

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Energy and Technology to which was referred House  
3 Bill No. 133 entitled “An act relating to miscellaneous energy subjects”  
4 respectfully reports that it has considered the same and recommends that the  
5 House concur in the Senate proposal of amendment with further amendment  
6 thereto by striking out Sec. 24, effective date, in its entirety and inserting in  
7 lieu thereof five new sections and their reader assistance headings to read  
8 as follows:

9 \* \* \* Energy Storage Facilities \* \* \*

10 Sec. 24. 30 V.S.A. § 201 is amended to read:

11 § 201. DEFINITIONS

12 \* \* \*

13 (c) As used in this chapter, “energy storage facility” means a system that  
14 uses mechanical, chemical, or thermal processes to store energy for export to  
15 the grid.

16 Sec. 25. 30 V.S.A. § 248 is amended to read:

17 § 248. NEW GAS AND ELECTRIC PURCHASES, INVESTMENTS, AND  
18 FACILITIES; CERTIFICATE OF PUBLIC GOOD

19 (a)(1) No company, as defined in section 201 of this title, may:

20 \* \* \*

1 (B) invest in an electric generation facility, energy storage facility, or  
2 transmission facility located outside this State unless the Public Utility  
3 Commission first finds that the same will promote the general good of the State  
4 and issues a certificate to that effect.

5 (2) Except for the replacement of existing facilities with equivalent  
6 facilities in the usual course of business, and except for electric generation or  
7 energy storage facilities that are operated solely for on-site electricity  
8 consumption by the owner of those facilities and for hydroelectric generation  
9 facilities subject to licensing jurisdiction under the Federal Power Act,  
10 16 U.S.C. chapter 12, subchapter 1:

11 (A) no company, as defined in section 201 of this title, and no person,  
12 as defined in 10 V.S.A. § 6001(14), may begin site preparation for or  
13 construction of an electric generation facility, energy storage facility, or  
14 electric transmission facility within the State that is designed for immediate or  
15 eventual operation at any voltage; and

16 (B) no such company may exercise the right of eminent domain in  
17 connection with site preparation for or construction of any such transmission  
18 facility, energy storage facility, or generation facility, unless the Public Utility  
19 Commission first finds that the same will promote the general good of the State  
20 and issues a certificate to that effect.

21 \* \* \*

1 (7) When a certificate of public good under this section or amendment  
2 to such a certificate is issued for an in-state electric generation or energy  
3 storage facility with a capacity that is greater than 15 kilowatts, the certificate  
4 holder within 45 days shall record a notice of the certificate or amended  
5 certificate, on a form prescribed by the Commission, in the land records of  
6 each municipality in which a facility subject to the certificate is located and  
7 shall submit proof of this recording to the Commission. The recording under  
8 this subsection shall be indexed as though the certificate holder were the  
9 grantor of a deed. The prescribed form shall not exceed one page and shall  
10 require identification of the land on which the facility is to be located by  
11 reference to the conveyance to the current landowner, the number of the  
12 certificate, and the name of each person to which the certificate was issued,  
13 and shall include information on how to contact the Commission to view the  
14 certificate and supporting documents.

15 \* \* \*

16 (u) A certificate under this section shall only be required for an energy  
17 storage facility that:

18 (1) has a capacity of 500 kW or greater; or

19 (2) is not subject to direct or indirect control of grid-exporting  
20 capabilities by a Vermont distribution utility.

1       Sec. 26. PUBLIC UTILITY COMMISSION RULE UPDATE

2           (a) Not later than July 1, 2020, the Public Utility Commission (PUC) shall  
3       update its decommissioning rules to address energy storage facilities.

4           (b) On or before December 31, 2019, the PUC shall provide  
5       recommendations and proposed statutory language changes to the General  
6       Assembly for:

7           (1) The regulatory treatment of energy storage facilities of varying sizes  
8       and types, including aggregations of such facilities.

9           (2) The treatment of energy storage in renewable energy programs under  
10       30 V.S.A. chapter 89.

11                                       \* \* \* Standard Offer Program Exemption \* \* \*

12       Sec. 27. 30 V.S.A. § 8005a is amended to read:

13       § 8005a. STANDARD OFFER PROGRAM

14                                       \* \* \*

15           (k) Executed standard offer contracts; transferability; allocation of benefits  
16       and costs. With respect to executed contracts for standard offers under this  
17       section:

18                                       \* \* \*

19           (B) A retail electricity provider shall be exempt and wholly that was  
20       relieved from the requirements of this subdivision if, by the Commission on or  
21       before January 25, 2018, shall be exempt from the requirements of this

1 subdivision in any year that the Standard Offer Facilitator allocates electricity  
2 pursuant to this subdivision if the retail electricity provider meets the following  
3 criteria:

4 (i) during the immediately preceding 12-month period ending  
5 October 31, the amount of renewable energy supplied to the provider by  
6 generation owned by or under contract to the provider, regardless of whether  
7 the provider owned the energy's environmental attributes, was not less than the  
8 amount of energy sold by the provider to its retail customers; and

9 (ii) the retail electricity provider owns and retires an amount of  
10 30 V.S.A. § 8005(a)(1) qualified renewable energy attributes that is not less  
11 than the provider's retail sales.

12 \* \* \*

13 \* \* \* Effective Date \* \* \*

14 Sec. 28. EFFECTIVE DATE

15 This act shall take effect on July 1, 2019.

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

\_\_\_\_\_

Representative \_\_\_\_\_

FOR THE COMMITTEE