

MEMORANDUM

From: Sarah Hofmann, Public Service Board Member

To: Senate Finance Committee

Date: May 7, 2015

Re: Suggested language for H.40

Thank you for providing me with an opportunity yesterday to testify on short notice regarding the desirability of preserving the Public Service Board's flexibility to implement the RESET Program as presently set forth in H.40 as passed by the House. I am providing you with suggested language changes for H.40 in response to the request Senator Lyons made at the conclusion of my testimony.

Sec. 2 of H. 40 as passed by the House (amending 30 V.S.A. 8004)

As presently enacted, Sec.2 30 V.S.A. 8004 reads as follows:

(d) The Board shall provide, by order or rule, the regulations and procedures that are necessary to allow the Board and the Department to implement and supervise further the implementation and maintenance of a renewable portfolio standard.

In H. 40 as passed by the House, Sec.2 30 V.S.A. 8004 was amended to read as follows:

~~(d) (b) Rules; procedures.~~ The Board shall ~~provide, by order or rule,~~ adopt the regulations and rules or procedures that are necessary to allow the Board and the Department to implement and supervise further the implementation and maintenance of ~~a renewable portfolio standard~~ the RESET program.

Proposed language for Sec.2 30 V.S.A. 8004:

As I explained in my testimony before your committee yesterday, I recommend that the following language be adopted instead of the amendment to Sec. 2 30 V.S.A. 8004 in H. 40 as passed by the House:

(d) The Board shall provide, by order or rule, the regulations and procedures that are necessary to allow the Board and the Department to implement and supervise further the implementation and maintenance of the RESET program.

Sec. 8 of H. 40 (PUBLIC SERVICE BOARD RULEMAKING)

I recommend removing Sections 8(a), 8(b) and 8(c) from H. 40 as passed by the House. I further recommend that Section 8(d) be revised as follows:

(d) The Board and the Department of Public Service may retain experts and other personnel to assist them with proceedings related to implementing the RESET program and allocate the costs of these personnel to the electric distribution utilities in accordance with the process under 30 V.S.A. § 21.

The further intended effect of this change would be to render unnecessary Sections 8(c) and 8(d) as amended in the recommendation of the House Natural Resources and Energy Committee to the Senate Natural Resources and Energy Committee (Draft No.4.1 – H.40) 4/24/2015-ADA-03:21 PM).