

1 TO THE HONORABLE SENATE:

2 The Committee on Natural Resources and Energy to which was referred
3 House Bill No. 710 entitled “An act relating to defining electricity generating
4 facilities” respectfully reports that it has considered the same and recommends
5 that the Senate propose to the House that the bill be amended by striking out all
6 after the enacting clause and inserting in lieu thereof the following:

7 Sec. 1. 30 V.S.A. § 8002 is amended to read:

8 § 8002. DEFINITIONS

9 As used in this chapter:

10 * * *

11 (18) “Plant” means an independent technical facility that generates
12 electricity from renewable energy. ~~A group of facilities, such as wind turbines,~~
13 ~~shall be considered one plant if the group is part of the same project and uses~~
14 ~~common equipment and infrastructure such as roads, control facilities, and~~
15 ~~connections to the electric grid. Common ownership, contiguity in time of~~
16 ~~construction, and proximity of facilities to each other shall be relevant to~~
17 ~~determining whether a group of facilities is part of the same project. Multiple~~
18 ~~electricity-generating facilities, regardless of when each is constructed, shall be~~
19 ~~considered one plant if the facilities use the same electricity-generating~~
20 ~~technology and are located on the same parcel or contiguous parcels of land.~~
21 However, such facilities shall be considered separate plants if:

1 related to common elements, other units, or other real estate than the unit
2 described in the declaration.

3 (34) “Contiguous” means sharing a property boundary with another
4 parcel of land or being adjacent to that parcel of land and the two parcels are
5 separated only by a road, recreation path, railway line, stream, or river.

6 (35) “Electricity-generating technology” means a method or system
7 used to convert energy from one form into electric power, including wind,
8 hydropower or water, solar, or biomass.

9 (36) “Point of interconnection” means the point on the interconnecting
10 utility’s existing distribution system to which a facility proposes to
11 interconnect.

12 **Sec. 2. LEGISLATIVE INTENT**

13 It is the intent of the General Assembly that the amendments in Sec. 1, 30
14 VSA 8002, of this act are substantive and create new rights and liabilities in
15 light of emerging issues and shall apply only to applications filed on or after
16 the effective date of this act.

17 Sec. 3. 30 V.S.A. § 20 is amended to read:

18 § 20. PARTICULAR PROCEEDINGS AND ACTIVITIES; PERSONNEL

19 (a)(1) The Commission or the Department of Public Service may authorize
20 or retain legal counsel, official stenographers, expert witnesses, advisors and

1 consultants, temporary employees, and other providers of research, scientific,
2 financial, economic, actuarial, accounting, or engineering services:

3 * * *

4 (F) To investigate, review, plan, oversee, or carry out the
5 decommissioning and site restoration required by a certificate of public good
6 issued to an electric generation or energy storage facility.

7 * * *

8 Sec. 4. 30 V.S.A. § 248e is added to read:

9 § 248e. ELECTRIC GENERATION AND ENERGY STORAGE FACILITY

10 DECOMMISSIONING FUND

11 (a) There is created the Electric Generation and Energy Storage Facility
12 Decommissioning Fund that shall be a special fund created pursuant to 32
13 V.S.A. chapter 7, subchapter 5 and shall be administered by the Chair of the
14 Public Utility Commission. The Chair is authorized to collect monies surety
15 fees for the Decommissioning Fund and to make disbursements from the
16 Decommissioning Fund.

17 (b) Deposits to the Decommissioning Fund shall consist of all
18 decommissioning surety fees collected for electric generation and energy
19 storage facilities that have received a certificate of public good from the
20 Commission and all monies drawn from decommissioning financial

1 instruments. The Commission shall deposit into the Decommissioning Fund
2 each decommissioning surety fee it receives under this subchapter.

3 (c) Disbursements from the Decommissioning Fund may be made by the
4 Chair to undertake actions that the Commission considers necessary to
5 investigate or mitigate, or both, the effects of an abandoned, nonoperational, or
6 disclaimed electric generation or energy storage facility. Disbursements under
7 this subsection may be made to:

8 (1) pay costs to third parties who initiate or complete facility
9 decommissioning and site restoration where the holder of the certificate of
10 public good is unknown, cannot be contacted, is unwilling to take action, is
11 incapable of carrying out decommissioning or site restoration, or does not take
12 timely action as ordered by the Commission;

13 (2) investigate ownership of or ascertain the holder of the certificate of
14 public good for an electric generation or energy storage facility;

15 (3) take other appropriate remedial action;

16 (4) pay costs to persons retained by the Commission or the Department
17 under subdivision 20(a)(1)(F) of this title; or

18 (5) return portions of the decommissioning surety fees as determined by
19 a formula established by the Commission to individual certificate of public
20 good holders upon satisfactory completion of decommissioning and
21 Commission approval.

1 (d) For purposes of this section:

2 (1) “Chair” means the Chair of the Public Utility Commission.

3 (2) “Commission” means the Public Utility Commission.

4 (3) “Decommissioning” means to remove a facility safely from service
5 and to restore the site to its condition before the facility was installed
6 consistent with the facility’s certificate of public good and Commission rules
7 and orders.

8 (4) “Decommissioning Fund” means the Electric Generation and Energy
9 Storage Facility Decommissioning Fund established pursuant to this section.

10 (5) “Decommissioning surety fee” means the contribution assigned to a
11 facility and determined by a funding formula established by the Commission,
12 not to exceed the average cumulative cost of obtaining decommissioning
13 financial instruments for the life of a facility. The “average cumulative cost”
14 means the customary and reasonable market-based third-party costs; expenses
15 and fees associated with obtaining, maintaining, renewing, and updating
16 financial instruments; and staff and attorney time and expenses.

17 (6) “Department” means the Department of Public Service.

18 (e) Balances in the Decommissioning Fund shall be expended only for the
19 purposes authorized in this **section** and shall not be used for the general
20 obligations of government or for other governmental purposes. All balances in
21 the Decommissioning Fund at the end of any fiscal year shall be carried

1 forward and remain within the Decommissioning Fund. Interest earned by the
2 Decommissioning Fund shall be credited to the Decommissioning Fund.

3 (f) The Commission shall have authority to adopt rules or issue orders
4 implementing this section.

5 (g) The Commission shall provide to the Treasurer of the State of Vermont
6 an annual accounting of the Decommissioning Fund.

7 **Sec. 5. DECOMMISSIONING FUND REPORT**

8 On or before February 15, 2027, the Public Utility Commission shall report
9 back to the House Committee on Energy and Digital Infrastructure and the
10 Senate Committees on Natural Resources and Energy and on Finance on the
11 formula established for the decommissioning surety fees pursuant to 30 V.S.A.
12 § 248e.

13 **Sec. 6. EFFECTIVE DATE**

14 This act shall take effect on July 1, 2026.

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(Committee vote: _____)

Senator _____
FOR THE COMMITTEE