

**2014 Acts and Resolves No. 99, Sec. 5**

Office of Legislative Council Jan. 26, 2017

Sec. 5. REVISED NET METERING PROGRAM; DEVELOPMENT;  
REPORTS; RULEMAKING

(a) Process; revised program. This section creates a process to result in the establishment of a revised net metering program commencing on January 1, 2017. The components of the process include a report by the Department of Public Service (DPS) to the Public Service Board (Board or PSB), one or more workshops by the Board, the proposal of rules for the new program by the Board with a contemporaneous report by the Board to the General Assembly, and the adoption of new net metering rate schedules by Vermont's retail electricity providers.

(b) DPS report to Board. On or before October 1, 2014, the DPS shall submit a report to the Board that evaluates the current state of net metering in Vermont. The report shall include each of the items listed in Sec. 4 of this act, 30 V.S.A. § 8010(d)(1)–(9). For the purpose of this report, the plan used under 30 V.S.A. § 8010(d)(2) shall be the Comprehensive Energy Plan issued in 2011.

(c) Workshops. Beginning in October 2014, the Board shall convene one or more workshops to solicit the input of potentially affected parties and the public on the design of a revised net metering program. The Board shall provide notice of the workshops on its website and directly to the Department, Vermont's retail electricity providers, Renewable Energy Vermont, business organizations such as Associated Industries of Vermont, environmental and consumer advocacy organizations such as the Vermont Natural Resources Council and the Vermont Public Interest Research Group, and to any other person that requests direct notice or to whom the Board may

consider direct notice appropriate. The Board also shall provide an opportunity for submission of written comments, which the notice shall include.

(d) Rulemaking. On completion of the workshops, the Board shall commence a rulemaking proceeding for a revised net metering program in accordance with the following:

(1) 30 V.S.A. § 219a shall not apply to the rules to be adopted under this section.

(2) The provisions of Secs. 3 (definitions; 30 V.S.A. § 8002) and 4 (self-generation and net metering; 30 V.S.A. § 8010) shall apply to the rules to be adopted under this section. Within the requirements of these provisions, the Board may consider and adopt approaches to net metering that are alternative to those currently employed in the State and that ensure a sustainable net metering program that achieves, in a balanced and equitable manner, the goals and policies identified in Sec. 4 in 30 V.S.A. § 8010(d)(2).

(3) In adopting rules under this section, the Board shall consider the DPS report under subsection (b) of this section and the comments received during the workshop process under subsection (c) of this section.

(4) On or before January 1, 2016, the Board, having filed proposed rules and completed the public hearing and comment process under the Vermont Administrative Procedure Act, shall submit to the House Committees on Commerce and on Natural Resources and Energy and the Senate Committees on Finance and on Natural Resources and Energy the text of the final proposed rules it intends to file with the Secretary of State and the Legislative Committee on Administrative Rules pursuant to 3 V.S.A. § 841. With this rule text, the Board shall submit a report summarizing the public comment received, providing the Board's evaluation of the effectiveness of the existing net metering program, describing the alternative approaches to net metering that it considered, and summarizing the rule text.

(5) On or before July 1, 2016, the Board shall finally adopt rules for a revised net metering program to take effect on January 1, 2017.

(A) If the Board is unable to finally adopt the rules by July 1, 2016, the Board may issue an order by that date establishing a revised net metering program to take effect on January 1, 2017, if that order is followed by final adoption of rules for this program within a reasonable period. The provisions of subdivisions (d)(1) through (3) of this subsection shall apply to this order.

(B) Rules finally adopted under this subdivision (5) shall not be subject to the requirement of 3 V.S.A. § 843(c) to finally adopt rules within eight months of initial filing.

(e) Following the Board's final adoption of rules under this section or issuance of an order under subdivision (d)(5)(A) of this section, whichever is earlier, each retail electricity provider within the meaning of 30 V.S.A. § 8002 shall, on a schedule directed by the Board, submit revised rate schedules that comply with those rules, for effect on January 1, 2017. The provisions of Secs. 3 (definitions; 30 V.S.A. § 8001) and 4 (self-generation and net metering; 30 V.S.A. § 8010) shall apply to the rate schedules to be adopted under this section.