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H.133

Introduced by Representatives Briglin of Thetford, Scheuermann of Stowe,
and Sibilias of Dover

Referred to Committee on

Date:

Subject: Public Service; energy; reporting; energy storage

Statement of purpose of bill as introduced: This bill proposes to permit the
Department of Public Service to consolidate its Title 30 reporting requirements
into the Annual Energy Report. This bill also proposes to include
consideration and application of energy storage.

11 An act relating to miscellaneous energy subjects

12 It is hereby enacted by the General Assembly of the State of Vermont:

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

14 § 203a. FUEL EFFICIENCY FUND

15 * * *

16 ~~(c) Report. On or before January 15, 2010, and annually thereafter, the~~
17 ~~Department of Public Service shall report to the General Assembly on the~~
18 ~~expenditure of funds from the Fuel Efficiency Fund to meet the public's needs~~
19 ~~for energy efficiency services. The provisions of 2 V.S.A. § 20(d) (expiration~~

1 ~~of required reports) shall not apply to the report to be made under this~~
2 ~~subsection. [Repealed.]~~

3 * * *

4 Sec. 2. 2012 Acts and Resolves No. 165, Section 2 is amended to read:

5 Sec. 2. MEMORANDUM OF UNDERSTANDING; SMALL
6 HYDROELECTRIC PROJECTS

7 * * *

8 (e) ~~No later than January 15, 2014 and annually by each second January 15-~~
9 ~~thereafter, the commissioner shall submit a written report to the general~~
10 ~~assembly detailing the progress of the MOU program, including an~~
11 ~~identification of each hydroelectric project participating in the program. After~~
12 ~~five hydroelectric projects participating in the program are approved and~~
13 ~~commence operation, reports filed under this subsection shall evaluate and~~
14 ~~provide lessons learned from the program, including recommendations, if any,~~
15 ~~on how to improve procedures for obtaining approval of micro hydroelectric~~
16 ~~projects (100 kilowatts capacity or less). The provisions of 2 V.S.A. § 20(d)~~
17 ~~(expiration of required reports) shall not apply to the report to be submitted~~
18 ~~under this subsection. [Repealed.]~~

19 * * *

1 Sec. 3. 30 V.S.A. § 8105 is amended to read:

2 § 8105. **REPORTING**

3 ~~(a) A host community for which a Vermont village green renewable project~~
4 ~~has been certified under this chapter shall file a report to the Commission and~~
5 ~~the Commissioner of Public Service by December 31 of each year following~~
6 ~~certification. The report shall contain such information as is required by the~~
7 ~~Commission and the Commissioner. The report shall include at a minimum~~
8 ~~sufficient information for the Commissioner of Public Service to submit the~~
9 ~~report required by subsection (b) of this section.~~

10 ~~(b) Beginning on March 1, 2010, and annually thereafter, the~~
11 ~~Commissioner of Public Service shall submit a report to the Senate~~
12 ~~Committees on Economic Development, Housing and General Affairs, on~~
13 ~~Finance, and on Natural Resources and Energy, and the House Committees on~~
14 ~~Ways and Means, on Commerce and Economic Development, and on Energy~~
15 ~~and Technology, and the Governor, which shall include an update on progress~~
16 ~~made in the development of the Vermont village green renewable projects~~
17 ~~authorized under this chapter. The report also shall include an analysis of the~~
18 ~~costs and benefits of the projects as well as any recommendations consistent~~
19 ~~with the purposes of this chapter. The provisions of 2 V.S.A. § 20(d)~~
20 ~~(expiration of required reports) shall not apply to the report to be made under~~
21 ~~this subsection. [Repealed.]~~

1 Sec. 4. 30 V.S.A. §202b(e) is amended to read:

2 § 202b. STATE COMPREHENSIVE ENERGY PLAN

3 * * *

4 (e) The Commissioner of Public Service (Commissioner) shall file an annual
5 report on progress in meeting the goals of the Plan. The report shall address
6 each of the following sectors of energy consumption in the State: electricity,
7 nonelectric fuels for thermal purposes, and transportation. In preparing the
8 report, the Commissioner shall consult with the Secretaries of Administration,
9 of Agriculture, Food and Markets, of Natural Resources, and of Transportation
10 and the Commissioner of Buildings and General Services.

11 * * *

12 (7) Any activity that occurs under the Vermont Small Hydroelectric
13 Projects—Hydropower Assistance Program, the Vermont Village Green
14 Program, or the Fuel Efficiency Fund.

15 * * *

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

17 § 8005b. RENEWABLE ENERGY PROGRAMS; REPORTS

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

20 * * *

1 (2) The Department shall ~~file the report under~~ include the components of
2 subsection (b) of this section ~~annually each January 15~~ in its Annual Energy
3 Report required under subsection 202b(e) of this title commencing in 2018
4 2020 through 2033.

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

9 * * *

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

12 * * *

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

17 * * *

18 Sec. ~~65~~. 30 V.S.A. § 8010 is amended to read:

19 § 8010. SELF-GENERATION AND NET METERING

20 * * *

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

9 * * *

10 Sec. ~~76~~. 30 V.S.A. § 201 is amended to read:

11 § 201. DEFINITIONS

12 * * *

13 (c) As used in this chapter, "energy storage" means a system that uses
14 mechanical, chemical, or thermal processes to store energy for later use.

15 (d) As used in this chapter, "distributed energy resources" (DER) means a
16 resource sited close to customers that can provide all or some of their
17 immediate electric and power needs ~~and or a resource sited close to~~
18 customers that can ~~also~~ be used by the system to either reduce demand, such
19 as energy efficiency, or provide supply to satisfy the energy, capacity, or
20 ancillary service needs of the distribution grid. The resources, if providing
21 electricity or thermal energy, are small in scale, connected to the distribution

1 system, and close to load. Examples of types of DER include solar
2 photovoltaic, wind, combined heat and power, energy storage, demand
3 response, electric vehicles, microgrids, and energy efficiency.

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

9 Sec. ~~87~~. 30 V.S.A. § 8002 is amended to read:

10 § 8002. DEFINITIONS

11 As used in this chapter:

12 * * *

13 (18) “Plant” means an independent technical facility that generates
14 electricity from renewable energy or that uses mechanical, chemical, or
15 thermal processes to store such electricity for ~~export to the grid~~later use. A
16 group of facilities, such as wind turbines, shall be considered one plant if the
17 group is part of the same project and uses common equipment and
18 infrastructure such as roads, control facilities, and connections to the electric
19 grid. Common ownership, contiguity in time of construction, and proximity of
20 facilities to each other shall be relevant to determining whether a group of
21 facilities is part of the same project.

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Sec. ~~98~~. 30 V.S.A. § 248 is amended to read:

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§ 248. NEW GAS AND ELECTRIC PURCHASES, INVESTMENTS, AND

4

FACILITIES; CERTIFICATE OF PUBLIC GOOD

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

6

* * *

7

(B) invest in an electric generation facility, energy storage facility ~~or~~

8

~~aggregated facilities~~ with a capacity of 1 M500-kW or more, or transmission

9

facility located outside this State unless the Public Utility Commission first

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finds that the same will promote the general good of the State and issues a

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certificate to that effect.

12

(2) Except for the replacement of existing facilities with equivalent

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facilities in the usual course of business, ~~and except for~~ electric generation

14

facilities that are operated solely for on-site electricity consumption by the

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owner of those facilities, energy storage facilities that do not export power to

16

the grid, and ~~for~~ hydroelectric generation facilities subject to licensing

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jurisdiction under the Federal Power Act, 16 U.S.C. chapter 12, subchapter 1:

18

(A) no company, as defined in section 201 of this title, and no person,

19

as defined in 10 V.S.A. § 6001(14), may begin site preparation for or

20

construction of an electric generation facility, energy storage facility ~~or~~

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aggregated facilities with a capacity of 1 M500-kW or more, or electric

1 transmission facility within the State that is designed for immediate or eventual
2 operation at any voltage; and

3 (B) no such company may exercise the right of eminent domain in
4 connection with site preparation for or construction of any such transmission
5 facility, energy storage facility or aggregated facilities with a capacity of 1
6 M500-kW or more, or generation facility, unless the Public Utility
7 Commission first finds that the same will promote the general good of the State
8 and issues a certificate to that effect.

9 * * *

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

1 and shall include information on how to contact the Commission to view the
2 certificate and supporting documents.

3 Sec. 109. PUBLIC UTILITY COMMISSION ENERGY STORAGE
4 UPDATE

5 The Public Utility Commission (PUC) shall update its decommissioning
6 and aesthetic rules to include energy storage facilities **with a capacity of 1**
7 **MW or more.** The PUC, in consultation with the Department of Public
8 Service, shall develop recommendations for how to incorporate energy storage
9 facilities into the Net Metering Rules adopted pursuant to 30 V.S.A. § 8010 **as**
10 **well as how aggregations of distributed energy resources should be**
11 **tracked and regulated.** The PUC shall report these recommendations to the
12 General Assembly on or before December 31, 2019.

13
14 **Telecommunications and Connectivity Advisory Board**

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16 Sec. 110. 30 V.S.A. § 202f is amended to read:

17 § 202f. Telecommunications and Connectivity Advisory Board

18 (a) There is created the Telecommunications and Connectivity Advisory Board
19 for the purpose of making recommendations to the Commissioner of Public
20 Service regarding his or her telecommunications responsibilities and duties as

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1 provided in this section. The Connectivity Advisory Board shall consist of
2 eight members, ~~seven voting and one nonvoting,~~ selected as follows:

- 3 (1) the State Treasurer or designee;
4 (2) the Secretary of Commerce and Community Development or designee;
5 (3) five at-large members appointed by the Governor, who shall not be
6 employees or officers of the State at the time of appointment; and
7 (4) the Secretary of Transportation or designee, ~~who shall be a nonvoting~~
8 ~~member.~~

9
10
11 Sec. 12. 30 V.S.A. § 202f (h) is amended to read:

12 § 202f. TELECOMMUNICATIONS AND CONNECTIVITY ADVISORY
13 BOARD
14

15 (h) On ~~September 15, 2015~~ November 15, 2018, and annually
16 thereafter, the Commissioner shall submit to the Connectivity Advisory Board
17 an accounting of monies in the Connectivity Fund and anticipated revenue for
18 the next year. ~~On or before January 1 of each year, the Commissioner,~~
19 ~~after consulting with the Connectivity Advisory Board, shall recommend~~
20 ~~to the relevant legislative committees of jurisdiction a plan for~~
21 ~~apportioning such funds to the High-Cost Program and the Connectivity~~
22 ~~Initiative.~~

1 Sec. 13. EFFECTIVE DATE

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

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14 Subject: Utilities; underground; damage prevention system; hot water and
15 steam facilities

16 Statement of purpose of bill as introduced: This bill proposes to make
17 miscellaneous amendments to Vermont's Underground Utility Damage
18 Prevention System to provide clarity in the law and to expand the scope of the
19 law to include underground hot water and steam facilities.

20

21

1 An act relating to the Underground Utility Damage Prevention System

2
3 It is hereby enacted by the General Assembly of the State of Vermont:

4 Sec. 13. 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
8 3 of this title.

9 (2) “Company” means any private or public utility ~~company which,~~
10 municipality, 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 disturb~~
20 the subsurface of the earth or could damage underground utility facilities
21 and that may involve the removal of earth, rock, or other materials in the

1 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 strip of
19 land extending not more than 18 inches on either side of the underground
20 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) “Pre-mark” means to identify the general scope of excavation activities
9 using white paint, stakes, or other suitable white markings, in a manner that
10 will enable the operators of the underground utility facilities to know the
11 boundaries of the proposed excavation activities.

12 (11) “Powered or mechanized equipment” means equipment that is powered
13 or energized by any motor, engine, or hydraulic or pneumatic device and that is
14 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
18 prudent excavating techniques such as hand digging, water excavation, or
19 other safe means.

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

4 Sec. 2. 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 relative
7 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 title;

4 and

5 (7) situations where the premarks cannot be found

6 Sec. 3. 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 an
9 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
15 excavation activities.

16 (c) At least 48 hours, excluding Saturdays, Sundays, and legal holidays, but not
17 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 purposes
2 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 one
9 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 -still
13 under excavation.

14 Sec. 4. 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**

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

6 Sec. 5. 30 V.S.A. § 7007 is amended to read:

7 § 7007. NOTICE OF DAMAGE

8 When any underground utility facility is damaged during excavation activities,
9 the excavator shall immediately notify the affected company. Under no
10 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**
16 **liquid shall promptly report the release to emergency responders by**
17 **calling 911**