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S.230

Representative Ram of Burlington moves that the report of the Committee on Natural Resources and Energy be amended as follows:

First: By striking out Sec. 15 and inserting in lieu thereof a new Sec. 15 to read as follows:

Sec. 15. 30 V.S.A. § 8010 is amended to read:

§ 8010. SELF-GENERATION AND NET METERING

\* \* \*

(c) In accordance with this section, the Board shall adopt and implement rules that govern the installation and operation of net metering systems.

(1) The rules shall establish and maintain a net metering program that:

\* \* \*

(G) accounts for changes over time in the cost of technology; ~~and~~

(H) allows a customer to retain ownership of the environmental attributes of energy generated by the customer's net metering system and of any associated tradeable renewable energy credits or to transfer those attributes and credits to the interconnecting retail provider, and:

(i) if the customer retains the attributes, reduces the value of the credit provided under this section for electricity generated by the customer's net metering system by an appropriate amount; and

1 (ii) if the customer transfers the attributes to the interconnecting  
2 provider, requires the provider to retain them for application toward  
3 compliance with sections 8004 and 8005 of this title; and

4 **(I) promotes the siting of a net metering system on a tract of land**  
5 **that is part of a farm in existence and operation at the time an application**  
6 **for a certificate of public good under section 248 of this title for the net**  
7 **metering system is filed, provided that:**

8 **(i) all or part of the energy generated by the system is**  
9 **consumed by the farm;**

10 **(ii) other than the system, the principal uses of the tract are**  
11 **for farming as defined under 10 V.S.A. § 6001, the primary residence of**  
12 **the farmer, and farm structures as defined in 24 V.S.A. § 4413(d)(1);**

13 **(iii) the system will not be located on primary agricultural**  
14 **soils as defined in 10 V.S.A. § 6001; and**

15 **(iv) the system is constructed so as to minimize disturbance to**  
16 **and utilization of soils of statewide significant primary agricultural and so**  
17 **as to enable the tract to be returned to agricultural use after the end of the**  
18 **plant's useful life.**

19 \* \* \*

20 (3) The rules shall establish standards and procedures governing  
21 application for and issuance or revocation of a certificate of public good for net

1 metering systems under the provisions of section 248 of this title. In  
2 establishing these standards and procedures, ~~the rules:~~

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

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

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

10 (D) ~~with~~ With respect to net metering systems that exceed 150 kW in  
11 plant capacity, shall apply the so-called “Quechee” test for aesthetic impact as  
12 described by the Vermont Supreme Court in the case of In re Halnon, 174 Vt.  
13 515 (2002) (mem.). The rules and application form shall state the components  
14 of this test.

15 ~~(E) With respect to a net metering system exceeding 15 kW in~~  
16 ~~plant capacity, the~~ **The rules shall not waive or include provisions that are**  
17 ~~less stringent than the following, notwithstanding any contrary provision of~~  
18 ~~law:~~

19 ~~(i) with respect to a net metering system exceeding 15 kW in~~  
20 ~~capacity:~~



1        Second: In Sec. 18 (effective dates), by striking out subdivision (2) and  
2        inserting in lieu thereof two new subdivisions to be subdivisions (2) and (3) to  
3        read:

4                (2) Sec. 15 (net metering) shall take effect on January 2, 2017, and shall  
5        amend 30 V.S.A. § 8010 as amended by 2015 Acts and Resolves No. 56,  
6        Sec. 12.

7                (3) Notwithstanding any contrary provision of 1 V.S.A. § 214,  
8        Secs. 14a and 15 shall apply to the Public Service Board process under  
9        2014 Acts and Resolves No. 99, Sec. 5.