

S.230: Energy Development Improvement Act
Draft 4.1, Sen. Bray's Proposed Strike-all Amendment
Section by Section Description
Office of Legislative Council Feb. 24, 2016

§	DESCRIPTION
<i>Designation</i>	
1	Designates the act as the Energy Development Improvement Act
<i>Integration of Energy and Land Use Planning</i>	
2	<p>24 V.S.A. § 4302. Purpose; goals</p> <p>Amends the goals of 24 V.S.A. chapter 117 (municipal and regional planning and development) to:</p> <ul style="list-style-type: none"> • Incorporate the existing statutes on greenhouse gas reduction goals, building efficiency goals, renewable energy goals, state energy policy, and the distributed renewable generation and energy transformation categories of the Renewable Energy Standard • Require consistency with State energy plans
3	<p>24 V.S.A. § 4345. Optional powers and duties of regional planning commissions</p> <p>Strikes optional powers related to critical facility planning, including power facilities, and to studies and recommendations on land development and other matters, including energy conservation and development of renewable energy resources</p> <p>These optional powers are moved to Sec. 4 as mandatory duties</p>
4	<p>24 V.S.A. § 4345a. Duties of regional planning commissions</p> <ul style="list-style-type: none"> • Clarifies that regional planning commissions (RPC) have the right to appear and participate in proceedings before the Public Service Board under 30 V.S.A. § 248 • Inserts, as mandatory duties, the optional powers deleted in Sec. 3
5	<p>Clarification of existing law (session law)</p> <p>States that the revision in Sec. 4 on participation of RPCs is a clarification of existing law</p>
6	<p>24 V.S.A. § 4348a. Elements of a regional plan</p> <p>Amends the energy plan element to enable a comprehensive analysis across all energy sectors, a statement of policy on conservation and efficiency use of energy and the development and siting of distributed and utility-scale resources, and a map identifying potential areas for renewable energy sources and areas inappropriate for siting those resources or categories or sizes of those resources</p>

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7	<p>24 V.S.A. § 4352. Certification of energy compliance</p> <p>Adds a statute under which regional and municipal plans may obtain a certification of energy compliance</p> <ul style="list-style-type: none"> • Regional plan is certified by the Commissioner of Public Service on finding that the regional plan meets the statutes, goals, and policies in Sec. 2 • If a regional plan is certified, then municipal plan is certified by RPC on finding that the municipal plan meets those statutes, goals, and policies and the implementing provisions of the regional plan
8	<p>24 V.S.A. § 4382. The plan for a municipality</p> <p>Amends the energy plan provision to enable a comprehensive analysis across all energy sectors, a statement of policy on conservation and efficiency use of energy and the development and siting of distributed and utility-scale resources, and a map identifying potential areas for renewable energy sources and areas inappropriate for siting those resources or categories or sizes of those resources</p>
9	<p>30 V.S.A. § 202. Electrical energy planning</p> <p>Requires the 20-year electric plan by the Dept. of Public Service (DPS) to:</p> <ul style="list-style-type: none"> • Include specific policies on energy efficiency and renewable generation siting to guide municipal and regional planning commissions in preparing land use plans • Take into the account the planning goals at 24 V.S.A. § 4302 <p>In developing the plan, DPS to consult with municipal and regional planning commissions</p>
10	<p>30 V.S.A. § 202b. State comprehensive energy plan</p> <p>Requires the Comprehensive Energy Plan issued by DPS to:</p> <ul style="list-style-type: none"> • Include specific policies on energy efficiency and renewable generation siting to guide municipal and regional planning commissions in preparing land use plans • Be consistent with the municipal and regional planning goals at 24 V.S.A. § 4302
11	<p>30 V.S.A. § 248(b). Criteria</p> <p>Would amend criteria used by Public Service Board (PSB) under 30 V.S.A. § 248 to:</p> <ul style="list-style-type: none"> • Require giving substantial deference to municipal and regional plan provisions if the plan has received a certificate of energy compliance under Sec. 7 • Require in-state renewable generation facilities over 150 kW to locate in a preferred location, as defined in Sec. 12 or, if not, demonstrate that the facility's benefits outweigh its adverse impacts
<i>Regulatory and Financial Incentives; Preferred Locations</i>	
12	30 V.S.A. § 8002(30). Definition, "preferred locations"

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	<p>This section would add a definition of the term “preferred locations” to the renewable energy chapter, to include:</p> <ul style="list-style-type: none"> • new or existing structures, such as a commercial building or parking lot • previously developed tracts on which a structure or impervious surface exists • brownfields • landfills • disturbed portion of gravel pit or quarry or similar extraction site • specific location designated in a municipal plan • for net metering systems, additional locations as the PSB may adopt by rule
13	<p>30 V.S.A. § 8004(g). Renewable energy standard; preferred locations</p> <p>With respect to in-state facilities to be used to meet the Renewable Energy Standard (RES), directs the PSB to use its statutory authority over the RES to promote siting such facilities in preferred locations</p>
14	<p>30 V.S.A. § 8005a. Standard offer program</p> <p>Creates a pilot project within the Standard Offer Program to encourage siting renewable generation facilities in preferred locations</p>
15	<p>30 V.S.A. § 8010. Self-generation and net metering</p> <ul style="list-style-type: none"> • Directs the PSB to promote the siting of net metering systems in preferred locations • With respect to Section 248 applications for net metering systems exceeding 15 kW in capacity, directs the PSB not to waive: <ul style="list-style-type: none"> ○ Notice to AAFM, ANR, DPS, DHP, the municipal legislative body; and the municipal and regional planning commissions ○ Requirements in Sec. 18 on information to be included in the application, preapplication submittals to local and regional bodies, and permit conditions regarding aesthetic mitigation and decommissioning • Allows the colocation of net metering systems on a tract designated by the town • Allows projects greater than 500 kW to net meter a portion of the project if: <ul style="list-style-type: none"> ○ The interconnecting utility agrees ○ The amount to be net metered does not exceed 500 kW ○ Bill credits are allocated to the host municipality or nearby customers, or both ○ The RECs are transferred to the utility for application to the RES
<i>Regulatory Process; Public Assistance Officer</i>	
16	<p>30 V.S.A. § 3. Public Service Board</p> <p>Establishes a Public Assistance Officer (PAO) at the PSB to provide information and assistance to the public about siting cases</p>

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17	<p>Appropriation (session law)</p> <p>For FY 17, authorizes \$100,000 for the PAO from the special fund that supports the PSB and DPS</p>
18	<p>30 V.S.A. § 248(a)(4). Hearings; notice; parties</p> <p>Amends the subdivision of Section 248 that addresses notice, hearings, and parties to the PSB energy siting process to:</p> <ul style="list-style-type: none"> • Grant the Agency of Agriculture, Food and Markets (AAFM) the right to appear and participate • Clarify that RPCs have the right to appear and participate • Grant adjacent RPCs and municipalities the right to participate if the facility will be within 500 feet of their border • Allows a person who has the right to appear and participate to activate that right by filing a letter • For generation facilities greater than 15 kW, requires that the application include certain information, including the full limits of physical disturbance, the presence and disturbance of primary agricultural soils, and all visible infrastructure • For generation facilities greater than 15 kW, requires the PSB to evaluate whether mediation is appropriate and, if so, to direct the parties to engage in mediation
19	<p>30 V.S.A. § 248(f). 45-day preapplication submittal</p> <p>Requires that the petitioner's application respond to each comment made during the 45-day preapplication process</p>
<i>CPG Conditions Aesthetics Mitigation and Decommissioning</i>	
20	<p>30 V.S.A. § 248(t) and (u). Conditions on aesthetics mitigation and decommissioning</p> <p>Requires that a certificate of public good (CPG) for an in-state facility under Section 248 include:</p> <ul style="list-style-type: none"> • Conditions to ensure that all aesthetic mitigation is undertaken and maintained • For in-state generation greater than 15 kW, requirements to decommission or dismantle the facility at the end of its useful life and post a bond or other security
<i>Eminent Domain; Nondisclosure Agreements</i>	
21	<p>30 V.S.A. § 110. Eminent domain; companies authorized</p> <p>Disallows a company subject to the PSB's jurisdiction from using eminent domain power on a project if the company has executed nondisclosure agreements with landowners in connection with the project</p>

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<i>Three-Phase Power; Siting in Less Intrusive Locations</i>	
22	<p>30 V.S.A. § 218. Jurisdiction over charges and rates</p> <p>Allows passing on to ratepayers the costs of building a three-phase line to serve renewable generation if the line will allow siting the generation in a location that reduces its impact on scenic beauty, provided a cost test is met</p>
<i>Effective Dates</i>	
23	<p>The act takes effect on July 1, 2016, except that Sec. 15 (net metering systems) takes effect in January 2017</p>