

Rule 16-P62; Public Service Board/Net Metering
Relevant Law re Bill Credit Rights of Preexisting Net Metering Systems
Office of Legislative Council Feb. 16, 2017

From former 30 V.S.A. § 219a, repealed Jan. 1, 2017 (emphasis added)

The electric company shall calculate a monetary credit to the customer by multiplying the excess kWh generated during the billing period by *the kWh rate paid by the customer for electricity supplied by the company and shall apply the credit to any remaining charges on the customer's bill* for that period.

30 V.S.A. § 219a(e)(3)(A).

1 V.S.A. § 214 (emphasis added)

§ 214. EFFECT OF AMENDMENT OR REPEAL

* * *

(b) The amendment or repeal of an act or statutory provision, except as provided in subsection (c) of this section, shall not:

(1) affect the operation of the act or provision prior to the effective date of the amendment or repeal thereof;

(2) *affect any right, privilege, obligation, or liability acquired, accrued, or incurred prior to the effective date of the amendment or repeal;*

* * *

(c) If the penalty or punishment for any offense is reduced by the amendment of an act or statutory provision, the same shall be imposed in accordance with the act or provision as amended unless imposed prior to the date of the amendment.

2014 Acts and Resolves No. 99, Sec. 10(f)

30 V.S.A. § 219a and rules adopted under that section shall govern applications for net metering systems filed prior to January 1, 2017.

2015 Acts and Resolves No. 56, Sec. 28(g)

Sec. 12 (net metering systems; environmental attributes) shall amend 30 V.S.A. § 8010 as added effective January 1, 2017 . . . Sec. 12 shall not affect a net metering system for which a complete application was filed before January 1, 2017.

Supreme Court vested rights doctrine (developed in land use cases)

“[A]pplicant gains a vested right in the governing regulations in existence when a full and complete permit application is filed.” In re Paynter 2-Lot Subdivision, 2010 VT 28, ¶ 9.