grading system across the United States and Canada, and eliminate the consumer confusion caused by the use of different grade names in different states and provinces.

>>>>

>>>> “It’s an international business these days and many companies buying bulk syrup have to compete worldwide,” says Henry Marckres, consumer protection chief and maple specialist at the Agency of Agriculture. “It’s confusing for people, especially for folks in other countries that don’t necessarily understand maple. They ask, why is Canada selling us ‘extra light,’ you’re selling us ‘fancy’ and New York is selling us ‘light?’ It’s all the same grade, but they don’t know that.”

>>>>

>>>> Marckres says the new terminology has the added benefit of including “flavor descriptors” that will make it easier for consumers to know exactly what they’re buying.

>>>>

>>>> The legislation is the culmination of a nine-year process set in motion by the International Maple Syrup Institute, which set up a committee, Marckres says, “to look at the grading system and see if we couldn’t come up with one system the entire maple producing world could use.”

>>>>

>>>> Marckres is a member of that committee and says the new names are the product of intense market research "in several major cities."

>>>>

>>>> "Overwhelmingly the consumers liked the new system, because it gives them a flavor they can actually understand, like 'delicate' or 'robust,'" Marckres says.

>>>>

>>>> Ken Bushey has been sugaring since 1962 at his family farm in Danby, where he runs a 3,000-tap operation. Bushey says the new name for fancy "is more conducive to apples than maple syrup."

>>>>

>>>> "Golden Delicate or whatever it is doesn't at all make me think of maple syrup," he says.

>>>>

>>>> Anyway, Bushey says, he's not aware of any grading-related problems that need solving.

>>>>

>>>> "If anything it's going to be more confusing to the public," he says. "We went through this the last time they decided they needed to change the grading law and we had nothing but mass confusion out there."

>>>>

>>>> As the largest maple syrup producer in the country, Bushey says Vermont would be foolish to forfeit the brand identity of "Vermont Grade A Fancy."

>>>>

>>>> "It's 'Vermont fancy.' That means something to people. There's a value to it," he says.

>>>>

>>>> Marckres, however, says that while 'fancy' may have meaning to Vermonters, it's arcane culinary terminology in the major metropolitan areas where the state ought to be marketing its market.

>>>>

>>>> The amount of light that passes through a batch of syrup determines what grade it's assigned; the more light that passes through, the higher the grade.

>>>>

>>>> "If we can level the playing field with this new system, then we're competing exclusively on our Vermont brand," Marckres says. "And that's a marketing competition I know we can win."

>>>>

>>>> Jacques Couture is chairman of the Vermont Maple Sugar Makers Association, an industry organization of 1,000 or so producers. While the association hasn't held a formal vote, Couture says the proposed changes have the support of the vast majority of the group.

>>>>

>>>> "This shouldn't be about what we as producers think is the right name, this should be about what consumers want, because they're the ones buying it," says Couture, who runs a 7,500-tap farm in northern Vermont. "And the International Maple Syrup Institute has done a lot of research and study to find out this is what consumers want."

>>>>

>>>> The legislation passed through the Senate earlier this month almost without notice. But Merrow says the bill would have grabbed more headlines if not for the secretive approach taken by proponents of the law.

>>>>

>>>> Bushey says he didn't know the Senate was taking the bill up until three days after the floor vote.

>>>>

>>>> "None of us sugar makers get a vote in this. They're just pushing this through, and that's almost what bothers me the most about this," Bushey says.

>>>>

>>>> He and Merrow aim to slow the process down this week, when the House Committee on Agriculture begins hearing testimony on the legislation.

>>>>

>>>> Similar legislation is pending in Maine, New Hampshire and New York, but the eyes of the maple syrup world will be on Vermont. The U.S. Department of Agriculture has agreed to adopt the new classification system only if Vermont takes the lead; most syrup producing states follow USDA rules.

>>>>

>>>> Marckres says rapid growth in the state's \$30 million syrup industry lends urgency to the effort. Fifteen years ago Vermont had 1 million taps, compared to 3.3 million today.

>>>>

>>>> "It's not just about selling in Vermont anymore," Marckres says. "This is an international business, and we could really use some international standards."

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>>>> The Weekly Planet: Who's the April fool?

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>>>> BY CAROL TASHIE

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>>>> Did you see the recent reports of the large protests against Vermont Yankee? What's wrong with those people — don't they realize that nuclear power is safe and clean? It doesn't matter that the VY plant is 40 years old, battered and leaking. So is my Chevy Corvair, and it's still kicking around — albeit on blocks in the driveway. And isn't 40 the new 20 anyway? With a nip and tuck here and a rebuilt cooling tower there, the plant could actually appear as if it were still in its prime.

>>>>

>>>> Now, I understand that our state Legislature voted against allowing the plant to run after its current license expired and that in 2002 Entergy Louisiana agreed to abide by the state's decision. But let's face it; Entergy only made that promise because it never believed the Legislature would deny its renewal. And they probably had their fingers crossed at the time, just like when they said there were no leaking underground pipes. Such kidders!

>>>>

>>>> And don't forget, the Supreme Court now says that corporations are people, so Entergy is really just like a neighbor. And you can't get upset if a neighbor lets his dog poop in your yard; especially, if that neighbor has his fingers crossed while promising never to let it happen again.

>>>>

>>>> Besides, Entergy is a huge corporation with many mature nuclear power plants in its portfolio. How can they keep the money flowing to their shareholders unless they are allowed to run these plants beyond their expiration dates? You wouldn't toss away milk just because it is past its "use by" date, would you? Aren't intestinal cramps a small price to pay for the integrity of the free market?

>>>>

>>>> And speaking of money, I am old enough to remember the industry's promise that nuclear power would be "too cheap to meter," and I am excited that by letting these old nukes run and run, we will soon see that promise come true. I can't wait to open my electric bill and see a zero balance. While I'm on a roll, why are people still clamoring about the hoax of climate change? So what if it was 82 degrees in Vermont in March? Who cares about a shortened maple sugar season when there's plenty of high fructose corn syrup to sweeten our foods?

>>>>

>>>> And what's wrong with Bill McKibben and his followers, getting into such a tizzy over the Keystone XL Pipeline? What could possibly go wrong with building an oil pipeline down the center of our country — it's not as if pipelines ever burst or leak or anything. And who cares if it's sitting on top of one of the largest aquifers in the Midwest? We all know oil and water don't mix.

>>>>

>>>> By the way, we have to stop blaspheming genetically modified foods. There is actually a bill working its way through the Vermont Legislature that would require food producers to label their products containing GMOs. You've got to be kidding! Why should we care if our food contains organisms whose genes have been spliced, diced and replaced with cross-species DNA? It's just another example of overregulation to expect the food industry to tell us if there is pig DNA in our tomatoes.

>>>>

>>>> And speaking of wondering what's really in our food, can we finally put a stop to all of this "pink slime" nonsense? The beef industry insists that this mix of fatty beef by-products and connective tissue,

ground up and treated with ammonium hydroxide, is perfectly safe. I mean, for years we have been feeding this to our pets — so why would it be bad for our children?

>>>>

>>>> Happy April Fools' Day!

>>>>

>>>> Carol Tashie, co-owner of Radical Roots Farm, lives in Rutland City and tries hard to find a balance between what is possible and what is impossible to ignore. She can be reached at [carolweeklyplanet@yahoo.com](mailto:carolweeklyplanet@yahoo.com)<<mailto:carolweeklyplanet@yahoo.com>>.

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>>>> Merger on the line in legislative battle

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>>>> By Peter Hirschfeld<<mailto:peter.hirschfeld@timesargus.com>>

>>>> Vermont Press Bureau - Published: April 1, 2012

>>>>

>>>> MONTPELIER – On one fact everyone agrees: a proposed merger between the state's two largest electric utilities will have to include a \$21 million payout to customers of Central Vermont Public Service Corp.

>>>>

>>>> How the value is delivered, however, and what form the compensation takes, is the subject of an intensifying legislative battle that could derail the \$702 million merger deal between Green Mountain Power and CVPS.

>>>>

>>>> On one side sits the state of Vermont and the two utilities, which last week inked a Memorandum of Understanding spelling out the terms of a "windfall" provision they say more than satisfies the obligation to ratepayers.

>>>>

>>>> By investing \$21 million in weatherization programs and other efficiency projects, according to GMP spokeswoman Dorothy Schnure, the consolidated utility would generate at least \$40 million in energy savings for approximately 137,000 customers in CVPS' service territory.

>>>>

>>>> A growing coalition of lawmakers, bound by principle and not party, calls the proposal an insult to the ratepayers, who a decade ago bailed out their utility by paying above-market electricity costs because of a hydro contract gone bad.

>>>>

>>>> If it was cash that came out of ratepayers' pockets then, says Rep. Patti Konline, the Dorset Republican leading the charge, then it's cash that ought to be given back to them now.

>>>>

>>>> "There were a lot of legislators that were kind of sitting on the sidelines, and then they saw what was actually in this MOU," Konline says. "And now that they see what's actually being proposed, they're just appalled."

>>>>

>>>> Konline says she has the votes needed to pass legislation that would force GMP to send checks totaling \$21 million to CVPS customers.

>>>>

>>>> Schnure, meanwhile, says a law to that effect "would likely kill" the deal.

>>>>

>>>> With four weeks left in the session, House leaders are working to avoid a legislative showdown that could kill the biggest utility merger in the history of the state.

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>>>> The debate stems from a 2001 order by the Public Service Board in which the three-person panel approved, with conditions, an unconventional rate hike sought by CVPS.

>>>>

>>>> CVPS hit a financial rough patch early in the last decade when its long-term power contract with Hydro Quebec forced the utility to pay above-market rates for wholesale electricity.

>>>>

>>>> To stave off financial calamity, CVPS sought permission for a rate hike from the Public Service Board in excess of what the board's conventional rate-setting formula would otherwise allow.

>>>>

>>>> In June of 2001, the PSB approved an order granting the rate, which, despite being higher than its "traditional cost-of-service methodology," would "provide CVPS with sufficient revenues ... to maintain an investment-grade credit rating ... and remain financially viable."

>>>>

>>>> Failure to grant the rates, the PSB wrote in its order, could cause CVPS "to default on its power purchase obligations under the (Hydro Quebec contract)," an event that would negatively affect not only CVPS but also "have serious financial consequences for many other Vermont electric utilities and their ratepayers."

>>>>

>>>> The board stipulated, however, that the money was to be treated as a loan. The order included safeguards against "unjust enrichment" that would allow CVPS shareholders to profit off what amounted to a forced emergency loan from ratepayers.

>>>>

>>>> The sale of CVPS to another company, according to the order, would "trigger the windfall sharing mechanism," an as-yet unidentified process through which CVPS will remunerate its ratepayers.

>>>>

>>>> Everyone agrees the mechanism has been triggered. How it's engineered is another matter altogether.

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>>>> Criticism of the MOU signed by the Department of Public Service and the utilities was immediate and severe.

>>>>

>>>> GMP proposes to spend \$10 million over two years in weatherization programs for low-income Vermonters. The utility would spend another \$2 million on weatherization for moderate-income ratepayers, plus an additional \$9 million in other efficiency projects.

>>>>

>>>> The investment, GMP says, will generate \$40 million in savings.

>>>>

>>>> "The board didn't say it was a loan, it said that customers should benefit in some way from the sale (of CVPS)," Schnure says. "And so what we've proposed now is something that delivers value to customers in a way that is consistent with the board order, and provides a way for CVPS customers to share in the upside value of the merger transaction."

>>>>

>>>> Rep. Oliver Olsen, a Jamaica Republican, says there's one key problem with the proposal: the utility wants to use ratepayers' money to make its \$21 million investment.

>>>>

>>>> "They're essentially offering to satisfy the windfall provision by taking an additional \$21 million from ratepayers and using that to fund these weatherization investments," Olsen says.

>>>>

>>>> In fact, the MOU stipulates that the \$21 million in "project investments will be recovered in the Company's rates."

>>>>

>>>> A memo issued by an attorney for the Legislature concludes that “the mechanism would not require shareholders to pay ratepayers any proceeds from the acquisition.”

>>>>

>>>> Rep. Paul Poirier, a Barre Independent, says that if shareholders are held harmless in the deal, then they’re going to enjoy the “unjust enrichment” the 2001 board order sought to prevent.

>>>>

>>>> “The whole idea was that if there’s money to be made off this company, then ratepayers get their money back before the company takes its profits,” Poirier says.

>>>>

>>>> “Forcing customers to subsidize their own efficiency program is hardly the same as paying someone back.”

>>>>

>>>> Rep. Cynthia Browning, an Arlington Democrat, says the vast majority of ratepayers won’t enjoy a direct benefit from the windfall provision, since the money will fund only a few thousands home-improvement projects.

>>>>

>>>> And Olsen has called into question the methodology that will be used to calculate the dollar-value of the alleged \$40 million benefit to ratepayers.

>>>>

>>>> According to the MOU, the calculation will include things like “avoided investments in infrastructure,” “emission reductions” and “reduced supply risk.”

>>>>

>>>> “I mean, these are things that are difficult to assign dollar values to, and even if you do, I’m not certain that have any dollar value to the ratepayers that are supposed to be benefiting in some monetary way,” Olsen says.

>>>>

>>>> Commissioner of Public Service Elizabeth Miller says she negotiated the best deal she could on behalf of CVPS ratepayers. She points to a 2007 decision by the PSB in which the board approved a similar windfall-sharing mechanism when Green Mountain Power was acquired by Montreal-based Gaz Metro.

>>>>

>>>> The utility satisfied its \$8 million financial obligation to ratepayers in that deal by investing \$8 million in efficiency programs. The board, however, ruled explicitly that the utility could recoup that investment in the form of higher rates.

>>>>

>>>> So long as the returns on that investment accrued to ratepayers, the board said, the windfall requirement was satisfied.

>>>>

>>>> “Assuming that GMP can reasonably calculate the benefits and demonstrate that the investments and the benefits there from would not have been obtained except for the Efficiency Fund, we expect that customers will receive the full Windfall Sharing amounts through this mechanism,” the board wrote. “For this reason, we accept GMP’s proposal even though the investments are included in rate base.”

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>>>> Komline, Poirier, Browning and Rep. Chris Pearson, a Burlington Progressive, have sponsored legislation that would require the utility to satisfy the windfall provision by issuing checks totaling \$21 million to CVPS ratepayers.

>>>>

>>>> Komline, a former House minority leader, says she has 73 sponsors on the bill, but 82 votes – a majority in the 150-member House.

>>>>

>>>> “Some people have told me they support the bill but don’t want to sign on because they don’t want to get hassled by all the lobbyists working for GMP and CVPS,” Komline says.

>>>>

>>>> Schnure says the one-time payout would likely destroy the financing package on which the merger-deal is based.

>>>>

>>>> That warning has won little sympathy from supporters of the bill.

>>>>

>>>> “If it’s that fragile then frankly I don’t think it makes sense for this merger to go through anyway,” Poirier says.

>>>>

>>>> But House leadership, including Speaker Shap Smith, opposes legislative intervention in the quasi-judicial PSB process.

>>>>

>>>> Rep. Tony Klein, an East Montpelier Democrat, will play the role of diplomat in the coming days as he works to broker a deal that satisfies lawmakers’ concerns without interfering in the PSB docket.

>>>>

>>>> Without a deal, Klein says, leadership will hold back important bills to which Komline and Poirier might seek to attach their legislation as an amendment.

>>>>

>>>> That could mean the death of legislation that would allow people to opt out of having smart meters placed on their homes, as well as bills dealing with commercial building energy standards, energy planning and telecommunications.

>>>>

>>>> And if Komline and Poirier can find a vehicle for their legislation, then the Legislature could bring an abrupt halt to a merger that GMP says will save ratepayers at least \$144 million on energy bills over the next decade.

>>>>

>>>> “There are a number of potential unintended consequences. I don’t think the people proposing this amendment want those unintended consequences, but I think they need to understand what they’re putting at risk,” Klein says. “It would be a shame to jeopardize something that many CVPS ratepayers and many GMP ratepayers are interested in seeing go forward.”