

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 bill be amended by striking out all after the enacting clause and inserting in
6 lieu thereof the following:

7 Sec. 1. 30 V.S.A. § 203a is amended to read:

8 § 203a. FUEL EFFICIENCY FUND

9 * * *

10 ~~(c) Report. On or before January 15, 2010, and annually thereafter, the~~
11 ~~Department of Public Service shall report to the General Assembly on the~~
12 ~~expenditure of funds from the Fuel Efficiency Fund to meet the public’s needs~~
13 ~~for energy efficiency services. The provisions of 2 V.S.A. § 20(d) (expiration~~
14 ~~of required reports) shall not apply to the report to be made under this~~
15 ~~subsection.—[Repealed.]~~

16 * * *

17 Sec. 2. 2012 Act and Resolves No. 165, Section 2 is amended to read:

18 Sec. 2 MEMORANDUM OF UNDERSTANDING; SMALL

19 HYDROELECTRIC PROJECTS

20 * * *

1 Administration, of Agriculture, Food and Markets, of Natural Resources, and
2 of Transportation and the Commissioner of Buildings and General Services.

3 * * *

4 (7) The report shall include any activity that occurs under the Vermont
5 Small Hydropower Assistance Program, the Vermont Village Green Program,
6 and the Fuel Efficiency Fund.

7 Sec. 5. 30 V.S.A. § 8005b is amended to read:

8 § 8005b. RENEWABLE ENERGY PROGRAMS; REPORTS

9 (a) The Department shall file reports with the General Assembly in
10 accordance with this section.

11 * * *

12 (2) The Department shall ~~file the report under~~ include the components of
13 subsection (b) of this section annually each January 15 in its Annual Energy
14 Report required under subsection 202b(e) of this title commencing in 2018
15 2020 through 2033.

16 (3) The Department shall ~~file the report under~~ include the components of
17 subsection (c) of this section biennially each March 1 in its Annual Energy
18 Report required under subsection 202b(e) of this title biennially commencing
19 in 2017 2020 through 2033.

20 * * *

1 (c) The biennial report under this section shall include at least each of the
2 following:

3 * * *

4 (2) Commencing with the report to be filed in 2019, each retail
5 electricity provider's required amount of renewable energy during the two
6 preceding ~~calendar~~ years using the most recent available data for each category
7 of the RES as set forth in section 8005 of this title.

8 * * *

9 Sec. 6. 30 V.S.A. § 8010 is amended to read:

10 § 8010. SELF-GENERATION AND NET METERING

11 * * *

12 (d) ~~On or before January 15, 2020 and every third January 15 thereafter~~
13 Commencing in 2021 and biennially thereafter, the Department shall submit to
14 the Commission ~~a report that evaluates~~ its evaluation of the current state of net
15 metering in Vermont, which shall be included within the Department's Annual
16 Energy Report required under subsection 202b(e) of this title and shall also be
17 submitted to the Committees listed under subdivision 202b(e)(2) of this title.
18 ~~The Department shall make this report publicly available. The report~~
19 evaluation shall:

20 * * *

21 Sec. 7. 30 V.S.A. § 201 is amended to read:

1 § 201. DEFINITIONS

2 * * *

3 (c) As used in this chapter, “energy storage” means a system that uses
4 mechanical, chemical, or thermal processes to store energy for later use.

5 (d) As used in this chapter, “distributed energy resources” (DER) means a
6 resource sited close to customers that can provide all or some of their
7 immediate electric and power needs or a resource sited close to customers that
8 can be used by the system to either reduce demand, such as energy efficiency,
9 or provide supply to satisfy the energy, capacity, or ancillary service needs of
10 the distribution grid. The resources, if providing electricity or thermal energy,
11 are small in scale, connected to the distribution system, and close to load.
12 Examples of types of DER include solar photovoltaic, wind, combined heat
13 and power, energy storage, demand response, electric vehicles, microgrids, and
14 energy efficiency.

15 (e) As used in this chapter, “microgrid” means a group of interconnected
16 loads and distributed energy resources within clearly defined electrical
17 boundaries that acts as a single controllable entity with respect to the grid. A
18 microgrid can connect and disconnect from the grid and enable it to operate in
19 both grid-connected mode or island mode.

20 Sec. 8. 30 V.S.A. § 8002 is amended to read:

21 § 8002. DEFINITIONS

1 As used in this chapter:

2 * * *

3 (18) “Plant” means an independent technical facility that generates
4 electricity from renewable energy or that uses mechanical, chemical, or
5 thermal processes to store such electricity for export to the grid. A group of
6 facilities, such as wind turbines, shall be considered one plant if the group is
7 part of the same project and uses common equipment and infrastructure such
8 as roads, control facilities, and connections to the electric grid. Common
9 ownership, contiguity in time of construction, and proximity of facilities to
10 each other shall be relevant to determining whether a group of facilities is part
11 of the same project.

12 * * *

13 Sec. 9. 30 V.S.A. § 202f is amended to read:

14 § 202f. TELECOMMUNICATIONS AND CONNECTIVITY ADVISORY
15 BOARD

16 (a) There is created the Telecommunications and Connectivity Advisory
17 Board for the purpose of making recommendations to the Commissioner of
18 Public Service regarding his or her telecommunications responsibilities and
19 duties as provided in this section. The Connectivity Advisory Board shall
20 consist of eight members, ~~seven voting and one nonvoting~~, selected as follows:

21 (1) the State Treasurer or designee;

1 November 1, the amount of monies available to the Connectivity Fund. Such
2 funds shall be apportioned as follows: 45 percent to the High-Cost Program
3 and 55 percent to the Connectivity Initiative.

4 Sec. 11. 30 V.S.A. § 7001 is amended to read:

5 § 7001. DEFINITIONS

6 In this chapter:

7 (1) “Commission” means the Public Utility Commission under section 3
8 of this title.

9 (2) “Company” means any public utility ~~company which~~, municipality,
10 or person that supplies gas, electricity, hot water, steam, or
11 telecommunications service and ~~which~~ that maintains underground utility
12 facilities, and any cable television company operating a cable television system
13 as defined in section 501 of this title ~~and which~~ that maintains underground
14 utility facilities.

15 (3) “Damage” includes the substantial weakening of structural or lateral
16 support of an underground utility facility; penetration or destruction of any
17 underground utility facility’s protective coating, housing, or device; or the
18 partial or complete severance of any underground utility facility.

19 (4) “Excavation activities” means any activities involving that will
20 disturb the subsurface of the earth or could damage underground utility
21 facilities and that may involve the removal of earth, rock, or other materials in

1 the ground, ~~disturbing the subsurface of the earth,~~ or the demolition of any
2 structure, by the discharge of explosives or the use of powered or mechanized
3 equipment, including digging, trenching, blasting, boring, drilling, hammering,
4 post driving, wrecking, razing, ~~or~~ tunneling, or pavement or concrete slab
5 removal within 100 feet of an underground utility facility. Excavation
6 activities shall not include the tilling of the soil for agricultural purposes,
7 routine home gardening with hand tools outside easement areas and public
8 rights-of-way, activities relating to routine public highway maintenance, or the
9 use of hand tools by a company, or the company's agent or a contractor
10 working under the agent's direction, to locate or service the company's
11 facilities, provided the company has a written damage prevention program.

12 (5) "Person" means any individual, trust, firm, joint stock company,
13 corporation including a government corporation, partnership, association, state,
14 municipality, commission, political subdivision of the ~~state~~ State, or any
15 interstate body.

16 (6) "Public agency" means the State or any political subdivision thereof,
17 including any governmental agency.

18 (7) "Approximate location of underground utility facilities" means a
19 strip of land extending not more than 18 inches on either side of the
20 underground utility facilities.

1 (8) “System” means the public utility underground facility damage
2 prevention system referred to in section 7002 of this title.

3 (9) “Underground utility facility” or “facility” means any pipe, conduit,
4 wire, or cable located beneath the surface of the earth and maintained by a
5 company, including the protective covering of the pipe, conduit, wire, or cable,
6 as well as any manhole, vault, ~~or~~ pedestal, or component maintained by a
7 company.

8 (10) “Premark” means to identify the general scope of excavation
9 activities using white paint, stakes, or other suitable white markings, in a
10 manner that will enable the operators of the underground utility facilities to
11 know the boundaries of the proposed excavation activities.

12 (11) “Powered or mechanized equipment” means equipment that is
13 powered or energized by any motor, engine, or hydraulic or pneumatic device
14 and that is used for excavation or demolition work.

15 (12) “Hand tools” means tools powered solely by human energy.

16 (13) “Verified” means the location and depth have been ~~physically~~
17 ~~determined by hand digging~~ visually determined using careful and prudent
18 excavating techniques such as hand digging, water excavation, or other safe
19 means.

1 (14) “Damage prevention program” means a program established to
2 ensure employees involved in excavation activities are aware of and utilize
3 appropriate and safe excavating practices.

4 Sec. 12. 30 V.S.A. § 7003 is amended to read:

5 § 7003. RULEMAKING

6 The Commission shall adopt rules, pursuant to 3 V.S.A. chapter 25
7 relative to:

8 (1) minimum requirements for the operation of the System, including
9 notification procedures and the reporting of underground utility facility
10 locations;

11 (2) procedures for the investigation of complaints;

12 (3) emergency situations ~~for which notice of excavation activities is not~~
13 required;

14 (4) uniform standards for the marking of the approximate location of
15 underground utility facilities;

16 (5) uniform standards for the future installation of underground utility
17 facilities, including the following:

18 (A) color coding of facilities;

19 (B) depth requirements for the laying of facilities;

20 (C) subsurface marking of facilities;

21 (D) surface marking of facilities;

1 (E) the filing of as-built plans of facilities with municipalities; and

2 (F) capability for location of facilities by sensors;

3 (6) standards for the granting of exemptions under section 7002 of this
4 title; and

5 (7) situations where the premarks cannot be found.

6 Sec. 13. 30 V.S.A. § 7004 is amended to read:

7 § 7004. NOTICE OF EXCAVATION ACTIVITIES

8 (a) No person or company shall engage in excavation activities, except in
9 an emergency situation as defined by the Commission, without premarking the
10 proposed area of excavation activities and giving notice as required by this
11 section.

12 (b) Prior to notifying the System, the person shall premark the area of
13 proposed excavation activities in a manner that will enable operators of
14 underground facilities to identify the boundaries of the proposed excavation
15 activities.

16 (c) At least 48 hours, excluding Saturdays, Sundays, and legal holidays, but
17 not more than 30 days before commencing excavation activities, each person
18 required to give notice of excavation activities shall notify the System referred
19 to in section 7002 of this title. Such notice shall set forth a reasonably accurate
20 and readily identifiable description of the geographical location of the
21 proposed excavation activities and the premarks.

1 ~~(e)~~(d) Notice to the System may be in writing or by telephone. For
2 purposes of this section, the System shall provide a toll-free telephone number.

3 ~~(d) Prior to notifying the System, the person must premark the area of~~
4 ~~proposed excavation activities in a manner that will enable operators of~~
5 ~~underground facilities to identify the boundaries of the proposed excavation~~
6 ~~activities. Premarking is not required if the actual excavation will be~~
7 ~~continuous and will exceed 500 feet in length.~~

8 (e) Notice of excavation activities shall be valid for an excavation site until
9 one of the following occurs:

- 10 (1) the excavation is not completed within 30 days of the notification;
11 (2) the markings become faded, illegible, or destroyed; or
12 (3) the company installs new underground facilities in a marked area
13 still under excavation.

14 Sec. 14. 30 V.S.A. § 7006b is amended to read:

15 § 7006b. EXCAVATION AREA PRECAUTIONS

16 Any person engaged in excavating activities in the approximate location of
17 underground utility facilities marked pursuant to section 7006 of this title shall
18 take reasonable precautions to avoid damage to underground utility facilities,
19 including any substantial weakening of the structural or lateral support of such
20 facilities or penetration, severance, or destruction of such facilities. ~~When~~
21 ~~excavation activities involve horizontal or directional boring, the~~ The person

1 engaged in excavation activities shall expose underground facilities to verify
2 their location and depth, in a safe manner, at each location where the work will
3 cross a facility and at reasonable intervals when paralleling an underground
4 facility. Powered or mechanized equipment may only be used within the
5 approximate location where the facilities have been verified.

6 Sec. 15. 30 V.S.A. § 7007 is amended to read:

7 § 7007. NOTICE OF DAMAGE

8 When any underground utility facility is damaged during excavation
9 activities, the excavator shall immediately notify the affected company. Under
10 no circumstances shall the excavator backfill or conceal the damaged area until
11 the company inspects and repairs the damage, provided that the excavator shall
12 take reasonable and prudent actions to protect the public from serious injury
13 from the damaged facilities until the company or emergency response
14 personnel arrive at the damaged area. An excavator who causes damage to a
15 pipeline that results in a release of natural or other gas or hazardous liquid shall
16 promptly report the release to emergency responders by calling 911.

17 Sec. 16. EFFECTIVE DATE

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

1

2

3

4 (Committee vote: _____)

5

6

Representative _____

7

FOR THE COMMITTEE