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H.710

An act relating to defining electricity generating facilities

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

Sec. 1. 30 V.S.A. § 8002 is amended to read:

§ 8002. DEFINITIONS

As used in this chapter:

\* \* \*

(18) “Plant” means an independent technical facility that generates electricity from renewable energy. ~~A group of facilities, such as wind turbines, shall be considered one plant if the group is part of the same project and uses common equipment and infrastructure such as roads, control facilities, and connections to the electric grid. Common ownership, contiguity in time of construction, and proximity of facilities to each other shall be relevant to determining whether a group of facilities is part of the same project.~~ Multiple electricity-generating facilities, regardless of when each is constructed, shall be considered one plant if the facilities use the same electricity-generating technology and are located on the same parcel or contiguous parcels of land. However, such facilities shall be considered separate plants if:

(A) the facilities are for individual net metering or self-consumption

and:

(i) are not located on the same parcel of land;

(ii) are wired to offset consumption on separate billing meters; and



1           (34) “Contiguous” means sharing a property boundary with another  
2           parcel of land or being adjacent to that parcel of land and the two parcels are  
3           separated only by a road, recreation path, railway line, stream, or river.

4           (35) “Electricity-generating technology” means a method or system  
5           used to convert energy from one form into electric power, including wind,  
6           hydropower or water, solar, or biomass.

7           (36) “Point of interconnection” means the point on the interconnecting  
8           utility’s existing distribution system to which a facility proposes to  
9           interconnect.

10       Sec. 2. LEGISLATIVE INTENT

11           It is the intent of the General Assembly that the amendments in Sec. 1,  
12           30 VSA 8002, of this act are substantive and create new rights and liabilities in  
13           light of emerging issues and shall apply only to applications filed on or after  
14           the effective date of this act.

15       Sec. 2a. PRIMARY AGRICULTURAL SOILS AND SOLAR REPORT

16           (a) On or before January 15, 2027, the Commissioner of Public Service,  
17           after consultation with the Secretary of Agriculture, Food and Markets, the  
18           Public Utility Commission, and the Agency of Natural Resources, shall report  
19           back on the following questions:

20           (1) In the last two years, for solar energy generation projects with a  
21           capacity of 1 MW or greater, how many acres of primary agricultural soils

1 used for solar energy generation development were directly impacted by the  
2 project, as opposed to the acreage that is within the project's area of  
3 disturbance?

4 (2) In the last two years, what are the cumulative impacts, in acres, of  
5 forest clearing associated with solar energy generation projects with a capacity  
6 of 1 MW or greater, and what are the specific impacts on the Highest Priority  
7 Landscapes identified by Vermont Conservation Design as well as any impacts  
8 on State-Significant natural communities?

9 (b) The Commissioner shall include in the report recommendations on how  
10 to encourage the siting of solar energy generation on land that has already been  
11 disturbed, including rooftops and parking lots, and potential financial  
12 structures that would make solar energy generation on those sites more  
13 financially feasible.

14 (c) The report shall be submitted to the House Committees on Agriculture,  
15 Food Resiliency, and Forestry and on Energy and Digital Infrastructure and the  
16 Senate Committees on Agriculture and on Natural Resources and Energy.

17 Sec. 3. 30 V.S.A. § 20 is amended to read:

18 § 20. PARTICULAR PROCEEDINGS AND ACTIVITIES; PERSONNEL

19 (a)(1) The Commission or the Department of Public Service may authorize  
20 or retain legal counsel, official stenographers, expert witnesses, advisors and

1 consultants, temporary employees, and other providers of research, scientific,  
2 financial, economic, actuarial, accounting, or engineering services:

3 \* \* \*

4 (F) To investigate, review, plan, oversee, or carry out the  
5 decommissioning and site restoration required by a certificate of public good  
6 issued to an electric generation or energy storage facility.

7 \* \* \*

8 Sec. 4. 30 V.S.A. § 248e is added to read:

9 § 248e. ELECTRIC GENERATION AND ENERGY STORAGE FACILITY

10 DECOMMISSIONING FUND

11 (a) There is created the Electric Generation and Energy Storage Facility  
12 Decommissioning Fund that shall be a special fund created pursuant to  
13 32 V.S.A. chapter 7, subchapter 5 and shall be administered by the Chair of the  
14 Public Utility Commission. The Chair is authorized to collect surety fees for  
15 the Decommissioning Fund and to make disbursements from the  
16 Decommissioning Fund.

17 (b) Deposits to the Decommissioning Fund shall consist of all  
18 decommissioning surety fees collected for electric generation and energy  
19 storage facilities that have received a certificate of public good from the  
20 Commission and all monies drawn from decommissioning financial

1 instruments. The Commission shall deposit into the Decommissioning Fund  
2 each decommissioning surety fee it receives under this subchapter.

3 (c) Disbursements from the Decommissioning Fund may be made by the  
4 Chair to undertake actions that the Commission considers necessary to  
5 investigate or mitigate, or both, the effects of an abandoned, nonoperational, or  
6 disclaimed electric generation or energy storage facility. Disbursements under  
7 this subsection may be made to:

8 (1) pay costs to third parties who initiate or complete facility  
9 decommissioning and site restoration where the holder of the certificate of  
10 public good is unknown, cannot be contacted, is unwilling to take action, is  
11 incapable of carrying out decommissioning or site restoration, or does not take  
12 timely action as ordered by the Commission;

13 (2) investigate ownership of or ascertain the holder of the certificate of  
14 public good for an electric generation or energy storage facility;

15 (3) take other appropriate remedial action;

16 (4) pay costs to persons retained by the Commission or the Department  
17 under subdivision 20(a)(1)(F) of this title; or

18 (5) return portions of the decommissioning surety fees as determined by  
19 a formula established by the Commission to individual certificate of public  
20 good holders upon satisfactory completion of decommissioning and  
21 Commission approval.

1        (d) For purposes of this section:

2            (1) “Chair” means the Chair of the Public Utility Commission.

3            (2) “Commission” means the Public Utility Commission.

4            (3) “Decommissioning” means to remove a facility safely from service  
5            and to restore the site to its condition before the facility was installed  
6            consistent with the facility’s certificate of public good and Commission rules  
7            and orders.

8            (4) “Decommissioning Fund” means the Electric Generation and Energy  
9            Storage Facility Decommissioning Fund established pursuant to this section.

10           (5) “Decommissioning surety fee” means the contribution assigned to a  
11           facility and determined by a funding formula established by the Commission,  
12           not to exceed the average cumulative cost of obtaining decommissioning  
13           financial instruments for the life of a facility. The “average cumulative cost”  
14           means the customary and reasonable market-based third-party costs; expenses  
15           and fees associated with obtaining, maintaining, renewing, and updating  
16           financial instruments; and staff and attorney time and expenses.

17           (6) “Department” means the Department of Public Service.

18           (e) Balances in the Decommissioning Fund shall be expended only for the  
19           purposes authorized in this section and shall not be used for the general  
20           obligations of government or for other governmental purposes. All balances in  
21           the Decommissioning Fund at the end of any fiscal year shall be carried

1 forward and remain within the Decommissioning Fund. Interest earned by the  
2 Decommissioning Fund shall be credited to the Decommissioning Fund.

3 (f) The Commission shall have authority to adopt rules or issue orders  
4 implementing this section.

5 (g) The Commission shall provide to the Treasurer of the State of Vermont  
6 an annual accounting of the Decommissioning Fund.

7 Sec. 5. DECOMMISSIONING FUND REPORT

8 On or before February 15, 2027, the Public Utility Commission shall report  
9 back to the House Committee on Energy and Digital Infrastructure and the  
10 Senate Committees on Natural Resources and Energy and on Finance on the  
11 formula established for the decommissioning surety fees pursuant to 30 V.S.A.  
12 § 248e.

13 Sec. 6. EFFECTIVE DATE

14 This act shall take effect on July 1, 2026.