

**From:** Christopher Bray [CBray@leg.state.vt.us]  
**Sent:** Thursday, April 23, 2015 7:28 PM  
**To:** Springer, Darren; Dylan Zwicky; Todd Bailey; Ben Walsh; Warren Coleman  
**Subject:** H.40 amendment; 8am start  
**Attachments:** GENERAL-#308444-v1-H\_40;\_SNREC;\_committee\_amendment.pdf

Gentlemen,

Thank you for coming by this afternoon to share your thoughts on the working group. Please find attached the complete amendment for H.40; pages 6-10 address the working group.

If you have any thoughts or suggested edits, please commit them to writing and bring them along (20 copies would be helpful to everyone in the room). We begin at 8am.

I'd also appreciate it if you'd email them to me in advance and even give me a call (802 371 8183) if there's a major issue from your point of view.

Best,  
--Chris

Senator Christopher Bray

Addison County, Huntington & Buel's Gore

Chair, Senate Natural Resources and Energy—Room 8  
Senate Government Operations  
Vermont Telecommunications Authority

[Building Stronger Communities through Sustainable Local Economies](#)

Mail 829 South St, New Haven VT 05472, or  
Vermont State House, 116 State Street, Montpelier VT 05633

Telephone  
Montpelier 800-322-5616 (Sergeant At Arms' Office)  
Cell 802-371-8183  
Work 802-453-3444

Email [cbray@leg.state.vt.us](mailto:cbray@leg.state.vt.us)

1 TO THE HONORABLE SENATE:

2 The Committee on Natural Resources and Energy to which was referred House  
3 Bill No. 40 entitled “An act relating to establishing a renewable energy  
4 standard and energy transformation program” respectfully reports that it has  
5 considered the same and recommends that the Senate propose to the House that  
6 the bill be amended as follows:

7 First: In Sec. 2, 30 V.S.A. § 8004, in subsection (a), in the third sentence,  
8 after “renewable energy credits” by inserting that it owns and retires before the  
9 comma

10 Second: In Sec. 2, 30 V.S.A. § 8004, by striking out subsection (b) and  
11 inserting in lieu thereof a new subsection (b) to read:

12 ~~(d)(b) Rules.~~ The Board shall ~~provide, by order or rule,~~ adopt the  
13 ~~regulations and procedures~~ rules that are necessary to allow the Board and the  
14 Department to implement and supervise further the implementation and  
15 maintenance of ~~a renewable portfolio standard~~ the RESET program.

16 Third: In Sec. 3, 30 V.S.A. § 8005, in subdivision (a)(3), in subdivision  
17 (D), by striking out “or procedures”, and in subdivision (F), by striking out  
18 each occurrence of “or procedures”

19 Fourth: In Sec. 3, 30 V.S.A. § 8005, in subdivision (a)(3)(E), after  
20 subdivision (ii), by inserting subdivision (iii) to read:

1                    (iii) To meet the requirements of this subdivision (3), one or more  
2                    retail electricity providers may jointly propose with an energy efficiency entity  
3                    appointed under section 209(d)(2) of this title an energy transformation project  
4                    or group of such projects. The proposal shall include standards of measuring  
5                    performance and methods to allocate savings and reductions in fossil fuel  
6                    consumption and greenhouse gas emissions among each participating provider  
7                    and efficiency entity.

8                    Fifth: In Sec. 3, 30 V.S.A. § 8005, in subdivision (a)(3)(F), by striking out  
9                    subdivision (viii) and inserting in lieu thereof a new subdivision (viii) to read:

(viii) To ensure that, if an energy transformation project will  
increase the use of electric energy, the project incorporates best practices for  
demand management, uses technologies appropriate for Vermont, and requires  
that the energy performance of each building served by the project meets  
minimum energy performance standards that are consistent with meeting or  
exceeding the goals of 10 V.S.A. § 581 (building efficiency).

10                   Sixth: In Sec. 3, 30 V.S.A. § 8005, in subdivision (a)(3)(G)(i), by striking  
11                   out “strict”

12                   Seventh: In Sec. 3, 30 V.S.A. § 8005, in subdivision (d)(1), by striking out  
13                   “of Portland, Maine”

1        Eighth: In Sec. 4, 30 V.S.A. § 8005a, in subdivision (k)(3), in the last  
2        sentence, after “purchasing power” by striking out “from” and inserting in lieu  
3        thereof generated by

4        Ninth: In Sec. 6, 30 V.S.A. § 8005b, by striking out subdivision (b) and  
5        inserting in lieu thereof a new subdivision (b) to read:

6        (b) The annual report under this section shall include at least each of the  
7        following:

8                (1) An assessment of the costs and benefits of the RESET Program  
9        based on the most current available data, including rate and economic impacts,  
10       customer savings, technology deployment, greenhouse gas emission reductions  
11       actually achieved, fuel price stability, and effect on transmission and  
12       distribution upgrade costs, and any recommended changes based on this  
13       assessment.

14               (2) Projections, looking at least 10 years ahead, of the impacts of the  
15       RESET Program. The Department shall employ an economic model to make  
16       these projections and shall consider at least three scenarios based on high,  
17       mid-range, and low energy price forecasts. The Department shall project, for  
18       the State, the RESET Program’s impact in each of the following areas: electric  
19       utility rates; total energy consumption; electric energy consumption; fossil fuel  
20       consumption; and greenhouse gas emissions. The report shall compare the  
21       amount or level in each of these areas with and without the Program.

1           (3) An assessment of whether the requirements of the RESET  
2           Program have been met to date, and any recommended changes needed to  
3           achieve those requirements.

4           Tenth: In Sec. 6, 30 V.S.A. § 8005b, in subsection (c), by striking out  
5           subdivision (8) and by renumbering the remaining subdivision to be  
6           numerically correct

7           Eleventh: In Sec. 12, 30 V.S.A. § 8010(c), in subdivision (2)(F), in the  
8           third sentence, after “a” by inserting monthly before “credit”

9           Twelfth: By striking Sec. 14a in its entirety and inserting in lieu thereof  
10          [Deleted.]

11          Thirteenth: By striking out Sec. 14b in its entirety and inserting lieu thereof  
12          a new Sec. 14b to read:

13          Sec. 14b. JOINT ENERGY COMMITTEE; RECOMMENDATION

14          (a) On or before February 15, 2016, the Joint Energy Committee under  
15          2 V.S.A. chapter 17 shall submit a recommendation to the House Committee  
16          on Commerce and Economic Development, Senate Committee on Finance,  
17          House Committee on Ways and Means, and House and Senate Committees on  
18          Natural Resources and Energy on:

19               (1) what revisions, if any, the Committee recommends that the General  
20          Assembly enact with respect to the statutes applicable to energy efficiency  
21          entities appointed and charges imposed under 30 V.S.A. § 209(d); and

1           (2) what legislation, if any, the Committee recommends that the General  
2           Assembly enact to clarify or alter the relationship of energy efficiency entities  
3           and charges under 30 V.S.A. § 209(d) with the energy transformation category  
4           adopted under Sec. 3 of this act, 30 V.S.A. § 8005(a).

5           (b) Prior to submitting its recommendation under this section, the Joint  
6           Energy Committee shall offer an opportunity for comment by affected State  
7           agencies; utilities; appointed energy efficiency entities; advocates for business,  
8           consumer, and environmental interests; and members of the public.

9           (c) For the purpose of this section, the Joint Energy Committee:

10           (1) may meet no more than four times during adjournment without prior  
11           approval of the Speaker of the House and the President Pro Tempore of the  
12           Senate; and

13           (2) shall have the administrative, technical, and professional assistance  
14           of the Office of Legislative Council and the Joint Fiscal Office.

15           Fourteenth: In Sec. 19, 30 V.S.A. § 248(b), by striking out subdivision (9)  
16           and inserting a new subdivision (9) to read:

17           (9) with respect to a waste to energy facility;

18           (A) is included in a solid waste management plan adopted pursuant to  
19           24 V.S.A. § 2202a, which is consistent with the State Solid Waste  
20           Management Plan; and

1           (B) is included in a solid waste management plan adopted pursuant to  
2           24 V.S.A. § 2202a for the municipality and solid waste district from which a  
3           1,000 tons or more per year of the waste is to originate, if that municipality or  
4           district owns an operating facility that already beneficially uses a portion of the  
5           waste;

6           Fifteenth: After Sec. 20, by inserting a new section to be Sec. 20a to read:

7           Sec. 20a. WORKING GROUP; PROCESS FOR ENERGY FACILITIES

8                       CURRENTLY SUBJECT TO PUBLIC SERVICE BOARD

9                       JURISDICTION

10           (a) Creation. There is created a Public Service Board Proceedings Working  
11           Group to study issues pertaining to energy-related facilities currently subject to  
12           the jurisdiction of the Public Service Board (the Board), including processes  
13           relating to construction of facilities and eminent domain and the negotiation of  
14           rights-of-way (ROW).

15           (b) Membership. The Working Group shall be composed of the following  
16           13 members:

17                       (1) one current member of the House of Representatives appointed by  
18           the Speaker of the House;

19                       (2) one current member of the Senate appointed by the Committee on  
20           Committees;

21                       (3) the Commissioner of Public Service or designee;

1           (4) a member of the Public Service Board or designee chosen by the

2           Board;

3           (5) the Secretary of Natural Resources or designee;

4           (6) a representative of the Vermont League of Cities and Towns,

5           appointed by the League;

6           (7) a representative of the Vermont Planners Association, appointed by

7           that Association;

8           (8) a representative of the Vermont Association of Planning and

9           Development Agencies, appointed by that Association;

10          (9) a representative of Renewable Energy Vermont (REV), appointed by

11          REV;

12          (10) a representative of an electric distribution utility appointed by the

13          Governor;

14          (11) a Vermont resident with public policy and environmental and

15          energy expertise who is not affiliated with a public utility or developer of

16          energy facilities, by joint appointment of the Vermont Natural Resources

17          Council and the Vermont Public Interest Research Group; and

18          (12) the following by joint appointment of the Speaker of the House and

19          the Committee on Committees:

20                (A) an attorney with a substantial practice in representing non-utility

21          applicants seeking approval of facilities from the Board; and



1           (B) an attorney with a substantial practice in representing persons  
2           other than applicants and public utilities in Public Service Board proceedings,  
3           such as municipalities and affected property owners.

4           (c) Knowledge and experience. Designees of appointees under  
5           subdivisions (b)(3)-(5) and appointees under subdivisions (b)(6)-(11) of this  
6           section shall have knowledge and experience with respect to proceedings under  
7           10 V.S.A. chapter 151, 24 V.S.A. chapter 117, and 30 V.S.A. § 248.

8           (d) Powers and duties. The Working Group shall study the processes  
9           before the Board relating to energy-related facilities currently under the  
10          Board's jurisdiction and shall provide a report in the form of proposed  
11          legislation with the rationale for each proposal. The Working Group may  
12          consider:

13           (1) the appropriate government body or bodies to conduct these  
14          processes;

15           (2) the role and standing of municipal plans and enactments, regional  
16          plans, and municipal and regional bodies and the resources available to support  
17          the participation of those bodies;

18           (3) accessibility to potential participants and the burdens on those  
19          potential participants, including the roles and responsibilities of intervenors  
20          and their ability to obtain a hearing;

21           (4) the review of aesthetic impacts;

1           (5) the conduct of ROW negotiations and the resources available to the  
2 participants;

3           (6) the availability and conduct of eminent domain proceedings, the  
4 valuation of property in those proceedings, and the resources available to the  
5 participants; and

6           (7) any other issue relating to facilities currently subject to the  
7 jurisdiction of the Board that the Working Group decides to review.

8           (e) Assistance. The Working Group shall have the administrative,  
9 technical, and professional assistance of the Office of Legislative Council and  
10 the Joint Fiscal Office. The Working Group shall be entitled, on request, to  
11 technical and professional assistance from the Agencies of Natural Resources  
12 and of Commerce and Community Development, the Department of Public  
13 Service, the Natural Resources Board, and the Public Service Board.

14           (f) Proposed legislation. On or before January 15, 2016, the Working  
15 Group shall submit its proposed legislation to the House Committee on  
16 Commerce and Economic Development, the Senate Committee on Finance,  
17 and the House and Senate Committees on Natural Resources and Energy.

18           (g) Meetings.

19           (1) The Office of Legislative Council shall call the first meeting of the  
20 Working Group to occur on or before August 1, 2015.

1           (2) The Committee shall select a chair and vice chair from among its  
2           legislative members at the first meeting.

3           (3) A majority of the membership shall constitute a quorum.

4           (4) The Working Group shall cease to exist on March 15, 2016.

5           (h) Reimbursement. For attendance at meetings of the Working Group  
6           during adjournment of the General Assembly, legislative members of the  
7           Working Group shall be entitled to per diem compensation and reimbursement  
8           of expenses pursuant to 2 V.S.A. § 406 for no more than 12 meetings.

9           Sixteenth: In Sec. 20, 30 V.S.A. § 8001(b), by striking out “and  
10           procedures” and inserting in lieu thereof ~~and procedures~~

11           Seventeenth: In Sec. 28 (effective dates), in subsection (a), in the first  
12           sentence, by striking out “14a (energy efficiency charge).”

13

14           (Committee vote: \_\_\_\_\_)

15

\_\_\_\_\_

16

Senator \_\_\_\_\_

17

FOR THE COMMITTEE