

1 H.102

2 Introduced by Representative Lippert of Hinesburg

3 Referred to Committee on

4 Date:

5 Subject: Energy; commerce and trade; petroleum products; heating fuel

6 dealers; price reporting and disclosure

7 Statement of purpose: This bill proposes to require heating fuel dealers to

8 report each month to the department of public service the average price per

9 gallon and to require the department to publish this information monthly.

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

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

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

13 CHAPTER 110. PETROLEUM INVENTORIES; HEATING FUEL

14 PRICES; REPORTING REQUIREMENTS

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

16 § 4111. DEFINITIONS

17 As used in this chapter:

18 (1) "Commissioner" means the commissioner of the department of

19 public service or the commissioner's designee.

1 (2) “Consumer” means any person who purchases, leases, contracts for,
2 or otherwise agrees to pay consideration for a petroleum product not for resale
3 in the ordinary course of his or her trade or business but for his or her use or
4 benefit or the use or benefit of a member of his or her household, or in
5 connection with the operation of his or her household or a farm whether or not
6 the farm is conducted as a trade or business, or a person who purchases, leases,
7 contracts for, or otherwise agrees to pay consideration for a petroleum product
8 not for resale in the ordinary course of his or her trade or business but for the
9 use or benefit of his or her business or in connection with the operation of his
10 or her business.

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

14 ~~(3)~~(4) “Primary storage facility” or “facility” means any facility or
15 terminal with a capacity of 50,000 gallons or more which receives petroleum
16 products by ship, barge, pipeline, truck, or rail, for holding within the state.

17 (5) “Seller” means a person regularly engaged in a business of selling to
18 consumers in Vermont a petroleum product to be used as heating fuel.

1 § 4112. DUTY OF DEPARTMENT OF PUBLIC SERVICE

2 (a) The commissioner shall collect and keep on file any data required under
3 this chapter from persons owning or leasing primary storage facilities and from
4 sellers.

5 (b) The commissioner shall publish a report monthly that contains at least
6 each of the following:

7 (1) With respect to each seller, the average price, by category and price
8 plan, charged during each of the immediately preceding two months by the
9 seller per gallon for each petroleum product offered by the seller to consumers
10 for use as heating fuel.

11 (2) With respect to the aggregate of all sellers:

12 (A) By type of price plan, the average price and range of prices
13 charged during each of the immediately preceding two months for each
14 petroleum product offered to consumers for use as heating fuel.

15 (B) By type of price plan, the average price and range of prices
16 charged during the month ending 12 months prior to the report for each
17 petroleum product offered to consumers for use as heating fuel.

18 (C) The average cost per million British thermal units of each kind of
19 petroleum product offered to consumers for use as heating fuel, calculated
20 based on the immediately preceding month.

1 (c) For the purpose of this section, “category” means a quantity of
2 petroleum product offered by a seller that determines the unit price to be
3 charged to the consumer (e.g., from zero through 500 gallons the price is x, and
4 above 500 gallons the price is y).

5 (d) For the purpose of this section, “price plan” means a method of paying
6 for heating fuel determined by the commissioner to be available to consumers
7 in Vermont (e.g., cash, prebuy, fixed, price cap).

8 § 4113. INVENTORY REPORTING; AND CONFIDENTIALITY; PRICE
9 REPORTING AND DISCLOSURE; RULES

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

13 ~~(b)~~(2) Reports filed pursuant to this ~~section~~ subsection shall be an exempt
14 record and confidential pursuant to ~~subdivision 317(b)(1) of Title 1~~ 1 V.S.A.
15 § 317(b) and shall be maintained for the sole and confidential use of the
16 commissioner, except that the reports may be disclosed to the federal
17 government or to the appropriate energy agency or department of another state
18 with substantially similar confidentiality statutes for regulations with respect to
19 such reports. However, the commissioner shall make available to appropriate
20 committees of the general assembly statistical information derived from the
21 reports required by this section, provided that this may be done in a manner

1 which preserves the confidentiality of the reports submitted by particular
2 persons.

3 (b)(1) On a form to be adopted by the commissioner, as it may be revised
4 from time to time in the commissioner's discretion, each seller shall provide to
5 the commissioner no less frequently than monthly:

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

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

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

13 (c) The commissioner may adopt rules to implement this chapter.

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

15 FORM

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

17 (b) Secs. 1 and 2 of this act shall take effect on July 1, 2011, except that the
18 authority of the commissioner of public service to adopt a form under Sec. 2,
19 9 V.S.A. § 4113(b)(1), shall take effect on passage.

20 (c) No later than June 30, 2011, the commissioner of public service shall
21 adopt the form described in Sec. 2, 9 V.S.A. § 4113(b)(1).