

As requested, this e-mail lists the issues raised regarding final proposed rule 16-P62, Public Service Board, net metering. This list excludes issues related to whether the Board followed the process outlined in 2014 Acts and Resolves No. 99, Sec. 5. The list is based on the issues raised by witnesses before the Legislative Committee on Administrative Rules (LCAR) and by me as counsel to LCAR and the relevant standing committees. Any omissions are inadvertent. Also, LCAR members may have concerns that have not been raised yet in committee.

1. Requiring a production meter for an individual net metering system (Thomas Weiss)
2. Applying the site and REC adjustors to total rather than net system production (Thomas Weiss)
3. Applying a REC adjustor spread of 6 cents per kWh (Thomas Weiss)
4. Preferred sites – gravel pits and similar sites (Renewable Energy Vermont and Green Lantern Group)
5. Preferred sites – “paved” requirement (Renewable Energy Vermont)
6. For preexisting net metering systems, changing the rate structure and application of bill credits from the status quo as it existed before Jan. 1, 2017 (Leg. Counsel – me)
7. Allowing utilities to provide non-bypassable charges to specific to net metering customers in their rate schedules rather than providing the charges in the rule (Leg. Counsel – me)
8. Stating initial amounts in the rule for the siting and REC adjustors that will later be adjusted outside rulemaking (Leg. Counsel – me)

As you know, in my memo to the Board of Jan. 30, 2017, I had many questions and comments to the Board on the final proposed rules. The Board’s response of Feb. 7, 2017 proposed changes that address the lion’s share of my questions and comments. Nos. 6 through 8 above are the ones on which I continue to have concerns.

Best, Aaron

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