

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 propose to the Senate that the bill be further amended by striking out  
6 Sec. 24, effective date, in its entirety and inserting four new sections and their  
7 reader assistance headings to read:

8 \* \* \* Energy Storage Facilities \* \* \*

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

10 § 201. DEFINITIONS

11 \* \* \*

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

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

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

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

19 \* \* \*

20 (B) invest in an electric generation facility, energy storage facility, or  
21 transmission facility located outside this State unless the Public Utility

1 Commission first finds that the same will promote the general good of the State  
2 and issues a certificate to that effect.

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

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

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

19 \* \* \*

20 (7) When a certificate of public good under this section or amendment  
21 to such a certificate is issued for an in-state electric generation or energy

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

13 \* \* \*

14 (u) A certificate under this section shall only be required for an energy  
15 storage facility with a capacity of 500 kW or greater or not subject to direct or  
16 indirect control of grid-exporting capabilities by a Vermont distribution utility.

17 Sec. 26. PUBLIC UTILITY COMMISSION RULE UPDATE

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

