

1 H.467

2 Introduced by Representatives Sabilia of Dover, Patt of Worcester, Rogers of
3 Waterville, and Sims of Craftsbury

4 Referred to Committee on

5 Date:

6 Subject: Public service; renewable energy programs; baseload renewable
7 power portfolio requirement

8 Statement of purpose of bill as introduced: This bill proposes to extend the
9 baseload renewable power portfolio requirement until 2032 unless the baseload
10 renewable power plant does not utilize at least 40 percent of its energy.

11 An act relating to extending the baseload renewable power portfolio
12 requirement

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

14 Sec. 1. 30 V.S.A. § 8009 is amended to read:

15 § 8009. BASELOAD RENEWABLE POWER PORTFOLIO
16 REQUIREMENT

17 * * *

18 (b) Notwithstanding subsection 8004(a) and subdivision 8005(c)(1) of this
19 title, commencing November 1, 2012, each Vermont retail electricity provider
20 shall purchase the provider's pro rata share of the baseload renewable power

1 portfolio requirement, which shall be based on the total Vermont retail kWh
2 sales of all such providers for the previous calendar year. The obligation
3 created by this subsection shall cease on November 1, ~~2024~~ 2032.

4 * * *

5 (d) ~~The~~ On or before November 1, 2026, the Commission shall determine,
6 for the period beginning on November 1, 2026 and ending on November 1,
7 2032, the price to be paid to a plant used to satisfy the baseload renewable
8 power portfolio requirement. The Commission shall not be required to make
9 this determination as a contested case under 3 V.S.A. chapter 25. The price
10 shall be the avoided cost of the Vermont composite electric utility system. ~~In~~
11 As used in this subsection, the term “avoided cost” means the incremental cost
12 to retail electricity providers of electric energy or capacity, or both, which, but
13 for the purchase from the plant proposed to satisfy the baseload renewable
14 power portfolio requirement, such providers would obtain from a source using
15 the same generation technology as the proposed plant. ~~In~~ For the purposes of
16 this subsection, the term “avoided cost” also includes the Commission’s
17 consideration of each of the following:

18 (1) ~~The~~ the relevant cost data of the Vermont composite electric utility
19 system;

20 (2) ~~The~~ the terms of the potential contract, including the duration of the
21 obligation;

1 (3) ~~The~~ the availability, during the system’s daily and seasonal peak
2 periods, of capacity or energy from a proposed plant;:

3 (4) ~~The~~ the relationship of the availability of energy ~~or~~, capacity,
4 renewable energy credits and attributes, and other market products and services
5 from the proposed plant to the ability of the Vermont composite electric utility
6 system or a portion thereof to avoid costs;:

7 (5) ~~The~~ the costs or savings resulting from variations in line losses from
8 those that would have existed in the absence of purchases from the proposed
9 plant; and

10 (6) ~~The~~ the supply and cost characteristics of the proposed plant,
11 including the costs of operation and maintenance of an existing plant during
12 the term of a proposed contract.

13 * * *

14 (f) With respect to a plant used to satisfy the baseload renewable power
15 portfolio requirement:

16 * * *

17 (2) Any tradeable renewable energy credits and attributes that are
18 attributable to the electricity purchased shall be transferred to the Vermont
19 retail electricity providers in accordance with their pro rata share of the costs
20 for such electricity as determined under subdivision (1) of this subsection.

21 * * *

1 (j) The Commission shall authorize any Agency participating in a
2 proceeding pursuant to this section or that participated in an Order issued
3 under this section to assess its costs against a proposed plant consistent with
4 section 21 of this title.

5 Sec. 2. 2021 Acts and Resolves No. 39, Sec. 2 is amended to read:

6 Sec. 2. PUBLIC UTILITY COMMISSION ORDER EXTENSION

7 All decisions and orders of the former Public Service Board and the Public
8 Utility Commission in the matter Investigation into the Establishment of a
9 Standard-Offer Price for Baseload Renewable Power under the Sustainably
10 Priced Energy Enterprise Development (SPEED) Program, Docket No. 7782,
11 shall remain in full force and effect through October 31, ~~2024~~ 2032. For years
12 2023, ~~and~~ 2024, and 2025 and the period from January 1, 2026 to November 1,
13 2026, the purchase price shall be the levelized value determined in Docket
14 No. 7782.

15 Sec. 3. AUTOMATIC TERMINATION OF MUST TAKE OBLIGATION

16 (a) On or before July 1, 2023, the owner of a plant used to satisfy the
17 baseload renewable power portfolio requirement provided for in 30 V.S.A.
18 § 8009 shall submit to the Public Utility Commission and the Department of
19 Public Service:

1 (1) a signed contract providing for the construction of a facility at the
2 plant that will utilize the excess thermal heat generated at the plant for a
3 beneficial purpose; and

4 (2) a certification by a professional engineer that the construction of the
5 facility will result in at least 40 percent of the heat value of the biomass
6 utilized by the plant being used for a beneficial purpose.

7 (b) If a contract and certification is not submitted to the Commission and
8 Department on or before July 1, 2023 or if by November 1, 2025 the Public
9 Utility Commission finds that less than 40 percent of the heat value of biomass
10 is being utilized for a beneficial purpose, then the obligation under 30 V.S.A.
11 § 8009 for each Vermont retail electricity provider to purchase a pro rata share
12 of the baseload renewable power portfolio requirement with respect to the
13 plant shall cease on November 1, 2025, and the Public Utility Commission is
14 not required to conduct the rate determination provided for in 30 V.S.A.
15 § 8009(d). This determination shall be based on information provided by the
16 owner of each plant and the Department of Public Service.

17 Sec. 4. EFFECTIVE DATE

18 This act shall take effect on passage.