

1 S.50

2 An act relating to increasing the size of solar net metering projects that
3 qualify for expedited registration

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

5 Sec. 1. 30 V.S.A. § 8010 is amended to read:

6 § 8010. SELF-GENERATION AND NET METERING

7 * * *

8 (c) In accordance with this section, the Commission shall adopt and
9 implement rules that govern the installation and operation of net metering
10 systems.

11 (1) The rules shall establish and maintain a net metering program that:

12 * * *

13 (G) accounts for changes over time in the cost of technology; ~~and~~

14 (H) allows a customer to retain ownership of the environmental
15 attributes of energy generated by the customer's net metering system and of
16 any associated tradeable renewable energy credits or to transfer those attributes
17 and credits to the interconnecting retail provider, and:

18 (i) if the customer retains the attributes, reduces the value of the
19 credit provided under this section for electricity generated by the customer's
20 net metering system by an appropriate amount;

21 (ii) if the customer transfers the attributes to the interconnecting
22 provider, requires the provider to retain them for application toward

1 compliance with sections 8004 and 8005 of this title unless the provider has
2 fewer than 75,000 customers, in which case the attributes do not need to be
3 applied toward compliance obligations under sections 8004 and 8005 of this
4 title; and

5 (iii) if a retail electricity provider that is 100 percent renewable
6 under subdivision 8005(b)(1) of this title does not retire the transferred
7 attributes under sections 8004 and 8005 of this title, requires that the provider
8 apply an equivalent amount of attributes from distributed renewable generation
9 that qualifies under subdivision 8005(a)(2) of this title toward its compliance
10 obligations under sections 8004 and 8005 of this title; and

11 (I) allows a customer to change the customer's decision to retain or
12 transfer the attributes once in the 120-day period after the net metering system
13 is commissioned.

14 * * *

15 (3) The rules shall establish standards and procedures governing
16 application for and issuance or revocation of a certificate of public good for net
17 metering systems under the provisions of section 248 of this title. In
18 establishing these standards and procedures:

19 * * *

20 (F) This subdivision (F) applies to an application for a net metering
21 system with a capacity that is greater than ~~45~~ 25 kilowatts, unless the system is

1 located on a new or existing structure the primary purpose of which is not the
2 generation of electricity. With respect to such a system, the rules shall not
3 waive or include provisions that are less stringent than each of the following:

4 (i) the requirement of subdivision 248(a)(4)(C) of this title to
5 provide a copy of the application to the Agencies of Agriculture, Food and
6 Markets and of Natural Resources; the Department of Public Service; the
7 Division for Historic Preservation; the municipal legislative body; and the
8 municipal and regional planning commissions; and

9 (ii) the requirements of subsection 248(f) (preapplication
10 submittal) of this title.

11 (G) The rules shall establish an expedited registration procedure for
12 net metering systems of 25 kilowatts and less in size.

13 * * *

14 Sec. 1a. NET METERING RENEWABLE ENERGY CREDITS

15 OWNERSHIP

16 The Public Utility Commission (PUC) shall allow a customer who owns a
17 net metering system that was commissioned between January 1, 2023 and July
18 1, 2025 to change the customer's decision to retain the attributes once. The
19 customer shall be allowed to transfer the attributes to the utility by submitting a
20 request to the PUC by September 2, 2025.

1 Sec. 2. RULEMAKING

2 The Public Utility Commission shall update its Rule 5.100 to allow ground
3 mounted photovoltaic net metering systems of 25 kilowatts and less to qualify
4 for expedited registration. It is the intent of the General Assembly that the
5 Commission shall allow systems of 25 kilowatts and less to use the expedited
6 registration before the rules are updated.

7 Sec. 3. 30 V.S.A. § 248(s) is amended to read:

8 (s) This subsection sets minimum setback requirements that shall apply to
9 in-state ground-mounted solar electric generation facilities approved under this
10 section, unless the facility is installed on a canopy constructed on an area
11 primarily used for parking vehicles that is in existence or permitted on the date
12 the application for the facility is filed.

13 (1) The minimum setbacks shall be:

14 (A) From a State or municipal highway, measured from the edge of
15 the traveled way:

16 (i) 100 feet for a facility with a plant capacity exceeding 150 kW;

17 ~~and~~

18 (ii) 40 feet for a facility with a plant capacity less than or equal to
19 150 kW but greater than ~~45~~ 25 kW; and

20 (iii) 10 feet for a facility with a plant capacity less than or equal to
21 25 kW.

1 (B) From each property boundary that is not a State or municipal
2 highway:

3 (i) 50 feet for a facility with a plant capacity exceeding 150 kW;
4 ~~and~~

5 (ii) 25 feet for a facility with a plant capacity less than or equal to
6 150 kW but greater than ~~15~~ 25 kW; and

7 (iii) 10 feet for a facility with a plant capacity less than or equal to
8 25 kW.

9 (2) ~~This subsection does not require a setback for a facility with a plant~~
10 ~~capacity equal to or less than 15 kW. [Repealed.]~~

11 (3) On review of an application, the Commission may:

12 (A) require a larger setback than this subsection requires;

13 (B) approve an agreement to a smaller setback among the applicant,
14 the municipal legislative body, and each owner of property adjoining the
15 smaller setback; or

16 (C) require a setback for a facility constructed on an area primarily
17 used for parking vehicles, if the application concerns such a facility.

18 (4) In this subsection:

19 (A) “kW” and “plant capacity” ~~shall~~ have the same meaning as in
20 section 8002 of this title.

1 (B) “Setback” means the shortest distance between the nearest
2 portion of a solar panel or support structure for a solar panel, at its point of
3 attachment to the ground, and a property boundary or the edge of a highway’s
4 traveled way.

5 Sec. 4. 30 V.S.A. § 248(a)(7) is amended to read:

6 (7) When a certificate of public good under this section or amendment
7 to such a certificate is issued for an in-state electric generation or energy
8 storage facility with a capacity that is greater than ~~45~~ 25 kilowatts, the
9 certificate holder within 45 days shall record a notice of the certificate or
10 amended certificate, on a form prescribed by the Commission, in the land
11 records of each municipality in which a facility subject to the certificate is
12 located ~~and shall submit proof of this recording to the Commission.~~ The
13 recording under this subsection shall be indexed as though the certificate
14 holder were the grantor of a deed. The prescribed form shall not exceed one
15 page and shall require identification of the land on which the facility is to be
16 located by reference to the conveyance to the current landowner, the number of
17 the certificate, and the name of each person to which the certificate was issued
18 and shall include information on how to contact the Commission to view the
19 certificate and supporting documents.

1 Sec. 5. PUBLIC UTILITY COMMISSION RECOMMENDATION;

2 DEFINITION OF SINGLE PLANT

3 On or before November 1, 2025, and with input from stakeholders, the
4 Public Utility Commission shall submit a recommended amended definition of
5 “plant” in 30 V.S.A. § 8002(18) and an overview of their process and
6 explanation of the recommendation to the House Committee on Energy and
7 Digital Infrastructure and the Senate Committee on Natural Resources and
8 Energy. In making its recommendation, the Commission shall consider:

9 (1) the land use benefits of collocation of energy generation facilities;

10 (2) the ability to ensure comprehensive review of collocated facilities;

11 and

12 (3) the potential impacts to ratepayers associated with collocated
13 facilities.

14 Sec. 6. EFFECTIVE DATE

15 This act shall take effect on July 1, 2025.