

Hello. Attached as requested is a revised draft amendment to S.230 that would:

- remove siting jurisdiction over electric generation from the PSB and place it under Act 250 and local zoning, except that reliability generation would remain under the PSB and the PSB rules on interconnection with the utility system would continue to apply to all electric generation.
- grant the PSB discretion to allow nonlawyers to represent individuals before the PSB.
- require that the REC monitoring system to be established by the PSB under existing law allow the public to see who owns the RECs produced by in-state facilities.
- require that, starting in 2022, RECs from net metering systems must transfer to the electric utilities.

There are five instances of amendment and below is a more detailed summary.

The first amendment amends the statute that authorizes the PSB to adopt rules of practice and would enable the PSB to determine who may appear before it in addition to attorneys. The draft would state that such representation shall not constitute unauthorized practice of law. The General Assembly has previously passed legislation declaring actions by nonattorneys in the Office of Child Support before a Family Court magistrate not to be such unauthorized practice. <http://legislature.vermont.gov/statutes/section/04/010/00464>

The second amendment replaces a reference to Section 248 in the bill and replaces it with 10 V.S.A. chapter 151, which is Act 250, because this amendment is moving siting over to there. It appears first only because that's where it lands in the bill. The particular section is Sen. Bray's proposal on three-phase lines.

The third amendment contains the substance of the proposal on moving jurisdiction over electric generation facilities. It would strike the section of the bill that proposes to amend Section 248 to require decommissioning and substitute for it eight new sections that make the change you want to propose. A rundown of these secs.:

- Sec. 6 – defines development for the purpose of Act 250 to include construction for the purpose of generating electricity for sale or for a net metering system. Includes all ancillary improvements such as buildings, foundations, distribution lines, roads. Also amends the *exemptions* from Act 250 to limit the generation exemption to reliability projects. Electric transmission and natural gas facilities remain exempt and under Section 248.
- Sec. 6a – amends Act 250's authority to issue permit conditions to mandate decommissioning requirements for electric generation unless 15 kW or less. The concept is to preserve what the bill originally proposed on decommissioning but move it over from Section 248 to Act 250.
- Sec. 6b – limits the "power generating plants" exempt from local zoning to reliability projects. The effect is that localities can choose to regulate electric generation facilities other than those installed for reliability. Electric transmission remains exempt.
- Sec. 6c – removes electric generation from Section 248 siting review except for reliability generation. This is a long section because it's referenced in a lot of sections in that statute. Also, as we've discussed, one question that arises is how to deal with the provisions in Section 248 that allow the Public Service Board (PSB) to temporarily waive the prohibitions on siting a generation facility without prior approval in the case of an

emergency (e.g., need to install temporary generation to keep the lights on because a big storm blew the system out). This draft retains and amends them to allow the PSB to temporarily waive the prohibitions, including Act 250, and added the Natural Resources Board to the parties who get notice.

- Sec. 6d – this amends the fee statute for Section 248 projects to remove the fees for electric generation, except for reliability generation, which would be charged the same fee as new electric transmission projects. Electric generation projects (except for reliability) would be subject to the Act 250 fee statute (no amendment needed).
- Sec. 6e – repeals sections of law that would no longer be needed once jurisdiction is moved to Act 250 and local zoning. These include the solar screening bylaws, since those provide only limited authority and your amendment would grant towns full zoning authority. They also include provisions that allow the PSB to streamline the Section 248 process for net metering systems and other small renewables, since those systems would move over to Act 250.
- Sec. 6f – technical correction to Act 99 of 2014 to give full effect to one of the repeals in Sec. 6e. Otherwise, that authority would spring up again on Jan. 1, 2017, due to a provision of Act 99 that takes effect on that date.
- Sec. 6g – States that the above amendments do not affect the PSB’s authority to require compliance with its interconnection rules.

The fourth instance of amendment revises the existing statute that directs the PSB to set up a REC system. It would require the Board to ensure that the system is accessible to the public and allows a member of the public to determine who owns the RECs from in-state generation projects.

The fifth instance of amendment would address net metering systems.

- It would amend the provision in 30 V.S.A. § 8010 that allows net metering systems owners to retain REC ownership (with a reduction in the amount of bill credit) and require that, starting in 2022, the RECs from net metering systems transfer to the electric utilities for application to the Renewable Energy Standard. 2022 is chosen because it would allow five years for net metering owners to prepare for the transition. The period could be different.
- It also would repeal an additional provision contained in 30 V.S.A. § 8010 that allows the Board to streamline the Section 248 process for net metering systems.
- It’s a separate amendment because Sec. 8 of the bill already amends § 8010 to include the solar park proposal.

I’m happy to discuss these further with you. If you would like the amendment presented differently, pls let me know. This draft continues to follow the order of the bill as introduced. Another option would just be to do a strike-all and reorganize the bill.