



**State of Vermont
Public Utility Commission**

MEMORANDUM

To: House Committees on Appropriations and on Ways and Means
Senate Committees on Appropriations and on Finance

From: Ed McNamara, Public Utility Commission Chair *EM*

Re: Public Utility Commission Fee Report for the 2025 Legislative Session

Date: December 15, 2024

Section E.127.1 of Act 113 of 2024 directs the Public Utility Commission (“PUC”) to prepare a comprehensive fee report for each fee that is in effect in fiscal year 2025. Below is a listing of the Legislative directives under Section E.127.1 and the PUC’s responses to each directive. A table that provides additional detail is attached.

1. The statutory authorization and termination date, if any.

See columns D and E in the attached table.

2. The current rate or amount of the fee and the date the fee was last set or adjusted by the General Assembly or Joint Fiscal Committee.

See columns J and K in the attached table.

Please note that rows 10-13 list the amount of the fees as set out in statute. However, by statute, the revenues from these fees are split between the PUC (40%) and the Public Service Department (“PSD”) (60%).

The fees for rows 10-13 were implemented in 2019 and have never been adjusted. However, in 2024 statutory language was added clarifying that certain energy storage facilities are eligible for the lower application and modification fees.

3. The Fund into which the fee revenues are deposited.

See columns G and H in the attached table. In rows 4-13, the Fund listed is the one into which the PUC’s share of those fee revenues is deposited at the end of each fiscal year. All of those revenues are collected by the PSD and initially deposited into its special fund. On the last day of the fiscal year, the PSD transfers the PUC’s share of the revenues into the PUC’s special fund (Account 21709).

4. The amount of the revenues derived from the fee in each of the five fiscal years preceding fiscal year 2025.

See columns L, M, N, P, and R in the attached table. Please note that the revenues from the application and modification fees listed in rows 10-13 are only the PUC's share of the revenues from those fees and are net of any refunds that were provided pursuant to 30 V.S.A. § 248d. In addition, in FY20, information was not collected at the level needed to allocate the fees collected among rows 10-13. Therefore, the PUC's share of the FY20 revenues from the fees in rows 10-13 are aggregated in row 10.

5. The number of times that the fee was paid in each of the two fiscal years preceding fiscal year 2025.

See columns O and Q in the attached table. As previously noted, the revenues in rows 4-13 are collected by the PSD. At the end of the fiscal year, the PSD transfers the PUC's share into the PUC's special fund. With respect to the gross receipts tax revenues in rows 4-9, providing the number of individual fee payments could be misleading because the amount of each utility's payment varies depending on that utility's gross receipts.

The PUC collects the revenues in lines 14 and 15. However, because individual penalty amounts and rate case billings vary widely, providing the number of fee payments could be misleading. The PUC submits an annual report on costs that are billed back to case parties pursuant to 30 V.S.A. §21(e). This report lists the total amount that each company or person was billed in that year.

6. A projection of the fee revenues in fiscal years 2025 and 2026.

See columns S and T in the attached table.

Approximately two-thirds of the PUC's gross receipts tax revenues come from the electric sector. Historically these revenues have been fairly stable, although the last two years have not been consistent with that trend. Actual electric gross receipts tax revenues increased approximately 12.5% in FY23 and then decreased more than 5% in FY24.

Over the long term, the PUC expects that Vermont's policies that encourage the electrification of the heating and transportation sectors will increase electric gross receipts tax revenues, but the timing of this increase is uncertain. FY25 gross receipts tax revenues were estimated by increasing FY23 actual gross receipts tax revenues by 4%, which was slightly more than the five-year average growth in these revenues. FY26 gross receipts tax revenues for all industries except electric were estimated by increasing FY24 gross receipts tax revenues by 2.5%, which is the six-year average growth in these revenues. FY26 electric gross receipts tax revenues were increased by 4.5%, which is based on an analysis of eight months of actual revenue data for the largest electric companies.

Application and modification fee revenues were forecast based on recent and projected trends in the number of applications and modifications being filed with the PUC. The projected trends take into account changes to the PUC's net-metering rule that took effect in March 2024 and that are expected to reduce the number of modifications filed with the PUC.

The penalties in row 14 are assessed on a case-by-case basis only if a violation occurs. The PUC does not assume that any violations will occur. Therefore, there are no expected revenues from penalties in FY25 and FY26.

The rate case billings in row 15 are costs incurred by the PUC and billed back to the utility or applicant in a particular case. These are primarily costs for court reporters and other contractors and fluctuate from year to year, depending on the cases that are pending before the PUC during each year. The PUC's FY25 and FY26 estimates are based on historical costs billed back for court reporter services. The PUC submits to the Legislature an annual report on billbacks pursuant to 30 V.S.A. § 21(e).

7. A description of the service or product provided or the regulatory function performed by the entity supported by the fee.

The PUC regulates the siting of electric and natural gas infrastructure and supervises the rates, quality of service, and overall financial management of Vermont's public utilities: electric, gas, energy efficiency, telecommunications, cable television (terms of service only, not rates), water, and large wastewater companies. The PUC's regulation of these utilities is supported by a tax on the utilities' gross revenues.

Entities who want to construct or modify electric generation or energy storage facilities must obtain a certificate of public good from the PUC. The PUC administers a streamlined permitting process for small generation facilities and those on a rooftop. For larger facilities, the Commission conducts a public, quasi-judicial process in which it considers the statutory factors set out in 30 V.S.A. § 248 to determine whether the facility will be in the public good. Applicants who do not pay the gross revenue tax pay an application fee that is intended to cover the PUC's costs of reviewing the applications.

The PUC also conducts public, quasi-judicial processes related to alleged violations of Commission orders, certificates of public good, or rules or certain provisions of Title 30. The PUC may issue penalties if it finds that a violation occurred.

8. The amount of the fee if it were adjusted for inflation from the last time the fee amount was modified.

See columns U and V in the attached table. The Personal Consumption Expenditures (PCE) price index and the Implicit Price Deflator for State and Local Government (NIPA) index were used to estimate fee adjustments due to inflation. Those results are presented in separate columns.

9. For any fees deposited in a special fund, the percentage of the special fund's revenues that the fee represents.

See column I in the attached table. The percentages are based on FY24 revenues only.

10. Any available information regarding comparable fees in other jurisdictions.

Gross Receipts Tax

Like in Vermont, the public utility commissions in all other New England states and New York are funded by assessments on the utilities those commissions regulate. In all of those states the assessments are calculated based at least in part on the utilities' gross operating revenues. However, unlike in Vermont, the assessment rate is not set in statute.

Rather, the other states' statutes specify the processes to be used to calculate each utility's assessment.¹ In each state the first step is a determination of the commission's expenses for the year. (In some states this is an estimate; in others it is the amount appropriated by the Legislature.) The commission's expenses are added to the expenses of any other state agencies funded by the utility assessments. (Which agencies are funded varies by state.) Then the commission or another state agency allocates that amount among the utilities. In most states the allocation is based on each utility's share of all utilities' gross revenues. However, in Maine, the total amount is apportioned among utility industries first, based on the portion of the commission's resources devoted to matters related to that industry. The exact assessment calculations differ by state, with some states counting only a portion of certain types of utilities' gross revenues or exempting utilities whose gross revenues are below a certain threshold. Some states include a "true-up" in the event that the commission's actual expenses for the year are more or less than the amount collected from the utilities.

Application Fees

The permitting processes for generation and energy storage projects are different in Vermont than in the other New England states and New York. In Vermont, all generation projects, regardless of size, and all energy storage projects whose capacity is larger than 100 kW need a certificate of public good from the PUC. In the other states, permitting of most generation and energy storage projects is handled by municipalities.

Generation

Permit requirements and fees for generation projects vary by municipality. Some municipalities require only one permit while others require both a building permit and an electrical permit. Online google searches of permitting requirements in each state² showed that many municipalities' permit fees include a component that is based on project cost. However, the PUC does not collect project cost data, so direct comparisons between the fees received by the PUC and by these municipalities is not possible.

Many municipalities also include a specified "base" fee. A few include a component that is based on square footage or acreage. One based the fee on the number of solar panels. A few charged a flat fee ranging from \$50 to \$400. Two of the municipalities that appeared in the search results included a component of the fee that was based on generation capacity.

- In Poland, Maine, the fee for an electrical permit for generation projects that are between 20,000 square feet and four acres is \$6,000 plus \$0.0025/watt. The fee for an electrical permit for generation projects larger than four acres is \$12,000 plus \$0.0025/watt.
- In Croton-on-Hudson, New York, the fee for a solar project of up to 4 kilowatt (kW) is \$350. The fee for a solar project that is 4 kW through 10 kW is \$450. The fee for a solar project that is larger than 10 kW through 50 kW is \$450 plus

¹ Copies of these state statutes are attached at the end of this document.

² The PUC did not conduct a comprehensive review of all municipalities' permitting requirements. Rather, the PUC looked at the first couple of pages of google search results for each state.

\$25/kW (or fraction thereof) above 10 kW. Projects larger than 50 kW pay commercial building permit fees, which are based on project cost.

Several states handle the siting of large generation projects at the state level. However, all generation projects filed in Vermont since the PUC's application fee was instituted are smaller than the size thresholds for state-level permitting in Massachusetts, Rhode Island, and New York.³ The Connecticut Siting Council permits generation projects with a capacity greater than 1 MW. Its application fees are based on project cost – for projects that cost up to \$5 million, the fee is 0.05% or \$1,250, whichever is greater; for projects that cost more than \$5 million, the fee is 0.1% or \$25,000, whichever is greater.

Energy Storage

Energy storage (particularly battery storage) is a newer technology and many municipalities do not mention energy storage in their permitting requirements. Some allow joint solar/battery storage projects to include the battery storage component on the solar application form with no increase in the fee. Only one municipality that appeared in the search results reviewed by the PUC specifically identified the cost of permits for energy storage projects:

- In Southampton, New York, a battery storage project requires both a building permit and an electrical permit. The fee for a building permit for a project through 80 kW is \$80. The fee for a building permit for a project that is 81 kW through 600 kW is \$200. The fee for a building permit for a project that is larger than 600 kW is \$400. The cost of the electrical permit varies from \$100 to \$1,000 depending on the size of the project and whether it is considered residential or commercial.

Connecticut and New York permit some energy storage projects at the state level. In Connecticut the fees are the same as for generation projects. New York permits large energy storage projects at the state level only when they are paired with on-site generation.

11. Any policies or trends that might affect the viability of the fee amount.

Revisions to Commission Rule 5.100, which governs the net-metering program, took effect March 1, 2024. Many of the changes were administrative in nature and streamlined the registration and application processes, including narrowing the scope of modifications that must be filed with the Commission for approval. Based on the data so far, the PUC expects that fewer modifications to net-metering projects will be filed in the future.

Act 179 of 2024 changed the requirements of Vermont's Renewable Energy Standard with the goal of increasing the percentage of Vermont's electricity needs that are met with renewable energy. These statutory changes may lead to an increase in the number of

³ The largest generation projects filed with the PUC since the application fee was instituted are 20 MW. In New York, projects that are 25 MW or larger must be permitted at the state level; projects that are at least 20 MW and less than 25 MW may choose whether to be permitted at the state level. For projects that are permitted at the state level, the fee is \$1,000 per MW of capacity plus an additional \$1,000 per MW of capacity that is deposited into a "local agency account."

applications for new renewable energy projects that are filed with the PUC by entities who are required to pay an application fee.

12. Any other relevant considerations for setting the fee amount.

Historically, the PUC was funded by the utility gross receipts tax and almost all of the PUC's work focused on utilities. However, starting approximately 20 years ago, the PUC's work shifted so that a significant portion of the PUC's time is now spent on programs and review of applications for certificates of public good that are filed by entities that do not pay the gross receipts tax. The application fee was implemented in 2019 so that those entities would pay a portion of the PUC's costs in reviewing their applications. However, the revenues from application fees are only a fraction of the cost of the work performed by the PUC to review those applications.

- The PUC as an agency spends approximately 36% of its time on matters related to applications filed by entities that do not pay the gross receipts tax.⁴
- The application fees paid in FY24 were only 3.8% of the PUC's FY24 special-fund revenues.
- FY26 application fee revenues are estimated to be 3.2% of the PUC's proposed FY26 budget.

The fees for modifications are particularly low compared to the cost of the work performed by the PUC to review the proposed modifications. For example, the PUC spends at least as much time reviewing a net-metering registration form that is an amendment as it does reviewing a net-metering registration form that is for a completely new project; however, the fee for a modification is only one-fourth of the fee for a new application.

⁴ This estimation excludes the time of the employees in the new positions authorized by Act 18 of 2023 because they work solely on the tasks required by Act 18 and were not funded by the PUC's special fund in FY24.

Public Utility Commission Fee Report for 2025 Legislative Session

Department	Fee Name	Fee Description Include service or product provided or regulatory function performed, who pays the fee, and fee assessment frequency.	Statutory Reference	Fee Setting Authority	Termination Date (if any)	Fund Number Receiving Fee Revenue	Fund Name Receiving Fee Revenue	% of Fund, based on total fund revenue	Current Fee
Column A	Column B	Column C	Column D	Column E	Column F	Column G	Column H	Column I	Column J
PUC	Gross Revenue	Annual gross receipts tax paid by electric utilities	30 V.S.A. § 22(a)(2)(A)	Legislature	N/A	21709	PUC-Special Fds	61.85%	0.00205 of gross operating revenue
PUC	Gross Revenue	Annual gross receipts tax paid by telephone companies	30 V.S.A. § 22(a)(2)(B)	Legislature	N/A	21709	PUC-Special Fds	8.79%	0.002 of gross operating revenue
PUC	Gross Revenue	Annual gross receipts tax paid by natural gas utility	30 V.S.A. § 22(a)(2)(C)	Legislature	N/A	21709	PUC-Special Fds	6.36%	0.00205 of gross operating revenue
PUC	Gross Revenue	Annual gross receipts tax paid by water utilities regulated by the PUC	30 V.S.A. § 22(a)(2)(D)	Legislature	N/A	21709	PUC-Special Fds	0.01%	0.0004 of gross operating revenue or \$2, whichever is greater
PUC	Gross Revenue	Annual gross receipts tax paid by cable companies	30 V.S.A. § 22(a)(2)(E)	Legislature	N/A	21709	PUC-Special Fds	15.79%	0.002 of gross operating revenue or \$10, whichever is greater
PUC	Gross Revenue	Annual gross receipts tax paid by coin-operated telephone operators	30 V.S.A. § 22(a)(2)(F)	Legislature	N/A	21709	PUC-Special Fds	0.02%	the choice of either 0.002 of gross operating revenue or \$8
PUC	§ 248 Application Fee for PUC	\$100 fee for applications for (1) electric generation facilities less than or equal to 50 kW plant capacity, (2) electric generation facilities located on a rooftop, (3) hydroelectric project filing a net-metering registration, (4) facilities filed under § 248(n), and (5) energy storage facilities less than or equal to 1 MW in capacity that are required to obtain a § 248 certificate of public good, are proposed to be located inside an existing building, and that would not require any ground disturbance work or upgrades to the distribution system. Applicants who pay the gross receipts tax pursuant to 30 V.S.A. § 22 do not pay this fee.	30 V.S.A. § 248c(d)(1)	Legislature	N/A	21709	PUC-Special Fds	1.74%	\$100
PUC	§ 248 Application Fee for PUC - modifications	\$25 fee for modifications for (1) electric generation facilities less than or equal to 50 kW plant capacity, (2) electric generation facilities located on a rooftop, (3) hydroelectric project filing a net-metering registration, (4) facilities filed under § 248(n), and (5) energy storage facilities less than or equal to 1 MW in capacity that are required to obtain a § 248 certificate of public good, are proposed to be located inside an existing building, and that would not require any ground disturbance work or upgrades to the distribution system. Applicants who pay the gross receipts tax pursuant to 30 V.S.A. § 22 do not pay this fee.	30 V.S.A. § 248c(d)(2)	Legislature	N/A	21709	PUC-Special Fds	0.17%	\$25
PUC	§ 248 Application Fee for PUC	\$5 per kW fee for applications for electric generation facilities and energy storage facilities that are required to obtain a § 248 certificate of public good and that do not qualify for the lower fee in 30 V.S.A. § 248c(d)(1)	30 V.S.A. § 248c(d)(3)(A)	Legislature	N/A	21709	PUC-Special Fds	1.84%	\$5 per kW

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Column A	Column B	Column C	Column D	Column E	Column F	Column G	Column H	Column I	Column J
PUC	§ 248 Application Fee for PUC - modifications	\$100 fee for modifications for electric generation facilities and energy storage facilities that are required to obtain a § 248 certificate of public good and that do not qualify for the lower fee in 30 V.S.A. § 248c(d)(1)	30 V.S.A. § 248c(d)(3)(B)	Legislature	N/A	21709	PUC-Special Fds	0.00%	\$100
PUC	Penalties	Enforcement penalties for violations of a PUC order or rule or a provision of Title 30 chapters 2, 3, 5, 7, 75, or 89 Enforcement penalties for violations of 30 V.S.A. §§ 7004, 7006, 7006a, 7006b, or 7007	30 V.S.A. § 30 30 V.S.A. § 7008	Legislature	N/A	10000	General Fund	N/A	For a single violation, not more than \$85,000; for a continuing violation, not more than \$170,000 or 0.1% of the gross Vermont revenues from the regulated activity of a company that pays gross receipts taxes under 30 V.S.A. § 22. The maximums are in addition to any financial benefit to the violator resulting from the violation. For violations of Title 30 chapters 3 or 5, excluding sections 231 or 248, if a violation did not cause or was not likely to cause specified harms, not more than \$42,500, in addition to any financial benefit to the violator resulting from the violation. Not more than \$500 for the first offense, not more than \$1,000 for the second offense within one year, not more than \$1,500 for the third offense within one year, and not more than \$5,000 for the fourth or subsequent offense within one year.
PUC	Rate Case Billings	Allocation of specific expenses incurred by the PUC to the utility or applicant involved in a particular case	30 V.S.A. § 20 & 21	Legislature	N/A	21709	PUC-Special Fds	3.41%	There is no "rate" or "fee" in statute.
PUC	Sales of Service	Fees for copies and/or FOIA requests in accordance with the Secretary of State's uniform schedule of public record charges.	1 V.S.A. § 316	Secretary of State	N/A	21709	PUC-Special Fds	0.00%	See the Secretary of State's uniform schedule of public record charges.

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Department	Fee Name	Fee Description Include service or product provided or regulatory function performed, who pays the fee, and fee assessment frequency.	Last Year Changed (Leg. Session)	FY20 Actual Receipts	FY21 Actual Receipts	FY22 Actual Receipts	FY23 Instances of Fee Payments	FY23 Actual Receipts	FY24 Instances of Fee Payments	FY24 Actual Receipts	FY25 Projected Receipts
Column A	Column B	Column C	Column K	Column L	Column M	Column N	Column O	Column P	Column Q	Column R	Column S
PUC	Gross Revenue	Annual gross receipts tax paid by electric utilities	2019	\$2,369,481.00	\$2,411,319.00	\$2,342,195.00	1	\$2,763,459.34	1	\$2,621,272.27	\$2,873,997.72
PUC	Gross Revenue	Annual gross receipts tax paid by telephone companies	2019	\$514,762.00	\$463,466.00	\$538,266.00	1	\$427,992.81	1	\$372,668.89	\$445,112.52
PUC	Gross Revenue	Annual gross receipts tax paid by natural gas utility	2019	\$137,234.00	\$207,897.00	\$213,894.00	1	\$255,577.14	1	\$269,470.33	\$265,800.22
PUC	Gross Revenue	Annual gross receipts tax paid by water utilities regulated by the PUC	2019	\$483.00	\$318.00	\$480.00	1	\$856.66	1	\$554.30	\$890.92
PUC	Gross Revenue	Annual gross receipts tax paid by cable companies	2019	\$616,055.00	\$591,140.00	\$634,950.00	1	\$667,734.62	1	\$669,253.56	\$694,444.00
PUC	Gross Revenue	Annual gross receipts tax paid by coin-operated telephone operators	2019	\$813.00	\$738.00	\$24.00	1	\$32.00	1	\$884.89	\$33.28
PUC	§ 248 Application Fee for PUC	\$100 fee for applications for (1) electric generation facilities less than or equal to 50 kW plant capacity, (2) electric generation facilities located on a rooftop, (3) hydroelectric project filing a net-metering registration, (4) facilities filed under § 248(n), and (5) energy storage facilities less than or equal to 1 MW in capacity that are required to obtain a § 248 certificate of public good, are proposed to be located inside an existing building, and that would not require any ground disturbance work or upgrades to the distribution system. Applicants who pay the gross receipts tax pursuant to 30 V.S.A. § 22 do not pay this fee.	2019	\$101,144.80	\$91,710.00	\$93,164.00	2,062	\$82,202.00	1,815	\$73,575.71	\$73,308.00
PUC	§ 248 Application Fee for PUC - modifications	\$25 fee for modifications for (1) electric generation facilities less than or equal to 50 kW plant capacity, (2) electric generation facilities located on a rooftop, (3) hydroelectric project filing a net-metering registration, (4) facilities filed under § 248(n), and (5) energy storage facilities less than or equal to 1 MW in capacity that are required to obtain a § 248 certificate of public good, are proposed to be located inside an existing building, and that would not require any ground disturbance work or upgrades to the distribution system. Applicants who pay the gross receipts tax pursuant to 30 V.S.A. § 22 do not pay this fee.	2019	included in line 4 above	\$5,880.00	\$9,960.00	1,292	\$13,210.00	722	\$7,299.73	\$11,781.00
PUC	§ 248 Application Fee for PUC	\$5 per kW fee for applications for electric generation facilities and energy storage facilities that are required to obtain a § 248 certificate of public good and that do not qualify for the lower fee in 30 V.S.A. § 248c(d)(1)	2019	included in line 4 above	\$94,296.00	\$66,980.00	27	\$94,692.40	23	\$78,100.15	\$84,447.00

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Column A	Column B	Column C	Column K	Column L	Column M	Column N	Column O	Column P	Column Q	Column R	Column S
PUC	§ 248 Application Fee for PUC - modifications	\$100 fee for modifications for electric generation facilities and energy storage facilities that are required to obtain a § 248 certificate of public good and that do not qualify for the lower fee in 30 V.S.A. § 248c(d)(1)	2019	included in line 4 above	\$580.00	\$770.00	11	\$520.00	7	\$188.19	\$464.00
PUC	Penalties	Enforcement penalties for violations of a PUC order or rule or a provision of Title 30 chapters 2, 3, 5, 7, 75, or 89 Enforcement penalties for violations of 30 V.S.A. §§ 7004, 7006, 7006a, 7006b, or 7007	30 V.S.A. § 30 - 2021 30 V.S.A. § 7008 - 2008		\$135,750.00	\$221,750.00	1	\$185,775.00	1	\$28,950.00	\$0.00
PUC	Rate Case Billings	Allocation of specific expenses incurred by the PUC to the utility or applicant involved in a particular case	1979	\$356,439.47	\$179,382.00	\$24,251.00	1	\$189,979.70	1	\$144,657.59	\$75,000.00
PUC	Sales of Service	Fees for copies and/or FOIA requests in accordance with the Secretary of State's uniform schedule of public record charges.	N/A	\$0.00	\$0.00	\$0.00	0	\$0.00	0	\$0.00	\$0.00

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Column A	Column B	Column C	Column T	Column U	Column V	Column W
PUC	Gross Revenue	Annual gross receipts tax paid by electric utilities	\$2,739,229.52	0.00244073	0.00251904	
PUC	Gross Revenue	Annual gross receipts tax paid by telephone companies	\$381,985.61	0.0023812	0.0024576	
PUC	Gross Revenue	Annual gross receipts tax paid by natural gas utility	\$276,207.08	0.00244073	0.00251904	
PUC	Gross Revenue	Annual gross receipts tax paid by water utilities regulated by the PUC	\$568.15	0.00047624	0.00049152	
PUC	Gross Revenue	Annual gross receipts tax paid by cable companies	\$685,984.90	0.0023812	0.0024576	
PUC	Gross Revenue	Annual gross receipts tax paid by coin-operated telephone operators	\$885.69	the choice of 0.0053812 of gross operating revenue or \$9.52	the choice of 0.0024576 of gross operating revenue or \$9.83	
PUC	§ 248 Application Fee for PUC	\$100 fee for applications for (1) electric generation facilities less than or equal to 50 kW plant capacity, (2) electric generation facilities located on a rooftop, (3) hydroelectric project filing a net-metering registration, (4) facilities filed under § 248(n), and (5) energy storage facilities less than or equal to 1 MW in capacity that are required to obtain a § 248 certificate of public good, are proposed to be located inside an existing building, and that would not require any ground disturbance work or upgrades to the distribution system. Applicants who pay the gross receipts tax pursuant to 30 V.S.A. § 22 do not pay this fee.	\$73,962.26	\$119.06	\$122.88	Column J lists the amount of the fee as set out in statute. The PUC only receives 40% of the revenues from these fees. The actual and projected receipts listed in columns L-N, P, and R-T are only the PUC's portion of the revenues.
PUC	§ 248 Application Fee for PUC - modifications	\$25 fee for modifications for (1) electric generation facilities less than or equal to 50 kW plant capacity, (2) electric generation facilities located on a rooftop, (3) hydroelectric project filing a net-metering registration, (4) facilities filed under § 248(n), and (5) energy storage facilities less than or equal to 1 MW in capacity that are required to obtain a § 248 certificate of public good, are proposed to be located inside an existing building, and that would not require any ground disturbance work or upgrades to the distribution system. Applicants who pay the gross receipts tax pursuant to 30 V.S.A. § 22 do not pay this fee.	\$7,338.08	\$29.77	\$30.72	Column J lists the amount of the fee as set out in statute. The PUC only receives 40% of the revenues from these fees. The actual and projected receipts listed in columns L-N, P, and R-T are only the PUC's portion of the revenues.
PUC	§ 248 Application Fee for PUC	\$5 per kW fee for applications for electric generation facilities and energy storage facilities that are required to obtain a § 248 certificate of public good and that do not qualify for the lower fee in 30 V.S.A. § 248c(d)(1)	\$78,510.48	\$5.95 per kW	\$6.14 per kW	Column J lists the amount of the fee as set out in statute. The PUC only receives 40% of the revenues from these fees. The actual and projected receipts listed in columns L-N, P, and R-T are only the PUC's portion of the revenues.

Public Utility Commission Fee Report for 2025 Legislative Session

Department	Fee Name	Fee Description Include service or product provided or regulatory function performed, who pays the fee, and fee assessment frequency.	FY26 Projected Receipts	Fee if adjusted for inflation since last change date (PCE Index)	Fee if adjusted for inflation since last change date (NIPA Index)	Additional Comments
Column A	Column B	Column C	Column T	Column U	Column V	Column W
PUC	§ 248 Application Fee for PUC - modifications	\$100 fee for modifications for electric generation facilities and energy storage facilities that are required to obtain a § 248 certificate of public good and that do not qualify for the lower fee in 30 V.S.A. § 248c(d)(1)	\$189.18	\$119.06	\$122.88	Column J lists the amount of the fee as set out in statute. The PUC only receives 40% of the revenues from these fees. The actual and projected receipts listed in columns L-N, P, and R-T are only the PUC's portion of the revenues.
PUC	Penalties	Enforcement penalties for violations of a PUC order or rule or a provision of Title 30 chapters 2, 3, 5, 7, 75, or 89 Enforcement penalties for violations of 30 V.S.A. §§ 7004, 7006, 7006a, 7006b, or 7007	\$0.00	For a single violation, not more than \$96,722; for a continuing violation, not more than \$193,443 or 0.1% of the gross Vermont revenues from the regulated activity of a company that pays gross receipts taxes under 30 V.S.A. § 22. For violations of Title 30 chapters 3 or 5, excluding sections 231 or 248, if a violation did not cause or was not likely to cause specified harms, not more than \$48,361. Not more than \$713 for the first offense, not more than \$1,426 for the second offense within one year, not more than \$2,140 for the third offense within one year, and not more than \$7,132 for the fourth or subsequent offense within one year.	For a single violation, not more than \$95,353; for a continuing violation, not more than \$190,706 or 0.1% of the gross Vermont revenues from the regulated activity of a company that pays gross receipts taxes under 30 V.S.A. § 22. For violations of Title 30 chapters 3 or 5, excluding sections 231 or 248, if a violation did not cause or was not likely to cause specified harms, not more than \$47,677. Not more than \$799 for the first offense, not more than \$1,598 for the second offense within one year, not more than \$2,397 for the third offense within one year, and not more than \$7,989 for the fourth or subsequent offense within one year.	Penalties are assessed on a case-by-case basis only if a violation occurs. The PUC does not assume that any violations will occur. Individual penalty amounts can vary widely as there are many factors and evidence that are evaluated. Providing an average would be misrepresentative.
PUC	Rate Case Billings	Allocation of specific expenses incurred by the PUC to the utility or applicant involved in a particular case	\$75,000.00	N/A	N/A	PUC submits an annual report on billbacks pursuant to 30 V.S.A. § 21(e).
PUC	Sales of Service	Fees for copies and/or FOIA requests in accordance with the Secretary of State's uniform schedule of public record charges.	\$0.00	N/A	N/A	The PUC has not had any such revenue in the last 5 years and does not expect to receive any in FY25 or FY26.

Connecticut - https://www.cga.ct.gov/current/pub/chap_277.htm#sec_16-49

Sec. 16-49. Expenses of the Department of Energy and Environmental Protection's Bureau of Energy and Technology, the Office of Consumer Counsel, the Office of Policy and Management and the operations of the Public Utilities Regulatory Authority. Assessment of regulated companies. (a) As used in this section:

(1) "Company" means (A) any public service company other than a telephone company, that had more than one hundred thousand dollars of gross revenues in the state in the calendar year preceding the assessment year under this section, except any such company not providing service to retail customers in the state, (B) any telephone company that had more than one hundred thousand dollars of gross revenues in the state from telecommunications services in the calendar year preceding the assessment year under this section, except any such company not providing service to retail customers in the state, (C) any certified telecommunications provider that had more than one hundred thousand dollars of gross revenues in the state from telecommunications services in the calendar year preceding the assessment year under this section, except any such certified telecommunications provider not providing service to retail customers in the state, (D) any electric supplier that had more than one hundred thousand dollars of gross revenues in the state in the calendar year preceding the assessment year under this section, except any such supplier not providing electric generation services to retail customers in the state, or (E) any certified competitive video service provider issued a certificate of video franchise authority by the Public Utilities Regulatory Authority in accordance with section [16-331e](#) that had more than one hundred thousand dollars of gross revenues in the state in the calendar year preceding the assessment year under this section, except any such certified competitive video service provider not providing service to retail customers in the state;

(2) "Telecommunications services" means (A) in the case of telecommunications services provided by a telephone company, any service provided pursuant to a tariff approved by the authority other than wholesale services and resold access and interconnections services, and (B) in the case of telecommunications services provided by a certified telecommunications provider other than a telephone company, any service provided pursuant to a tariff approved by the authority and pursuant to a certificate of public convenience and necessity; and

(3) "Fiscal year" means the period beginning July first and ending June thirtieth.

(b) On or before July 15, 1999, and on or before May first, annually thereafter, each company shall report its intrastate gross revenues of the preceding calendar year to the Public Utilities Regulatory Authority, which amount shall be subject to audit by the authority. For each fiscal year, each company shall pay the authority the company's share of all expenses of the department's Bureau of Energy and Technology, the Office of Consumer Counsel, the Office of Policy and Management's expenses related to the duties under sections [16-330b](#) and [16-330c](#) and the operations of the Public Utilities Regulatory Authority for such fiscal year. On or before September first, annually, the authority shall give to each company a statement which shall include: (1) The amount appropriated to the department's Bureau of Energy and Technology, the Office of Consumer Counsel, the Office of Policy and Management's expenses related to the duties under sections [16-330b](#) and [16-330c](#) and the operations of the Public Utilities Regulatory Authority for the fiscal year beginning July first of the same year; (2) the total gross revenues of all companies; and (3) the proposed assessment against the company for the fiscal year beginning on July first of the same year, adjusted to reflect the estimated payment required under subdivision (1) of subsection (c) of this section. Such proposed assessment shall be calculated by multiplying the company's percentage share of the total gross revenues as specified in subdivision (2) of this subsection by the total revenue appropriated to the department's Bureau of Energy and Technology, the Office of Consumer Counsel, the Office of Policy and Management's expenses related to the duties under sections [16-330b](#) and [16-330c](#) and the operations of the Public Utility Regulatory Authority, as specified in subdivision (1) of this subsection.

(c) Each company shall pay the authority: (1) On or before June thirtieth, annually, an estimated payment for the expenses of the following year equal to twenty-five per cent of its assessment for the fiscal year ending on such June thirtieth, (2) on or before September thirtieth, annually, twenty-five per cent of its proposed assessment, adjusted to reflect any credit or amount due under the recalculated assessment for the preceding fiscal year, as determined by the authority under subsection (d) of this section, provided if the company files an objection in accordance with subsection (e) of this section, it may withhold the amount stated in its objection, and (3) on or before the following December thirty-first and March thirty-first, annually, the remaining fifty per cent of its proposed assessment in two equal installments.

(d) Immediately following the close of each fiscal year, the authority shall recalculate the proposed assessment of each company, based on the expenses, as determined by the Comptroller, of the department's Bureau of Energy and Technology, the Office of Consumer Counsel, the Office of Policy and Management's expenses related to the duties under sections [16-330b](#) and [16-330c](#) and the operations of the Public Utilities Regulatory Authority for such fiscal year. On or before September first, annually, the authority shall give to each company a statement showing the difference between its recalculated assessment and the amount previously paid by the company.

(e) Any company may object to a proposed or recalculated assessment by filing with the authority, not later than September fifteenth of the year of said assessment, a petition stating the amount of the proposed or recalculated assessment to which it objects and the grounds upon which it claims such assessment is excessive, erroneous, unlawful or invalid. After a company has filed a petition, the authority shall hold a hearing. After reviewing the company's petition and testimony, if any, the authority shall issue an order in accordance with its findings. The company shall pay the authority the amount indicated in the order not later than thirty days after the date of the order.

(f) The authority shall remit all payments received under this section to the State Treasurer for deposit in the Consumer Counsel and Public Utility Control Fund established under section [16-48a](#). Such funds shall be accounted for as expenses recovered from public service companies and certified telecommunications providers. All payments made under this section shall be in addition to any taxes payable to the state under chapters 211, 212, 212a and 219.

(g) Any assessment unpaid on the due date or any portion of an assessment withheld after the due date under subsection (c) of this section shall be subject to interest at the rate of one and one-fourth per cent per month or fraction thereof, or fifty dollars, whichever is greater.

(h) Any company that fails to report in accordance with this section shall be subject to civil penalties in accordance with section [16-41](#).

(1953, S. 2610d; 1959, P.A. 48, S. 1; 354, S. 1; 1969, P.A. 611, S. 1; 1972, P.A. 138, S. 2; P.A. 74-179, S. 1, 2; P.A. 75-486, S. 4, 69; P.A. 76-335, S. 1; P.A. 77-614, S. 162, 164, 610; P.A. 80-482, S. 82, 348; Nov. Sp. Sess. P.A. 81-8, S. 1, 4; P.A. 83-55, S. 1, 3; 83-587, S. 31, 96; P.A. 84-296, S. 1, 2; P.A. 85-246, S. 10; 85-552, S. 1, 8; P.A. 88-17; 88-22, S. 4; P.A. 90-148, S. 24, 34; June Sp. Sess. P.A. 91-14, S. 16, 30; P.A. 94-74, S. 5, 11; P.A. 98-28, S. 36, 117; P.A. 99-105, S. 2, 4; P.A. 11-80, S. 30; P.A. 13-119, S. 6; P.A. 21-159, S. 8.)

History: 1959 acts increased the assessment under Subsec. (a) from 45% to 50%, provided for certification of assessments under Subsec. (b) to be on or before first day of September rather than first day of August and deleted provision that deposit of assessments in general fund be accounted for as expenses recovered from public service companies; 1969 act increased limit on amount of assessment from \$250,000 to \$450,000; 1972 act increased percentage of expenses assessed to 56% and limit on assessment amount to \$600,000; P.A. 74-179 deleted provision re limit on dollar amount of assessment and exempted companies with gross earnings not exceeding \$100,000 rather than \$300,000; P.A. 75-486 replaced public utilities commission with public utilities control authority, raised percentage of expenses assessed to 70% in Subsec. (a) and added exception re Subsec. (c) and replaced 6% interest with rate established by authority in Subsec. (b); P.A. 76-335 included expenses of office of consumer counsel under Subsec. (a); P.A. 77-614 replaced authority with division of public utility control within the department of business regulation and office of consumer counsel with division of consumer counsel within the same department, effective January 1, 1979; P.A. 80-482 made division of public utility control an independent department, placed division of consumer counsel within it and deleted references to abolished department of business regulation; Nov. Sp. Sess. P.A. 81-8 redefined "public service company" to exempt any company not providing service at retail directly to consumers in the state, deleted most of Subsec. (a) and all of Subsecs. (b) and (c), and added new Subsecs. (b) to (h), providing for assessment on current basis of public service companies for all expenses of department of public utility control and division of consumer counsel for fiscal years beginning July 1, 1981, to July 1, 1983, and for 70% of such expenses for following fiscal years; P.A. 83-55 extended assessment of public service companies for all expenses of department and division through fiscal year beginning July 1, 1984; P.A. 83-587 made technical change in Subsec. (c); P.A. 84-296 extended assessment of public service companies for all expenses of department and division through fiscal year beginning July 1, 1986; P.A. 85-246 deleted reference to street railway companies in Subsec. (a); P.A. 85-552 repealed Subsec. (b) re assessments for the fiscal year beginning July 1, 1981, and relettered the remaining Subsecs. accordingly, repealed provision assessing public service companies for 70%, instead of for all, expenses of department for fiscal years beginning on and after July 1, 1987, and added Subsec. (h) re report to general assembly; P.A. 88-17 defined the term "certified competitive telecommunications provider" and applied provisions to such providers; P.A. 88-22 substituted office of consumer counsel for the division of consumer counsel; P.A. 90-148 amended Subsec. (a) to distinguish between telephone companies with less than \$100,000 of gross revenue and those with more than said amount for purposes of assessment under this section, amended Subsec. (b) to make the assessment thereunder for department expenses applicable with respect to state fiscal years ending prior to July 1, 1990, and inserted a new Subsec. (c), with appropriate changes in lettering for succeeding Subsecs., providing assessment procedures for department expenses virtually identical to those in Subsec. (b), except as described in Subdiv. (3), applicable in the case of state fiscal years ending after July 1, 1990, with such changes in procedure occurring in the reference to gross revenues of telecommunications providers because of the change in state taxes imposed on such providers commencing January 1, 1990, and in the provision for an estimated payment of expenses for the following year, first payable on or before June 30, 1990; June Sp. Sess. P.A. 91-14 amended Subsec. (f) to provide that on and after July 1, 1991, moneys deposited with state treasurer shall be credited to consumer counsel and public utility control fund, rather than general fund; P.A. 94-74 changed applicability from public service companies and certified competitive telecommunications providers to public service companies and persons, firms and corporations certified to provide intrastate telecommunications services, collectively referred to as "companies", deleted references to chapter 210a and provisions re fiscal years ending prior to July 1, 1990, and calendar years ending on or before December 31, 1989, divided Subsec. (c) into Subsecs. (b) and (c), corrected reference in Subsec. (b) to source of estimated payment requirement and made technical corrections to Subsecs. (e), (f) and (g), effective July 1, 1994; (Revisor's note: In 1997 in Subsecs. (a) and (b) references to "subdivision (24)" and "subsection (24)" of Sec. 12-407 were changed editorially by the Revisors to "subdivision (26)" in all cases to conform section with Sec. 12-407 and customary statutory usage); P.A. 98-28 added Subsec. (a)(3) concerning certain electric suppliers and making technical changes, effective July 1, 1998; P.A. 99-105 amended Subsec. (a) by deleting former Subdivs. (1) and (2), adding new Subdiv. (1) defining "company", incorporating therein former Subdiv. (3) as Subpara. (D), and by adding new Subdivs. (2) and (3) defining "telecommunications services" and "fiscal year", amended Subsec. (b) by inserting provision subjecting companies to audits, by deleting references to personnel fringe benefits and expenses for central state services and by referring to the defined term "company" in lieu of existing references to various entities, amended Subsec. (c) to require a hearing after a company has filed a petition in lieu of upon the request of the company filing a petition, added reference in Subsec. (g) to "fifty dollars, whichever is greater", deleted former Subsec. (h) and inserted new Subsec. (h) re penalties, and made numerous technical changes, effective July 1, 1999; P.A. 11-80 amended Subsec. (a)(1) by adding Subpara. (E) re certified competitive video service providers, amended Subsec. (a)(2) by replacing "department" with "authority", amended Subsec. (b) by requiring companies to send revenues to Public Utilities Regulatory Authority rather than department, replacing "department" with "authority" and changing entities for which expenses are covered from Department of Public Utility Control and Office of Consumer Counsel to Department of Energy and Environmental Protection's Bureau of Energy, Office of Consumer Counsel and Public Utilities Regulatory Authority, amended Subsec. (c) by replacing "department" with "authority", amended Subsec. (d) by replacing "department" with "authority" and changing the entities for which expenses are covered from department and Office of Consumer Counsel to department's Bureau of Energy, Office of Consumer Counsel and Public Utilities Regulatory Authority, and amended Subsecs. (e) and (f) by replacing "department" with "authority", effective July 1, 2011; P.A. 13-119 amended Subsec. (a)(1)(E) to replace "Department of Energy and Environmental Protection" with "Public Utilities Regulatory Authority", effective June 18, 2013; P.A. 21-159 amended Subsecs. (b) and (d) by replacing "Bureau of Energy" with "Bureau of Energy and Technology" and adding Office of Policy and Management's expenses related to duties under Secs. 16-330b and 16-330c as covered expenses, effective July 1, 2021.

See Sec. 28-31 for assessment of Nuclear Regulatory Commission licensees by the authority for the nuclear safety emergency preparedness program.

Cited. 214 C. 609.

§116. Funding of the commission

1. Entities subject to assessments. Every transmission and distribution, gas, telephone and water utility and ferry subject to regulation by the commission and every qualified telecommunications provider is subject to an assessment on its intrastate gross operating revenues to produce sufficient revenue for expenditures allocated by the Legislature for the Public Utilities Commission Regulatory Fund established pursuant to this section. The budget for the Public Utilities Commission Regulatory Fund is subject to legislative review and approval in accordance with subsection 2. The portion of the total assessment applicable to each category of public utility or qualified telecommunications provider is based on an accounting by the commission of the portion of the commission's resources devoted to matters related to each category. The commission shall develop a reasonable and practicable method of accounting for resources devoted by the commission to matters related to each category of public utility or qualified telecommunications provider. Assessments on each public utility or qualified telecommunications provider within each category must be based on the utility's or qualified telecommunications provider's gross intrastate operating revenues. Within each category of public utility, the assessment must be apportioned and applied separately to investor-owned utilities and consumer-owned utilities. The portion of the assessment applicable to investor-owned utilities and consumer-owned utilities within each category must be determined based on an accounting by the commission of the portion of the commission's resources devoted to matters related to investor-owned utilities and the portion devoted to matters related to consumer-owned utilities. The commission shall determine the assessments annually prior to May 1st and assess each utility or qualified telecommunications provider for its pro rata share for expenditure during the fiscal year beginning July 1st. Each utility or qualified telecommunications provider shall pay the assessment charged to the utility or qualified telecommunications provider on or before July 1st of each year. Any increase in the assessment that becomes effective subsequent to May 1st may be billed on the effective date of the act authorizing the increase.

A. The assessments charged to utilities and qualified telecommunications providers under this section are just and reasonable operating costs for rate-making purposes. [PL 2011, c. 623, Pt. B, §1 (AMD).]

B. For the purposes of this section, "intrastate gross operating revenues" means:

(1) In the case of all utilities except telephone utilities, revenues derived from filed rates except revenues derived from sales for resale;

(2) In the case of a telephone utility, all intrastate revenues, except revenues derived from sales for resale, whether or not the rates from which those revenues are derived are required to be filed pursuant to this Title; and

(3) In the case of a qualified telecommunications provider, all intrastate revenues except revenues derived from sales for resale. [PL 2013, c. 600, §1 (RPR).]

C. Gas utilities subject to the jurisdiction of the commission solely with respect to safety are not subject to any assessment. [RR 1995, c. 1, §29 (COR).]

D. The commission may correct any errors in the assessments by means of a credit or debit to the following year's assessment rather than reassessing all utilities or qualified telecommunications providers in the current year. [PL 2011, c. 623, Pt. B, §1 (AMD).]

E. The commission may exempt utilities or qualified telecommunications providers with annual intrastate gross operating revenues under \$50,000 from assessments under this section. [PL 2011, c. 623, Pt. B, §1 (AMD).]

F. The portion of the assessment applicable to investor-owned utilities and consumer-owned utilities within each category of public utility, as determined by the commission under this subsection, must be allocated to each utility based on a 3-year rolling average of revenue reported by the utility. [PL 2021, c. 318, §1 (NEW); PL 2021, c. 318, §24 (AFF).]

For purposes of this section, "qualified telecommunications provider" means a provider of interconnected voice over Internet protocol service that paid any assessment under this subsection, whether voluntarily, by agreement with the commission or otherwise, prior to March 1, 2012.

[PL 2021, c. 318, §1 (AMD); PL 2021, c. 318, §24 (AFF).]

2. Committee recommendations; legislative approval of budget. The commission shall submit its budget recommendations, using a zero-based budgeting process or other process or method directed by the State Budget Officer, as part of the unified current services budget legislation in accordance with Title 5, sections 1663 to 1666. The commission shall make a presentation of its budget recommendations contained in any current services budget legislation and any supplemental budget legislation to the joint standing committee of the Legislature having jurisdiction over public utilities matters. The joint standing committee of the Legislature having jurisdiction over public utilities matters shall review the commission's recommendations and make recommendations to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs regarding the budget of the commission, including but not limited to all expenditures from the fund established pursuant to this section. The commission shall make an annual report in accordance with section 120 of its planned expenditures for the year and on its use of funds in the previous year. In addition to the assessments authorized under this section, the commission may also receive other funds as appropriated or allocated by the Legislature.

[PL 2011, c. 590, §2 (AMD).]

3. Deposit of funds. All revenues derived from assessments levied against utilities or qualified telecommunications providers described in this section must be deposited with the Treasurer of State in a separate account to be known as the Public Utilities Commission Regulatory Fund.

[PL 2011, c. 623, Pt. B, §2 (AMD).]

4. Use of funds. The Public Utilities Commission may use the revenues provided in accordance with this section to defray the costs incurred by the commission pursuant to this Title, including administrative expenses, general regulatory expenses, consulting fees and all other reasonable costs incurred to administer this Title.

[PL 2007, c. 240, Pt. P, §1 (AMD).]

5. Unexpended funds. Any amount of the funds that is not expended at the end of a fiscal year does not lapse, but is carried forward to be expended for the purposes specified in this section in succeeding fiscal years.

[PL 2005, c. 135, §2 (AMD).]

6. Violations.

[PL 2003, c. 505, §11 (RP).]

7. Special assessment.

[PL 1991, c. 343, §4 (RP).]

8. Public Advocate assessment. Every utility or qualified telecommunications provider subject to assessment under this section is subject to an additional annual assessment on its intrastate gross operating revenues to produce sufficient revenue for expenditures allocated by the Legislature for operating the Office of the Public Advocate. The portion of this assessment applicable to each category of public utility or qualified telecommunications provider is based on an accounting by the Public Advocate of resources devoted to matters related to each category. The Public Advocate shall develop a reasonable and practicable method of accounting for resources devoted by the Public Advocate to matters related to each category of public utility or qualified telecommunications provider. Assessments on each public utility or qualified telecommunications provider within each category must be based on the utility's or qualified telecommunications provider's gross intrastate operating revenues. Within each category of public utility, the assessment must be apportioned and applied separately to investor-owned utilities and consumer-owned utilities. The portion of the assessment

applicable to investor-owned utilities and to consumer-owned utilities within each category must be determined based on an accounting by the Public Advocate of the portion of the resources of the Office of the Public Advocate devoted to matters related to investor-owned utilities and the portion devoted to matters related to consumer-owned utilities. The revenues produced from this assessment are transferred to the Public Advocate Regulatory Fund and may be used only to fulfill the duties specified in chapter 17. The assessments charged to utilities and qualified telecommunications providers under this subsection are considered just and reasonable operating costs for rate-making purposes. The Public Advocate shall develop a method of accounting for staff time within the Office of the Public Advocate. All professional and support staff shall account for their time in such a way as to identify the percentage of time devoted to public utility and qualified telecommunications provider regulation and the percentage of time devoted to other duties that may be required by law.

A. The Public Advocate shall submit its budget recommendations, using a zero-based budgeting process or other process or method directed by the State Budget Officer, as part of the unified current services budget legislation in accordance with Title 5, sections 1663 to 1666. The assessments and expenditures provided in this section are subject to legislative approval. The Public Advocate shall make an annual report of its planned expenditures for the year and on its use of funds in the previous year. The Public Advocate may also receive other funds as appropriated by the Legislature. [PL 2011, c. 590, §3 (AMD).]

B. The Public Advocate may use the revenues provided in accordance with this section to fund the Public Advocate and 10 employees and to defray the costs incurred by the Public Advocate pursuant to this Title, including administrative expenses, general expenses, consulting fees and all other reasonable costs incurred to administer this Title. [PL 2019, c. 226, §1 (AMD).]

C. [PL 1993, c. 633, §1 (RP); PL 1993, c. 633, §3 (AFF).]

C-1. Funds that are not expended at the end of a fiscal year do not lapse but must be carried forward to be expended for the purposes specified in this section in succeeding fiscal years. [PL 2005, c. 135, §3 (AMD).]

D. [PL 2003, c. 505, §12 (RP).]

E. The portion of the assessment applicable to investor-owned utilities and consumer-owned utilities within each category of public utility, as determined by the Public Advocate under this subsection, must be allocated to each utility based on a 3-year rolling average of revenue reported by the utility. [PL 2021, c. 318, §2 (NEW); PL 2021, c. 318, §24 (AFF).]

[PL 2021, c. 318, §2 (AMD); PL 2021, c. 318, §24 (AFF).]

9. Public Advocate special assessment. Each investor-owned transmission and distribution utility subject to assessment under this section is subject to an additional annual assessment on its intrastate gross operating revenues to produce sufficient revenue for expenditures of the Office of the Public Advocate for contracted services and administrative costs associated with the nonwires alternative coordinator pursuant to section 1701, subsection 2-A. Revenue produced from the assessments must be deposited in the Public Advocate Regulatory Fund and used only for purposes specified in this subsection.

[PL 2019, c. 298, §2 (NEW).]

SECTION HISTORY

PL 1987, c. 141, §A6 (NEW). PL 1987, c. 631, §§4,5 (AMD). PL 1989, c. 58, §§1,2 (AMD). PL 1989, c. 571, §A3 (AMD). PL 1989, c. 875, §§E44,45 (AMD). PL 1991, c. 9, §§E19-21 (AMD). PL 1991, c. 343, §§1-4 (AMD). PL 1991, c. 528, §CC2 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §CC2 (AMD). PL 1993, c. 118, §4 (AMD). PL 1993, c. 174, §1 (AMD). PL 1993, c. 633, §§1,2 (AMD). PL 1993, c. 633, §3 (AFF). RR 1995, c. 1, §29 (COR). PL 1995, c. 225, §4 (AMD). PL 1995, c. 368, §L1 (AMD). PL 1995, c. 665, §O1 (AMD). PL 1997, c. 424, §§B4,5 (AMD). PL 1997, c. 586, §4 (AMD). PL 1997, c. 643, §J1 (AMD). PL 1997, c. 719, §1 (AMD). PL 1999, c. 259, §3 (AMD). PL 1999, c. 398, §C1 (AMD). PL 2001, c. 28, §1 (AMD). PL 2001, c. 136, §1 (AMD). PL 2003, c. 272, §§1,2 (AMD). PL 2003, c. 505, §§11,12 (AMD). PL 2005, c. 3, §J1 (AMD). PL 2005, c. 135, §§1-3 (AMD). PL 2007, c. 16, §§1, 2 (AMD). PL 2007, c. 240, Pt. P, §1 (AMD). PL 2007, c. 478, §1 (AMD). PL 2007, c. 539, Pt. KK, §13 (AMD). PL 2011, c. 590, §§2, 3 (AMD).

PL 2011, c. 623, Pt. B, §§1-3 (AMD). PL 2013, c. 600, §1 (AMD). PL 2019, c. 226, §1 (AMD). PL 2019, c. 298, §2 (AMD). PL 2021, c. 318, §§1, 2 (AMD). PL 2021, c. 318, §24 (AFF).

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Section 18: Assessments upon energy companies based on intrastate

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revenues; rates; suspension of rates

Section 18. The commission may make an assessment against each electric and gas company under the jurisdictional control of the department and each generation company and supplier licensed by the department to do business in the commonwealth, based upon the intrastate operating revenues subject to the jurisdiction of the department of each such company derived from sales within the commonwealth of electric and gas service, respectively, as shown in the annual report of each such company to the department. Said assessments shall be made at a rate not exceeding 0.3 per cent of such intrastate operating revenues, as shall be determined and certified annually by the commission as sufficient to reimburse the commonwealth for funds appropriated by the general court for the operation and general administration of the department, exclusive of funds appropriated by the general court for the transportation division and for the cost of fringe benefits as established by the commissioner of administration pursuant to section 5D of chapter 29, including group life and health insurance, retirement benefits, paid vacations, holidays and sick leave. The funds may be used to compensate consultants in hearings on petitions filed by companies subject to assessment under this section. Assessments made under this section may be credited to the normal operating cost of each company. Each company shall pay the amount assessed against it within 30 days after the date of the notice of assessment from the department. Such assessments shall be collected by the department and credited to the General Fund. Any funds unexpended in any fiscal year for the purposes for which such assessments were made shall be credited against the assessment to be made in the following fiscal year and the assessment in the following fiscal year shall be reduced by any such unexpended amount.

For the purpose of providing the department with additional operating funds for the regulation of electric companies, the commission may make a separate assessment proportionally against each electric company under the jurisdictional control of the department and each generation company and supplier licensed by the department to do business in the commonwealth, based upon the intrastate operating revenues subject to the jurisdiction of the department of each of such companies derived from sales within the commonwealth of electric service, as shown in the annual report of each of such companies to the department. Such assessment shall be made at a rate as shall be determined and certified annually by the commission as sufficient to produce an annual amount of not less than \$2,438,000 commencing in fiscal year 1998 and in each fiscal year thereafter, plus the costs of fringe benefits and indirect costs as established by the commissioner of administration pursuant to section 5D of chapter 29, including group life and health insurance, retirement benefits, paid vacations, holidays and sick leave. The amount of such assessment may be increased by the commission annually by a rate not to exceed the most recent annual consumer price index as calculated for the northeast region for all urban consumers. Assessments made under this section may be credited to the normal operating cost of each company. Each company shall pay the amount assessed against it within 30 days after the date of the notice of assessment from the department. Such assessments shall be collected by the department, and credited to the Department of Telecommunications and Energy Trust Fund established by section 12O.

For the purpose of providing the department with additional operating funds for activities of the department in investigating the preparation for and responses to storm and other emergency events by the electric companies doing business in the commonwealth, the commission may make a separate assessment proportionally against each electric company under the jurisdictional control of the department, based upon the intrastate operating revenues subject to the jurisdiction of the department of each of the companies derived from sales within the commonwealth of electric service, as shown in the annual report of each of the companies to the department. This assessment shall be made at a rate that shall be determined and certified annually by the commission as sufficient to produce an annual amount of not less than \$165,000, plus the costs of fringe benefits and indirect costs as established by the secretary of administration and finance under section 5D of chapter 29, including group life and health insurance, retirement benefits, paid vacations, holidays and sick leave. The amount of the assessment may be increased by the commission annually by a rate not to exceed the most recent annual consumer price index as calculated for the northeast region for all urban consumers. Notwithstanding any general or special law to the contrary, no electric company may seek recovery of any assessments made under this paragraph in any rate proceeding before the department. Each company shall pay the amount assessed against it within 30 days after the date of the notice of assessment from the department. Such assessments shall be collected by the department and credited to the Department of Public Utilities Storm Trust Fund established in section 12P.

A schedule of filing fees shall be determined annually by the commissioner of administration under the provisions of section 3B of chapter 7 for the following: (i) petitions for certificates of environmental impact and public need, provided, however, that such filing fee for any municipal corporation empowered to operate a municipal lighting plant under the provisions of section 35 or 36 of chapter 164 shall not exceed a maximum amount; and (ii) notices of intention to construct an oil facility, with a maximum amount per oil facility to be graduated in accordance with the expected capital investment in the facility.

TITLE XXXIV PUBLIC UTILITIES

Chapter 363-A EXPENSES OF PUBLIC UTILITIES COMMISSION AGAINST CERTAIN UTILITIES

Section 363-A:1

363-A:1 Ascertainment of Expenses. – The department of energy shall annually, after the close of the fiscal year, ascertain the total of its expenses attributable to support of the public utilities commission and to performance of all duties and responsibilities transferred to the department from the public utilities commission, in addition to the total of the public utilities commission's expenses during such year incurred in the performance of its duties relating to public utilities as defined in RSA 362 and other entities subject to its regulatory and enforcement authority and relating to the office of the consumer advocate. In the determination of such expenses there shall be excluded the expenses which have been or may be charged and recovered under the provisions of RSA 365:37, RSA 365:38, and RSA 374-F:7, I.

Source. 1955, 203:1 par. 1. 1959, 242:1. 1971, 557:62. 1981, 568:118. 1987, 136:4, eff. May 7, 1987. 2014, 136:1, eff. July 1, 2014. 2021, 91:242, eff. July 1, 2021.

Section 363-A:2

363-A:2 Assessment. –

I. The expenses thus ascertained shall be assessed against the public utilities and other entities described in this section in the manner provided in this chapter. The assessment shall be calculated by using the following revenue percentages, based on the prior calendar year:

- (a) 100 percent of the gross utility revenue of all public utilities, except as otherwise provided in this section;
- (b) 33 percent of the gross utility revenue of rural electric cooperatives for which a certificate of deregulation is on file with the commission;
- (c) 33 percent of the gross utility revenue of all excepted local exchange carriers as defined in RSA 362:7, I(c), and 33 percent of the gross revenue of any affiliate of such a carrier received from New Hampshire retail customers for a VoIP service as defined in RSA 362:7, I(d) or an IP-enabled service as defined in RSA 362:7, I(e) that provides the voice capabilities described in RSA 362:7, I(d)(1) and (3), other than a cellular mobile radio communications service provider;
- (d) 33 percent of all providers' gross revenue received from New Hampshire retail customers for a VoIP service as defined in RSA 362:7, I(d) or an IP-enabled service as defined in RSA 362:7, I(e) that provides the voice capabilities described in RSA 362:7, I(d)(1) and (3), other than a cellular mobile radio communications service provider or any entity to which subparagraph (c) applies; and
- (e) 100 percent of the gross revenue of all competitive electric power suppliers and all competitive natural gas suppliers received from New Hampshire retail customers, except for any such revenue received from the members of an electric cooperative for which a certificate of deregulation is on file with the commission, with respect to which the applicable revenue percentage shall be 33 percent.

II. To facilitate the revenue calculations required under this chapter, entities described in subparagraph I(d) or their registered telecommunications carrier affiliates shall file with the department of energy confidential annual reports of the retail telephone service revenue of such entities, and entities described in subparagraph I(e) shall file with the department of energy confidential annual reports of sales volume and revenues, by customer class, and separately identifying the total revenues received from the distribution customers of each electric or natural gas distribution utility or the members of each rural electric cooperative for which a certificate of deregulation is on file with the commission. All other utilities and other assessed entities shall file information in accordance with applicable department of energy rules.

III. Each entity described in subparagraph I(e) shall be assessed the sum of \$10,000 on an annual basis and shall pay such assessed sum to the department of energy. Each electric load aggregator, and each aggregator of natural gas customers shall be assessed the sum of \$2,000 on an annual basis and shall pay such assessed sum to the department of energy. Each telecommunications carrier voluntarily registered with the department of energy shall be assessed the sum of \$1,000 on an annual basis and shall pay such sum to the department of energy.

IV. The expenses of the department of energy and the public utilities commission, and the office of the consumer advocate, less the total of the assessed sums paid pursuant to paragraph III, shall be allocated to each utility and other assessed entity in direct proportion as the revenue calculation for such utility or other assessed entity relates to the total of all such revenue calculations as a whole, except as otherwise provided in paragraph V. Each such expense allocation shall be assessed against each public utility and other assessed entity in an amount equal to its proportionate share as determined under this section, except that the expense allocation attributed to each entity described in subparagraph I(e) shall be imputed to and included in the expense allocation to each electric or natural gas distribution utility or rural electric cooperative for which a certificate of deregulation is on file with the commission, in correspondence to the revenue portion reported pursuant to paragraph II as having been received from the distribution customers of such distribution utility or the members of such rural electric cooperative for which a certificate of deregulation is on file with the commission.

V. The expenses relating to the office of the consumer advocate shall be allocated to each utility or other assessed entity in direct proportion as its revenue calculation described in paragraph I bears to the total of all such revenue calculations as a whole. Each such expense allocation shall be assessed against each public utility and other assessed entity in an amount equal to its proportionate share as determined under this section, except that the expense allocation attributed to each entity described in subparagraph I(e) shall be imputed to and included in the expense allocation to each electric or natural gas distribution utility or rural electric cooperative for which a certificate of deregulation is on file with the commission, in correspondence to the revenue portion reported pursuant to paragraph II as having been received from the distribution customers of such distribution utility or the members of such rural electric cooperative for which a certificate of deregulation is on file with the commission. This paragraph shall not apply to any entity to which subparagraph I(c) or (d) applies or to any revenue of that entity.

VI. A minimum amount shall be assessed to utilities and other assessed entities described in paragraph I having minimal revenues in such proportion as the department of energy shall determine to be fair and equitable, provided that the minimum amount assessed to any entity to which subparagraphs I(c) or (d) applies shall not be less than \$1,000.

VII. Nothing in this chapter shall be construed to apply to any cellular mobile radio communications service or to any "information service" as defined in 47 U.S.C. section 153.

Source. 1955, 203:1, par. 2. 1959, 242:2. 1963, 322:1. 1971, 557:62. 1987, 136:5. 1997, 229:7, eff. Aug. 17, 1998. 2014, 136:2, eff. July 1, 2014. 2021, 91:243, eff. July 1, 2021. 2022, 245:17, 18, eff. Aug. 20, 2022. 2023, 79:119, eff. July 1, 2023.

Section 363-A:3

363-A:3 Certification of Assessment. – It shall be the duty of the department of energy to calculate the amount to be assessed against each such public utility and each other entity subject to assessment in accordance with RSA 363-A:1 and RSA 363-A:2. At the beginning of each fiscal year, the department of energy shall estimate the total expenses for the fiscal year, and then, based on such estimate, shall calculate the amount to be assessed quarterly on September 15, November 15, February 15, and April 15 of that fiscal year. For entities with assessments less than \$10,000, the department may bill those entities the entire amount on September 15 of that fiscal year. The department of energy shall then make a list showing the amount assessed September 15, November 15, February 15, and April 15 of that fiscal year to each of the several public utilities and other entities assessed under the provisions hereof, and, together with a statement of the full name and mailing address of each such public utility and other assessed entity, shall certify the same. After the close of each fiscal year, the department of energy shall ascertain the actual total expenses in accordance with RSA 363-A:1 and RSA 363-A:2, and then shall adjust the assessment for the first or only payment of the new fiscal year for each such public utility or other assessed entity for any underpayment or overpayment by each such public utility or other assessed entity for the prior fiscal year.

Source. 1955, 203:1, par. 3. 1971, 557:62. 1995, 29:1. 1997, 208:14, eff. July 1, 1997. 2014, 136:3, eff. July 1, 2014. 2021, 91:244, eff. July 1, 2021. 2023, 79:120, eff. July 1, 2023.

Section 363-A:4

363-A:4 Collection. – Upon the completion of each such list, within 10 business days of September 15, November 15, February 15, and April 15 of each fiscal year, the department of energy shall bill each public utility and each other entity subject to assessment. Such bill shall be sent first-class or electronic mail, and shall constitute notice of assessment and demand for payment. Payment shall be made to the department of energy by the due date stated on the bill, which shall be set no sooner than 30 days after the date the bill is sent. If payment is not made by the due date, the department of energy may add to the assessment a late penalty fee and may commence an action at law for the recovery of the assessment. Within 30 days of the date that the bill assessment for the first or only payment is sent, each public utility or other assessed entity which has any objection to the amount assessed against it for the prior fiscal year shall file with the department its objection in writing, setting out in detail the grounds upon which it is claimed that said assessment is excessive, erroneous, unlawful, or invalid. If such objections are filed, the department, after reasonable notice to the objecting public utility or other assessed entity, shall hold a hearing on such objections, and if the department finds that said assessment or any part thereof is excessive, erroneous, unlawful, or invalid, the department shall reassess the amount to be paid by such public utility or other assessed entity, and shall order that an amended bill be sent to such public utility or other assessed entity in accordance with such reassessment. The department of energy shall not commence an action at law for recovery of any assessment for the first or only payment until any such objection has been resolved.

Source. 1955, 203:1, par. 4. 1971, 557:62. 1995, 29:2. 1997, 208:14. 2004, 148:1, eff. Jan. 1, 2005. 2014, 136:4, eff. July 1, 2014. 2021, 91:244, eff. July 1, 2021. 2023, 79:121, eff. July 1, 2023.

Section 363-A:5

363-A:5 Exemption From Assessment. – Any public utility or other assessed entity that is not an entity to which RSA 363-A:2, I(c) or (d) applies, and that earned less than \$10,000 in gross revenue during the preceding calendar year shall not be liable for any assessment pursuant to this chapter.

Source. 1995, 29:3, eff. Jan. 1, 1996. 2014, 136:5, eff. July 1, 2014. 2023, 79:122, eff. July 1, 2023.

Section 363-A:6

363-A:6 Public Utility Recovery of Assessment Costs. –

I. Assessment amounts determined with reference to the revenues of competitive electric power suppliers and all assessments against regulated electric distribution utilities and electric cooperatives for which a certificate of deregulation is on file with the department shall be collected from electric customers through the distribution rates of the respective electric distribution utility or rural electric cooperative for which a certificate of deregulation is on file with the department; provided that an amount equal to the amount assessed directly to a competitive electric power supplier under RSA 363-A:2, III shall be collected from the energy service or default service customers of each electric distribution utility or rural electric cooperative for which a certificate of deregulation is on file with the department.

II. Assessment amounts determined with reference to the revenues of competitive natural gas suppliers and all assessments against regulated natural gas distribution utilities shall be collected from natural gas customers through the distribution rates of the respective natural gas distribution utility.

III. The commission shall by order establish rate recovery mechanisms for any public utility that is not either an excepted local exchange carrier, as defined in RSA 362:7, I(c), or a rural electric cooperative for which a certificate of deregulation is on file with the commission. Such rate recovery mechanisms shall adjust annually to recover any change in a utility's annual assessment.

Source. 2014, 136:6, eff. July 1, 2014. 2021, 91:245, eff. July 1, 2021.

Title 39

Public Utilities and Carriers

Chapter 1 Public Utilities Commission

R.I. Gen. Laws § 39-1-23

§ 39-1-23. Administrative expenses — Assessment against utilities.

(a) The administrator shall aggregate the expenses of the division, including expenses incurred by the attorney general pursuant to § 39-1-19 and expenses incurred by the commission, for each upcoming fiscal year and shall apportion and assess these expenses among the state's regulated utilities based upon approved budgets. When submitting the budget, the budget office shall clearly indicate the revenues from assessments. Included within this prospective assessment, shall be those expenses expected to be incurred by the attorney general pursuant to § 39-1-19 for the upcoming fiscal year. The expenses anticipated by the attorney general and the commission for each upcoming fiscal year shall be communicated to the administrator within thirty (30) days of request by the administrator. The administrator shall thereupon apportion and assess one hundred percent (100%) of such expenses among the several public utility companies and common carriers located in this state in the proportion that the gross intrastate-utility-operating revenues of each public utility company and common carrier shall bear to the total, gross intrastate-utility-operating revenues for the last preceding fiscal year of all public utility companies and common carriers; provided, however, that any public utility or common carrier, whose gross intrastate revenues in any fiscal year as reported to the administrator do not exceed one hundred thousand dollars (\$100,000), shall not be subject to the assessment under the provisions hereof; and, provided further, that all motor carriers subject to the provisions of chapters 12 and 14 of this title shall not be subject to the assessment under the provisions hereof. The sum so apportioned and assessed shall be in addition to any taxes payable to the state under any other provision of law. The assessments shall be divided between the commission and the division based upon the approved budgets.

(b) The administrator shall apply any budgetary balance or shortfalls remaining from a prior, annual assessment toward the next upcoming fiscal-year assessment to the division or the commission as appropriate.

(c) Upon collection from the several public utility companies and common carriers operating in this state, assessments and any state appropriations shall be deposited in an account to be known as the public utilities commission funding account. This fund shall be a restricted-receipt account and shall be kept by the general treasurer separately and shall be paid out by the general treasurer only upon receipt of properly authenticated vouchers signed by the administrator, or his or her designee, for the division's share of the account. The same procedure shall be followed for the commission, except that such vouchers shall be signed by the commission chairperson, or his or her designee. The general treasurer shall provide for separate accounting of the division and commission budget and expenses. The moneys in the public-utilities fund shall be expended by the administrator or the commission, as appropriate for meeting the expenses of the operation of the commission, the division, and those expenses incurred by the attorney general, pursuant to § 39-1-19.

(d) The legislature may appropriate from the general funds such sums as are necessary for the regulation of public utilities.

History of Section.

G.L. 1938, ch. 122, § 63; P.L. 1955, ch. 3436, § 1; G.L. 1956, § 39-1-14; G.L. 1956, § 39-1-23; P.L. 1969, ch. 240, § 1; P.L. 1977, ch. 236, § 1; P.L. 1983, ch. 167, art. 10, § 1; P.L. 1987, ch. 22, § 1; P.L. 1990, ch. 65, art. 40, § 1; P.L. 1991, ch. 44, art. 9, § 1; P.L. 1993, ch. 138, art. 55, § 1; P.L. 1996, ch. 316, § 1; P.L. 1997, ch. 326, § 103; P.L. 2016, ch. 443, § 1; P.L. 2016, ch. 444, § 1.

SECTION 18-A

Costs and expenses of the commission and department and the assessment of such costs and expenses
Public Service (PBS) CHAPTER 48, ARTICLE 1

§ 18-a. Costs and expenses of the commission and department and the assessment of such costs and expenses.

1. All costs and expenses of the department and commission shall be paid pursuant to appropriation on the certification of the chairman of the department and upon the audit and warrant of the comptroller. The state treasury shall be reimbursed therefore by payments to be made thereto from all moneys collected pursuant to this chapter. The total of such costs and expenses shall be borne by the public utility companies (including for the purposes of this section municipalities other than municipalities as defined in section eighty-nine-l of this chapter), corporations (including the power authority of the state of New York), and persons subject to the commission's regulation, to be assessed in the manner provided in subdivisions two, three and four of this section and section two hundred seventeen of this chapter.

1-a. All costs and expenses of the department related to the department's responsibilities under section three-b of this chapter shall be paid pursuant to appropriation on the certification of the chairman of the department and upon the audit and warrant of the comptroller. For the state fiscal year beginning on April first, two thousand fourteen and each state fiscal year thereafter, payments are to be made from all moneys collected from the Long Island power authority pursuant to this section. The total of such costs and expenses shall be assessed on such authority in the manner provided in subdivisions two, three and four of this section.

2. (a) The chairman of the department shall estimate prior to the start of each state fiscal year the total costs and expenses, including the compensation and expenses of the commission and the department, their officers, agents and employees, and including the cost of retirement contributions, social security, health and dental insurance, survivor's benefits, workers' compensation, unemployment insurance and other fringe benefits required to be paid by the state for the personnel of the commission and the department, and including all other items of maintenance and operation expenses, and all other direct and indirect costs. Based on such estimates, the chairman shall determine the amount to be paid by each assessed public utility company and the Long Island power authority and a bill shall be rendered to each such public utility company and authority.

(b) The bill for each public utility company and the Long Island power authority shall be rendered on or before February first preceding each fiscal year, and shall be for the amount equal to the product of the aforesaid estimated costs and expenses of conducting the department's and commission's total operations during the fiscal year for which billing is being made multiplied by the proportion which compares:

(1) the gross operating revenues, over and above five hundred thousand dollars, for that utility company or the authority derived from intrastate utility operations in the last preceding calendar year, or other twelve month period as determined by the chairman, to:

(2) the total of the gross operating revenues, derived from intrastate utility operations for all utility companies and the authority in the state which revenues are included under subparagraph one of this paragraph.

For the purposes of calculating the commodity cost component of its gross operating revenue, where the utility delivers to end-use customers electricity and/or natural gas commodities that are sold to such customers by a third party, such utility shall include in its revenues an estimate of the sales revenue for the electric and/or natural gas commodities that it delivers, including all such commodities sold to end-use customers by third parties, in such manner as to assure that all end-use delivery customers, regardless of the entity from which they purchase their electric and/or natural gas commodities, bear a fair and proportionate share of the assessment imposed herein, as the commission may determine.

(c) The minimum assessment for any utility company, as well as the Long Island power authority, whose gross revenues from intrastate utility operations are in excess of five hundred thousand dollars in the preceding calendar year shall be two hundred dollars.

(d) The amount of such bill for fiscal years beginning on or after April first, nineteen hundred eighty-three so rendered shall be paid by such public utility company and such authority to the department on or before April first; provided, however, that any such utility company or such authority may elect to make partial payments for such costs and expenses on March tenth of the preceding fiscal year and on September tenth of such fiscal year. Each such partial payment shall be a sum equal to fifty percentum of the estimate of costs and expenses to be assessed against such utility company or authority under the provisions of this subdivision and shall not be less than two hundred dollars.

(e) During the course of any state fiscal year, the chairman may increase or decrease the estimate of costs and expenses. In such case, revised bills shall be sent to each public utility company and such authority, and such increase or decrease shall be equally apportioned against the remaining payments for such fiscal year.

(f) On or before October tenth of each year, the chairman shall compute the actual costs and expenses of the department and the commission and adjustments or other corrections as needed for the preceding state fiscal year and, after deducting the amounts recovered pursuant to subdivisions three and four of this section, shall, on or before October twentieth, send to each public utility company and/or the authority affected thereby a statement setting forth the amount due and payable by, or the amount standing to the credit of, such public utility company and/or the authority. Any amount owing by any public utility company and/or the authority shall be paid not later than thirty days following the date such statement is received. Any such amount standing to the credit of any public utility company shall be refunded by the commission or, at the option of such utility company, shall be applied as a credit against any succeeding payment due.

(g) The total amount which may be charged to any public utility company and the Long Island power authority under authority of this subdivision for any state fiscal year shall not exceed one per centum of such public utility company's or authority's gross operating revenues derived from intrastate utility operations in the last preceding calendar year, or other twelve month period as determined by the chairman; provided, however, that no corporation or person that is subject to the jurisdiction of the commission only with respect to safety, or the power authority of the state of New York, shall be subject to the general assessment provided for under this subdivision.

Notwithstanding the provisions of subdivision one of this section, for telephone corporations as defined in subdivision seventeen of section two of this article, the total amount which may be charged such corporations for department expenses under the authority of subdivision one of this section for any state fiscal year shall not exceed one-third of one percentum of such corporation's gross operating revenue, over and above five hundred thousand dollars, derived from intrastate utility operations in the last preceding calendar year, or other twelve month period as determined by the chairman.

(h) On-bill recovery charges billed pursuant to section sixty-six-m of this chapter shall be excluded from any determination of an entity's gross operating revenues derived from intrastate utility operations for purposes of this section.

3. In the case of corporations or persons subject to the jurisdiction of the commission only with respect to safety, the chairman of the department shall ascertain from time to time, but not less than once in each fiscal year, all direct and indirect costs of investigating (a) the safety of the pipelines conveying gas at pressures in excess of one hundred twenty-five pounds per square inch gauge or conveying liquid petroleum products of such corporations or persons and (b) the safety of any gas plant of corporations manufacturing pipeline quality gas and subject to the safety jurisdiction of the commission by virtue of the proviso to exception (b) of subdivision eleven of section two of this chapter. The chairman shall for each investigation assess such costs against such corporations or persons whose pipelines or plants have been investigated. Bills for such an investigation may be rendered from time

to time but not less than once in each fiscal year, and the amount of such bills shall be paid by the appropriate corporation or person to the department within thirty days from the date of rendition. The total amount which may be charged to any corporation or person for any state fiscal year as the cost of investigating the safety of pipelines shall not exceed one hundred dollars times the sum of the products obtained by multiplying the mileage (to the nearest tenth) of each section of any such pipeline in the state in use at the end of the preceding calendar year by its nominal diameter in feet (to the nearest tenth). The total amount which may be charged to any pipeline quality gas manufacturing company for any state fiscal year as the costs of investigating the safety of the plant of such company shall not exceed one-third of one per centum of the estimate of the average annual gross revenues from the sales of manufactured gas over a three-year period of operation or anticipated operation, as determined by the chairman, of such pipeline quality gas manufacturing company.

* 4. In the case of the power authority of the state of New York, the chairperson of the department shall ascertain from time to time, but not less than once in each fiscal year, all direct and indirect costs of investigating requests by the power authority of the state of New York to establish new, major electric transmission facilities and major renewable energy facilities or to establish new, major electric generating facilities. The chairperson shall for each such investigation assess such costs against the power authority of the state of New York. Bills for such an investigation may be rendered from time to time, but not less than once in each fiscal year, and the amount of such bills shall be paid by the power authority of the state of New York to the department within thirty days from the date of rendition.

* NB Effective until December 31, 2040

* 4. In the case of the power authority of the state of New York, the chairman of the department shall ascertain from time to time, but not less than once in each fiscal year, all direct and indirect costs of investigating requests by the power authority of the state of New York to establish new, major utility transmission facilities as defined in article seven of this chapter or to establish new, major steam electric generating facilities as defined in article eight of this chapter. The chairman shall for each such investigation assess such costs against the power authority of the state of New York. Bills for such an investigation may be rendered from time to time, but not less than once in each fiscal year, and the amount of such bills shall be paid by the power authority of the state of New York to the department within thirty days from the date of rendition.

* NB Effective December 31, 2040

4-a. In the case of research, development and demonstration of new energy technologies, the director of the budget may enter into contracts, subject to the availability of appropriations, with the New York state energy research and development authority for the costs of such research, development and demonstration beyond such amounts as may be available to the New York state energy research and development authority for such purposes from bonds, grants or other sources. On or before February first preceding each fiscal year, the chairman of the authority shall estimate and transmit to the chairman of the department of public service the total costs of authority research, development and demonstration projected to be authorized by contracts with the director of the budget for such fiscal year. The chairman of the department shall apportion the costs of such research, development and demonstration in accordance with the billing procedures of this section among gas corporations and electric corporations as defined in section two of this chapter. Such apportionment shall be excluded from the general assessment provided for under subdivision two of this section. The total amount which may be charged to any gas corporation and electric corporation for any state fiscal year shall be .6 cents per one thousand cubic feet for gas sold and .006 cents per kilowatt hour of electricity sold by such corporations in their intrastate utility operations the last preceding calendar year.

4-b. In the case of research, development and demonstration of new energy technologies, the director of the budget may enter into contracts, subject to the availability of appropriations, with the New York state energy research and development authority for the costs of such research, development and demonstration beyond such amounts as may be available to the New York state energy research and development authority for such purposes from bonds, grants or other sources, including the power authority of the state of New York. Not later than

November first preceding each fiscal year, the energy research and development authority and the power authority of the state of New York shall agree as to a specific level of financial support to be provided by the power authority of the state of New York for the energy research and development authority's energy research development and demonstration activities for such fiscal year. Such level of financial support shall be incorporated in the annual budget request submitted by the energy research and development authority and shall be reflected as an offset to recommended appropriations for research, development and demonstration of new energy technologies; provided, however, that the sum of such recommended appropriations and such offset shall not exceed twelve million dollars. One hundred per centum of the costs of such research, development and demonstration not supplemented by bonds, grants or other sources, not to exceed nine million six hundred thousand dollars, shall be apportioned in accordance with the billing procedures of this section, provided, that such costs shall be apportioned among gas corporations and electric corporations as defined in section two of this chapter and shall be excluded from the general assessment provided for under subdivision two of this section. The total amount which may be charged to any gas corporation and electric corporation for any state fiscal year shall be .6 cents per one thousand cubic feet for gas sold and .006 cents per kilowatt hour of electricity sold by such corporations in their intrastate utility operations the last preceding calendar year.

5. On demand made within thirty days of the rendition of any bill pursuant to subdivision two, three or four of this section, the party so charged shall be afforded an opportunity to be heard as to the amount thereof. Any amounts of such bills not paid within thirty days from the date of determination upon such hearings, or, if none shall be demanded, on the date upon which such payment is due, shall bear interest at a rate to be prescribed by regulation of the commission. Such rate shall be not less than six percentum per annum nor more than the rate of interest prescribed by the superintendent of financial services pursuant to the provisions of section fourteen-a of the banking law in effect on the day immediately preceding the date on which the provisions of this subdivision as amended become effective, but if the commission has not set such rate, interest at six percentum per annum shall apply. Any interest rate set by the commission shall become effective not less than sixty days after such rate is promulgated.