

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Energy and Digital Infrastructure to which was referred
3 House Bill No. 727 entitled “An act relating to sustainable data center
4 deployment” respectfully reports that it has considered the same and
5 recommends that the bill be amended by striking out all after the enacting
6 clause and inserting in lieu thereof the following:

7 Sec. 1. 30 V.S.A. chapter 5, subchapter 3 is added to read:

8 Subchapter 3. Data Centers

9 § 281. SHORT TITLE

10 This subchapter shall be known and may be cited as the “Vermont
11 Sustainable Data Centers Act.”

12 § 282. PURPOSE

13 The purpose of this subchapter is to establish a regulatory framework that
14 ensures responsible growth of an emerging industry in a manner that protects
15 existing electric ratepayers from unwarranted costs and promotes sustainable
16 climate, environmental, community, and equity outcomes consistent with State
17 policies.

18 § 283. DEFINITIONS

19 As used in this subchapter:

20 (1) “Data center” means a facility that uses or is able to use 20
21 megawatts or more of power and is engaged in providing data processing,

1 hosting, and related services as described under code 518210 of the 2022 North
2 American Industry Classification System.

3 (2) “Facility” means all buildings, equipment, structures, and other
4 stationary items that are located on a single site or on contiguous or adjacent
5 sites and that are owned or operated by the same person or by any person that
6 controls, is controlled by, or is under common control with such person.

7 § 284. LARGE LOAD SERVICE EQUITY CONTRACT; APPROVAL

8 (a) For the purpose of ensuring just and reasonable rates for all ratepayer
9 classes and mitigating the risk of financial exposure to electric distribution
10 companies and their existing ratepayers, a data center shall be served by an
11 electric company pursuant to a large load service equity contract approved by
12 the Public Utility Commission.

13 (b) The large load service equity contract shall:

14 (1) include a method for allocating costs that is equal or proportional to
15 the costs of providing electric service to the data center, including providing
16 for equitable contributions to the embedded costs and the efficiency, reliability,
17 and resiliency of the electricity network;

18 (2) mitigate the risk of other ratepayer classes paying unwarranted costs,
19 including any electric generation, distribution, and transmission infrastructure
20 costs incurred to meet the load requirements of a data center or the energy

1 capacity, transmission, or resource adequacy costs incurred as a result of the
2 data center's load;

3 (3) specify the duration of the contract and the date or the estimated date
4 that the electric company will begin to provide electric service to the data
5 center;

6 (4) obligate the data center to pay a minimum amount or percentage
7 based on the data center's projected electricity usage for the duration of the
8 contract to ensure compliance with subdivision (1) of this subsection;

9 (5) include a reasonable charge for demand in excess of the data center's
10 projected electricity demand at the time the contract is entered into;

11 (6) include a collateral requirement sufficient to mitigate the risk of
12 stranded costs;

13 (7) include provisions requiring implementation of demand-side
14 management operational measures for the purpose of maintaining grid stability
15 and efficiency, including demand response and flexible load management
16 practices, such as load shifting, peak shaving, and the use of distributed energy
17 resources;

18 (8) include provisions for the collection of gross receipts taxes, energy
19 efficiency charges, and any other fees or charges that may be applicable to
20 electricity revenues; and

1 (9) meet any other terms or conditions required by the Commission that
2 are consistent with the purpose of this section and in the public interest.

3 (c) The Commission shall not approve a large load service equity contract
4 unless the Commission first finds that the same will promote the general good
5 of the State.

6 (d) Before the Commission approves a large load service equity contract as
7 required under this section, the Commission shall find that the terms of the
8 contract:

9 (1) will not adversely affect the efficiency, reliability, and resilience of
10 the electric power system;

11 (2) will result in an economic benefit to the State and its residents;

12 (3) are consistent with the principles for resource selection expressed in
13 the applicable electric distribution company’s approved least-cost integrated
14 plan;

15 (4) are consistent with the Electrical Energy Plan approved by the
16 Department under section 202 of this title, or that there exists good cause to
17 permit a variance;

18 (5) will ensure that the data center will be served economically by
19 existing or planned transmission facilities without undue adverse effect on
20 Vermont utilities or other retail ratepayer classes; and

1 (6) are consistent with environmental justice and equity policy as
2 established pursuant to 3 V.S.A. chapter 72.

3 (e) A data center shall not be eligible to participate in an energy savings
4 account or a customer credit program pursuant to subdivision 209(d)(3)(C) of
5 this title, or a self-managed energy efficiency program pursuant to subsection
6 209(j) of this title.

7 § 285. ENERGY EFFICIENCY DESIGN

8 Early in the design development phase of a data center, the owner or
9 operator of a data center shall consult with the efficiency utility appointed by
10 the Public Utility Commission under subdivision 209(d)(2)(A) of this title to
11 ensure compliance with State energy efficiency requirements and best
12 practices.

13 § 286. QUARTERLY AND ANNUAL REPORTS

14 (a) Data center. Within three months after a data center becomes
15 operational, and in a form and manner determined by the Commission, the data
16 center shall begin submitting quarterly reports to the Commission and the
17 Department of Public Service. Each quarterly report shall include the data
18 center’s water and energy usage, including its peak usage per day, and an
19 itemization of the data center’s payments toward shared infrastructure
20 constructed to support the data center.

1 (b) Department. Annually, beginning on or before January 15, 2028, and
2 provided at least one data center has entered into a large load service equity
3 contract pursuant to this subchapter, the Commissioner of Public Service shall
4 include in the Department’s annual report published pursuant to subsection
5 202b(e) of this title findings and recommendations related to the energy,
6 environmental, and economic impacts of data center construction and
7 operation in Vermont, as well as any impactful developments within the
8 region, including any benefits to all ratepayers from electric infrastructure
9 projects undertaken to provide power to one or more data centers.

10 § 287. RULES

11 In addition to the rules required by this subchapter, the Commission may
12 adopt any other rules it deems necessary to implement and enforce the
13 provisions of this subchapter consistent with its purpose and in the public
14 interest.

15 Sec. 2. APPLICATION

16 30 V.S.A. chapter 5, subchapter 3 (established in Sec. 1 of this act) shall
17 apply to any data center not operational on the effective date of this act and to
18 any smaller, traditional data center operational on the effective date of this act
19 to the extent such data center seeks to expand its capacity and meet the
20 threshold requirements of Sec. 1, 30 V.S.A. § 283(1).

21

1 Sec. 3. 10 V.S.A. § 6001 is to read:

2 § 6001. Definitions

3 As used in this chapter:

4 * * *

5 (3)(A) “Development” means each of the following:

6 * * *

7 (xiv) The construction of improvements on a tract or tracts of land
8 for a data center as defined in 30 V.S.A. § 283(1).

9 Sec. 4. 10 V.S.A. § 6086a is added to read:

10 § 6086a. WATER USE; COOLING; PERMITTING; QUALITY

11 (a) As used in this section:

12 (1) “Closed-loop cooling system” means a sealed cooling process in
13 which the same water or coolant circulates continuously within a data center’s
14 cooling system without withdrawal of water from municipal public water
15 supplies, groundwater, or surface water and without discharge of wastewater to
16 municipal wastewater systems, groundwater, or surface waters, except for de
17 minimis discharges authorized under a discharge permit issued by the Agency
18 of Natural Resources.

19 (2) “Data center” has the same meaning as in 30 V.S.A. § 283(1).

1 (3) “Per- and polyfluoroalkyl substances” or “PFAS” means any
2 chemical substance or mixture containing a chemical substance that
3 structurally contains at least one of the following three substructures:

4 (A) R-(CF₂)-CF(R')R”, where both the CF₂ and CF moieties are
5 saturated carbons;

6 (B) R-CF₂OCF₂-R’, where R and R’ can either be F, O, or saturated
7 carbons; or

8 (C) CF₃C(CF₃)R’R”, where R’ and R” can either be F or saturated
9 carbons.

10 (b)(1) A data center shall identify to the District Commission reviewing the
11 data center’s application for a permit under 10 V.S.A. chapter 151 how the
12 data center will cool the facility.

13 (2) If water is used to cool a data center, the data center shall use a
14 closed-loop cooling system to minimize impacts to the quality and quantity of
15 surface water and groundwater unless a District Commission, during review of
16 a permit application under 10 V.S.A. chapter 151, determines that the use of a
17 closed-loop cooling system is not feasible at the proposed data center.

18 (3) If water is used to cool a data center through a closed-loop cooling
19 system or through another type of cooling system, a data center shall identify
20 where the data center will obtain water to cool the facility and where the
21 cooling water will be discharged.

1 (c) If a data center proposes to use groundwater to cool the data center, the
2 data center shall obtain a groundwater withdrawal permit under 10 V.S.A.
3 § 1418 for any withdrawal of groundwater by the data center notwithstanding
4 the permitting threshold of withdrawal of more than 57,600 gallons of
5 groundwater a day. A closed-loop cooling system is not exempt from the
6 groundwater withdrawal permit under 10 V.S.A. § 1418(b)(6).

7 (d) If a data center proposes to use surface water to cool the facility, the
8 data center shall obtain a surface water withdrawal permit pursuant to 10
9 V.S.A. § 1043. The rules adopted by the Secretary to implement 10 V.S.A.
10 § 1043 shall require a data center to cease withdrawals under drought
11 conditions.

12 (e)(1) A data center shall obtain all applicable water quality and water
13 resource protection permits from the Agency of Natural Resources, including
14 stormwater, shoreland, stream alteration, direct discharge, surface water
15 withdrawal, groundwater withdrawal, wetland, and river corridor development
16 permits.

17 (2) A data center shall obtain from the Agency of Natural Resources a
18 water quality certificate that meets the same criteria that the Agency requires to
19 be met to obtain a federal Clean Water Act Section 401 water quality
20 certification as those criteria existed under the Act, 33 U.S.C. §§ 1251–1388,
21 and any regulations adopted thereunder on January 1, 2026.

1 (f) A data center that discharges wastewater into a surface water of the
2 State shall identify PFAS that may be used in the operation and submit a plan
3 to the Agency of Natural Resources establishing a program that monitors the
4 wastewater discharge from the data center, including monitoring for the
5 presence of PFAS. The monitoring plan shall be approved by the Agency
6 upon a determination that it meets the Vermont water quality standards.

7 (g) The addition of PFAS to water discharged from a data center shall be
8 prohibited in Vermont.

9 Sec. 5. REPORT ON REGIONAL RENEWABLE ENERGY MARKET

10 CONDITIONS; PUBLIC UTILITY COMMISSION

11 (a) On or before January 15, 2027, the Public Utility Commission shall
12 prepare a written report on projected regional renewable electric generation
13 market conditions. In developing the report, the Commission shall examine
14 the cost and availability of new regional renewable electric generation
15 resources during the years 2027 through 2035.

16 (b) In preparing the report, the Commission shall provide an opportunity
17 for written input from interested stakeholders, including retail electricity
18 providers, renewable energy developers, regional transmission organizations,
19 consumer advocates, and any other members of the public. In addition, the
20 Commission may consult with the Department of Public Service and other
21 relevant state, regional, or federal entities, as the Commission deems

1 appropriate. Preparation of the report is not subject to the contested case
2 procedures established under 3 V.S.A. chapter 25.

3 (c) The Commission shall submit the report to the House Committee on
4 Energy and Digital Infrastructure and the Senate Committees on Finance and
5 on Natural Resources and Energy.

6 Sec. 6. RECOMMENDATION ON DATA CENTER DECOMMISSIONING

7 (a) The Commissioner of Public Service, in consultation with the Secretary
8 of Natural Resources, the Chair of the Land Use Review Board, and any other
9 interested stakeholders deemed appropriate by the Commissioner, shall
10 recommend a regulatory model for data center decommissioning. As used in
11 this section, “data center” has the same meaning as in Sec. 1, 30 V.S.A.
12 § 283(1), of this act.

13 (b) The recommended regulatory model developed pursuant to this section
14 shall ensure responsible data center decommissioning in a manner that protects
15 and preserves the environment and the public health and welfare. The model
16 shall include standards and procedures that address:

17 (1) approval of a decommissioning plan by the appropriate regulatory
18 entity;

19 (2) regulatory oversight of the decommissioning process, including
20 through site visits and inspections;

1 (3) a bond requirement or other financial assurance to ensure a data
2 center is solely responsible for the costs associated with implementation of an
3 approved decommissioning plan;

4 (4) guidelines for data sanitization, the physical destruction of highly
5 sensitive storage devices, and a documented chain of custody for information
6 technology assets;

7 (5) guidelines for environmental compliance, hazardous material
8 handling, environmental remediation, and site restoration;

9 (6) a timeline for commencing and completing the decommissioning
10 process after the abandonment, closure, destruction, or permanent cessation of
11 operations of a data center; and

12 (7) any other matters deemed appropriate by the Commissioner.

13 (c) On or before December 15, 2026, the Commissioner shall submit
14 recommendations for a data center decommissioning regulatory model in the
15 form of draft legislation to the House Committees on Energy and Digital
16 Infrastructure and on Environment and the Senate Committees on Finance and
17 on Natural Resources and Energy.

18 Sec. 7. EFFECTIVE DATE

19 This act shall take effect on passage.

20
21

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2 (Committee vote: _____)

3

4

Representative _____

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FOR THE COMMITTEE