

1 H.358

2 Introduced by Representatives Smith of New Haven, Bancroft of Westford,
3 Batchelor of Derby, Beyor of Highgate, Branagan of Georgia,
4 Canfield of Fair Haven, Devereux of Mount Holly, Graham of
5 Williamstown, Higley of Lowell, Hubert of Milton, Lefebvre of
6 Newark, Lewis of Berlin, Pearce of Richford, Purvis of
7 Colchester, Quimby of Concord, Shaw of Pittsford, Shaw of
8 Derby, Strong of Albany, Terenzini of Rutland Town, and Van
9 Wyck of Ferrisburgh

10 Referred to Committee on

11 Date:

12 Subject: Energy; public service; electric generation facilities; solar energy;
13 siting

14 Statement of purpose of bill as introduced: This bill proposes to require
15 that, when reviewing a proposed solar generation facility that will be
16 ground-mounted and located outside a commercial or industrial zone, the
17 Public Service Board defer to municipal and regional recommendations unless
18 they lack a rational basis or are clearly outweighed by the facility's benefits to
19 the State, or the facility will be located on a brownfield site. The bill also
20 proposes to enact decommissioning requirements for solar generation facilities
21 with a capacity greater than 15 kilowatts.

1 with the adopted municipal plan in any municipality in which the line is
2 located; and

3 (B) with respect to a solar electric generation facility that will be
4 ground-mounted and located outside a district zoned by the municipality for
5 commercial or industrial use, or both, the Board shall defer to a municipal and
6 regional recommendation and a land conservation measure in the municipal
7 plan, unless:

8 (i) the Board concludes that the recommendation or measure lacks
9 a rational basis or is clearly outweighed by the benefits of the facility to the
10 State, or

11 (ii) the facility will be located on a brownfield site as defined in
12 10 V.S.A. § 6642;

13 * * *

14 (r) A certificate under this section for an in-state solar generation facility
15 with a capacity that is greater than 15 kilowatts and is ground-mounted shall
16 require the decommissioning or dismantling of the facility and ancillary
17 improvements at the end of the facility's useful life and the posting of a bond
18 or other security acceptable to the Board to finance the decommissioning or
19 dismantling activities.

1 Sec. 2. 30 V.S.A. § 219a is amended to read:

2 § 219a. SELF-GENERATION AND NET METERING

3 * * *

4 (c) The Board shall establish by rule or order standards and procedures
5 governing application for, and issuance or revocation of a certificate of public
6 good for net metering systems under the provisions of section 248 of this title.
7 A net metering system shall be deemed to promote the public good of the State
8 if it is in compliance with the criteria of this section and board rules or orders.
9 In developing such rules or orders:

10 (1) With respect to a solar net metering system of 15 kW or less, the
11 Board shall provide that the system may be installed ten days after the
12 customer's submission to the Board ~~and~~, the interconnecting electric company,
13 and the municipality of a completed registration form and certification of
14 compliance with the applicable interconnection requirements. Within that
15 ten-day period, the interconnecting electric company and the municipality each
16 may deliver to the customer and the Board a letter ~~detailing that~~, in the case of
17 the interconnecting utility, details any issues concerning the interconnection of
18 the system or, in the case of the municipality, details any issues concerning the
19 siting of the system. The customer shall not commence construction of the
20 system prior to the passage of this ten-day period and, if applicable, resolution
21 by the Board of any ~~interconnection~~ issues raised by the electric company or

1 the municipality in accordance with this subsection. If the ten-day period
2 passes without delivery by the electric company or the municipality of a letter
3 that raises ~~interconnection~~ issues in accordance with this subsection, a
4 certificate of public good shall be deemed issued on the 11th day without
5 further proceedings, findings of fact, or conclusions of law, and the customer
6 may commence construction of the system. On request, the Clerk of the Board
7 promptly shall provide the customer with written evidence of the system's
8 approval. ~~For the purpose of~~ In this subdivision, the following shall not be
9 included in the computation of time: Saturdays, Sundays, State legal holidays
10 under 1 V.S.A. § 371(a), and federal legal holidays under 5 U.S.C. § 6103(a).

11 (2) With respect to a net metering system for which a certificate of
12 public good is not deemed issued under subdivision (1) of this subsection, the
13 Board:

14 (A) may waive the requirements of section 248 of this title that are
15 not applicable to net metering systems, including criteria that are generally
16 applicable to public service companies as defined in this title, but shall
17 not waive the requirements of subdivision 248(b)(1) and subsection 248(r) of
18 this title related to ground-mounted solar generation facilities;

19 * * *

1 Sec. 3. 30 V.S.A. § 8007(b) is amended to read:

2 (b) With respect to renewable energy plants that have a plant capacity that
3 is greater than 150 kW and is 2.2 MW or less, the Board shall establish by rule
4 or order standards and procedures governing application for, and issuance or
5 revocation of, a certificate of public good for such a plant under the provisions
6 of section 248 of this title, and the interconnection of such a plant with the
7 system of a Vermont retail electricity provider.

8 (1) In developing such rules or orders, the Board:

9 (A) Shall waive the requirements of section 248 of this title that are
10 not applicable to such a plant, including, for a plant that is not owned by a
11 Vermont retail electricity provider, criteria that are generally applicable to such
12 a provider, but shall not waive the requirements of subdivision 248(b)(1) and
13 subsection 248(r) of this title related to ground-mounted solar generation
14 facilities.

15 * * *

16 Sec. 4. 30 V.S.A. § 8010(c)(3) is amended to read:

17 (3) The rules shall establish standards and procedures governing
18 application for and issuance or revocation of a certificate of public good for net
19 metering systems under the provisions of section 248 of this title. In
20 establishing these standards and procedures, the rules:

