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S.230

Senator ____ moves that the Senate concur in the House proposal of amendment with a further proposal of amendment as follows:

First: In Sec. 6, 24 V.S.A. § 4352, by striking out subsections (a) (regional plan) and (b) (municipal plan) and inserting in lieu thereof new subsections (a) and (b) to read:

(a) Regional plan. A regional planning commission may submit its adopted regional plan to the Commissioner of Public Service appointed under 30 V.S.A. § 1 for a determination of energy compliance. The Commissioner shall issue ~~such a an affirmative~~ determination ~~in writing~~ on finding that the regional plan meets the requirements of subsection (c) of this section and allows for the siting in the region of all types of renewable generation technologies.

(b) Municipal plan. If the Commissioner of Public Service has issued ~~a an affirmative~~ determination of energy compliance for a regional plan that is in effect, a municipal legislative body within the region may submit its adopted municipal plan to the regional planning commission for issuance of a determination of energy compliance. The regional planning commission shall issue ~~such a an affirmative~~ determination ~~in writing~~, signed by the chair of the regional planning commission, on finding that the municipal plan meets the

1 requirements of subsection (c) of this section and is consistent with the
2 regional plan.

3 Second: In Sec. 6, 24 V.S.A. § 4352, in subsection (c) (enhanced energy
4 planning; requirements), in the first full sentence after the subheading and
5 before the colon, by striking out “a determination” and inserting in lieu thereof
6 **an affirmative determination**

7 Third: In Sec. 6, 24 V.S.A. § 4352, in subsection (e) (process for issuing
8 determinations of energy compliance), by striking out the second sentence after
9 the subheading and inserting in lieu thereof the following:

10 The Commissioner or regional planning commission shall issue the
11 determination **in writing** within two months of the receipt of a request for a
12 determination.

13 Fourth: In Sec. 6, 24 V.S.A. § 4352, in subsection (f) (appeal), after the
14 first sentence, by inserting **The provisions of 10 V.S.A. § 6024 regarding**
15 **assistance to the Board of other departments and agencies of the State**
16 **shall apply to this subsection.**

17 Fifth: In Sec. 6, 24 V.S.A. § 4352, in subsection (g) (municipality;
18 determination from DPS; time-limited option), in subdivision (1), by striking
19 out the first sentence and inserting in lieu thereof The Commissioner shall
20 issue **a an affirmative** determination of energy compliance for the municipal

1 plan on finding that the plan meets the requirements of subsection (c) of this
2 section.

3 Sixth: By striking out Sec. 10 in its entirety and inserting in lieu thereof a
4 new Sec. 10 to read:

5 Sec. 10. TRAINING

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

1 notice of the ~~sessions~~ session to the regional planning commission and its
2 member municipalities.

3 Seventh: After Sec. 10, by inserting Sec. 10a to read:

4 Sec. 10a. PLANNING SUPPORT; ALLOCATION OF COSTS

5 (a) During fiscal year 2017, the Commissioner of Public Service, in
6 consultation with the Commissioner of Housing and Community
7 Development, shall disburse ~~an amount not to exceed the amount of~~
8 \$300,000.00 to regional planning commissions established under 24 V.S.A.
9 chapter 117 and to municipalities for one or more of the following purposes:

10 (1) implementation of Secs. 5 (energy element; regional plan) and 6
11 (optional determination of energy compliance) of this act;

12 (2) the implementation by a regional planning commission of 24 V.S.A.
13 § 4345a (studies and recommendations on energy);

14 (3) participation in the development of recommendations and standards
15 pursuant to Sec. 9 (initial implementation; recommendations; standards) of this
16 act; and

17 (4) assistance by a regional planning commission to the Department of
18 Public Service (the Department) in providing training under Sec. 10 (training)
19 of this act or to municipalities in the implementation of this act.

20 (b) In disbursing funds under this section, the Commissioners shall
21 consider the need and size of a municipality or region and the availability, if

1 any, of other assistance, expertise, or funds to a municipality or region to
2 implement this act.

3 (c) The Commissioner of Public Service shall allocate costs under
4 subsection (a) of this section to the electric distribution utilities subject to its
5 supervision under Title 30 of the Vermont Statutes Annotated based on their
6 pro rata share of total Vermont retail kilowatt-hour sales for the previous fiscal
7 year. Each of these utilities shall pay its allocation into the State Treasury at
8 such time and in such manner as the Commissioner may direct.

9 Eighth: In Sec. 11, 30 V.S.A. § 248, in subsection (a), in subdivision (6), in
10 the first sentence, by striking out “**the facility includes four or more wind**
11 **turbines and**”

12 Ninth: In Sec. 11, 30 V.S.A. § 248, after subsection (t), by inserting a
13 subsection (u) to read:

14 (u) A petition under this section for an in-state facility that is not a net
15 metering system as defined in this title shall include a life cycle analysis of the
16 greenhouse gas impacts of the facility that the Board shall consider in issuing
17 findings under subdivisions (b)(2) and (5) of this section. In this subsection,
18 “facility” includes all generating equipment, poles, wires, substations,
19 structures, roads, and infrastructure, and all other associated land development.

20 This analysis shall include:

21 (1) emissions embodied in all facility components;

1 (2) emissions associated with the transportation of all such components
2 to the site or sites at which they will be installed;

3 (3) emissions associated with site preparation, including the clearing of
4 forested areas and reductions in future carbon sequestration potential from the
5 facility site or sites;

6 (4) emissions associated with the construction of all facility
7 components;

8 (5) emissions associated with the operation of the facility;

9 (6) emissions associated with the decommissioning of the facility; and

10 (7) for facilities that employ renewable energy as defined under section
11 8002 of this title, the reduction in greenhouse gas emissions achieved by the
12 facility as compared to alternative generation facilities that do not employ
13 renewable energy.

14 Tenth: After Sec. 11, by inserting a Sec. 11a to read:

15 Sec. 11a. RULES; PETITION

16 (a) On or before August 1, 2016, the Department of Public Service shall
17 file a petition for rulemaking with the Public Service Board containing
18 proposed rules to **implement 30 V.S.A. § 248(a)(5) (postconstruction**
19 **inspection of aesthetic mitigation; decommissioning) as enacted by Sec. 11**
20 **of this act.**

1 (b) On or before **October 15, 2016**, the Public Service Board shall file
2 proposed rules to implement **30 V.S.A. § 248(a)(5)** with the Secretary of State
3 under 3 V.S.A. § 838. The Board shall finally adopt such rules on or before
4 **June 15, 2017**, unless such deadline is extended by the Legislative Committee
5 on Administrative Rules pursuant to 3 V.S.A. § 843(c).

6 Eleventh: By striking out Sec. 13 and inserting in lieu thereof a reader
7 guide and four new sections to be Secs. 13, 13a, 13b, and 13c to read:

8 * * * Preferred Locations; Standard Offer; Net Metering * * *

9 Sec. 13. 30 V.S.A. § 8002(30) is added to read:

10 (30) “Preferred location” means a site within the State on which a
11 renewable energy plant will be located that is one of the following:

12 (A) A new or existing structure, ~~including a commercial or~~
13 ~~residential building, a parking lot, or parking lot canopy~~, whose primary
14 use is not the generation of electricity or providing support for the placement
15 of equipment that generates electricity.

16 (B) A parking lot canopy over a paved parking lot, provided that
17 the location remains in use as a parking lot.

18 (C) A tract previously developed for a use other than siting a plant on
19 which a structure or impervious surface was lawfully in existence and use prior
20 to **January July 1** of the year **preceding the year** in which an application for
21 a certificate of public good under section 248 of this title for the plant net

1 metering system is filed or in which the plant seeks an award of a contract
2 under the standard offer program under section 8005a of this title, whichever is
3 earlier. To qualify under this subdivision (C), the limits of disturbance of a
4 proposed renewable energy plant must include either the existing structure or
5 impervious surface and shall not include any headwaters, streams, shorelines,
6 floodways, rare and irreplaceable natural areas, necessary wildlife habitat,
7 wetlands, endangered species, productive forestlands, and primary agricultural
8 soils, all of which are as defined in 10 V.S.A. chapter 151.

9 (D) Land certified by the Secretary of Natural Resources to be a
10 brownfield site as defined under 10 V.S.A. § 6642.

11 (E) A sanitary landfill as defined in 10 V.S.A. § 6602, provided that
12 the Secretary of Natural Resources certifies that the land constitutes such a
13 landfill and is suitable for the development of the plant.

14 (F) The disturbed portion of a gravel pit, quarry, or similar site for
15 the extraction of a mineral resource, provided that all activities pertaining to
16 site reclamation required by applicable law or permit condition are satisfied
17 prior to the installation of the plant.

18 (G) A specific location designated in a duly adopted municipal plan
19 under 24 V.S.A. chapter 117 for the siting of a renewable energy plant or
20 specific type or size of renewable energy plant, provided that the plant meets
21 any siting criteria recommended in the plan for the location. On or after

1 January 1, 2019, to qualify under this subdivision (F), the plan must ~~be~~
2 **certified receive an affirmative determination of energy compliance** under
3 24 V.S.A. § 4352.

4 (H) A site listed on the National Priorities List (NPL) established
5 under the Comprehensive Environmental Response, Compensation, and
6 Liability Act, 42 U.S.C. chapter 103, if the U.S. Environmental Protection
7 Agency or the Agency of Natural Resources confirms each of the following:

8 (i) The site is listed on the NPL.

9 (ii) Development of the plant on the site will not compromise or
10 interfere with remedial action on the site.

11 (iii) The site is suitable for development of the plant.

12 (I) A new hydroelectric generation facility at a dam in existence as of
13 January 1, 2016 or a hydroelectric generation facility that was in existence but
14 not in service for a period of at least 10 years prior to January 1, 2016 and that
15 will be redeveloped for electric generation, if the facility has received approval
16 or a grant of exemption from the U.S. Federal Energy Regulatory Commission.

17 (J) If the plant constitutes a net metering system, then in addition to
18 subdivisions (A) through (I) of this subdivision (30), a site designated by
19 Board rule as a preferred location.

1 Sec. 13a. 30 V.S.A. § 8005a is amended to read:

2 § 8005a. STANDARD OFFER PROGRAM

3 * * *

4 (c) Cumulative capacity. In accordance with this subsection, the Board
5 shall issue standard offers to new standard offer plants until a cumulative plant
6 capacity amount of 127.5 MW is reached.

7 (1) Pace. Annually commencing April 1, 2013, the Board shall increase
8 the cumulative plant capacity of the standard offer program (the annual
9 increase) until the 127.5-MW cumulative plant capacity of this subsection is
10 reached.

11 * * *

12 (D) Pilot project; preferred locations. For a period of three years
13 commencing on January 1, 2017:

14 (i) The Board shall allocate the following portions of the annual
15 increase to new standard offer plants that will be wholly located in one or more
16 preferred locations other than parking lots or parking lot canopies:

17 (I) one-sixth of the annual increase, during the first year;

18 (II) one-quarter of the annual increase, during the second
19 year; and

20 (III) one-third of the annual increase, during the third year.

1 (ii) The Board separately shall allocate the following portions of
2 the annual increase to new standard offer plants that will be wholly located on
3 parking lots or on parking lot canopies:

4 (I) one-sixth of the annual increase, during the first year;

5 (II) one-quarter of the annual increase, during the second
6 year; and

7 (III) one-third of the annual increase, during the third year.

8 (iii) To qualify for these allocations, the plant shall not require the
9 construction of a new substation by the interconnecting retail electricity
10 provider or by increasing the capacity of one or more of the provider's existing
11 facilities. To qualify for the allocation to plants wholly located on parking lots
12 or on parking lot canopies, the location shall remain in use as a parking lot.

13 (iv) These allocations shall apply proportionally to the
14 independent developer block and provider block.

15 (v) If in a given year an allocation under this pilot project is not
16 fully subscribed, the Board in the same year shall allocate the unsubscribed
17 capacity to new standard offer plants outside the pilot project.

18 * * *

19 (f) Price. The categories of renewable energy for which the Board shall set
20 standard offer prices shall include at least each of the categories established
21 pursuant to subdivision (c)(2) of this section. The Board by order shall

1 determine and set the price paid to a plant owner for each kWh generated
2 under a standard offer required by this section, with a goal of ensuring timely
3 development at the lowest feasible cost. The Board shall not be required to
4 make this determination as a contested case under 3 V.S.A. chapter 25.

5 * * *

6 (5) Price; preferred location pilots. For the period during which the
7 Board allocates capacity to new standard offer plants that will be wholly
8 located in one or more preferred locations as set forth in subdivision (c)(1)(D)
9 of this section, the following shall apply to the price paid to such a plant:

10 (A) ~~In using~~ If the Board uses a market-based mechanism ~~such as a~~
11 ~~reverse auction~~ under subdivision (1) of this subsection (f) to determine this
12 price for ~~each one or both~~ of the two allocations of capacity, the Board shall
13 compare only the proposals of plants that qualify for the allocation.

14 (B) ~~In using~~ If the Board uses avoided costs under subdivision (2)
15 of this subsection (f) to determine this price for ~~each one or both~~ of the two
16 allocations of capacity, the Board shall ~~derive the incremental cost from~~ apply
17 the definition of “avoided costs” as set forth in subdivision (2)(B) of this
18 subsection with the modification that the avoided energy or capacity shall
19 be from distributed renewable generation that is sited on a location that
20 qualifies for the allocation ~~and uses the same generation technology as the~~
21 category of renewable energy for which the Board is setting the price.

1 (C) With respect to the allocation to the new standard offer plants
2 that will be wholly located on parking lots or on parking lot canopies, if in a
3 given year the Board receives only one application or multiple applications for
4 plants owned or controlled by the same person as defined in 10 V.S.A. § 6001,
5 the Board shall investigate each application and shall have discretion to reduce
6 the price to be consistent with the standard offer price for plants outside the
7 pilot project using the same generation technology.

8 Sec. 13b. STANDARD OFFER PILOT; REPORT

9 On or before January 15, 2018, the Public Service Board shall file a report
10 with the House Committee on Commerce and Economic Development, the
11 Senate Committee on Finance, and the House and Senate Committees on
12 Natural Resources and Energy on the progress of the standard offer pilot
13 project on preferred locations authorized in Sec. 15 of this act. This report
14 shall itemize the size, type of preferred location, generation technology, and
15 cost per kilowatt hour of each application received under the pilot project and
16 shall identify each generation facility approved under the pilot and the ~~bill~~
17 ~~credit per kilowatt hour price~~ awarded to each such facility.

1 Sec. 13c. 30 V.S.A. § 8010 is amended to read:

2 § 8010. SELF-GENERATION AND NET METERING

3 * * *

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

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

7 * * *

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

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

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

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

19 (I) promotes the siting of net metering systems in preferred locations.

20 * * *

1 (3) The rules shall establish standards and procedures governing
2 application for and issuance or revocation of a certificate of public good for net
3 metering systems under the provisions of section 248 of this title. In
4 establishing these standards and procedures, ~~the rules~~:

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

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

10 (C) The rules shall seek to simplify the application and review
11 process as appropriate; ~~and, including simplifying the application and review~~
12 process to encourage group net metering systems when the system is at least 50
13 percent owned by the customers who receive the bill credits for the electricity
14 generated by the system.

15 (D) ~~with~~ With respect to net metering systems that exceed 150 kW in
16 plant capacity, shall apply the so-called “Quechee” test for aesthetic impact as
17 described by the Vermont Supreme Court in the case of In re Halnon, 174 Vt.
18 515 (2002) (mem.). The rules and application form shall state the components
19 of this test.

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

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

9 (i) the requirement of subdivision 248(a)(4)(C) of this title to
10 provide a copy of the application to the Agencies of Agriculture, Food and
11 Markets and of Natural Resources; the Department of Public Service; the
12 Division for Historic Preservation; the municipal legislative body; and the
13 municipal and regional planning commissions; and

14 (ii) the requirements of subsection 248(f) (preapplication
15 submittal) of this title.

16 * * *

17 (e) If a hydroelectric generation plant seeking approval as a net metering
18 system is subject to licensing jurisdiction under the Federal Power Act,
19 16 U.S.C. chapter 12, subchapter 1, the Board shall require the plant to obtain
20 such approval through means other than by application for a certificate of
21 public good under section 248 of this title.

1 Twelfth: After Sec. 15, by inserting a new reader guide and Secs. 15a
2 through 15d to read:

3 * * * Public Assistance Officer * * *

4 Sec. 15a. 30 V.S.A. § 3 is amended to read:

5 § 3. PUBLIC SERVICE BOARD

6 (a) The ~~public service board~~ Public Service Board shall consist of a
7 ~~chairperson~~ chair and two members. The ~~chairperson~~ Chair and each member
8 shall not be required to be admitted to the practice of law in this ~~state~~ State.

9 * * *

10 (g) The ~~chairperson~~ Chair shall have general charge of the offices and
11 employees of the ~~board~~ Board.

12 (h) The Board shall employ a Public Assistance Officer (PAO) in
13 accordance with this subsection.

14 (1) The PAO shall ~~facilitate citizen participation in and~~ provide
15 guidance to and answer questions from parties and members of the public on
16 all matters under this title concerning the siting and construction of facilities in
17 the State that generate or transmit electricity, constitute a meteorological
18 station as defined in section 246 of this title, or constitute a natural gas facility
19 as defined in subdivision 248(a)(3) of this title. As used in this section:

20 (A) “Contested case” has the same meaning as in 3 V.S.A. § 801.

1 (B) “Matter” means any proceeding before or by the Board, including
2 an application for a certificate of public good, a petition for condemnation,
3 rulemaking, and the issuance of guidance or procedures.

4 (2) Guidance and information to be provided by the PAO shall include
5 the following:

6 (A) An explanation of the proceeding, including its purpose; its type,
7 such as rulemaking or contested case; and the restrictions or lack of restrictions
8 applicable to the type of proceeding, such as whether ex parte communications
9 are prohibited.

10 (B) Answers to procedural questions and direction to the statutes and
11 rules applicable to the proceeding.

12 (C) How to participate in the proceeding including, if necessary for
13 participation, how to file to a motion to intervene and how to submit prefiled
14 testimony. The Board shall create forms and templates for motions to
15 intervene, prefiled testimony, and other types of documents commonly filed
16 with the Board, which the PAO shall provide to a person on request. The
17 Board shall post these forms and templates on the Board’s website.

18 (D) The responsibilities of intervenors and other parties.

19 (E) The status of the proceeding. Examples of a proceeding’s status
20 include: a petition has been filed; the proceeding awaits scheduling a
21 prehearing conference or hearing; parties are conducting discovery or

1 submitting prefiled testimony; hearings are concluded and parties are preparing
2 briefs; and the proceeding is under submission to the Board and awaits a
3 decision. For each proceeding in which the next action constitutes the issuance
4 of an order, decision, or proposal for decision by the Board or a hearing
5 officer, the Chair or assigned hearing officer shall provide the PAO with an
6 expected date of issuance and the PAO shall provide this expected date to
7 requesting parties or members of the public.

8 (3) With respect to ~~citizens~~ **individuals other than petitioners who are**
9 representing themselves in proceedings within the scope of subdivision (1) of
10 this subsection, the PAO shall

11 ~~(A) Provide neutral advice and assistance on process and~~
12 ~~procedures.~~

13 ~~(B) Be available for in-person meetings.~~

14 ~~(C) Assist assist them in obtaining access to and use of all files,~~
15 ~~records, and data of the Board and the Department of Public Service that~~
16 ~~would be available to an attorney representing a party in the proceeding. **The**~~
17 ~~PAO shall have the right to such access and use.~~

18 (4) The PAO shall conduct educational programs and produce
19 educational materials ~~to facilitate citizen on~~ participation in proceedings
20 within the scope of subdivision (1) of this subsection.

1 (5) For each proceeding within the scope of subdivision (1) of this
2 subsection, the Board shall post, on its website, electronic copies of all filings
3 and submissions to the Board and all orders of the Board.

4 (6) The Board shall adopt rules or procedures to ensure that the
5 communications of the PAO with the Board’s members and other employees
6 concerning contested cases do not contravene the requirements of the
7 Administrative Procedure Act applicable to such cases.

8 (7) The PAO shall have a duty to provide requesting parties and
9 members of the public with information that is accurate to the best of the
10 PAO’s ability. The Board and its other employees shall have a duty to transmit
11 accurate information to the PAO. However, the Board and any assigned
12 hearing officer shall not be bound by statements of the PAO.

13 (8) The PAO shall not be an advocate for any person before the Board
14 and shall not have a duty to assist a person in the actual formation of the
15 person’s substantive position or arguments before the Board or the actions
16 necessary to advance the person’s position or arguments such as the actual
17 preparation of motions, memoranda, or prefiled testimony.

18 (9) The Board may assign secondary duties to the PAO that do not
19 conflict with the PAO’s execution of his or her duties under this subsection.

1 Sec. 15b. PUBLIC ASSISTANCE OFFICER; REPORT

2 On or before January 1, 2018, the Public Assistance Officer (PAO) shall
3 submit a written report to the House and Senate Committees on Natural
4 Resources and Energy and the Senate Committee on Finance detailing the
5 implementation of Sec. 18 of this act, including the number of persons assisted
6 and the types of assistance rendered, the PAO’s evaluation of the impact of this
7 implementation on the ability of the persons assisted to participate effectively
8 in Board proceedings, and the PAO’s recommendations for future action to
9 improve the ease of citizen participation in Board proceedings.

10 Sec. 15c. POSITION; APPROPRIATION

11 The following classified position is created in the Public Service Board—
12 one limited service, full-time Public Assistance Officer—for the purpose of
13 Sec. 15a of this act. The position shall exist for two years following the date
14 on which the Officer commences employment or until July 1, 2018, whichever
15 is later. There is appropriated to the Public Service Board for fiscal year 2017
16 from the special fund described in 30 V.S.A. § 22 the amount of \$100,000.00
17 for the purpose of this position.

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* * * Allocation of AAFM Costs * * *

NOTE: CONFLICTS WITH SECS. E.233 and E.233.1 OF H.875

Sec. 15d. 30 V.S.A. §§ 20 and 21 are amended to read:

§ 20. PARTICULAR PROCEEDINGS; PERSONNEL

(a)(1) The Board or Department may authorize or retain legal counsel, official stenographers, expert witnesses, advisors, temporary employees, and other research services:

* * *

(2) The Agency of Natural Resources may authorize or retain legal counsel, official stenographers, expert witnesses, advisors, temporary employees, other research, scientific, or engineering services to:

(A) Assist the Agency of Natural Resources in any proceeding under section 248 of this title.

(B) Monitor compliance with an order issued under section 248 of this title.

(C) Assist the Board or Department in any proceedings described in subdivisions (b)(9) (Federal Energy Regulatory Commission) and (11) (Nuclear Regulatory Commission) of this section. Allocation of Agency of Natural Resources costs under this subdivision (C) shall be in the same manner as provided under subdivisions (b)(9) and (11) of this section. The Agency of Natural Resources shall report annually to the Joint Fiscal Committee all costs

1 incurred and expenditures charged under the authority of this subsection with
2 respect to proceedings under subdivision (b)(9) of this section and the purpose
3 for which such costs were incurred and expenditures made.

4 (3) The Agency of Agriculture, Food and Markets may authorize or
5 retain legal counsel, official stenographers, expert witnesses, advisors,
6 temporary employees, other research, scientific, or engineering services to:

7 (A) assist the Agency of Agriculture, Food and Markets in any
8 proceeding under section 248 of this title; or

9 (B) monitor compliance with an order issued under section 248 of
10 this title.

11 (4) The personnel authorized by this section shall be in addition to the
12 regular personnel of the Board or Department or other State agencies; and in
13 the case of the Department or other State agencies may be retained only with
14 the approval of the Governor and after notice to the applicant or the public
15 service company or companies. The Board or Department shall fix the amount
16 of compensation and expenses to be paid such additional personnel, except that
17 the Agency of Natural Resources or of Agriculture, Food and Markets,
18 respectively, shall fix the amount of compensation and expenses to be paid to
19 additional personnel that it retains under subdivision (2) of this subsection.

20 * * *

1 § 21. PARTICULAR PROCEEDINGS; ASSESSMENT OF COSTS

2 (a) ~~The Board, the Department, or the Agency of Natural Resources~~ An
3 agency may allocate the portion of the expense incurred or authorized by it in
4 retaining additional personnel ~~for the particular proceedings authorized in~~
5 pursuant to section 20 of this title to the applicant or the public service
6 company or companies involved ~~in those proceedings.~~ As used in this section,
7 “agency” means an agency, board, or department of the State enabled to
8 authorize or retain personnel under section 20 of this title.

9 (1) The Board shall upon petition of an applicant or public service
10 company to which costs are proposed to be allocated, review and determine,
11 after opportunity for hearing, having due regard for the size and complexity of
12 the project, the necessity and reasonableness of such costs, and may amend or
13 revise such allocations. Nothing in this section shall confer authority on the
14 Board to select or decide the personnel, the expenses of whom are being
15 allocated, unless such personnel are retained by the Board. Prior to allocating
16 costs, the Board shall make a determination of the purpose and use of the funds
17 to be raised hereunder, identify the recipient of the funds, provide for
18 allocation of costs among companies to be assessed, indicate an estimated
19 duration of the proceedings, and estimate the total costs to be imposed. With
20 the approval of the Board, such estimates may be revised as necessary. From
21 time to time during the progress of the work of such additional personnel, the

1 ~~Board, the Department, or the Agency of Natural Resources~~ agency retaining
2 the personnel shall render to the company detailed statements showing the
3 amount of money expended or contracted for in the work of such personnel,
4 which statements shall be paid by the applicant or the public service company
5 into the State Treasury at such time and in such manner as the ~~Board, the~~
6 ~~Department, or the Agency of Natural Resources~~ agency may reasonably
7 direct.

8 (2) In any proceeding under section 248 of this title, the Agency of
9 Natural Resources may allocate the portion of the expense incurred in retaining
10 additional staff authorized in subsection 21(a) of this title only if the following
11 apply:

12 (A) the Agency does not have the expertise and the retention of such
13 expertise is required to fulfill the Agency's statutory obligations in the
14 proceeding; and

15 (B) the Agency allocates only that portion of the cost for such
16 expertise that exceeds the fee paid by the applicant under section 248b of this
17 title.

18 (b) When regular employees of ~~the Board, the Department, or the Agency~~
19 ~~of Natural Resources~~ an agency are employed in the particular proceedings
20 described in section 20 of this title, the ~~Board, the Department, or the Agency~~
21 ~~of Natural Resources~~ agency may also allocate the portion of their costs and

1 expenses to the applicant or the public service company or companies involved
2 in the proceedings. The costs of regular employees shall be computed on the
3 basis of working days within the salary period. The manner of assessment and
4 of making payments shall otherwise be as provided for additional personnel in
5 subsection (a) of this section. However, with respect to proceedings under
6 section 248 of this title, the Agency of Natural Resources shall not allocate the
7 costs of regular employees.

8 * * *

9 (d) The Agency of Natural Resources may allocate expenses under this
10 section only for costs in excess of the amount specified in 3 V.S.A.
11 § 2809(d)(1)(A).

12 (e) ~~On Annually on or before January 15, 2011, and annually thereafter,~~ the
13 Agency of Natural Resources and of Agriculture, Food and Markets each shall
14 report to the Senate and House Committees on Natural Resources and Energy,
15 the Senate Committee on Agriculture, and the House Committee on
16 Agriculture and Forests Products the total amount of expenses allocated under
17 this section during the previous fiscal year. The report shall include the name
18 of each applicant or public service company to whom expenses were allocated
19 and the amount allocated to each applicant or company.

20 * * *

1 Thirteenth: By striking out Sec. 16 (effective dates) in its entirety and
2 inserting in lieu thereof a new Sec. 16 to read:

3 Sec. 16. EFFECTIVE DATES

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

5 (1) This section and Secs. 9 (initial implementation; recommendations;
6 standards), 11 (30 V.S.A. § 248), 12 (sound standards; wind generation) and
7 15 (Access to Public Service Board Working Group) shall take effect on
8 passage. Sec. 6 (optional determination of energy compliance) shall apply on
9 passage to the activities of the Department of Public Service under Sec. 9.

10 **(2) Sec. 13 (preferred locations) shall take effect on January 1, 2017**
11 **and shall amend 30 V.S.A. § 8002 as amended by 2014 Acts and Resolves**
12 **No. 99, Sec. 3 and 2015 Acts and Resolves No. 56, Sec.25(b).**

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

16 **(4) Notwithstanding any contrary provision of 1 V.S.A. § 214,**
17 **Secs. 13 and 13c shall apply to the Public Service Board process under**
18 **2014 Acts and Resolves No. 99, Sec. 5.**

19 (5) In Sec. 15a, 30 V.S.A. § 3(h)(5) (posting online; filings and orders)
20 shall take effect on July 1, 2017.