1	S.161
2	Introduced by Senators Kitchel, Benning and Starr
3	Referred to Committee on Finance
4	Date: January 4, 2022
5	Subject: Public service; renewable energy programs; baseload renewable
6	power portfolio requirement
7	Statement of purpose of bill as introduced: This bill proposes to extend the
8	baseload renewable power portfolio requirement until 2032 unless the baseload
9	renewable power plant does not utilize at least 40 percent of its energy.
10 11	An act relating to extending the baseload renewable power portfolio requirement
12	It is hereby enacted by the General Assembly of the State of Vermont:
13	C. C. 1. 30 V.S.A. § 0000 is amended to read.
14	§ 8009. BASELOAD RENEWABLE POWER PORTFOLIO
15	REQUIREMENT
16	* * *
17	(b) Notwithstanding subsection 8004(a) and subdivision 8005(c)(1) of this
18	title, commencing November 1, 2012, each Vermont read electricity provider
19	shall purchase the provider's pro rata share of the baseload renewacle power
20	portfelie requirement, which shall be based on the total Vermont retail IsWh

1	sales of all such providers for the provious calendar year. The obligation
2	created by this subsection shall cease on November 1, 2024 2032.
3	* * *
4	(d) The on or before November 1, 2026, the Commission shall determine,
5	for the period beginning on November 1, 2026 and ending on November 1,
6	2032, the price to be paid to a plant used to satisfy the baseload renewable
7	power portfolio requirement. The Commission shall not be required to make
8	this determination as a contested case under 3 V.S.A. chapter 25. The price
9	shall be the avoided cost of the Vermont composite electric utility system. In
10	As used in this subsection, the term 'voided cost' means the incremental cost
11	to retail electricity providers of electric energy or capacity, or both, which, but
12	for the purchase from the plant proposed to satisfy the baseload renewable
13	power portfolio requirement, such providers would obtain from a source using
14	the same generation technology as the proposed plant. In For the purposes of
15	this subsection, the term "avoided cost" also includes the Commission's
16	consideration of each of the following:
17	(1) The the relevant cost data of the Vermont composite electric utility
18	system-;
19	(2) The the terms of the potential contract, including the duration of the
20	ooiigation . ,

1	(2) The die availability, during the system's during 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
5	services from the proposed plant to the ability of the Vermont composite
6	electric utility 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- <u>; and</u>
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.
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1	(i) The Commission shall suther a great Assess a sufficient in a
2	proceeding pursuant to this section or an Order issued under this section to
3	assess its costs against a proposed plant consistent with section 21 of this title.
4	Sec. 2. 2021 Acts and Resolves No. 39, Sec. 2 is amended to read:
5	Sec. 2. PUBLIC UTILITY COMMISSION ORDER EXTENSION
6	All decisions and orders of the former Public Service Board and the Public
7	Utility Commission in the matter Investigation into the Establishment of a
8	Standard-Offer Price for Baseload Renewable Power under the Sustainably
9	Priced Energy Enterprise Development (SPEED) Program, Docket No. 7782,
10	shall remain in full force and effect through October 31, 2024 2032. For years
11	2023 and, 2024, and 2025 and the period from January 1, 2026 to November
12	1, 2026, the purchase price shall be the levelized value determined in Docket
13	No. 7782.
14	Sec. 3. AUTOMATIC TERMINATION OF MUSILTAKE OBLIGATION
15	(a) On or before July 1, 2023, the owner of a plant used to satisfy the
16	baseload renewable power portfolio requirement provided for in 30 V.S.A.
17	§ 8009 shall submit to the Public Utility Commission and the Department of
18	Public Service:
19	(1) a signed contract providing for the construction of a facility at the
20	plant that will utilize the excess thermal heat generated at the plant for a
21	beneficial purpose, and

1	(2) a cortification by a professional engineer that the construction of the
2	facility will result in at least 40 percent of the heat value of the biomass
3	utilized by the plant being used for a beneficial purpose.
4	(b) If a contract and certification is not submitted to the Commission and
5	Department on or before July 1, 2023 or if by November 1, 2025 the Public
6	Utility Commission finds that less than 40 percent of the heat value of biomass
7	is not being utilized for a beneficial purpose, then the obligation under
8	30 V.S.A. § 8009 for each Vermont retail electricity provider to purchase a pro-
9	rata share of the baseload renewable power partfolio requirement with respect
10	to the plant shall cease on November 1, 2025, and the Public Utility
11	Commission is not required to conduct the rate determination provided for in
12	30 V.S.A. § 8009(d). This determination shall be based on information
13	provided by the owner of each plant and the Department of Public Service.
14	Sec. 4. EFFECTIVE DATE
15	This act shall take effect on passage.
	Sec. 1. 30 V.S.A. § 8009 is amended to read:

* * *

 \S 8009. BASELOAD RENEWABLE POWER PORTFOLIO

REQUIREMENT

(b) Notwithstanding subsection 8004(a) and subdivision 8005(c)(1) of this title, commencing November 1, 2012, each Vermont retail electricity provider shall purchase the provider's pro rata share of the baseload renewable power portfolio requirement, which shall be based on the total Vermont retail kWh sales of all such providers for the previous calendar year. The obligation created by this subsection shall cease on November 1, 2024 2025.

* * *

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

Sec. 2. PUBLIC UTILITY COMMISSION ORDER EXTENSION

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

Sec. 3. 2021 Acts and Resolves No. 39, Sec. 3 is amended to read:

Sec. 3. BASELOAD RENEWABLE POWER PORTFOLIO REQUIREMENT; COLOCATION REPORT

On or before January 15, 2023–2024, the owner of the baseload renewable power plant subject to 30 V.S.A. § 8009(b) shall report to the General Assembly on whether a project utilizing the excess thermal energy generated by the plant has been developed and is operational, or when a project utilizing the excess thermal energy generated by the plant will be operational.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.