

1 H.94

2 Introduced by Representatives Ancel of Calais and Heath of Westford

3 Referred to Committee on

4 Date:

5 Subject: Commerce and trade; petroleum products; heating fuel dealers; price
6 reporting and disclosure

7 Statement of purpose of bill as introduced: This bill proposes to require
8 heating fuel dealers to report daily to the Department of Public Service the
9 average price per gallon for each petroleum product offered for retail sale and
10 to require the Department to publish this information daily on its website.

11 An act relating to reporting and disclosure of heating fuel prices

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. 9 V.S.A. chapter 110 is redesignated to read:

14 CHAPTER 110. PETROLEUM INVENTORIES; HEATING FUEL

15 PRICES; REPORTING REQUIREMENTS

16 Sec. 2. 9 V.S.A. §§ 4111 through 4113 are amended to read:

17 § 4111. DEFINITIONS

18 As used in this chapter:

1 (1) “Commissioner” means the ~~commissioner of the department of~~
2 ~~public service~~ Commissioner of Public Service or ~~the commissioner’s~~
3 designee.

4 (2) “Consumer” means any person who purchases or contracts for a
5 petroleum product for consumption and not for resale.

6 (3) “Petroleum product” means propane, gasoline, unleaded gasoline,
7 kerosene, number two heating oil, diesel fuel, kerosene base jet fuel, and
8 number four, five, and six residual oil for utility and nonutility uses.

9 ~~(3)~~(4) “Primary storage facility” or “facility” means any facility or
10 terminal with a capacity of 50,000 gallons or more which receives petroleum
11 products by ship, barge, pipeline, truck, or rail, for holding within the state.

12 (5) “Seller” means a person regularly engaged in the retail business of
13 selling to consumers in Vermont a petroleum product to be used as
14 heating fuel.

15 § 4112. DUTY OF DEPARTMENT OF PUBLIC SERVICE

16 (a) The ~~commissioner~~ Commissioner shall collect and keep on file any data
17 required under this chapter from persons owning or leasing primary storage
18 facilities and from sellers.

19 (b) On the Department’s website, the Commissioner shall publish a daily
20 report that contains, with respect to each seller, the average price, by category

1 and price plan, charged by the seller per gallon for each petroleum product
2 offered to consumers for the current day.

3 (c) As used in this section, “category” means a quantity of petroleum
4 product offered by a seller that determines the unit price to be charged to the
5 consumer.

6 (d) As used in this section, “price plan” means a method of paying for
7 heating fuel determined by the Commissioner to be available to consumers in
8 Vermont, such as cash, prebuy, fixed, or price cap.

9 § 4113. INVENTORY REPORTING; AND CONFIDENTIALITY; PRICE
10 REPORTING AND DISCLOSURE; RULES

11 (a)(1) The ~~commissioner~~ Commissioner may ~~promulgate regulations~~ adopt
12 rules which require any person owning or leasing primary storage facilities
13 within the state to report to the ~~commissioner~~ Commissioner data concerning
14 storage, inventory, and product receipts.

15 ~~(b)(2)~~ Reports filed pursuant to this section shall be an exempt record and
16 subdivision are confidential pursuant to 1 V.S.A. § 317(b)(1) and exempt from
17 public inspection and copying under the Public Records Act and shall be
18 maintained for the sole and confidential use of the ~~commissioner~~
19 Commissioner, except that the reports may be disclosed to the federal
20 government or to the appropriate energy agency or department of another state
21 with substantially similar confidentiality statutes for regulations with respect to

1 such reports. However, the ~~commissioner~~ Commissioner shall make available
2 to appropriate committees of the ~~general assembly~~ General Assembly
3 statistical information derived from the reports required by this section,
4 provided that this may be done in a manner which preserves the confidentiality
5 of the reports submitted by particular persons.

6 (b)(1) On an electronic form developed by the Commissioner, each seller
7 shall provide daily to the Commissioner:

8 (A) The data described in subdivision 4112(b)(1) of this title.

9 (B) Such other information as the Commissioner reasonably
10 determines to be necessary to publish the report described in subsection
11 4112(b) of this title.

12 (2) Data and information provided under this subsection shall be a
13 public record under 1 V.S.A. §§ 316 and 317 and shall not be exempt from
14 disclosure, notwithstanding any other provision of law to the contrary.

15 (c) The Commissioner may adopt rules to implement this chapter.

16 Sec. 3. EFFECTIVE DATES; INITIAL ADOPTION OF REPORTING

17 FORM

18 (a) This section shall take effect on passage.

19 (b) Secs. 1 and 2 of this act shall take effect on July 1, 2013, except that the
20 authority of the Commissioner of Public Service to adopt a form under Sec. 2,
21 9 V.S.A. § 4113(b)(1), shall take effect on passage.

- 1 (c) On or before June 30, 2013, the Commissioner of Public Service shall
- 2 develop the form described in Sec. 2, 9 V.S.A. § 4113(b)(1).