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H.676

Introduced by Representatives Yantachka of Charlotte, McCormack of
Burlington, and Sullivan of Burlington

Referred to Committee on

Date:

Subject: Energy; public service; renewable generation; net metering; facility
siting

Statement of purpose of bill as introduced: This bill makes miscellaneous
proposals related to energy.

An act relating to miscellaneous energy subjects

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 30 V.S.A. § 248(s) is amended to read:

(s) This subsection sets minimum setback requirements that shall apply to
in-state ground-mounted solar electric generation facilities approved under this
section, unless the facility is installed on a canopy constructed on an
impervious surface primarily used for parking vehicles.

(1) The minimum setbacks shall be:

(A) from a State or municipal highway, measured from the edge of
the traveled way:

1 (i) 100 feet for a facility with a plant capacity exceeding
2 150 kW; and

3 (ii) 40 feet for a facility with a plant capacity less than or equal to
4 150 kW but greater than 15 kW.

5 (B) From each property boundary that is not a State or municipal
6 highway:

7 (i) 50 feet for a facility with a plant capacity exceeding
8 150 kW; and

9 (ii) 25 feet for a facility with a plant capacity less than or equal to
10 150 kW but greater than 15 kW.

11 (2) This subsection does not require a setback for a facility with a plant
12 capacity equal to or less than 15 kW.

13 (3) On review of an application, the Commission may:

14 (A) require a larger setback than this subsection requires; or

15 (B) approve an agreement to a smaller setback among the applicant,
16 the municipal legislative body, and each owner of property adjoining the
17 smaller setback.

18 (4) In this subsection:

19 (A) “kW” and “plant capacity” shall have the same meaning as in
20 section 8002 of this title.

1 (B) “Impervious surface” means a human-made surface, whether
2 paved or unpaved, from which precipitation runs off rather than infiltrates.

3 (C) “Setback” means the shortest distance between the nearest
4 portion of a solar panel or support structure for a solar panel, at its point of
5 attachment to the ground, and a property boundary or the edge of a highway’s
6 traveled way.

7 Sec. 2. 30 V.S.A. § 248b is amended to read:

8 § 248b. FEES; AGENCY OF NATURAL RESOURCES; PARTICIPATION
9 IN SITING PROCEEDINGS

10 (a) Establishment. This section establishes fees for the purpose of
11 supporting the role of the Agency of Natural Resources (the Agency) in
12 reviewing applications for in-state facilities under sections 248 and 248a of this
13 title.

14 (b) Payment. The applicant shall pay the fee into the State Treasury at the
15 time the application for a certificate of public good is filed with the Public
16 Utility Commission in an amount calculated in accordance with this section.
17 The fee shall be deposited into the Natural Resources Management Fund and
18 allocated to the Agency.

19 (c) Definitions. In this section:

20 (1) “Impervious surface” means a human-made surface, whether paved
21 or unpaved, from which precipitation runs off rather than infiltrates.

1 (2) “kW,” “MW,” “plant,” and “plant capacity” shall have the same
2 meaning as in section 8002 of this title.

3 ~~(2)~~(3) “Natural gas facility” shall have the same meaning as in section
4 248 of this title.

5 (4) “Previously developed land” means a tract disturbed for a use other
6 than siting a facility subject to section 248 of this title and on which a structure
7 or impervious surface was lawfully in existence and use prior to July 1 of the
8 year preceding the year in which an application for a certificate of public good
9 under section 248 is filed for a facility to be sited on the tract.

10 ~~(3)~~(5) “Telecommunications facility” shall have the same meaning as in
11 section 248a of this title.

12 (d) Electric and natural gas facilities. This subsection sets fees for
13 applications under section 248 of this title.

14 (1) There shall be no fee for an electric generation facility less than or
15 equal to 139 kW in plant capacity or for an application filed under subsection
16 248(k), (l), or (n) of this title.

17 (2) There shall be no fee for a solar electric generation facility mounted
18 on a roof or solar electric generation facility to be installed on previously
19 developed land. For a solar electric generation facility proposed for a
20 previously developed land to qualify under this subdivision, the limits of
21 disturbance of the proposed facility must include either the existing structure or

1 impervious surface and shall not include any headwaters, streams, shorelines,
2 floodways, rare and irreplaceable natural areas, necessary wildlife habitat,
3 wetlands, endangered species, productive forestlands, and primary agricultural
4 soils, all of which are as defined in 10 V.S.A. chapter 151.

5 (3) The fee for electric generation facilities greater than 139 kW through
6 five MW in plant capacity shall be calculated as follows, except that in no
7 event shall the fee exceed \$15,000.00:

8 (A) An electric generation facility from 140 kW through 450 kW in
9 plant capacity, \$3.00 per kW.

10 (B) An electric generation facility from 451 kW through 2.2 MW in
11 plant capacity, \$4.00 per kW.

12 (C) An electric generation facility from 2.201 MW through five MW
13 in plant capacity, \$5.00 per kW.

14 ~~(3)~~(4) The fee shall be equal to \$2.50 for each \$1,000.00 of construction
15 costs, but in no event greater than \$100,000.00 per application, for a new
16 electric generation facility greater than five MW in capacity, and for a new
17 electric transmission facility or new natural gas facility not eligible for
18 treatment under subsection 248(j) of this title.

19 ~~(4)~~(5) The fee shall be \$2,500.00 for an application under subsection
20 248(j) of this title for a facility that is not electric generation and for an
21 application or that portion of an application under section 248 of this title that

1 consists of upgrading an existing facility within its existing development
2 footprint, reconductoring of an electric transmission line on an existing
3 structure, or the addition of an electric transmission line to an existing
4 structure.

5 * * *

6 Sec. 3. PUBLIC UTILITY COMMISSION; AMENDMENT TO NET
7 METERING RULES

8 (a) This section amends the net metering rules of the Public Utility
9 Commission, currently adopted as Rule 5.100 of that Commission (the Rules).

10 (b) Sec. 5.105 of the Rules is amended to read:

11 5.105 Registration of Hydroelectric Facilities, Ground-Mounted Photovoltaic
12 Facilities, and Wind Generation Facilities of up to 15 kW in Capacity, and
13 ~~Roof Mounted~~ Photovoltaic Net-Metering Systems of Any Capacity Up to 500
14 kW Mounted on a Roof or Parking Canopy

15 (A) Applicability. The registration procedure is applicable only to
16 hydroelectric facilities, ground-mounted photovoltaic systems, and wind
17 generation facilities of up to 15 kW and photovoltaic net-metering systems that
18 are mounted on a roof or parking canopy.

19 * * *

20 (c) In Sec. 5.106(A) of the Rules, the sentence after “Applicability” is
21 amended to read:

1 This application procedure is applicable to ground-mounted photovoltaic and
2 wind net-metering systems that are greater than 15 kW and up to 50 kW in
3 capacity. This application procedure is also applicable to net-metering systems
4 of 50 kW or less that use other eligible technologies. This application
5 procedure does not apply to hydroelectric facilities or ~~roof-mounted~~
6 photovoltaic net-metering systems mounted on a roof or parking canopy.

7 (d) In Sec. 5.107(A) of the Rules, the sentence after “Applicability” is
8 amended to read:

9 This application procedure is applicable to net-metering systems greater than
10 50 kW that are not photovoltaic systems mounted on a roof or parking canopy
11 or are not hydroelectric facilities.

12 (e) On or before August 1, 2018, the Public Utility Commission shall
13 conform the published version of the Rules described in this section to the
14 amendments made in subsections (b), (c), and (d) of this section. Provided
15 such conformance is the only revision to the Rules, the rulemaking procedures
16 of the Vermont Administrative Procedure Act shall not apply to the publication
17 of this conformed version of the Rules. However, on publication, the
18 Commission shall send a copy of the conformed version of the Rules to the
19 Office of the Secretary of State and the Legislative Committee on
20 Administrative Rules.

1 Sec. 4. 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 Commission shall adopt and
5 implement rules that govern the installation and operation of net metering
6 systems.

7 * * *

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

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

15 (B) The rules may modify notice and hearing requirements of this
16 title as the Commission considers appropriate.

17 (C) The rules shall seek to simplify the application and review
18 process as appropriate, including ~~simplifying~~:

19 Providing a registration process, in lieu of filing an application,
20 for solar and wind net metering systems of 15 kW or less and solar net
21 metering systems of any size if mounted on a roof or parking canopy. The

1 registration process also may apply to hydroelectric net metering systems.
2 Under the registration process, a certificate of public good under section 248 of
3 this title shall be deemed issued unless the interconnecting retail provider
4 submits, within a period to be prescribed in the rules, a letter raising
5 interconnection issues to the Commission with a copy to the registrant.

6 (ii) Simplifying the application and review process to encourage
7 group net metering systems when the system is at least 50 percent owned by
8 the customers who receive the bill credits for the electricity generated by the
9 system.

10 * * *

11 Sec. 5. EFFECTIVE DATES

12 This section and Secs. 3 and 4 shall take effect on passage. Secs. 1 and 2
13 shall take effect on July 1, 2018.