

1 TO THE HONORABLE SENATE:

2 The Committee on Natural Resources and Energy to which was referred  
3 House Bill No. 411 entitled “An act relating to Vermont’s energy efficiency  
4 standards for appliances and equipment” respectfully reports that it has  
5 considered the same and recommends that the Senate propose to the House that  
6 the bill be amended by striking out all after the enacting clause and inserting in  
7 lieu thereof the following:

8 \* \* \* Appliance Efficiency \* \* \*

9 Sec. 1. PURPOSE

10 In light of the findings set forth at 9 V.S.A. § 2792, Secs. 2 through 6 of this  
11 act adopt federal appliance and lighting efficiency standards in effect on  
12 January 19, 2017 so that the same standards will be in place in Vermont should  
13 the federal standards be repealed or voided. The act also adopts federal  
14 standards for general service lighting that have been adopted by the U.S.  
15 Department of Energy and are scheduled to come into effect on January 20,  
16 2020, again so that the same standards will be in place in Vermont. The act  
17 does not adopt standards for other products or standards for a product that are  
18 different from the federal standards.

19 Sec. 2. 9 V.S.A. § 2793 is amended to read:

20 § 2793. DEFINITIONS

21 As used in this chapter:

22 \* \* \*

1           (15) “General service lamp” has the same meaning as set forth in the  
2           action published at 82 Fed. Reg. 7276, 7321-22 (January 19, 2017) and  
3           modified by the action published at 82 Fed. Reg. 7322, 7333  
4           (January 19, 2017).

5           Sec. 3. 9 V.S.A. § 2794 is amended to read:

6           § 2794. SCOPE

7           (a) The provisions of this chapter apply to the following types of new  
8           products sold, offered for sale, or installed in the State:

9           (1) Medium voltage dry-type distribution transformers.

10          (2) Metal halide lamp fixtures.

11          (3) Residential furnaces and residential boilers.

12          (4) Single-voltage external AC to DC power supplies.

13          (5) State-regulated incandescent reflector lamps.

14          (6) General service lamps.

15          (7) Each other product for which the Commissioner is required to adopt  
16          an efficiency or water conservation standard by rule pursuant to section 2795  
17          of this title.

18          (8) Any other product that may be designated by the Commissioner in  
19          accordance with section 2797 of this title.

20          (b) The provisions of this chapter do not apply to:

21          (1) New products manufactured in the State and sold outside the State  
22          and the equipment used in manufacturing those products.



1 accordance with 10 C.F.R. § 430.23(gg) as that provision existed on  
2 January 19, 2017.

3 Sec. 5. 9 V.S.A. § 2796 is amended to read:

4 § 2796. IMPLEMENTATION

5 \* \* \*

6 (f)(1) When federal preemption under 42 U.S.C. § 6297 applies to a  
7 standard adopted pursuant to this chapter for a product, the standard shall  
8 become enforceable on the occurrence of the earliest of the following:

9 (A) The federal energy or water conservation standard for the product  
10 under 42 U.S.C. chapter 77 is withdrawn, repealed, or otherwise voided.

11 However, this subdivision (A) shall not apply to any federal energy or water  
12 conservation standard set aside by a court of competent jurisdiction upon the  
13 petition of a person who will be adversely affected, as provided in 42 U.S.C.  
14 § 6306(b).

15 (B) A waiver of federal preemption is issued pursuant to 42 U.S.C.  
16 § 6297.

17 (2) The federal standard for general service lamps shall be considered to  
18 be withdrawn, repealed, or otherwise voided within the meaning of this  
19 subsection if it does not come into effect on January 20, 2020 pursuant to the  
20 actions published at 82 Fed. Reg. 7276 and 7333 (January 19, 2017).

21 (3) When a standard adopted pursuant to this chapter becomes  
22 enforceable under this subsection, a person shall not sell or offer for sale in the

1 State a new product subject to the standard unless the efficiency or water  
2 conservation of the new product meets or exceeds the requirements set forth in  
3 the standard.

4 Sec. 6. RULE ADOPTION; SCHEDULE; REPORT

5 (a) Rule adoption; schedule.

6 (1) On or before August 1, 2017, the Commissioner of Public Service  
7 shall file with the Secretary of State proposed rules to effect Sec. 4 of this act.

8 (2) On or before April 1, 2018, the Commissioner shall finally adopt  
9 these rules, unless the Legislative Committee on Administrative Rules extends  
10 this date pursuant to 3 V.S.A. § 843(c).

11 (b) Reports.

12 (1) On or before December 15, 2017, the Commissioner of Public  
13 Service shall file a progress report on the rulemaking required by this act. The  
14 report shall attach the proposed rules as filed with the Secretary of State.

15 (2) On or before December 15, 2018, the Commissioner of Public  
16 Service shall file a further progress report on the rulemaking required by this  
17 act. The report shall attach the rules as finally adopted by the Commissioner.

18 \* \* \* Net Metering \* \* \*

19 Sec. 7. 30 V.S.A. § 8010(c)(2) is amended to read:

20 (2) The rules shall include provisions that govern:

21 \* \* \*

1           (F) the amount of the credit to be assigned to each kWh of electricity  
2 generated by a net metering customer in excess of the electricity supplied by  
3 the interconnecting provider to the customer, the manner in which the  
4 customer's credit will be applied on the customer's bill, and the period during  
5 which a net metering customer must use the credit, after which the credit shall  
6 revert to the interconnecting provider.

7           (i) When assigning an amount of credit under this subdivision (F),  
8 the Board shall consider making multiple lengths of time available over which  
9 a customer may take a credit and differentiating the amount according to the  
10 length of time chosen. For example, a monthly credit amount may be higher if  
11 taken over 10 years and lower if taken over 20 years. Factors relevant to this  
12 consideration shall include the customer's ability to finance the net metering  
13 system, the cost of that financing, and the net present value to all ratepayers of  
14 the net metering program.

15           (ii) In this subdivision (ii), “existing net metering system” means a  
16 net metering system for which a complete application was filed before  
17 January 1, 2017.

18           (I) Commencing 10 years from the date on which an existing  
19 net metering system was installed, the Board may apply to the system the same  
20 rules governing bill credits and the use of those credits on the customer’s bill  
21 that it applies to net metering systems for which applications were filed on or

1 after January 1, 2017, other than any adjustments related to siting and tradeable  
2 renewable energy credits.

3 (II) This subdivision (ii) shall apply to existing net metering  
4 systems notwithstanding any contrary provision of 1 V.S.A. § 214 and 2014  
5 Acts and Resolves No. 99, Sec. 10.

6 Sec. 8. NET METERING SYSTEMS; APPROVAL UNDER BOARD  
7 ORDER

8 (a) In this section, “Temporary Net Metering Order” means the order on  
9 reconsideration issued on August 29, 2016 by the Public Service Board  
10 (Board) under the caption of “In Re: Revised Net-Metering Rule Pursuant to  
11 Act 99 of 2014.”

12 (b) A net metering system that received an approval from the Board  
13 pursuant to the Temporary Net Metering Order may be constructed and placed  
14 into service in accordance with the terms of that Order and the approval issued  
15 pursuant to that Order, provided the approval was issued before September 1,  
16 2017.

17 \* \* \* Effective Dates \* \* \*

18 Sec. 9. EFFECTIVE DATES; APPLICABILITY

19 (a) This act shall take effect on passage.

20 (b) Notwithstanding 1 V.S.A. § 214, Sec. 7 shall apply to net metering  
21 rules of the Public Service Board adopted on or after January 1, 2017.

1 and that after passage the title of the bill be amended to read: “An act relating  
2 to miscellaneous energy issues”

3

4 (Committee vote: \_\_\_\_\_)

5

\_\_\_\_\_

6

Senator \_\_\_\_\_

7

FOR THE COMMITTEE