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1	* * * Baseload Power * * *			
2	Sec. XX. 30 V.S.A. § 8009 is amended to read:			
3	§ 8009. BASELOAD RENEWABLE POWER PORTFOLIO			
4	REQUIREMENT			
5	* * *			
6	(k) Collocation and efficiency requirements.			
7	* * *			
8	(3) On or before October 1, $\frac{2024}{2025}$, the owner of the plant shall			
9	submit to the Commission and the Department a certification that the main			
10	components of the facility used to meet the requirement of subdivision (1) of			
11	this subsection (k) have been completed at the plant and a certification that the			
12	plant shall pay its suppliers within seven days and has hired an ombudsman to			
13	verify that timely payments to suppliers are being made. In addition, the			
14	ombudsman shall:			
15	(A) Ensure that supplier payments are made on time.			
16	(B) Refer any late payments to the Office of the Attorney General for			
17	potential consumer protection law violations.			
18	(C) Produce a quarterly report to the General Assembly on the timely			
19	nature of payments, and any violations, until the efficiency project is complete.			

1	(D) Oversee the acquisition and construction of all components of the				
2	project, with the authority to review and retain copies of all permits and				
3	applications for permits, invoices, and receipts related to the project.				
4	(E) Have the authority to make unlimited, unscheduled inspections of				
5	the project worksite. Their assessment of the efficiency project's progress and				
6	their analysis as to whether the project will be completed by October 1, 2025				
7	shall be included in the quarterly reports.				
8	(4) If the contract and certification required under subdivision (2) of this				
9	subsection are not submitted to the Commission and Department on or before				
10	July 1, 2023 or if the certification required under subdivision (3) is not				
11	submitted to the Commission and Department on or before October 1, 2024				
12	2025, then the obligation under this section for each Vermont retail electricity				
13	provider to purchase a pro rata share of the baseload renewable power portfolio				
14	requirement shall cease on November 1, 2024 2025, and the Commission is not				
15	required to conduct the rate determination provided for in subsection (d) of this				
16	section.				
17	(5) On or before September 1, $\frac{2025}{2026}$, the Department shall				
18	investigate and submit a recommendation to the Commission on whether the				
19	plant has achieved the requirement of subdivision (1) of this subsection. If the				
20	Department recommends that the plant has not achieved the requirement of				
21	subdivision (1) of this subsection, the obligation under this section shall cease				

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1	on November 1, 2025 2026, and the Commission is not required to conduct the			
2	rate determination provided for in subsection (d) of this section.			
3	(6) After November 1, $\frac{2026}{2027}$, the owner of the plant shall report			
4	annually to the Department and the Department shall verify the overall			
5	efficiency of the plant for the prior 12-month period. If the overall efficiency			
6	of the plant falls below the requirement of subdivision (1) of this subsection,			
7	the report shall include a plan to return the plant to the required efficiency			
8	within one year.			
9	(7) If, after implementing the plan in subdivision (6) of this subsection,			
10	the owner of the plant does not achieve the efficiency required in subdivision			
11	(1) of this subsection, the Department shall request that the Commission			
12	commence a proceeding to terminate the obligation under this section.			
13	(8) The Department may retain research, scientific, or engineering			
14	services to assist it in making the recommendation required under subdivision			
15	(5) of this subsection and in reviewing the information required under			
16	subdivision (6) of this subsection and may allocate the expense incurred or			
17	authorized by it to the plant's owner.			
18	(9) If at any time the plant does not comply with the requirements of this			
19	subsection and the Commission decides not to conduct the rate determination			
20	provided for in subsection (d) of this section and the obligation under this			
21	section ceases, the plant owner may apply to the Commission to reestablish the			

1	obligation under this	section. The Commission	shall approve the	e application if

- 2 the plant owner demonstrates that the plant's overall efficiency has increased
- 3 <u>50 percent relative to the 12-month period preceding July 1, 2022 and that the</u>
- 4 plant has an operational facility at the plant that utilizes the excess thermal heat
- 5 generated at the plant for a beneficial purpose. The Commission shall then
- 6 <u>conduct the rate determination provided for in subsection (d) of this section.</u>
- 7 and the obligation under subsection (f) of this section shall begin and last for
- 8 <u>10 years following the rate determination.</u>