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**Testimony of Anne Margolis on H. 710
House Energy & Digital Infrastructure
May 13, 2026**

Thank you for the opportunity to testify on H. 710, An act relating to defining electricity generating facilities.

The Department does not oppose the proposed single plant language in H. 710, either as passed by the House or as amended by the Senate. The Department actively participated in Case No. 25-1253-INV, the Public Utility Commission’s investigation pursuant to Act 38 of 2025 directing them to engage stakeholders to provide a recommended amended definition of “plant” that considers:

- The land use benefits of co-location of energy generation facilities;
- The ability to ensure comprehensive review of co-located facilities; and
- The potential impacts to ratepayers associated with co-located facilities.

The Commission’s proposed definition, including as passed by the House and further amended by the Senate, helps resolve ambiguities in the current definition of plant. The proposed changes create certainty around the circumstances where facilities will be considered separate plants or not, which should reduce the confusion, time, and expense associated with the current definition for project developers, parties, and other stakeholders.

During the Commission’s investigation, the Department recommended several revisions, some of which the Commission adopted (clarifying wording) and some of which they did not (encouraging co-location of facilities to areas where adverse siting impacts can be minimized – e.g., preferred sites and unconstrained parts of the distribution and transmission system). While these remain important considerations, the Department acknowledges that the revised definition cannot perform all functions: it is a screening tool for the threshold question of when multiple facilities would be considered a single plant. Facilities will still need to meet the relevant criteria of 30 V.S.A. § 248(b), where impacts (including cumulative impacts to natural resources and the grid) can be evaluated.

The Department’s comments during the proceeding also pointed out that the Commission’s proposed definition only contemplates existing renewable programs (net-metering and Standard Offer) and will need to be revisited with the introduction of any future renewable programs, especially those that may define project sizes and associated incentives, to ensure single plant ambiguities are not created anew.

Thank you,

Anne Margolis
Deputy Director, Regulated Utility Planning

