

What is the status of the proposed net-metering rule?

The Board filed a proposed net-metering rule with the Vermont Secretary of State on October 15, 2016. The Board conducted a public hearing on November 18, 2016, and the public comment period ended on December 2, 2016. The Board received over 150 specific comments from 34 individuals, companies, and state agencies.

The Board is now reviewing these comments and preparing the text of the final proposed rule. In addition to this work, the Board must respond to the comments and finalize its report to the Legislature on the net-metering program that is required by Act 99. Finally, the Board must prepare the final economic impact statement and the other forms that the Vermont Administrative Procedures Act requires for the filing of a final proposed rule.

During the month of December the Board must undertake additional important work, including conducting 4 days of hearings on Vermont Gas Systems' rates and 2 days of hearings on Fairpoint Communications' service quality. Given these competing demands and the Board's desire to deliver a thoughtful net-metering rule, it is anticipated that the Board will deliver a final proposed rule to LCAR on January 20, 2017.

Summary of Public Process Conducted to Date:

- The Board held a preliminary workshop pursuant to Act 99 on November 5, 2014.
- The Board subsequently held a series of 13 working group meetings from February 2015 through May 2015. The minutes of these meetings is available on the Board's website.
<http://psb.vermont.gov/statutesrulesandguidelines/proposedrules/rule5100/historical>.
- The Board solicited two rounds of comments and requested participants submit proposed rule language on June 12, 2015, and on July 10, 2015.
- On December 7, 2015, the Board circulated a proposed draft rule and solicited comments on the draft. The Board received over 50 written comments on this draft.
- On February 19, 2016, the Board published another draft of the rule. The Board received over 100 comments on this draft.
- The Board filed a proposed rule with the Vermont Secretary of State on March 30, 2016. The Board received over 500 written comments on the proposed rule. After considering these comments, the Board determined that further revisions to the text of the rule were necessary.
- The Board filed a revised proposed rule with the Secretary of State on October 15, 2016. The public was provided an opportunity to comment and a public hearing was held on November 18, 2016.

Discussion of the Board's Rulemaking Process

The net-metering rule is the most wide ranging rulemaking that the Board has conducted in recent memory. It involves complex economic, environmental, and administrative issues. The rulemaking has been challenging due to the large number of affected persons and the divergent viewpoints of those that will be affected by this rule.

Act 99 required that in the event that the Board was unable to finally adopt a revised net-metering rule prior to June 30, 2016, the Board has the authority to temporarily adopt a revised net-metering program by order, to be followed by a rulemaking within a reasonable timeframe. On June 29, 2016, the Board issued an Order establishing a revised net-metering program because the Board was unable to adopt a final rule by that date. The Board took these steps to ensure that there would be a reasonably functional net-metering program in effect on January 1, 2017, while at the same time providing the Board yet another opportunity to seek public input and to improve the design of the program.