1	H.394
2	Introduced by Representative Sheldon of Middlebury
3	Referred to Committee on
4	Date:
5	Subject: Public service; energy; renewable energy; solar energy
6	Statement of purpose of bill as introduced: This bill proposes to require
7	compliance with Vermont Conservation Design as part of enhanced energy
8	planning; it would limit the scope of the Public Utility Commission's review of
9	electric distribution upgrades to stability, reliability, and public health and
10	safety; and it would create a Public Energy Advocate to assist applicants for
11	energy generation facilities.
12	An act relating to renewable energy generation
13	It is hereby enacted by the General Assembly of the State of Vermont:
14	Sec. 1. 24 V.S.A. § 4352 is amended to read:
15	§ 4352. OPTIONAL DETERMINATION OF ENERGY COMPLIANCE;
16	ENHANCED ENERGY PLANNING
17	* * *
18	(c) Enhanced energy planning; requirements. To obtain an affirmative
19	determination of energy compliance under this section, a plan must:

1	(1) in the case of a regional plan, include the energy element as
2	described in subdivision 4348a(a)(3) of this title;
3	(2) in the case of a municipal plan, include an energy element that has
4	the same components as described in subdivision 4348a(a)(3) of this title for a
5	regional plan and be confirmed under section 4350 of this title;
6	(3) be consistent with the following, with consistency determined in the
7	manner described under subdivision 4302(f)(1) of this title:
8	(A) Vermont's greenhouse gas reduction goals requirements under 10
9	V.S.A. § 578(a);
10	(B) Vermont's 25 by 25 goal for renewable energy under 10 V.S.A.
11	§ 580;
12	(C) Vermont's building efficiency goals under 10 V.S.A. § 581;
13	(D) State energy policy under 30 V.S.A. § 202a and the
14	recommendations for regional and municipal energy planning pertaining to the
15	efficient use of energy and the siting and development of renewable energy
16	resources contained in the State energy plans adopted pursuant to 30 V.S.A.
17	§§ 202 and 202b; <del>and</del>
18	(E) the distributed renewable generation and energy transformation
19	categories of resources to meet the requirements of the Renewable Energy
20	Standard under 30 V.S.A. §§ 8004 and 8005; and
21	(F) Vermont Conservation Design; and

1	(4) meet the standards for issuing a determination of energy compliance
2	included in the State energy plans.
3	* * *
4	Sec. 2. 30 V.S.A. § 8010 is amended to read:
5	§ 8010. SELF-GENERATION AND NET METERING
6	* * *
7	(c) In accordance with this section, the Commission shall adopt and
8	implement rules that govern the installation and operation of net metering
9	systems.
10	(1) The rules shall establish and maintain a net metering program that:
11	(A) advances the goals and total renewables targets of this chapter
12	and the goals of 10 V.S.A. § 578 (greenhouse gas reduction) and is consistent
13	with the criteria of subsection 248(b) of this title;
14	(B) achieves a level of deployment of no less than 20 MW per year
15	and that is consistent with the recommendations of the Electrical Energy and
16	Comprehensive Energy Plans under sections 202 and 202b of this title, unless
17	the Commission determines that this level is inconsistent with the goals and
18	targets identified in subdivision (1)(A) of this subsection (c). Under this
19	subdivision (B), the Commission shall consider the Plans most recently issued
20	at the time the Commission adopts or amends the rules;
21	* * *

21

1	(3) The rules shall establish standards and procedures governing
2	application for and issuance or revocation of a certificate of public good for net
3	metering systems under the provisions of section 248 of this title. In
4	establishing these standards and procedures:
5	* * *
6	(F) This subdivision (F) applies to an application for a net metering
7	system with a capacity that is greater than $\frac{15}{25}$ kilowatts, unless the system is
8	located on a new or existing structure the primary purpose of which is not the
9	generation of electricity. With respect to such a system, the rules shall not
10	waive or include provisions that are less stringent than each of the following:
11	(i) the requirement of subdivision $248(a)(4)(C)$ of this title to
12	provide a copy of the application to the Agencies of Agriculture, Food and
13	Markets and of Natural Resources; the Department of Public Service; the
14	Division for Historic Preservation; the municipal legislative body; and the
15	municipal and regional planning commissions; and
16	(ii) the requirements of subsection 248(f) (preapplication
17	submittal) of this title.
18	* * *
19	Sec. 3. 30 V.S.A. § 8002 (18) is amended to read:
20	(18) "Plant" means an independent technical facility that generates
21	electricity from renewable energy. A group of facilities, such as wind turbines,

1	shall be considered one plant if the group is part of the same project and uses
2	common equipment and infrastructure such as roads, control facilities, and
3	connections to the electric grid. Common ownership, contiguity in time of
4	construction, and proximity of facilities to each other shall be relevant to
5	determining whether a group of facilities is part of the same project.
6	Independent technical facilities that are collocated on the same parcel shall not
7	be considered a single plant if each facility uses separate generators, inverters,
8	and production meters, as applicable, and each facility has a separate
9	interconnection point to the electric grid. An interconnection point is the point
10	at which the interconnection between the interconnecting utility's electric
11	system and the renewable energy plant's equipment interface occurs. Utility-
12	owned electric distribution and transmission lines shall not be considered part
13	of a plant or interconnection point. For purposes of eligibility in the net-
14	metering program under section 8010 of this chapter, collocated independent
15	technical facilities may not exceed a cumulative total of 500 kW in nameplate
16	capacity.
17	Sec. 4. 30 V.S.A. § 248 is amended to read:
18	§ 248. NEW GAS AND ELECTRIC PURCHASES, INVESTMENTS, AND
19	FACILITIES; CERTIFICATE OF PUBLIC GOOD
20	(a)(1) No company, as defined in section 201 of this subchapter, may:
21	* * *

1	(4)(A) With respect to a facility located in the State, in response to a
2	request from one or more members of the public or a party, the Public Utility
3	Commission shall hold a nonevidentiary public hearing on a petition for such
4	finding and certificate. The public hearing shall either be remotely accessible
5	or held in at least one county in which any portion of the construction of the
6	facility is proposed to be located, or both. The Commission in its discretion
7	may hold a nonevidentiary public hearing in the absence of any request from a
8	member of the public or a party. From the comments made at a public hearing,
9	the Commission shall derive areas of inquiry that are relevant to the findings to
10	be made under this section and shall address each such area in its decision.
11	Prior to making findings, if the record does not contain evidence on such an
12	area, the Commission shall direct the parties to provide evidence on the area.
13	This subdivision (4) does not require the Commission to respond to each
14	individual comment.
15	* * *
16	(K) With respect to a facility located in the State that is five MW or
17	less, the Commission shall issue a decision on the certificate of public good
18	application within 12 months following the application being deemed
19	complete. With respect to a facility located in the State that is greater than five
20	MW, the Commission shall issue a decision on the certificate of public good

1	application within 15 months following the application being deemed
2	complete.
3	* * *
4	(v) The Commission shall have no jurisdiction under this section to
5	consider the actual or potential impacts caused by any electric distribution
6	upgrades except to assess impacts under subdivision (b)(3) of this section and
7	the public health and safety impacts under subdivision (b)(5) of this section.
8	Party status and notice requirements related to distribution upgrades shall be
9	consistent with the scope of the Commission's jurisdiction described in this
10	subsection, with the exception of affected electric utilities and the Department
11	of Public Service.
12	Sec. 5. 3 V.S.A. § 153 is amended to read:
13	§ 153. GENERAL POWERS; DEPUTY, ASSISTANTS
14	(a) The Attorney General shall have the general supervision of criminal
15	prosecutions, shall consult with and advise the State's Attorneys in matters
16	relating to the duties of their office, and shall assist them by attending the
17	grand jury in the examination of any cause or in the preparation of indictments
18	and informations when, in his or her the Attorney General's judgment, the
19	interests of the State require it.
20	* * *

1	(d) The Attorney General shall appoint a Public Energy Advocate who
2	shall assist applicants with the process for receiving a certificate of public good
3	under 30 V.S.A. § 248. The Public Energy Advocate shall advocate for the
4	applicant and the public before the Public Utility Commission for the
5	development of new energy storage and generation projects.
6	Sec. 6. POSITION; APPROPRIATION
7	(a) There is created one full-time permanent exempt Public Energy
8	Advocate position in the Office of the Attorney General.
9	(b) In fiscal year 2026, the sum of \$120,000.00 is appropriated from the
10	General Fund to the Office of the Attorney General for the position created in
11	subdivision (a) of this section.
12	Sec. 7. ENERGY PROJECTS AND FOREST BLOCKS; REPORT
13	On or before December 15, 2025, the Public Utility Commission shall
14	report to the House Committees on Energy and Digital Infrastructure and on
15	Environment and the Senate Committee on Natural Resources and Energy on
16	how much forest land has been converted for renewable energy generation
17	facilities and what types of mitigation, if any, were implemented for those
18	projects.
19	Sec. 8. EFFECTIVE DATE
20	This act shall take effect on July 1, 2025.