

1 Yantachka Proposal

2 TO THE HOUSE OF REPRESENTATIVES:

3 The Committee on Energy and Technology to which was referred House
4 Bill No. 133 entitled “An act relating to miscellaneous energy subjects”
5 respectfully reports that it has considered the same and recommends that the
6 House propose to the Senate that the bill be further amended by striking out
7 Sec. 24, effective date, in its entirety and inserting four new sections and their
8 reader assistance headings to read:

9 * * * Standard Offer Program Exemption * * *

10 Sec. 24. 30 V.S.A. § 8005a is amended to read:

11 § 8005a. STANDARD OFFER PROGRAM

12 * * *

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

16 * * *

17 (B) A retail electricity provider ~~shall be exempt and wholly~~ that was
18 relieved from the requirements of this subdivision if, by the Commission on or
19 before January 25, 2018, may continue to be exempt from the requirements of
20 this subdivision if in each year that the Standard Offer Facilitator allocates

1 electricity pursuant to this subdivision the retail electricity provider meets the
2 following criteria:

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

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

11 * * *

12 * * * Net Metering * * *

13 Sec. 25. 30 V.S.A. § 248(u) is added to read:

14 (u)(1) For projects located on preferred sites, as defined in section 8002 of
15 this title, the Commission shall establish simplified processes for the issuance
16 of certificates of public good that:

17 (A) reduce the cost and time associated with reviewing and
18 processing an application to construct a plant on a preferred site; and

19 (B) encourage the construction of plants on preferred sites.

20 (2) A plant of any size mounted on a roof and all plants with a capacity
21 of 15 kw or less shall be registered with the Commission using a form

1 prescribed by the Commission for that purpose. A copy of such registration
2 shall be provided to the Agency of Natural Resources, the Department of
3 Public Service, and the interconnecting retail electric service provider. A
4 certificate of public good shall be deemed issued pursuant to this section on the
5 11th calendar day following the registration.

6 (3) Not later than August 1, 2019, the Commission shall establish by
7 order a form for the registration of a plant of more than 15 kW mounted on a
8 parking canopy pursuant to this subdivision. The Commission shall require the
9 notice and registration of such parking canopy plants to include a site plan
10 depicting the location and dimensions of the parking canopy. Not less than 30
11 calendar days before registering such a parking canopy plant with the
12 Commission, the registrant shall provide notice of its intent to register a
13 parking canopy plant to the municipality where the plant will be located, the
14 Agency of Natural Resources, the Department of Public Service, and the
15 interconnecting retail electric service provider. The registrant shall also
16 provide a copy of the completed registration form and site plan to the
17 municipality where the plant will be located, the Department of Public Service,
18 the Agency of Natural Resources, and the interconnecting retail electric service
19 provider.

1 (A) A registration made pursuant to this subdivision does not relieve
2 the registrant from the obligation to obtain any State building, electrical, and
3 environmental permits that otherwise apply to a parking canopy plant.

4 (B) A certificate of public good pursuant to this subdivision shall be
5 deemed issued on the 31st calendar day following the registration unless, the
6 municipality where the plant will be located or the Agency of Natural
7 Resources file a letter within seven calendar days of the registration, which
8 raises a significant issue that requires resolution before construction may
9 begin.

10 (4) Under the registration processes required by this subdivision, no
11 plant may interconnect if the interconnecting retail electric service provider
12 files a letter with the Commission within seven calendar days of the
13 registration that identifies interconnection issues that need resolution before the
14 interconnection may occur. A copy of the letter must be sent to the registrant
15 and the installer of the plant identified on the registration form.

16 Sec. 26. 30 V.S.A. § 8002(30) is added to read:

17 (30)(A) “Preferred site” means a site within the State on which a
18 renewable energy plant will be located that is one of the following:

19 (i) A new or existing impervious surface or structure whose
20 primary use is not the generation of electricity or providing support for the
21 placement of equipment that generates electricity.

1 (ii) A canopy over an existing or new parking lot constructed with
2 an impervious or engineered pervious surface, provided that the location
3 remains in use as a parking lot.

4 (iii) A tract previously developed for a use other than siting a plant
5 on which a structure or impervious surface was lawfully in existence at any
6 time during the year preceding the date an application for a certificate of public
7 good is filed. To qualify under this subdivision (iii), the limits of disturbance
8 may not include any headwaters, streams, shorelines, floodways, rare and
9 irreplaceable natural areas, necessary wildlife habitat, wetlands, endangered
10 species, productive forest soils, or primary agricultural soils as defined in
11 10 V.S.A. chapter 151.

12 (iv) A parcel containing land certified by the Secretary of Natural
13 Resources to be a brownfield site as defined under 10 V.S.A. § 6642.

14 (v) A sanitary landfill as defined in 10 V.S.A. § 6602, and
15 contiguous land, structures, appurtenances, and improvements on the land or
16 parcels used for treating, storing, or disposing of solid waste, provided that the
17 Secretary of Natural Resources certifies that the land constitutes such a
18 landfill, and contiguous land, structures, appurtenances, or improvements, and
19 that the landfill is actively maintained under the authority of a post-closure
20 certification, administrative order, or assurance of discontinuance, or in
21 custodial care as recognized by the Agency of Natural Resources.

1 (vi) A lawful gravel pit, quarry, or similar site where the
2 extraction of a mineral resource occurred, provided that State and local permit
3 conditions related to reclamation of the site are satisfied prior to the operation
4 of the plant or within a reasonable time following plant commissioning.

5 (vii) A specific location designated in a duly adopted municipal or
6 regional plan under 24 V.S.A. chapter 117 for the siting of a plant; or a specific
7 location that is identified as suitable for development in a joint letter or letters
8 from the municipal legislative body, municipal planning commission, and the
9 regional planning commissions in the community where the plant will be
10 located.

11 (viii) A site listed on the National Priorities List (NPL) established
12 under the Comprehensive Environmental Response, Compensation, and
13 Liability Act, 42 U.S.C. chapter 103, if the U.S. Environmental Protection
14 Agency or the Agency of Natural Resources confirms that the site is listed on
15 the NPL, and further provided that the applicant demonstrates as part of its
16 application that:

17 (I) development of the plant on the site will not compromise or
18 interfere with remedial action on the site; and

19 (II) the site is suitable for development of the plant.

1 (ix) On the same parcel as, adjacent to, or on the same electrical
2 feeder of a customer that has been allocated at least 50 percent of the system’s
3 electrical output.

4 (B) For purposes of this section, the electricity generation component
5 of the plant does not include interconnection equipment.

6 * * * Effective Date * * *

7 Sec. 27. EFFECTIVE DATE

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

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(Committee vote: _____)

Representative _____

FOR THE COMMITTEE