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S.305

An act relating to miscellaneous changes related to the Public Utility  
Commission

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

Sec. 1. 3 V.S.A. § 165(b) is amended to read:

(b) Public contract advocates shall be appointed or retained for such time as  
may be required to monitor, represent the public interest, and report on any  
contract for basic telecommunications service under 30 V.S.A. § 226a.  
Compensation, expenses, and support of public contract advocates shall be  
assessed as costs to the Department of Public Service and paid from the  
revenues received from the tax to finance the Department and the ~~Board~~ Public  
Utility Commission levied under 30 V.S.A. § 22.

Sec. 2. 30 V.S.A. § 8(d) is amended to read:

(d) ~~At least 12 days prior to~~ Written notice of a hearing before ~~the  
Commission~~ a Commissioner or a hearing officer, ~~the Commission shall give  
written notice of the time and place of the hearing to all parties to the case and  
shall indicate the name and title of the person designated to conduct the  
hearing~~ shall be given in accordance with 30 V.S.A. § 10.

1 Sec. 3. 30 V.S.A. § 10(c) is amended to read:

2 (c) ~~A scheduling or procedural conference~~ As used in this section, the term  
3 “hearings” refers to public hearings and evidentiary hearings. All other  
4 proceedings before the Commission may be held upon any reasonable notice.

5 Sec. 4. 30 V.S.A. § 102(a) is amended to read:

6 (a) Before the articles of incorporation are transmitted to the Secretary of  
7 State, the incorporators shall petition the Public Utility Commission to  
8 determine whether the establishment and maintenance of the corporation will  
9 promote the general good of the State and shall at that time file a copy of any  
10 petition with the Department. The Department, within 12 days, shall review  
11 the petition and file a recommendation regarding the petition in the same  
12 manner as is set forth in subsection 225(b) of this title. The recommendation  
13 shall set forth reasons why the petition shall be accepted without hearing or  
14 shall request that a hearing on the petition be scheduled. If the Department  
15 requests a hearing on the petition, or, if the Commission deems a hearing  
16 necessary, it shall appoint a time and place either remotely accessible or in the  
17 county where the proposed corporation is to have its principal office for  
18 hearing the petition. ~~At least 12 days before this hearing, notice~~ Notice of the  
19 hearing shall be given in accordance with section 10 of this title and shall be  
20 published on the Commission’s website and once in a newspaper of general  
21 circulation in the county in which the proposed corporation is to have its

1 principal office. The website notice shall be maintained through the date of the  
2 hearing. The newspaper notice shall include an ~~Internet~~ internet address where  
3 more information regarding the petition may be viewed. The Department of  
4 Public Service, through the Director for Public Advocacy, shall represent the  
5 public at the hearing.

6 Sec. 5. 30 V.S.A. § 231(a) is amended to read:

7 (a) A person, partnership, unincorporated association, or previously  
8 incorporated association that desires to own or operate a business over which  
9 the Public Utility Commission has jurisdiction under the provisions of this  
10 chapter shall first petition the Commission to determine whether the operation  
11 of such business will promote the general good of the State, and shall at that  
12 time file a copy of any such petition with the Department. The Department,  
13 within 12 days, shall review the petition and file a recommendation regarding  
14 the petition in the same manner as is set forth in subsection 225(b) of this title.  
15 Such recommendation shall set forth reasons why the petition shall be accepted  
16 without hearing or shall request that a hearing on the petition be scheduled. If  
17 the Department requests a hearing on the petition, or, if the Commission deems  
18 a hearing necessary, it shall appoint a time and place in the county where the  
19 proposed corporation is to have its principal office for hearing the petition. ~~At~~  
20 ~~least 12 days before this hearing, notice~~ Notice of the hearing shall be given in  
21 accordance with section 10 of this title and shall be published on the

1 Commission's website and once in a newspaper of general circulation in the  
2 county in which the hearing will occur. The website notice shall be maintained  
3 through the date of the hearing. The newspaper notice shall include an ~~Internet~~  
4 internet address where more information regarding the petition may be viewed.  
5 The Director for Public Advocacy shall represent the public at the hearing. If  
6 the Commission finds that the operation of such business will promote the  
7 general good of the State, it shall give such person, partnership, unincorporated  
8 association, or previously incorporated association a certificate of public good  
9 specifying the business and territory to be served by such petitioners. For good  
10 cause, after opportunity for hearing, the Commission may amend or revoke any  
11 certificate awarded under the provisions of this section. If any such certificate  
12 is revoked, the person, partnership, unincorporated association, or previously  
13 incorporated association shall no longer have authority to conduct any business  
14 ~~which~~ that is subject to the jurisdiction of the Commission whether or not  
15 regulation thereunder has been reduced or suspended, under section 226a or  
16 227a of this title.

17 Sec. 6. 30 V.S.A. § 248(u) is amended to read:

18 (u) ~~For an energy storage facility, a~~ A certificate under this section shall  
19 only be required for ~~a stationary facility exporting to the grid~~ an energy storage  
20 facility that has a capacity of 100 kW or greater, unless the Commission  
21 establishes a larger threshold by rule. The Commission shall establish a

1 simplified application process for energy storage facilities subject to this  
2 section with a capacity of up to 1 MW, unless it establishes a larger threshold  
3 by rule. For facilities eligible for this simplified application process, a  
4 certificate of public good will be issued by the Commission by the ~~forty-sixth~~  
5 46th day following filing of a complete application, unless a substantive  
6 objection is timely filed with the Commission or the Commission itself raises  
7 an issue. The Commission may require facilities eligible for the simplified  
8 application process to include a letter from the interconnecting utility  
9 indicating the absence or resolution of interconnection issues as part of the  
10 application.

11 \* \* \* Energy Efficiency Modernization Act \* \* \*

12 Sec. 7. 2020 Acts and Resolves No. 151, Sec. 1, as amended by 2023 Acts and  
13 Resolves No. 44, Sec. 1, is further amended to read:

14 Sec. 1. ALLOWANCE OF THE USE OF ENERGY EFFICIENCY

15 CHARGE FUNDS FOR GREENHOUSE GAS EMISSIONS

16 REDUCTION PROGRAMS

17 (a) The electric resource acquisition budget for an entity appointed to  
18 provide electric energy efficiency and conservation programs and measures  
19 pursuant to 30 V.S.A. § 209(d)(2)(A) for the calendar years 2021–2026 shall  
20 be determined pursuant to 30 V.S.A. § 209(d)(3)(B). This section shall apply  
21 only if the entity’s total electric resource acquisition budget for 2024–2026

1 does not exceed the entity's total electric resource acquisition budget for 2021–  
2 2023, adjusted for cumulative inflation between January 1, 2021, and July 1,  
3 2023, using the national consumer price index. An entity may include  
4 proposals for activities allowed under this pilot in its 2027–2029 demand  
5 resource plan filing, but these activities shall only be implemented if this  
6 section is extended to cover that ~~timeframe~~ time frame.

7 (b) Notwithstanding any provision of law or order of the Public Utility  
8 Commission (PUC) to the contrary, ~~the PUC shall authorize an entity pursuant~~  
9 ~~to subsection (a) of this section to~~ appointed under 30 V.S.A. § 209(d)(2)(A)  
10 may spend a portion of its electric resource acquisition budget, in an amount ~~to~~  
11 ~~be determined by the PUC but~~ not to exceed \$2,000,000.00 per year, on  
12 programs, measures, and services that reduce greenhouse gas emissions in the  
13 thermal energy or transportation sectors. ~~Programs measures, and services~~  
14 ~~authorized pursuant to subsection (a) of this section shall~~ An entity spending a  
15 portion of its electric resource acquisition budget as outlined in this section  
16 shall submit notice of the amount of the annual electric resource acquisition  
17 budget to be spent pursuant to this subsection to the PUC, the Department of  
18 Public Service, the electric distribution utilities, and the Vermont Public Power  
19 Supply Authority with a sworn statement attesting that the programs,  
20 measures, or services comply with the following criteria:

1           (1) Reduce greenhouse gas emissions in the thermal energy or  
2           transportation sectors, or both.

3           (2) Have a nexus with electricity usage.

4           (3) Be additive and complementary to and shall not replace or be in  
5           competition with electric utility energy transformation projects pursuant to  
6           30 V.S.A. § 8005(a)(3) and existing thermal efficiency programs operated by  
7           an entity appointed under 30 V.S.A. § 209(d)(2)(A) such that they result in the  
8           largest possible greenhouse gas emissions reductions in a cost-effective  
9           manner.

10          (4) Be proposed after the entity consults with any relevant State agency  
11          or department and shall not be duplicative or in competition with programs  
12          delivered by that agency or department.

13          (5) Be delivered on a statewide basis. However, this shall not preclude  
14          the delivery of services specific to a retail electricity provider. Should such  
15          services be offered, all distribution utilities and Vermont Public Power Supply  
16          Authority shall be provided the opportunity to participate, and those services  
17          shall be designed and coordinated in partnership with each of them. For  
18          programs and services that are not offered on a statewide basis, the proportion  
19          of utility-specific program funds used for services to any distribution utility  
20          shall be ~~no~~ not less than the proportionate share of the energy efficiency  
21          charge, which in the case of Vermont Public Power Supply Authority, is the

1 amount collected across their combined member utility territories during the  
2 period this section remains in effect.

3 (c) An entity that ~~is approved to provide~~ provides a program, measure, or  
4 service pursuant to this section shall provide the program, measure, or service  
5 in cooperation with a retail electricity provider.

6 ~~(1)~~ The entity shall not claim any savings and reductions in fossil fuel  
7 consumption and in greenhouse gas emissions by the customers of the retail  
8 electricity provider resulting from the program, measure, or service if the  
9 provider elects to offer the program, measure, or service pursuant to 30 V.S.A.  
10 § 8005(a)(3) unless the entity and provider agree upon how savings and  
11 reductions should be accounted for, apportioned, and claimed.

12 ~~(2) The PUC shall develop standards and methods to appropriately~~  
13 ~~measure the effectiveness of the programs, measures, and services in relation~~  
14 ~~to the entity's Demand Resources Plan proceeding.~~

15 (d) Any funds spent on programs, measures, and services pursuant to this  
16 section shall not be counted towards the calculation of funds used by a retail  
17 electricity provider for energy transformation projects pursuant to 30 V.S.A.  
18 § 8005(a)(3) and the calculation of project costs pursuant to 30 V.S.A.  
19 § 8005(a)(3)(C)(iv).

20 ~~(e) On or before April 30, 2021 and every April 30 for six years thereafter,~~  
21 ~~the PUC shall submit a written report to the House Committee on Environment~~



1 ~~and Energy and the Senate Committees on Natural Resources and Energy and~~  
2 ~~on Finance concerning any programs, measures, and services approved~~  
3 ~~pursuant to this section.~~

4 (f) Thermal energy and process fuel efficiency funding. Notwithstanding  
5 30 V.S.A. § 209(e), a retail electricity provider that is also an entity appointed  
6 under 30 V.S.A. § 209(d)(2)(A), may during the years of 2024–2026, use  
7 monies subject to 30 V.S.A. § 209(e) to deliver thermal and transportation  
8 measures or programs that reduce fossil fuel use regardless of the preexisting  
9 fuel source of the customer, including measures or programs permissible under  
10 this pilot program, with special emphasis on measures or programs that take a  
11 new or innovative approach to reducing fossil fuel use, including modifying or  
12 supplementing existing vehicle incentive programs and electric vehicle supply  
13 equipment grant programs to incentivize high-consumption fuel users,  
14 especially individuals using more than 1000 gallons of gasoline or diesel  
15 annually and those with low and moderate income, to transition to the use of  
16 battery electric vehicles.

17 \* \* \* Clean Heat Standard \* \* \*

18 Sec. 8. 30 V.S.A. § 8124 is amended to read:

19 § 8124. CLEAN HEAT STANDARD COMPLIANCE

20 \* \* \*

21 (b) Annual registration.

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\* \* \*

(4) The Commission shall maintain, and update annually, a list of registered entities on its website ~~that contains the required registration information.~~

\* \* \*

Sec. 9. 30 V.S.A. § 8125 is amended to read:

§ 8125. DEFAULT DELIVERY AGENT

\* \* \*

(b) Appointment. The default delivery agent shall be one or more statewide entities capable of providing a variety of clean heat measures. ~~The Commission shall designate the first default delivery agent on or before June 1, 2024.~~ The designation of an entity under this subsection may be by order of appointment or contract. A designation, whether by order of appointment or by contract, may only be issued after notice and opportunity for hearing. An existing order of appointment issued by the Commission under section 209 of this title may be amended to include the responsibilities of the default delivery agent. An order of appointment shall be for a limited duration not to exceed 12 years, although an entity may be reappointed by order or contract. An order of appointment may include any conditions and requirements that the Commission deems appropriate to promote the public good. For good cause,

1 after notice and opportunity for hearing, the Commission may amend or revoke  
2 an order of appointment.

3 \* \* \*

4 (d) Use of default delivery agent.

5 \* \* \*

6 (3) The Commission shall by rule or order establish a standard timeline  
7 under which the default delivery agent credit cost or costs are established and  
8 by which an obligated party must file its form. The default delivery agent's  
9 schedule of costs shall include sufficient costs to deliver installed measures and  
10 shall specify separately the costs to deliver measures to customers with low  
11 income and customers with moderate income as required by subsection  
12 8124(d) of this title. The Commission shall provide not less than ~~120~~ 90 days'  
13 notice of default delivery agent credit cost or costs prior to the deadline for an  
14 obligated party to file its election form so an obligated party can assess options  
15 and inform the Commission of its intent to procure credits in whole or in part  
16 as fulfillment of its requirement.

17 \* \* \*

18 (e) Budget.

19 \* \* \*

20 (B) the development of a three-year plan and associated proposed  
21 budget by the default delivery agent to be informed by the final results of the

1 Department's potential study. The default delivery agent may propose a  
2 portion of its budget towards promotion and market uplift, workforce  
3 development, and trainings for clean heat measures. The Commission shall  
4 approve the first three-year plan and associated budget by no later than  
5 September 1, 2025; and

6 \* \* \*

7 Sec. 10. 30 V.S.A. § 8126 is amended to read:

8 § 8126. RULEMAKING

9 (a) The Commission shall adopt rules and may issue orders to implement  
10 and enforce the Clean Heat Standard program.

11 \* \* \*

12 (c) The Commission's rules may include a provision that allows the  
13 Commission to revise its Clean Heat Standard rules by order of the  
14 Commission without the revisions being subject to the rulemaking  
15 requirements of ~~the~~ 3 V.S.A. chapter 25, provided the Commission:

16 (1) provides notice of any proposed changes;

17 (2) allows for a 30-day comment period;

18 (3) responds to all comments received on the proposed change;

19 (4) provides a notice of language assistance services on all public  
20 outreach materials; and



1 (d) The Commissioner shall disclose a return or return information:

2 \* \* \*

3 (7) to the Joint Fiscal Office pursuant to subsection 10503(e) of this title  
4 and subject to the conditions and limitations specified in that subsection; ~~and~~

5 (8) to the Attorney General; the Data Clearinghouse established in the  
6 October 2017 Non-Participating Manufacturer Adjustment Settlement  
7 Agreement, which the State of Vermont joined in 2018; the National  
8 Association of Attorneys General; and counsel for the parties to the Agreement  
9 as required by the Agreement and to the extent necessary to comply with the  
10 Agreement and only as long as the State is a party to the Agreement; and

11 (9) to the Public Utility Commission and the Department of Public  
12 Service, provided the disclosure relates to the sale of heating fuel into or in the  
13 State for compliance with the Clean Heat Standard established in 30 V.S.A.  
14 chapter 94.

15 \* \* \*

16 \* \* \* Effective Date \* \* \*

17 Sec. 13. EFFECTIVE DATE

18 This act shall take effect on passage.