

1

H.710

2 An act relating to defining electricity generating facilities

3 The Senate proposes to the House to amend the bill by striking out all after

4 the enacting clause and inserting in lieu thereof the following:

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

6 § 8002. DEFINITIONS

7 As used in this chapter:

8

* * *

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

1 related to common elements, other units, or other real estate than the unit
2 described in the declaration.

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

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

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

12 Sec. 2. LEGISLATIVE INTENT

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

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

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

1 (1) Over the last five years, how many acres of primary agricultural soils
2 have been developed for any purpose? What share of this development is
3 attributable to solar energy generation projects?

4 (2) How many acres of primary agricultural soils used for solar energy
5 generation development were directly impacted by the project, as opposed to
6 the acreage that is within the project's area of disturbance?

7 (3) How many acres of primary agricultural soils developed for solar
8 energy generation were in active agricultural use immediately before
9 development, and what was the agricultural usage?

10 (4) How many acres of primary agricultural soils developed for solar
11 energy generation projects remain owned by farmers?

12 (5) How many acres of trees have been cleared for solar energy
13 generation projects in this time frame, broken down by forest type?

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

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

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

2 § 20. PARTICULAR PROCEEDINGS AND ACTIVITIES; PERSONNEL

3 (a)(1) The Commission or the Department of Public Service may authorize
4 or retain legal counsel, official stenographers, expert witnesses, advisors and
5 consultants, temporary employees, and other providers of research, scientific,
6 financial, economic, actuarial, accounting, or engineering services:

7 * * *

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

11 * * *

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

13 § 248e. ELECTRIC GENERATION AND ENERGY STORAGE FACILITY

14 DECOMMISSIONING FUND

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

1 (b) Deposits to the Decommissioning Fund shall consist of all
2 decommissioning surety fees collected for electric generation and energy
3 storage facilities that have received a certificate of public good from the
4 Commission and all monies drawn from decommissioning financial
5 instruments. The Commission shall deposit into the Decommissioning Fund
6 each decommissioning surety fee it receives under this subchapter.

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

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

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

19 (3) take other appropriate remedial action;

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

1 (5) return portions of the decommissioning surety fees as determined by
2 a formula established by the Commission to individual certificate of public
3 good holders upon satisfactory completion of decommissioning and
4 Commission approval.

5 (d) For purposes of this section:

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

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

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

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

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

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

1 (e) Balances in the Decommissioning Fund shall be expended only for the
2 purposes authorized in this section and shall not be used for the general
3 obligations of government or for other governmental purposes. All balances in
4 the Decommissioning Fund at the end of any fiscal year shall be carried
5 forward and remain within the Decommissioning Fund. Interest earned by the
6 Decommissioning Fund shall be credited to the Decommissioning Fund.

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

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

11 Sec. 5. DECOMMISSIONING FUND REPORT

12 On or before February 15, 2027, the Public Utility Commission shall report
13 back to the House Committee on Energy and Digital Infrastructure and the
14 Senate Committees on Natural Resources and Energy and on Finance on the
15 formula established for the decommissioning surety fees pursuant to 30 V.S.A.
16 § 248e.

17 Sec. 6. EFFECTIVE DATE

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