

1 H.940

2 An act relating to miscellaneous public utility subjects

3 It is hereby enacted by the General Assembly of the State of Vermont:

4 * * * Use of Thermal Funds * * *

5 Sec. 1. USE OF THERMAL ENERGY AND PROCESS FUEL FUNDS FOR
6 GREENHOUSE GAS EMISSIONS REDUCTION PROGRAMS

7 (a) Notwithstanding any provision of law or order of the Public Utility
8 Commission (PUC) to the contrary, the entity appointed under 30 V.S.A.
9 § 209(d)(2)(A) that is also a retail electricity provider for the calendar years
10 2027–2029 may spend any amounts the entity has available to it through
11 annually budgeted thermal energy and process fuel funds and carryforward
12 thermal energy and process fuel funds from prior periods on programs,
13 measures, and services that reduce fossil fuel use and greenhouse gas
14 emissions in the thermal energy or transportation sector regardless of the
15 preexisting fuel source of the customer. The entity may also use thermal
16 energy and process fuel funds under this section to deliver thermal and
17 transportation measures or programs that enable fossil fuel and greenhouse gas
18 emissions reductions, such as geothermal test well funding, regardless of the
19 preexisting fuel source of the customer.

20 (b) Under this section, the entity shall also prioritize weatherization and
21 thermal sector efficiency programs within its offerings pursuant to this section,

1 and shall budget at least 60 percent of the funds for programs under this
2 section for weatherization and thermal sector efficiency programs, to be
3 offered to customers regardless of their preexisting fuel source, with a
4 minimum of 60 percent of those weatherization and thermal sector efficiency
5 program funds allocated for customers with low income and low-to-moderate
6 income and projects requiring electric panel or wiring upgrades or abatement
7 of other health- or building-related items to facilitate weatherization and
8 thermal efficiency.

9 (c) The entity shall seek approval from the PUC for all planned
10 expenditures throughout the three-year performance period as part of the
11 triennial energy efficiency utility planning process in the Demand Resources
12 Plan proceeding, and report, to the PUC, annually on program participation,
13 including any customer survey data obtained that discuss how impactful
14 incentives offered under this section were for customer adoption.

15 (d) Any funds spent on programs, measures, and services pursuant to this
16 section shall not be counted towards the calculation of funds used by the entity
17 for energy transformation projects pursuant to 30 V.S.A. § 8005(a)(3) and the
18 calculation of project costs pursuant to 30 V.S.A. § 8005(a)(3)(C)(iv).

19 * * * Energy Planning * * *

20 Sec. 2. 24 V.S.A. § 4348 is amended to read:

21 § 4348. ADOPTION AND AMENDMENT OF REGIONAL PLAN

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(b) ~~60~~ Sixty days prior to holding the first public hearing on a regional plan, a regional planning commission shall submit a draft regional plan to the Land Use Review Board for review and comments related to conformance of the draft with sections 4302 and 4348a of this title and chapter 139 of this title and, if it is seeking an optional determination of energy compliance, to the Department of Public Service for review and comments related to conformance of the draft plan with section 4352 of this title. The Board shall coordinate with other State agencies and respond within 60 days unless more time is granted by the regional planning commission.

* * *

(d)(1) At least 30 days prior to the first hearing, a copy of the proposed plan or amendment, a report documenting conformance with the goals established in section 4302 of this chapter and the plan elements established in section 4348a of this chapter, and a description of any changes to the Regional Future Land Use Map with a request for general comments and for specific comments with respect to the extent to which the plan or amendment is consistent with the goals established in section 4302 of this title, shall be delivered physically or electronically with proof of receipt or sent by certified mail, return receipt requested, to each of the following:

* * *

1 description of conformance with the enhanced energy planning standards and
2 with a summary of any comments received during the public hearings.

3 * * *

4 Sec. 3. 24 V.S.A. § 4350 is amended to read:

5 § 4350. REVIEW AND CONSULTATION REGARDING MUNICIPAL
6 PLANNING EFFORT

7 * * *

8 (b)(1) As part of the consultation process, the commission shall consider
9 whether a municipality has adopted a plan. In order to obtain or retain
10 confirmation of the planning process, a municipality must have an approved
11 plan. A regional planning commission shall review and approve plans of its
12 member municipalities, when approval is requested and warranted. Each
13 review shall include a public hearing ~~which~~ that is noticed at least 15 days in
14 advance by posting in the office of the municipal clerk and at least one public
15 place within the municipality and by publication in a newspaper or newspapers
16 of general publication in the region affected. The commission shall approve a
17 plan if it finds that the plan:

18 (A) is consistent with the goals established in section 4302 of this
19 title;

20 (B) is compatible with its regional plan;

1 (C) is compatible with approved plans of other municipalities in the
2 region; ~~and~~

3 (D) contains all the elements included in subdivisions 4382(a)(1)–
4 (12) of this title; and

5 (E) if the municipality is seeking an optional determination of energy
6 compliance, is consistent with section 4352 of this title and the enhanced
7 energy planning standards.

8 * * *

9 Sec. 4. 24 V.S.A. § 4352 is amended to read:

10 § 4352. OPTIONAL DETERMINATION OF ENERGY COMPLIANCE;

11 ENHANCED ENERGY PLANNING

12 * * *

13 (c) Enhanced energy planning; requirements. To obtain an affirmative
14 determination of energy compliance under this section, a plan must:

15 (1) in the case of a regional plan, include the energy element as

16 described in subdivision 4348a(a)(3) of this title;

17 (2) in the case of a municipal plan, include an energy element that has
18 the same components as described in subdivision 4348a(a)(3) of this title for a
19 regional plan and be confirmed under section 4350 of this title;

20 (3) be consistent with the following, with consistency determined in the
21 manner described under subdivision 4302(f)(1) of this title:

1 (A) Vermont's greenhouse gas reduction ~~goals~~ requirements under
2 10 V.S.A. § 578(a);

3 (B) Vermont's ~~25 by 25 goal for renewable energy under 10 V.S.A.~~
4 ~~§ 580~~ Renewable Energy Standard under 30 V.S.A. §§ 8004 and 8005;

5 (C) Vermont's building efficiency goals under 10 V.S.A. § 581; and

6 (D) State energy policy under 30 V.S.A. § 202a and the
7 recommendations for regional and municipal energy planning pertaining to the
8 efficient use of energy and the siting and development of renewable energy
9 resources contained in the State energy plans adopted pursuant to 30 V.S.A.
10 §§ 202 and 202b; ~~and~~

11 ~~(E) the distributed renewable generation and energy transformation~~
12 ~~categories of resources to meet the requirements of the Renewable Energy~~
13 ~~Standard under 30 V.S.A. §§ 8004 and 8005; and~~

14 * * *

15 (d) State energy plans; recommendations; standards.

16 (1) The ~~State energy plans~~ Commissioner of Public Service shall ~~include~~
17 ~~the issue~~ recommendations for regional and municipal energy planning and the
18 standards for issuing a determination of energy compliance described in
19 subdivision (c)(3) of this section within one year after adopting or readopting
20 the State Comprehensive Energy Plan adopted pursuant to 30 V.S.A. § 202b.

1 These recommendations and standards shall be consistent with the State
2 Comprehensive Energy Plan.

3 * * *

4 (e) Process for issuing determinations of energy compliance. Review of
5 whether to issue a determination of energy compliance under this section shall
6 include ~~a public hearing noticed at least 15 days in advance by direct mail or~~
7 ~~electronically with proof of receipt to the requesting regional planning~~
8 ~~commission or municipal legislative body, posting on the website of the entity~~
9 ~~from which the determination is requested, and publication in a newspaper of~~
10 ~~general publication in the region or municipality affected~~ consideration of
11 comments received by the regional planning commission or municipality
12 during the plan adoption process on consistency with this section, and with the
13 enhanced energy planning standards. The Commissioner or regional planning
14 commission shall issue the determination in writing within ~~two months~~ 60 days
15 after the receipt of a request for a determination. If the determination is
16 negative, the Commissioner or regional planning commission shall state the
17 reasons for denial in writing and, if appropriate, suggest acceptable
18 modifications. Submissions for a new determination that follow a negative
19 determination shall receive a new determination within 45 days.

20 * * *

1 ~~(g) Municipality; determination from DPS; time limited option. Until July~~
2 ~~1, 2018, a municipality whose plan has been confirmed under section 4350 of~~
3 ~~this title may seek issuance of a determination of energy compliance from the~~
4 ~~Commissioner of Public Service if it is a member of a regional planning~~
5 ~~commission whose regional plan has not received such a determination.~~

6 ~~(1) The Commissioner shall issue an affirmative determination of energy~~
7 ~~compliance for the municipal plan on finding that the plan meets the~~
8 ~~requirements of subsection (c) of this section. The Commissioner's review of~~
9 ~~the municipal plan shall be for the purpose only of determining whether a~~
10 ~~determination of energy compliance should be issued because those~~
11 ~~requirements are met.~~

12 ~~(2) A municipality aggrieved by an act or decision of the Commissioner~~
13 ~~under this subsection may appeal in accordance with the procedures of~~
14 ~~subsection (f) of this section.~~

15 ~~(h) Determination; time period. An affirmative determination of energy~~
16 ~~compliance issued pursuant to this section shall remain in effect until the end~~
17 ~~of the period for expiration or readoption of the plan to which it applies, with~~
18 ~~the following exceptions:~~

19 ~~(1) The regional planning commission or municipal legislative body has~~
20 ~~adopted a plan with an updated energy element and notified the appropriate~~
21 ~~body of its intent to request a determination of energy compliance at least~~

1 30 days prior to the first public hearing on that plan. In this case, the
2 Commissioner of Public Service or regional planning commission may choose
3 to offer the requesting body a provisional affirmative determination of energy
4 compliance that shall remain in effect for two months following the adoption
5 of the new plan.

6 (2) In the event a regional or municipal plan is readopted without
7 updates to the energy element or chapter that impact the plan's existing
8 affirmative determination, the affirmative determination shall be extended to
9 the expiration date of the readopted plan. The regional planning commission
10 or municipality shall seek an opinion from the Department or regional planning
11 commission that a new determination of energy compliance is not required,
12 and shall seek a new determination of energy compliance if determined
13 necessary by the Department or regional planning commission.
14 Notwithstanding the opinion, a new determination of energy compliance shall
15 be required if the standards for issuing a determination of energy compliance
16 have been revised since the last affirmative determination of energy
17 compliance was issued.

18 (i)(h) Commissioner; consultation. In the discharge of the duties assigned
19 under this section, the Commissioner shall ~~shall~~ may consult with and solicit the
20 recommendations of the Secretaries of Agriculture, Food and Markets, of

1 Commerce and Community Development, of Natural Resources, and of
2 Transportation.

3 Sec. 5. REPEAL

4 30 V.S.A. § 202f (establishing the Telecommunications and Connectivity
5 Advisory Board) is repealed.

6 * * * Effective Date * * *

7 Sec. 6. EFFECTIVE DATE

8 This act shall take effect on passage.