1	S.204
2	Introduced by Senators Benning, Collamore, Flory, Rodgers, and Starr
3	Referred to Committee on
4	Date:
5	Subject: Energy; public service; natural resources; land use; siting; renewable
6	generation
7	Statement of purpose of bill as introduced: This bill proposes to ensure that
8	renewable generation is sited in Vermont only if it is used to meet Vermont's
9	Renewable Energy Standard and will be sited in a region of the State in which
10	electric consumption exceeds the amount of renewable electricity already
11	produced or to be produced in the region. The bill also proposes to clarify that
12	an existing exemption from local land use regulation for "public utility power
13	generating plants" includes only plants by retail electric utilities and small,
14	customer-owned net metering systems.
15	An act relating to siting renewable electric generation
16	It is hereby enacted by the General Assembly of the State of Vermont:
17	Sec. 1. FINDINGS
18	The General Assembly finds that:
19	(1) Large scale renewable electric generation facilities have the potential
20	for significant impact on the State's landscape, natural resources, and scenic

1	beauty. Many residents living near these facilities experience impacts to their
2	health and interference with the use of their property that they attribute to the
3	projects.
4	(2) In the Northeast Kingdom, the production of existing renewable
5	electric generation facilities already exceeds the region's electric consumption,
6	and the region faces new proposals for large scale renewable facilities.
7	(3) Vermont adopted a Renewable Energy Standard (RES) in 2015 that
8	sets out total renewable energy requirements for Vermont utilities to supply
9	their customers with renewable energy.
10	(A) The RES provides that the utilities may satisfy the total
11	renewable energy requirement not only through in-state facilities but also
12	through facilities located outside the State.
13	(B) The RES includes a distributed renewable generation requirement
14	to be met by facilities directly connected to the Vermont grid and caps the size
15	of these facilities at five megawatts.
16	(4) To achieve the goals of the RES while minimizing the negative
17	impacts of renewable generation facilities, Vermont should allow the siting of
18	these facilities in the State only if they will be used to satisfy the RES. The
19	State should not require any of its regions to host renewable electric generation
20	facilities if the collective production of these facilities in the region exceeds its
21	electric consumption.

1	Sec. 2. 30 V.S.A. § 248(t) is added to read:
2	(t) This subsection applies to a facility to be constructed in the State that
3	will generate electricity using renewable energy unless the facility is a net
4	metering system of 15 kilowatts or less.
5	(1) The Board shall not issue a certificate of public good for such a
6	facility unless:
7	(A) its environmental attributes and tradeable renewable energy
8	credits will be applied toward the Renewable Energy Standard (RES); and
9	(B) the region's most recent annual electricity consumption exceeds
10	the average annual amount of energy to be produced over the next five years
11	by existing or already approved renewable electric generation in the region in
12	which the facility will be located.
13	(2) The Board shall not issue a certificate of public good for such a
14	facility once each Vermont retail electricity provider has met the total
15	renewable energy and distributed renewable energy generation requirements of
16	the RES set forth in sections 8004 and 8005 of this title.
17	(3) This subsection shall apply to such a facility notwithstanding any
18	contrary provision of this section.

1	(4) In this subsection:
2	(A) "Environmental attributes," "net metering system," "RES,"
3	"renewable energy," "retail electricity provider," and "tradeable renewable
4	energy credit" have the same meaning as in section 8002 of this title.
5	(B) "Region" means the area of the regional planning commission
6	created under 24 V.S.A. chapter 117.
7	Sec. 3. 24 V.S.A. § 4413 is amended to read:
8	§ 4413. LIMITATIONS ON MUNICIPAL BYLAWS
9	* * *
10	(b) A bylaw under this chapter shall not regulate public utility power
11	generating plants and transmission facilities regulated under 30 V.S.A. § 248.
12	In this subsection, "public utility power generating plant" means a facility that
13	generates electricity and that will be owned:
14	(1) by an electric distribution company that has a designated retail
15	service territory in Vermont pursuant to 30 V.S.A. § 249; or
16	(2) by a customer of such company, if the plant is a net metering system
17	as defined in 30 V.S.A. § 8002 of 15 kilowatts or less.
18	* * *
19	Sec. 4. EFFECTIVE DATE
20	This act shall take effect on passage.