

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