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For a thriving New England

CLF Vermont 15 East State Street, Suite 4
Montpelier, VT 05602
P: 802.223.5992
F: 802.223.0060
www.clf.org

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Dear Committee on Energy and Digital Infrastructure:

Conservation Law Foundation (CLF) writes to express support for **Senate Bill 50**, an act relating to increasing the size of solar net metering projects that qualify for expedited registration.

At a time when bringing more renewable energy online is increasingly important to combat emissions, raising the threshold for expedited registration from 15 kW to 25 kW is sensible and necessary. Raising this threshold recognizes both that solar panels have become more efficient on a per-square-foot basis and that the current threshold has resulted in barriers to renewable development—delaying its deployment and adding to its expense. Further, raising this threshold will have minimal impacts on surrounding lands.

This committee should also consider adopting changes to the definition of "plant" as defined in 30 V.S.A. § 8002(18).[1] The General Assembly defined "plant" as it did "to ensure that larger projects [did] not take advantage of limited financial incentives intended for small and moderately sized projects" as provided by Vermont's Standard Offer program. *In re Portland Street Solar LLC*, 2021 VT 67, ¶ 8, 215 Vt. 394. The Public Utility Commission (PUC) could use this definition to reject a developer's project sited adjacent to one it already approved by claiming it was a single plant to prevent the developer from unduly benefiting from the Standard Offer incentives.

Without the Standard Offer program, the single plant definition no longer serves its purpose. Instead, the definition now prevents the development of solar on sites precisely where we want to encourage it. For example, the current language would prevent a solar developer from repurposing an industrial park or gravel pit to site a 5 MW solar facility. We *want* to site renewables on the built environment and already-disturbed land.

[1] "Plant" is defined as "an independent technical facility that generates electricity from renewable energy. A group of facilities, such as wind turbines, shall be considered one plant if the group is part of the same project and uses *common equipment and infrastructure such as roads, control facilities, and connections to the electric grid. Common ownership, contiguity in time of construction, and proximity of facilities to each other shall be relevant* to determining whether a group of facilities is part of the same project." The italicized portion highlights language and criteria that makes it easy for the PUC to reject adjoining renewable projects by defining them as a single plant.

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An amendment to the definition of "plant" should make plain that the PUC should find that renewable projects located on the same or adjacent parcels are separate so long as they use separate generators, inverters, and production meters, as applicable.[2]

Should the General Assembly decide to reinstate and/or revise the Standard Offer or off-site net metering program, it could then revise the "plant" definition to encourage its policy objectives. Until then, amending the "plant" definition as outlined will encourage the development of renewable energy generation projects in areas we want them most.

Please let me know if you have any comments or questions. As always, thank you for your dedication and hard work.

Respectfully,

/s/ Adam Aguirre

Adam Aguirre
Staff Attorney
Conservation Law Foundation
15 East State Street, Ste. 4
Montpelier, VT 05602
aaguirre@clf.org
(802) 622-3016

[2] This language is taken from H.394 as proposed by Representative Amy Sheldon, Chair of the House Environment Committee.