

1 TO THE HONORABLE SENATE:

2 The Committee on Natural Resources and Energy to which was referred House
3 Bill No. 40 entitled “An act relating to establishing a renewable energy
4 standard and energy transformation program” respectfully reports that it has
5 considered the same and recommends that the Senate propose to the House that
6 the bill be amended as follows:

7 First: In Sec. 2, 30 V.S.A. § 8004, in subsection (a), in the last sentence,
8 after “renewable energy credits” and before the comma, by inserting that it
9 owns and retires.

10 Second: In Sec. 2, 30 V.S.A. § 8004, by striking out subsection (b) and
11 inserting in lieu thereof a new subsection (b) to read:

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

16 Third: In Sec. 3, 30 V.S.A. § 8005, in subdivision (a)(3), in subdivision
17 (D), in the first sentence, by striking out “or procedures”, and in subdivision
18 (F), by striking out each occurrence of “or procedures”.

19 Fourth: In Sec. 3, 30 V.S.A. § 8005, in subdivision (a)(3)(E), after
20 subdivision (ii), by inserting a subdivision (iii) to read:

1 (iii) To meet the requirements of this subdivision (3), one or more
2 retail electricity providers may jointly propose with an energy efficiency entity
3 appointed under subdivision 209(d)(2) of this title an energy transformation
4 project or group of such projects. The proposal shall include standards of
5 measuring performance and methods to allocate savings and reductions in
6 fossil fuel consumption and greenhouse gas emissions among each
7 participating provider and efficiency entity.

8 Fifth: In Sec. 3, 30 V.S.A. § 8005, in subdivision (a)(3)(F), by striking out
9 subdivision (viii) and inserting in lieu thereof a new subdivision (viii) to read:

10 (viii) To ensure that, if an energy transformation project will
11 increase the use of electric energy, the project incorporates best practices for
12 demand management, uses technologies appropriate for Vermont, and requires
13 that the energy performance of each building served by the project meets
14 minimum energy performance standards that are consistent with meeting or
15 exceeding the goals of 10 V.S.A. § 581 (building efficiency).

16 Sixth: In Sec. 3, 30 V.S.A. § 8005, in subdivision (a)(3)(G)(i), by striking
17 out “strict”.

18 Seventh: In Sec. 3, 30 V.S.A. § 8005, in subdivision (d)(1), by striking out
19 “of Portland, Maine”.

1 Eighth: In Sec. 4, 30 V.S.A. § 8005a, in subdivision (k)(3), in the last
2 sentence, after “purchasing power” by striking out “from” and inserting in lieu
3 thereof generated by.

4 Ninth: In Sec. 6, 30 V.S.A. § 8005b, by striking out subsection (b) and
5 inserting in lieu thereof a new subsection (b) to read:

6 (b) The annual report under this section shall include at least each of the
7 following:

8 (1) An assessment of the costs and benefits of the RESET Program
9 based on the most current available data, including rate and economic impacts,
10 customer savings, technology deployment, greenhouse gas emission reductions
11 actually achieved, fuel price stability, and effect on transmission and
12 distribution upgrade costs, and any recommended changes based on this
13 assessment.

14 (2) Projections, looking at least 10 years ahead, of the impacts of the
15 RESET Program. The Department shall employ an economic model to make
16 these projections and shall consider at least three scenarios based on high,
17 mid-range, and low energy price forecasts. The Department shall project, for
18 the State, the RESET Program’s impact in each of the following areas: electric
19 utility rates; total energy consumption; electric energy consumption; fossil fuel
20 consumption; and greenhouse gas emissions. The report shall compare the
21 amount or level in each of these areas with and without the Program.

1 (3) An assessment of whether the requirements of the RESET
2 Program have been met to date, and any recommended changes needed to
3 achieve those requirements.

4 Tenth: In Sec. 6, 30 V.S.A. § 8005b, in subsection (c), by striking out
5 subdivision (8) and by renumbering the remaining subdivision to be
6 numerically correct.

7 Eleventh: In Sec. 12, 30 V.S.A. § 8010(c), in subdivision (2)(F), in the
8 third sentence, after “a” and before “credit,” by inserting monthly.

9 Twelfth: By striking Sec. 14a in its entirety and inserting in lieu thereof
10 [Deleted.]

11 Thirteenth: By striking out Sec. 14b in its entirety and inserting lieu thereof
12 a new Sec. 14b to read:

13 Sec. 14b. JOINT ENERGY COMMITTEE; RECOMMENDATION

14 (a) On or before February 15, 2016, the Joint Energy Committee under
15 2 V.S.A. chapter 17 shall submit a recommendation to the House Committee
16 on Commerce and Economic Development, Senate Committee on Finance,
17 House Committee on Ways and Means, and House and Senate Committees on
18 Natural Resources and Energy on:

19 (1) what revisions, if any, the Committee recommends that the General
20 Assembly enact with respect to the statutes applicable to energy efficiency
21 entities appointed and charges imposed under 30 V.S.A. § 209(d); and

1 (2) what legislation, if any, the Committee recommends that the General
2 Assembly enact to clarify or alter the relationship of energy efficiency entities
3 and charges under 30 V.S.A. § 209(d) with the energy transformation category
4 adopted under Sec. 3 of this act, 30 V.S.A. § 8005(a).

5 (b) Prior to submitting its recommendation under this section, the Joint
6 Energy Committee shall offer an opportunity for comment by affected State
7 agencies; utilities; appointed energy efficiency entities; advocates for business,
8 consumer, and environmental interests; and members of the public.

9 (c) For the purpose of this section, the Joint Energy Committee:

10 (1) may meet no more than four times during adjournment without prior
11 approval of the Speaker of the House and the President Pro Tempore of the
12 Senate; and

13 (2) shall have the administrative, technical, and professional assistance
14 of the Office of Legislative Council and the Joint Fiscal Office.

15 Fourteenth: In Sec. 19, 30 V.S.A. § 248(b), by striking out subdivision (9)
16 and inserting a new subdivision (9) to read:

17 (9) with respect to a waste to energy facility;

18 (A) is included in a solid waste management plan adopted pursuant to
19 24 V.S.A. § 2202a, which is consistent with the State Solid Waste
20 Management Plan; and

1 (B) is included in a solid waste management plan adopted pursuant to
2 24 V.S.A. § 2202a for the municipality and solid waste district from which
3 1,000 tons or more per year of the waste is to originate, if that municipality or
4 district owns an operating facility that already beneficially uses a portion of the
5 waste;

6 Fifteenth: After Sec. 20, by inserting a new section to be Sec. 20a to read:

7 Sec. 20a. WORKING GROUP; PROCESS FOR ENERGY FACILITIES
8 CURRENTLY SUBJECT TO PUBLIC SERVICE BOARD
9 JURISDICTION

10 (a) Creation. There is created a Public Service Board Proceedings Working
11 Group to study issues pertaining to energy-related facilities currently subject to
12 the jurisdiction of the Public Service Board (the Board), including processes
13 relating to construction of facilities and eminent domain and the negotiation of
14 rights-of-way (ROW).

15 (b) Membership. The Working Group shall be composed of the following
16 13 members:

17 (1) one current member of the House of Representatives appointed by
18 the Speaker of the House;

19 (2) one current member of the Senate appointed by the Committee on
20 Committees;

21 (3) the Commissioner of Public Service or designee;

1 (4) a member of the Public Service Board or designee chosen by the
2 Board;

3 (5) the Secretary of Natural Resources or designee;

4 (6) a representative of the Vermont League of Cities and Towns,
5 appointed by the League;

6 (7) a representative of the Vermont Planners Association, appointed by
7 that Association;

8 (8) a representative of the Vermont Association of Planning and
9 Development Agencies, appointed by that Association;

10 (9) a representative of Renewable Energy Vermont (REV), appointed by
11 REV;

12 (10) a representative of an electric distribution utility appointed by the
13 Governor;

14 (11) a Vermont resident with public policy and environmental and
15 energy expertise who is not affiliated with a public utility or developer of
16 energy facilities, by joint appointment of the Vermont Natural Resources
17 Council and the Vermont Public Interest Research Group; and

18 (12) the following by joint appointment of the Speaker of the House and
19 the Committee on Committees:

20 (A) an attorney with a substantial practice in representing non-utility
21 applicants seeking approval of facilities from the Board; and

1 (B) an attorney with a substantial practice in representing persons
2 other than applicants and public utilities in Public Service Board proceedings,
3 such as municipalities and affected property owners.

4 (c) Knowledge and experience. Designees of appointees under
5 subdivisions (b)(3)–(5) and appointees under subdivisions (b)(6)–(11) of this
6 section shall have knowledge and experience with respect to proceedings under
7 10 V.S.A. chapter 151, 24 V.S.A. chapter 117, and 30 V.S.A. § 248.

8 (d) Powers and duties. The Working Group shall study the processes
9 before the Board relating to energy-related facilities currently under the
10 Board’s jurisdiction and shall provide a report in the form of proposed
11 legislation with the rationale for each proposal. The Working Group may
12 consider:

13 (1) the appropriate government body or bodies to conduct these
14 processes;

15 (2) the role and standing of municipal plans and enactments, regional
16 plans, and municipal and regional bodies and the resources available to support
17 the participation of those bodies;

18 (3) accessibility to potential participants and the burdens on those
19 potential participants, including the roles and responsibilities of intervenors
20 and their ability to obtain a hearing;

21 (4) the review of aesthetic impacts;

1 (5) the conduct of ROW negotiations and the resources available to the
2 participants;

3 (6) the availability and conduct of eminent domain proceedings, the
4 valuation of property in those proceedings, and the resources available to the
5 participants; and

6 (7) any other issue relating to facilities currently subject to the
7 jurisdiction of the Board that the Working Group decides to review.

8 (e) Assistance. The legislative members of Working Group shall have the
9 administrative, technical, and professional assistance of the Office of
10 Legislative Council and the Joint Fiscal Office, including the assistance of the
11 Office of Legislative Council in scheduling and drafting proposed legislation
12 recommended by the Group. The Working Group shall be entitled, on request,
13 to technical and professional assistance from the Agencies of Natural
14 Resources and of Commerce and Community Development, the Department of
15 Public Service, the Natural Resources Board, and the Public Service Board.

16 (f) Proposed legislation. On or before January 15, 2016, the Working
17 Group shall submit its proposed legislation to the House Committee on
18 Commerce and Economic Development, the Senate Committee on Finance,
19 and the House and Senate Committees on Natural Resources and Energy.

20 (g) Meetings.

1 (1) The Office of Legislative Council shall call the first meeting of the
2 Working Group to occur on or before August 1, 2015.

3 (2) The Committee shall select a chair and vice chair from among its
4 legislative members at the first meeting.

5 (3) A majority of the membership shall constitute a quorum.

6 (4) The Working Group shall cease to exist on March 15, 2016.

7 (h) Reimbursement. For attendance at meetings of the Working Group
8 during adjournment of the General Assembly, legislative members of the
9 Working Group shall be entitled to per diem compensation and reimbursement
10 of expenses pursuant to 2 V.S.A. § 406 for no more than 12 meetings.

11 Sixteenth: In Sec. 21, 30 V.S.A. § 8001(b), by striking out “and
12 procedures” and inserting in lieu thereof ~~and procedures~~.

13 Seventeenth: In Sec. 28 (effective dates), in subsection (a), in the first
14 sentence, by striking out “14a (energy efficiency charge),” and, after “18 (net
15 metering pilot project,” by inserting 20a (working group; energy facilities),
16 and, in subsection (b), by striking out the first sentence and inserting in lieu
17 thereof a new sentence to read:

18 Secs. 1 through 7, 9, 11, 13, 14, 15 through 17, 19, 20, and 21 through 26
19 shall take effect on July 1, 2015.

1 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE