

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Natural Resources and Energy to which was referred
3 Senate Bill No. 230 entitled “An act relating to improving the siting of energy
4 projects” respectfully reports that it has considered the same and recommends
5 that the House propose to the Senate that the bill be amended by striking out all
6 after the enacting clause and inserting in lieu thereof the following:

7 * * * Designation * * *

8 Sec. 1. DESIGNATION OF ACT

9 This act shall be referred to as the Energy Development Improvement Act.

10 * * * Integration of Energy and Land Use Planning * * *

11 Sec. 2. 24 V.S.A. § 4302(c)(7) is amended to read:

12 (7) To ~~encourage the~~ make efficient use of energy ~~and, provide for~~ the
13 development of renewable energy resources, and reduce emissions of
14 greenhouse gases.

15 (A) General strategies for achieving these goals include increasing
16 the energy efficiency of new and existing buildings; identifying areas suitable
17 for renewable energy generation; encouraging the use and development of
18 renewable or lower emission energy sources for electricity, heat, and
19 transportation; and reducing transportation energy demand and single
20 occupancy vehicle use.

1 30 V.S.A. § 1 for a determination of energy compliance. The Commissioner
2 shall issue such a determination in writing on finding that the regional plan
3 meets the requirements of subsection (c) of this section and allows for the
4 siting in the region of all types of renewable generation technologies.

5 (b) Municipal plan. If the Commissioner of Public Service has issued a
6 determination of energy compliance for a regional plan that is in effect, a
7 municipal legislative body within the region may submit its adopted municipal
8 plan to the regional planning commission for issuance of a determination of
9 energy compliance. The regional planning commission shall issue such a
10 determination in writing, signed by the chair of the regional planning
11 commission, on finding that the municipal plan meets the requirements of
12 subsection (c) of this section and is consistent with the regional plan.

13 (c) Enhanced energy planning; requirements. To obtain a determination of
14 energy compliance under this section, a plan must:

15 (1) in the case of a regional plan, include the energy element as
16 described in subdivision 4348a(a)(3) of this title;

17 (2) in the case of a municipal plan, include an energy element that has
18 the same components as described in subdivision 4348a(a)(3) of this title for a
19 regional plan and be confirmed under section 4350 of this title;

20 (3) be consistent with the following, with consistency determined in the
21 manner described under subdivision 4302(f)(1) of this title:

1 (A) Vermont’s greenhouse gas reduction goals under 10 V.S.A.

2 § 578(a);

3 (B) Vermont’s 25 by 25 goal for renewable energy under 10 V.S.A.

4 § 580;

5 (C) Vermont’s building efficiency goals under 10 V.S.A. § 581;

6 (D) State energy policy under 30 V.S.A. § 202a and the

7 recommendations for regional and municipal energy planning pertaining to the

8 efficient use of energy and the siting and development of renewable energy

9 resources contained in the State energy plans adopted pursuant to 30 V.S.A.

10 §§ 202 and 202b (State energy plans); and

11 (E) the distributed renewable generation and energy transformation

12 categories of resources to meet the requirements of the Renewable Energy

13 Standard under 30 V.S.A. §§ 8004 and 8005; and

14 (4) meet the standards for issuing a determination of energy compliance

15 included in the State energy plans.

16 (d) State energy plans; recommendations; standards.

17 (1) The State energy plans shall include the recommendations for

18 regional and municipal energy planning and the standards for issuing a

19 determination of energy compliance described in subdivision (c)(3) of this

20 section.

1 (2) The recommendations shall provide strategies and options for
2 regional planning commissions and municipalities to employ in meeting the
3 goals and policies contained in statutes listed in subdivision (c)(3) of this
4 section.

5 (3) The standards shall consist of a list of criteria for issuing a
6 determination of energy compliance that ensure consistency with the goals and
7 policies contained in the statutes listed in subdivision (c)(3) of this section and
8 the recommendations developed pursuant to this subsection.

9 (4) In developing standards and recommendations under this subsection,
10 the Commissioner of Public Service shall consult with all persons identified
11 under 30 V.S.A. § 202(d)(1); the Secretaries of Agriculture, Food and Markets,
12 of Commerce and Community Development, of Natural Resources, and of
13 Transportation; and other affected persons.

14 (5) The Commissioner of Public Service shall provide the
15 Commissioner of Housing and Community Development with a copy of the
16 recommendations and standards developed under this subsection for inclusion
17 in the planning and land use manual prepared pursuant to section 4304 of this
18 title.

19 (e) Process for issuing determinations of energy compliance. Review of
20 whether to issue a determination of energy compliance under this section shall
21 include a public hearing noticed at least 15 days in advance by direct mail to

1 the requesting regional planning commission or municipal legislative body,
2 posting on the website of the entity from which the determination is requested,
3 and publication in a newspaper of general publication in the region or
4 municipality affected. The Commissioner or regional planning commission
5 shall issue the determination within two months of the receipt of a request for a
6 determination. If the determination is negative, the Commissioner or regional
7 planning commission shall state the reasons for denial in writing and, if
8 appropriate, suggest acceptable modifications. Submissions for a new
9 determination that follow a negative determination shall receive a new
10 determination within 45 days.

11 (f) Appeal. A regional planning commission aggrieved by an act or
12 decision of the Commissioner of Public Service under this section may appeal
13 to the hearing panel established by this subsection within 30 days of the act or
14 decision.

15 (1) The hearing panel shall consist of the following members:

16 (A) A member and alternate appointed by the Vermont Association
17 of Planning and Development Agencies. The initial terms of this member and
18 alternate shall be three years.

19 (B) A member and alternate appointed by the Vermont League of
20 Cities and Towns. The initial terms of this member and alternate shall be two
21 years.

1 (C) A member and alternate appointed by the Commissioner of
2 Public Service. The initial terms of this member and alternate shall be three
3 years.

4 (2) On or before November 1, 2016, each appointing authority shall
5 make initial appointments under this section.

6 (3) Following initial terms, the appointing authority shall appoint a
7 member and alternate for terms of three years. The appointing authority may
8 reappoint a member or alternate.

9 (4) The hearing panel shall elect a chair from among its members,
10 excluding alternates. A member may designate his or her alternate to serve if
11 the member is disqualified or otherwise unavailable to serve. If the chair is
12 disqualified or unavailable to serve on a matter, the members serving shall
13 elect a chair for the matter from among themselves.

14 (5) A member of the hearing panel shall not be an employee of the
15 Department of Public Service (DPS). The provisions of 12 V.S.A. § 61
16 (disqualification for interest) shall apply to the members of the hearing panel.

17 (6) The hearing panel shall conduct a de novo hearing on the act or
18 decision under appeal and shall proceed in accordance with the contested case
19 requirements of the Vermont Administrative Procedure Act. The hearing panel
20 shall issue a final decision within 90 days of the filing of the appeal.

1 (7) The hearing panel shall be entitled to the professional and
2 administrative assistance of the staff of the Natural Resources Board and
3 District Commissions under 10 V.S.A. chapter 151.

4 (g) Municipality; determination from DPS; time-limited option. Until
5 July 1, 2018, a municipality whose plan has been confirmed under section
6 4350 of this title may seek issuance of a determination of energy compliance
7 from the Commissioner of Public Service if it is a member of a regional
8 planning commission whose regional plan has not received such a
9 determination.

10 (1) The Commissioner shall issue a determination of energy compliance
11 for the municipal plan on finding that the plan meets the requirements of
12 subsection (c) of this section. The Commissioner’s review of the municipal
13 plan shall be for the purpose only of determining whether a determination of
14 energy compliance should be issued because those requirements are met.

15 (2) A municipality aggrieved by an act or decision of the Commissioner
16 under this subsection may appeal in accordance with the procedures of
17 subsection (f) of this section.

18 (h) Determination; time period. An affirmative determination of energy
19 compliance issued pursuant to this section shall remain in effect until the end
20 of the period for expiration or readoption of the plan to which it applies.

1 succeeding six-year period, and long-term sustainable strategies for achieving
2 and maintaining the lowest possible electric rates over the full 20-year
3 planning horizon consistent with the goal of maintaining a financially stable
4 electric utility industry in Vermont; and

5 (6) recommendations for regional and municipal energy planning and
6 standards for issuing a determination of energy compliance pursuant to
7 24 V.S.A. § 4352.

8 (c) In developing the Plan, the Department shall take into account the
9 protection of public health and safety; preservation of environmental quality;
10 the relevant goals of 24 V.S.A. § 4302; the potential for reduction of rates paid
11 by all retail electricity customers; the potential for reduction of electrical
12 demand through conservation, including alternative utility rate structures; use
13 of load management technologies; efficiency of electrical usage; utilization of
14 waste heat from generation; and utility assistance to consumers in energy
15 conservation.

16 (d) In establishing plans, the Director shall:

17 (1) Consult with:

18 (A) the public;

19 (B) Vermont municipal utilities and planning commissions;

20 (C) Vermont cooperative utilities;

21 (D) Vermont investor-owned utilities;

1 (E) Vermont electric transmission companies;

2 (F) environmental and residential consumer advocacy groups active
3 in electricity issues;

4 (G) industrial customer representatives;

5 (H) commercial customer representatives;

6 (I) the Public Service Board;

7 (J) an entity designated to meet the public's need for energy
8 efficiency services under subdivision 218c(a)(2) of this title;

9 (K) other interested State agencies; ~~and~~

10 (L) other energy providers; and

11 (M) the regional planning commissions.

12 * * *

13 (e) The Department shall conduct public hearings on the final draft and
14 shall consider the evidence presented at such hearings in preparing the final
15 Plan. The Plan shall be adopted no later than January 1, 2016 and readopted in
16 accordance with this section by every sixth January + 15 thereafter, and shall
17 be submitted to the General Assembly each time the plan is adopted or
18 readopted. The provisions of 2 V.S.A. § 20(d)(expiration of required reports)
19 shall not apply to the submission to be made under this subsection.

20 * * *

1 (h) The Plans adopted under this section shall become the electrical energy
2 portion of the State Energy Plan.

3 * * *

4 (j) For the purpose of assisting in the development of municipal and
5 regional plans under 24 V.S.A. chapter 117, the Director shall, on request,
6 provide municipal and regional planning commissions with publicly available
7 information detailing the location of electric transmission and distribution
8 infrastructure in the relevant municipality or region and the capacity of that
9 infrastructure to accept additional electric generation facilities without
10 modification. In providing this information, the Director shall be entitled to
11 the assistance of the electric utilities that own electric transmission or
12 distribution systems, or both, located in Vermont, including the ability to
13 obtain from those utilities such publicly available data as the Director
14 considers necessary to discharge his or her duties under this subsection.

15 Sec. 8. 30 V.S.A. § 202b is amended to read:

16 § 202b. STATE COMPREHENSIVE ENERGY PLAN

17 (a) The Department of Public Service, in conjunction with other State
18 agencies designated by the Governor, shall prepare a State Comprehensive
19 Energy Plan covering at least a 20-year period. The Plan shall seek to
20 implement the State energy policy set forth in section 202a of this title and

1 shall be consistent with the relevant goals of 24 V.S.A. § 4302. The Plan shall
2 include:

3 (1) a comprehensive analysis and projections regarding the use, cost,
4 supply, and environmental effects of all forms of energy resources used within
5 Vermont; ~~and~~

6 (2) recommendations for State implementation actions, regulation,
7 legislation, and other public and private action to carry out the comprehensive
8 energy plan; and

9 (3) recommendations for regional and municipal energy planning and
10 standards for issuing a determination of energy compliance pursuant to
11 24 V.S.A. § 4352.

12 * * *

13 (c) The Department shall adopt a State Energy Plan on or before January 1,
14 2016 and shall readopt the Plan by every sixth January ~~±~~ 15 thereafter. On
15 adoption or readoption, the Plan shall be submitted to the General Assembly.
16 The provisions of 2 V.S.A. § 20(d)(expiration of required reports) shall not
17 apply to such submission.

18 * * *

1 Sec. 9. INITIAL IMPLEMENTATION; RECOMMENDATIONS;

2 STANDARDS

3 (a) On or before November 1, 2016, the Department of Public Service shall
4 publish recommendations and standards in accordance with 24 V.S.A. § 4352
5 as enacted by Sec. 6 of this act. Prior to issuing these recommendations and
6 standards, the Department shall perform each of the following:

7 (1) Consult with all persons identified under 30 V.S.A. § 202(d)(1); the
8 Secretaries of Agriculture, Food and Markets, of Commerce and Community
9 Development, of Natural Resources, and of Transportation; and other affected
10 persons.

11 (2) Post on its website a draft set of initial recommendations and
12 standards.

13 (3) Provide notice and an opportunity to comment and request a public
14 hearing to all persons listed in 30 V.S.A. § 202(d)(1). The Commissioner may
15 elect to hold one or more public hearings on the Commissioner's own
16 initiative.

17 (b) In addition to the requirements of Sec. 6 of this act, the standards
18 developed under this section shall address the following elements in a manner
19 consistent with the State energy plans adopted pursuant to 30 V.S.A. §§ 202
20 and 202b:

1 (1) analysis of total current energy use across transportation, heating,
2 and electric sectors;

3 (2) identification and mapping of existing electric generation and
4 renewable resources;

5 (3) establishment of 2025, 2035, and 2050 targets for energy
6 conservation, efficiency, fuel-switching, and use of renewable energy for
7 transportation, heating, and electricity;

8 (4) analysis of amount of thermal-sector conservation, efficiency, and
9 conversion to alternative heating fuels needed to achieve these targets;

10 (5) analysis of transportation system changes and land use strategies
11 needed to achieve these targets;

12 (6) analysis of electric-sector conservation and efficiency needed to
13 achieve these targets;

14 (7) pathways and recommended actions to achieve these targets,
15 informed by this analysis;

16 (8) identification of potential areas for the development and siting of
17 renewable energy resources and of the potential electric generation from such
18 resources in the identified areas, taking into account factors including resource
19 availability, environmental constraints, and the location and capacity of electric
20 grid infrastructure; and

1 (9) identification of areas, if any, that are unsuitable for siting those
2 resources or particular categories or sizes of those resources.

3 (c) On publication under subsection (a) of this section, the specific
4 recommendations and standards shall be considered an appendix to the
5 currently adopted plans under 30 V.S.A. §§ 202 and 202b. After this
6 publication, the Department may revise these recommendations and standards
7 in accordance with the procedures for adopting and revising plans under those
8 statutes.

9 Sec. 10. TRAINING

10 Following publication of the recommendations and standards under
11 Sec. 9(a) of this act, the Department of Public Service shall conduct a series of
12 training sessions in locations across the State for municipal and regional
13 planning commissions to assist them in the development of municipal and
14 regional plans that are eligible to receive a determination of energy compliance
15 under Sec. 6 of this act, 24 V.S.A. § 4352. The Department shall develop and
16 present these sessions in collaboration with the Vermont League of Cities and
17 Towns and the Vermont Association of Planning and Development Agencies.
18 The Department shall ensure that all municipal and regional planning
19 commissions receive prior notice of the sessions.

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(4)(A) With respect to a facility located in the State, the Public Service Board shall hold a nontechnical public hearing on each petition for such finding and certificate in at least one county in which any portion of the construction of the facility is proposed to be located.

* * *

(C) At the time of filing its application with the Board, copies shall be given by the petitioner to the Attorney General and the Department of Public Service, and, with respect to facilities within the State, the Department of Health, Agency of Natural Resources, Historic Preservation Division, Agency of Transportation, Agency of Agriculture, Food and Markets, and to the chair or director of the municipal and regional planning commissions and the municipal legislative body for each town and city in which the proposed facility will be located.

* * *

(E) The Agency of Natural Resources shall appear as a party in any proceedings held under this subsection, shall provide evidence and recommendations concerning any findings to be made under subdivision (b)(5) of this section, and may provide evidence and recommendations concerning any other matters to be determined by the Board in such a proceeding.

1 (F) The Agency of Agriculture, Food and Markets shall have the
2 right to appear as a party in proceedings held under this subsection.

3 (G) The regional planning commission for the region in which the
4 facility is located shall have the right to appear as a party in any proceedings
5 held under this subsection. The regional planning commission of an adjacent
6 region shall have the same right if the distance of the facility’s nearest
7 component to the boundary of that planning commission is 500 feet or
8 10 times the height of the facility’s tallest component, whichever is greater.

9 (H) The legislative body and the planning commission for the
10 municipality in which a facility is located shall have the right to appear as a
11 party in any proceedings held under this subsection. The legislative body and
12 planning commission of an adjacent municipality shall have the same right if
13 the distance of the facility’s nearest component to the boundary of that
14 adjacent municipality is 500 feet or 10 times the height of the facility’s tallest
15 component, whichever is greater.

16 (I) When a person has the right to appear as a party in a proceeding
17 before the Board under this chapter, the person may exercise this right by filing
18 a letter with the Board stating that the person appears through the person’s duly
19 authorized representative, signed by that representative.

20 (J) This subdivision (J) applies to an application for an electric
21 generation facility with a capacity that is greater than 50 kilowatts, unless the

1 facility is located on a new or existing structure the primary purpose of which
2 is not the generation of electricity. In addition to any other information
3 required by the Board, the application for such a facility shall include
4 information that delineates:

5 (i) the full limits of physical disturbance due to the construction
6 and operation of the facility and related infrastructure, including areas
7 disturbed due to the creation or modification of access roads and utility lines
8 and the clearing or management of vegetation;

9 (ii) the presence and total acreage of primary agricultural soils as
10 defined in 10 V.S.A. § 6001 on each tract to be physically disturbed in
11 connection with the construction and operation of the facility and the amount
12 of those soils to be disturbed;

13 (iii) all visible infrastructure associated with the facility; and

14 (iv) all impacts of the facility's construction and operation under
15 subdivision (b)(5) of this section, including impacts due to the creation or
16 modification of access roads and utility lines and the clearing or management
17 of vegetation.

18 (5) The Board shall adopt rules regarding standard conditions on
19 postconstruction inspection and maintenance of aesthetic mitigation and on
20 decommissioning to be included in certificates of public good for in-state
21 facilities approved under this section. The purpose of these standard

1 conditions shall be to ensure that all required aesthetic mitigation is performed
2 and maintained and that facilities are removed once they are no longer in
3 service.

4 (6) The Board shall require any in-state wind electric generation facility
5 receiving a certificate of public good to install radar-controlled obstruction
6 lights on all wind turbines for which the Federal Aviation Administration
7 (FAA) requires obstruction lights, if the facility includes four or more wind
8 turbines and the FAA allows the use of radar-controlled lighting technology.

9 (A) Nothing in this subdivision shall allow the Board to approve
10 obstruction lights that do not meet FAA standards.

11 (B) The purpose of this subdivision is to reduce the visual impact of
12 wind turbine obstruction lights on the environment and nearby properties. The
13 General Assembly finds that wind turbine obstruction lights that remain
14 illuminated through the night create light pollution. Radar-controlled
15 obstruction lights are only illuminated when aircraft are detected in the area,
16 and therefore the use of these lights will reduce the negative environmental
17 impacts of obstruction lights.

18 (7) When a certificate of public good under this section or amendment
19 to such a certificate is issued for an in-state electric generation facility, the
20 certificate holder within 45 days shall record a notice of the certificate or
21 amended certificate, on a form prescribed by the Board, in the land records of

1 each municipality in which a facility subject to the certificate is located and
2 shall submit proof of this recording to the Board. The recording under this
3 subsection shall be indexed as though the certificate holder were the grantor of
4 a deed. The prescribed form shall not exceed one page and shall require
5 identification of the land on which the facility is to be located by reference to
6 the conveyance to the current landowner, the number of the certificate, and the
7 name of each person to which the certificate was issued, and shall include
8 information on how to contact the Board to view the certificate and supporting
9 documents.

10 (b) Before the Public Service Board issues a certificate of public good as
11 required under subsection (a) of this section, it shall find that the purchase,
12 investment, or construction:

13 (1) With respect to an in-state facility, will not unduly interfere with the
14 orderly development of the region with due consideration having been given to
15 the recommendations of the municipal and regional planning commissions, the
16 recommendations of the municipal legislative bodies, and the land
17 conservation measures contained in the plan of any affected municipality.

18 However:

19 (A) ~~with~~ With respect to a natural gas transmission line subject to
20 Board review, the line shall be in conformance with any applicable provisions
21 concerning such lines contained in the duly adopted regional plan; and, in

1 addition, upon application of any party, the Board shall condition any
2 certificate of public good for a natural gas transmission line issued under this
3 section so as to prohibit service connections that would not be in conformance
4 with the adopted municipal plan in any municipality in which the line is
5 located; ~~and.~~

6 (B) ~~with~~ With respect to a ground-mounted solar electric generation
7 facility, the facility shall comply with the screening requirements of a
8 municipal bylaw adopted under 24 V.S.A. § 4414(15) or a municipal ordinance
9 adopted under 24 V.S.A. § 2291(28), and the recommendation of a
10 municipality applying such a bylaw or ordinance, unless the Board finds that
11 requiring such compliance would prohibit or have the effect of prohibiting the
12 installation of such a facility or have the effect of interfering with the facility's
13 intended functional use.

14 (C) With respect to an in-state electric generation facility, the Board
15 shall give substantial deference to the land conservation measures and specific
16 policies contained in a duly adopted regional and municipal plan that has
17 received an affirmative determination of energy compliance under 24 V.S.A.
18 § 4352. In this subdivision (C), “substantial deference” means that a land
19 conservation measure or specific policy shall be applied in accordance with its
20 terms unless there is a clear and convincing demonstration that other factors
21 affecting the general good of the State outweigh the application of the measure

1 or policy. The term shall not include consideration of whether the
2 determination of energy compliance should or should not have been
3 affirmative under 24 V.S.A. § 4352.

4 * * *

5 (5) With respect to an in-state facility, will not have an undue adverse
6 effect on ~~esthetics~~ aesthetics, historic sites, air and water purity, the natural
7 environment, the use of natural resources, and the public health and safety,
8 with due consideration having been given to the criteria specified in 10 V.S.A.
9 §§ 1424a(d) and 6086(a)(1) through (8) and (9)(K), impacts to primary
10 agricultural soils as defined in 10 V.S.A. § 6001, and greenhouse gas impacts.

11 * * *

12 (f) However, plans for the construction of such a facility within the State
13 must be submitted by the petitioner to the municipal and regional planning
14 commissions no less than 45 days prior to application for a certificate of public
15 good under this section, unless the municipal and regional planning
16 commissions shall waive such requirement.

17 (1) Such municipal or regional planning commission may hold a public
18 hearing on the proposed plans. Such commissions shall make
19 recommendations, if any, to the Public Service Board and to the petitioner at
20 least seven days prior to filing of the petition with the Public Service Board.

1 (A) The rules may waive the requirements of section 248 of this title
2 that are not applicable to net metering systems, including criteria that are
3 generally applicable to public service companies as defined in this title;

4 (B) The rules may modify notice and hearing requirements of this
5 title as the Board considers appropriate;

6 (C) The rules shall seek to simplify the application and review
7 process as appropriate; ~~and~~.

8 (D) ~~with~~ With respect to net metering systems that exceed 150 kW in
9 plant capacity, shall apply the so-called “Quechee” test for aesthetic impact as
10 described by the Vermont Supreme Court in the case of In re Halnon, 174 Vt.
11 515 (2002) (mem.). The rules and application form shall state the components
12 of this test.

13 (E) The rules shall not waive or include provisions that are less
14 stringent than the requirements of subdivision 248(a)(4)(J) (required
15 information) of this title.

16 (F) This subdivision (F) applies to an application for a net metering
17 system with a capacity that is greater than 15 kilowatts, unless the system is
18 located on a new or existing structure the primary purpose of which is not the
19 generation of electricity. With respect to such a system, the rules shall not
20 wave or include provisions that are less stringent than each of the following:

1 provider may use renewable energy with environmental attributes attached or
2 any class of tradeable renewable energy credits generated by any renewable
3 energy plant whose energy is capable of delivery in New England.

4 (B) Required amounts. The amounts of total renewable energy
5 required by this subsection shall be 55 percent of each retail electricity
6 provider's annual retail electric sales during the year beginning on January 1,
7 2017, increasing by an additional four percent each third January 1 thereafter,
8 until reaching 75 percent on and after January 1, 2032.

9 * * *

10 (D) Municipal providers; petition. On petition by a provider that is a
11 municipal electric utility serving not more than 6,000 customers, the Board
12 may reduce the provider's required amount under this subdivision (1) for a
13 period of up to three years. The Board may approve one such period only for
14 a municipal provider. The Board may reduce this required amount if it
15 finds that:

16 (i) the terms or conditions of an environmental permit or
17 certification necessitate a reduction in the electrical energy generated by an
18 in-state hydroelectric facility that the provider owns and that this reduction will
19 require the provider to purchase other renewable energy with environmental
20 attributes attached or tradeable renewable energy credits in order to meet this
21 required amount; and

- 1 (ii) this purchase will:
2 (I) cause the provider to increase significantly its retail rates; or
3 (II) materially impair the provider’s ability to meet the public’s
4 need for energy services after safety concerns are addressed, in the manner set
5 forth in subdivision 218c(a)(1)(least cost integrated planning) of this title;

6 * * * Access to Public Service Board Process * * *

7 Sec. 15. ACCESS TO PUBLIC SERVICE BOARD WORKING

8 GROUP: REPORT

9 (a) Creation. There is created an Access to Public Service Board Working
10 Group (the Working Group) to be composed of the following five members:

11 (1) One member of the Public Service Board (PSB), appointed by the
12 Chair of the PSB.

13 (2) The Commissioner of Public Service or designee.

14 (3) A judicial officer of the State, appointed by the Chief Justice of the
15 Supreme Court.

16 (4) A House member of the Joint Energy Committee established under
17 2 V.S.A. chapter 17, appointed by the Speaker of the House; and

18 (5) A Senate member of the Joint Energy Committee established under
19 2 V.S.A. chapter 17, appointed by the Committee on Committees.

1 **(b) Powers and duties; term.**

2 **(1) The Working Group shall review the current processes for citizen**
3 **participation in PSB proceedings and shall make recommendations to promote**
4 **increased ease of citizen participation in those proceedings.**

5 **(2) On or before December 15, 2016, the Working Group shall submit**
6 **its written recommendations to the House and Senate Committees on Natural**
7 **Resources and Energy, the Senate Committee on Finance, and the Joint Energy**
8 **Committee.**

9 **(3) The Working Group shall have the administrative, technical, and**
10 **legal assistance of the staff of the PSB.**

11 **(4) The appointed member of the PSB shall call the first meeting of the**
12 **Working Group to occur on or before July 1, 2016. At the first meeting, the**
13 **Working Group shall elect a chair from among its members.**

14 **(5) The Working Group shall cease to exist on February 1, 2017.**

15 *** Effective Dates ***

16 Sec. 16. EFFECTIVE DATES

17 **This act shall take effect on July 1, 2016, except that:**

18 **(1) This section and Secs. 9 (initial implementation; recommendations;**
19 **standards), 11 (30 V.S.A. § 248), 12 (sound standards; wind generation) and**
20 **15 (Access to Public Service Board Working Group) shall take effect on**

1 passage. Sec. 6 (optional determination of energy compliance) shall apply on
2 passage to the activities of the Department of Public Service under Sec. 9.

3 (2) Sec. 13 (net metering) shall take effect on January 2, 2017, and shall
4 amend 30 V.S.A. § 8010 as amended by 2015 Acts and Resolves No. 56,
5 Sec. 12.

6

7

8 (Committee vote: _____)

9

10

Representative _____

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FOR THE COMMITTEE