

**From:** Springer, Darren [Darren.Springer@state.vt.us]  
**Sent:** Wednesday, February 11, 2015 7:23 PM  
**To:** Patty.Richards@wec.coop  
**Subject:** Fwd: Current draft  
**Attachments:** H.40~Aaron Adler~Draft No. 1.3, 2-10-2015~2-11-2015.pdf; ATT00001.htm

Fyi

Sent from my iPhone

Begin forwarded message:

**From:** <[Darren.Springer@state.vt.us](mailto:Darren.Springer@state.vt.us)>  
**Date:** February 11, 2015 at 6:38:34 PM EST  
**To:** "Joshua Diamond " <[jrd@diamond-robinson.com](mailto:jrd@diamond-robinson.com)>  
**Subject:** Current draft

New one coming tomorrow. I think many WEC edits accepted or will be in new draft. One that may not be because no longer necessary is request for WEC to have BED flexibility on tier three, since now all utilities will be able to petition PSB to reduce requirements in certain circumstances and now unlimited banking and borrowing of credits in that tier.

Happy to discuss,  
Thanks  
Darren

<http://legislature.vermont.gov/assets/Documents/2016/WorkGroups/House%20Natural%20Resources/Bills/H.40/Draft,%20Summaries%20and%20Amendments/H.40~Aaron%20Adler~Draft%20No.%201.3,%202-10-2015~2-11-2015.pdf>

1 TO THE HOUSE OF REPRESENTATIVES:

2 The House Committee on Natural Resources and Energy to which was  
3 referred House Bill No. 40 entitled “An act relating to establishing a renewable  
4 energy standard and energy transformation program” respectfully reports that it  
5 has considered the same and recommends that the bill be amended by striking  
6 out all after the enacting clause and inserting in lieu thereof the following:

7 \* \* \* Renewable Energy Standard and Energy

8 Transformation Program \* \* \*

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

10 § 8002. DEFINITIONS

11 As used in this chapter:

12 \* \* \*

13 (3) “CPI” means the Consumer Price Index for all urban consumers,  
14 designated as “CPI-U,” in the northeast region, as published by the U.S.  
15 Department of Labor, Bureau of Labor Statistics.

16 \* \* \*

17 (6) “Environmental attributes” means the characteristics of a plant that  
18 enable the energy it produces to qualify as renewable energy and include any  
19 and all benefits of the plant to the environment such as avoided emissions or  
20 other impacts to air, water, or soil that may occur through the plant’s  
21 displacement of a nonrenewable energy source.

\* \* \*

\* \* \*

1           (17) “Renewable energy” means energy produced using a technology  
2 that relies on a resource that is being consumed at a harvest rate at or below its  
3 natural regeneration rate.

4           (A) For purposes of this subdivision (17), methane gas and other  
5 flammable gases produced by the decay of sewage treatment plant wastes or  
6 landfill wastes and anaerobic digestion of agricultural products, byproducts, or  
7 wastes shall be considered renewable energy resources, but no form of solid  
8 waste, other than agricultural or silvicultural waste, shall be considered  
9 renewable.

10           (B) For purposes of this subdivision (17), no form of nuclear fuel  
11 shall be considered renewable.

12           (C) The only portion of electricity produced by a system of  
13 generating resources that shall be considered renewable is that portion  
14 generated by a technology that qualifies as renewable under this  
15 subdivision (17).

16           (D) The Board by rule may add technologies or technology  
17 categories to the definition of “renewable energy,” provided that technologies  
18 using the following fuels shall not be considered renewable energy supplies:  
19 coal, oil, propane, and natural gas.

20           (E) In this chapter, renewable energy refers to either “existing  
21 renewable energy” or “new renewable energy.”

**Comment [AA1]:** GMP asks to revise this language to ensure that food waste and switchgrass may be included in an anaerobic digester.

\* \* \*

(19) “Retail electricity provider” or “provider” means a company engaged in the distribution or sale of electricity directly to the public.

(20) “~~SPEED~~ Standard Offer Facilitator” means an entity appointed by the Board pursuant to ~~subdivision 8005(b)(1)~~ subsection 8005a(a) of this title.

(21) “~~SPEED resources~~” means ~~contracts for resources in the SPEED program established under section 8005 of this title that meet the definition of renewable energy under this section, whether or not environmental attributes are attached.~~ [Repealed.]

(22) “Tradeable renewable energy credits” means all of the environmental attributes associated with a single unit of energy generated by a renewable energy source where:

(A) those attributes are transferred or recorded separately from that unit of energy;

(B) the party claiming ownership of the tradeable renewable energy credits has acquired the exclusive legal ownership of all, and not less than all, the environmental attributes associated with that unit of energy; and

(C) exclusive legal ownership can be verified through an auditable contract path or pursuant to the system established or authorized by the Board or any program for tracking and verification of the ownership of environmental attributes of energy legally recognized in any state and approved by the Board.

\* \* \*

(24) “Customer” means a retail electric consumer.

(25) “Energy transformation project” means an undertaking that provides energy-related goods or services but does not include or consist of the generation of electricity and that results in a net reduction in fossil fuel consumption by the customers of a retail electricity provider and in the emission of greenhouse gases attributable to that consumption. Examples of energy transformation projects may include home weatherization or other thermal energy efficiency measures; air source or geothermal heat pumps; **high efficiency heating systems; increased use of biofuels; biomass heating systems; support for transportation demand management strategies; support for electric vehicles or related infrastructure ~~charging stations;~~** and infrastructure for the storage of renewable energy on the electric grid.

(26) “RESET Program” means the Renewable Energy Standard and Energy Transformation Program established under sections 8004 and 8005 of this title.

1 Sec. 2. 30 V.S.A. § 8004 is amended to read:

2 § 8004. ~~RENEWABLE PORTFOLIO STANDARDS FOR SALES OF~~  
3 ELECTRIC ENERGY; RENEWABLE ENERGY STANDARD AND  
4 ENERGY TRANSFORMATION (RESET) PROGRAM

5 (a) ~~Except as otherwise provided in section 8005 of this title, in order for~~  
6 ~~Vermont retail electricity providers to achieve the goals established in section~~  
7 ~~8001 of this title, no~~ Establishment; requirements. The RESET Program is  
8 established. Under this program, a retail electricity provider shall not sell or  
9 otherwise provide or offer to sell or provide electricity in the State of Vermont  
10 without ownership of sufficient energy produced by renewable resources as  
11 described in this chapter, energy plants or sufficient tradeable renewable  
12 energy credits from plants whose energy is capable of delivery in Vermont  
13 New England that reflect the required amounts of renewable energy as  
14 provided for in subsection (b) of this set forth in section 8005 of this title or  
15 without support of energy transformation projects in accordance with that  
16 section. In the case of members of the Vermont Public Power Supply  
17 Authority, the requirements of this chapter may be met in the aggregate.

18 (b) ~~Each retail electricity provider in Vermont shall provide a certain~~  
19 ~~amount of new renewable resources in its portfolio. Subject to subdivision~~  
20 ~~8005(d)(1) of this title each retail electricity provider in Vermont shall supply~~  
21 ~~an amount of energy equal to its total incremental energy growth between~~

**Comment [AA2]:** WEC requested  
“New England”

1 ~~January 1, 2005 and January 1, 2012 through the use of electricity generated by~~  
2 ~~new renewable resources. The A~~ retail electricity provider may meet ~~this~~  
3 ~~requirement~~ the required amounts of renewable energy through eligible ~~new~~  
4 tradeable renewable energy credits, ~~new~~ eligible renewable energy resources  
5 with ~~renewable energy credits~~ environmental attributes still attached, or a  
6 combination of those credits and resources. ~~No retail electricity provider shall~~  
7 ~~be required to provide in excess of a total of 10 percent of its calendar year~~  
8 ~~2005 retail electric sales with electricity generated by new renewable~~  
9 ~~resources.~~

10 ~~(e) The requirements of subsection (b) of this section shall apply to all~~  
11 ~~retail electricity providers in this State, unless the retail electricity provider~~  
12 ~~demonstrates and the Board determines that compliance with the standard~~  
13 ~~would impair the provider's ability to meet the public's need for energy~~  
14 ~~services after safety concerns are addressed, at the lowest present value life~~  
15 ~~cycle cost, including environmental and economic costs.~~

16 ~~(d)(b) Rules and procedures.~~ The Board shall ~~provide, by order or rule,~~  
17 adopt the regulations rules and procedures that are necessary to allow the  
18 Board and the Department to implement and supervise further the  
19 implementation and maintenance of ~~a renewable portfolio standard~~ the  
20 **RESET program.** In its rules **and procedures,** the Board may allow a  
21 provider that has met the required amount of renewable energy in a given year,



1 commencing with 2017, to retain tradeable renewable energy credits created  
2 or purchased in excess of that amount for application to the provider's required  
3 amount of renewable energy in one of the following ~~two~~ **three** years.

4 ~~(e)(c) Alternative compliance payment. In lieu of, or in addition to~~  
5 ~~purchasing renewable energy or tradeable renewable energy credits or~~  
6 ~~supporting energy transformation projects to satisfy the portfolio requirements~~  
7 ~~of this section and section 8005 of this title, a retail electricity provider in this~~  
8 ~~State may pay to the Vermont Clean Energy Development Fund established~~  
9 ~~under section 8015 of this title an amount per kWh as established by the Board~~  
10 an alternative compliance payment at the applicable rate set forth in section  
11 8005. As an alternative, the Board may require any proportion of this amount  
12 to be paid to the Energy Conservation Fund established under subsection  
13 209(d) of this title.

14 (d) VPPSA members. In the case of members of the Vermont Public  
15 Power Supply Authority, the requirements of this chapter may be met in the  
16 aggregate.

17 **(e) Joint efforts. Retail electricity providers may engage in joint efforts**  
18 **to meet one or more categories within the RESET program.**

19 ~~(f) Before December 30, 2007 and biennially thereafter through~~  
20 ~~December 30, 2013, the Board shall file a report with the Senate Committees~~  
21 ~~on Finance and on Natural Resources and Energy and the House Committees~~

1 ~~on Commerce and on Natural Resources and Energy. The report shall include~~  
2 ~~the following:~~

3 ~~(1) the total cumulative growth in electric energy usage in Vermont~~  
4 ~~from 2005 through the end of the year that precedes the date on which the~~  
5 ~~report is due;~~

6 ~~(2) a report on the market for tradeable renewable energy credits,~~  
7 ~~including the prices at which credits are being sold;~~

8 ~~(3) a report on the SPEED program, and any projects using the program;~~

9 ~~(4) a summary of other contracts held or projects developed by Vermont~~  
10 ~~retail electricity providers that are likely to be eligible under the provisions of~~  
11 ~~subsection 8005(d) of this title;~~

12 ~~(5) an estimate of potential effects on rates, economic development, and~~  
13 ~~jobs, if the target established in subsection 8005(d) of this section is met, and if~~  
14 ~~it is not met;~~

15 ~~(6) an assessment of the supply portfolios of Vermont retail electricity~~  
16 ~~providers, and the resources available to meet new supply requirements likely~~  
17 ~~to be triggered by the expiration of major power supply contracts;~~

18 ~~(7) an assessment of the energy efficiency and renewable energy~~  
19 ~~markets and recommendations to the legislature regarding strategies that may~~  
20 ~~be necessary to encourage the use of these resources to help meet upcoming~~  
21 ~~supply requirements;~~

1           ~~(8) any recommendations for statutory change related to this section,~~  
2           ~~including recommendations for rewarding utilities that make substantial~~  
3           ~~investments in SPEED resources; and~~

4           ~~(9) the Board's recommendations on how the State might best continue~~  
5           ~~to meet the goals established in section 8001 of this title, including whether the~~  
6           ~~State should meet its growth in energy usage over the succeeding 10 years by a~~  
7           ~~continuation of the SPEED program.~~

8           Sec. 3. 30 V.S.A. § 8005 is amended to read:

9           § 8005. ~~SUSTAINABLY PRICED ENERGY ENTERPRISE~~

10           ~~DEVELOPMENT (SPEED) PROGRAM; RESET PROGRAM~~

11           CATEGORIES

12           ~~(a) Creation. To achieve the goals of section 8001 of this title, there is~~  
13           ~~created the Sustainably Priced Energy Enterprise Development (SPEED)~~  
14           ~~program.~~

15           ~~(b) Board; powers and duties. The SPEED program shall be established,~~  
16           ~~by rule, order, or contract, by the Board. As part of the SPEED program, the~~  
17           ~~Board may, and in the case of subdivisions (1), (2), and (5) of this subsection,~~  
18           ~~shall:~~

19           ~~(1) Name one or more entities to become engaged in the purchase and~~  
20           ~~resale of electricity generated within the State by means of SPEED resources.~~

1 ~~An entity appointed under this subdivision shall be known as a SPEED~~  
2 ~~Facilitator.~~

3 ~~(2) Issue standard offers for SPEED resources in accordance with~~  
4 ~~section 8005a of this title.~~

5 ~~(3) Maximize the benefit to rate payers from the sale of tradeable~~  
6 ~~renewable energy credits or other credits that may be developed in the future,~~  
7 ~~especially with regard to those plants that accept the standard offer issued~~  
8 ~~under subdivision (2) of this subsection.~~

9 ~~(4) Encourage retail electricity provider and third party developer~~  
10 ~~sponsorship and partnerships in the development of renewable energy projects.~~

11 ~~(5) In accordance with section 8005a of this section, require all Vermont~~  
12 ~~retail electricity providers to purchase from the SPEED Facilitator the power~~  
13 ~~generated by the plants that accept the standard offer required to be issued~~  
14 ~~under section 8005a. For the purpose of this subdivision (5), the Board and the~~  
15 ~~SPEED Facilitator constitute instrumentalities of the State.~~

16 ~~(6) Establish a method for Vermont retail electrical providers to obtain~~  
17 ~~beneficial ownership of the renewable energy credits associated with any~~  
18 ~~SPEED projects, in the event that a renewable portfolio standard comes into~~  
19 ~~effect under the provisions of section 8004 of this title. It shall be a condition~~  
20 ~~of a standard offer required to be issued under subdivision (2) of this~~  
21 ~~subsection that tradeable renewable energy credits associated with a plant that~~

1 ~~accepts the standard offer are owned by the retail electric providers purchasing~~  
2 ~~power from the plant, except that in the case of a plant using methane from~~  
3 ~~agricultural operations, the plant owner shall retain such credits to be sold~~  
4 ~~separately at the owner's discretion.~~

5 ~~(7) [Repealed.]~~

6 ~~(8) Provide that in any proceeding under subdivision 248(a)(2)(A) of~~  
7 ~~this title for the construction of a renewable energy plant, a demonstration of~~  
8 ~~compliance with subdivision 248(b)(2) of this title, relating to establishing~~  
9 ~~need for the plant, shall not be required if the plant is a SPEED resource and if~~  
10 ~~no part of the plant is financed directly or indirectly through investments, other~~  
11 ~~than power contracts, backed by Vermont electricity ratepayers.~~

12 ~~(9) Take such other measures as the Board finds necessary or~~  
13 ~~appropriate to implement SPEED.~~

14 ~~(c) VEDA; eligible facilities. Developers of in-state SPEED resources shall~~  
15 ~~be entitled to classification as an eligible facility under 10 V.S.A. chapter 12,~~  
16 ~~relating to the Vermont Economic Development Authority.~~

17 ~~(d) Goals and targets. To advance the goals stated in section 8001 of this~~  
18 ~~title, the following goals and targets are established.~~

19 ~~(1) 2012 SPEED goal. The Board shall meet on or before January 1,~~  
20 ~~2012 and open a proceeding to determine the total amount of SPEED resources~~  
21 ~~that have been supplied to Vermont retail electricity providers or have been~~

1 ~~issued a certificate of public good. If the Board finds that the amount of~~  
2 ~~SPEED resources coming into service or having been issued a certificate of~~  
3 ~~public good after January 1, 2005 and before July 1, 2012 equals or exceeds~~  
4 ~~total statewide growth in electric retail sales during that time, and in addition,~~  
5 ~~at least five percent of the 2005 total statewide electric retail sales is provided~~  
6 ~~by SPEED resources or would be provided by SPEED resources that have been~~  
7 ~~issued a certificate of public good, or if it finds that the amount of SPEED~~  
8 ~~resources equals or exceeds 10 percent of total statewide electric retail sales for~~  
9 ~~calendar year 2005, the portfolio standards established under this chapter shall~~  
10 ~~not be in force. The Board shall make its determination by January 1, 2013. If~~  
11 ~~the Board finds that the goal established has not been met, one year after the~~  
12 ~~Board's determination the portfolio standards established under subsection~~  
13 ~~8004(b) of this title shall take effect.~~

14 (2) ~~2017 SPEED goal. A State goal is to assure that 20 percent of total~~  
15 ~~statewide electric retail sales during the year commencing January 1, 2017~~  
16 ~~shall be generated by SPEED resources that constitute new renewable energy.~~  
17 ~~On or before January 31, 2018, the Board shall meet and open a proceeding to~~  
18 ~~determine, for the calendar year 2017, the total amount of SPEED resources~~  
19 ~~that were supplied to Vermont retail electricity providers and the total amount~~  
20 ~~of statewide retail electric sales.~~

1       ~~(3) Determinations. For the purposes of the determinations to be made~~  
2       ~~under subdivisions (1) and (2) of this subsection (d), the total amount of~~  
3       ~~SPEED resources shall be the amount of electricity produced at SPEED~~  
4       ~~resources owned by or under long term contract to Vermont retail electricity~~  
5       ~~providers that is new renewable energy.~~

6       (a) Categories. This section specifies three categories of required resources  
7       to meet the requirements of the RESET Program established in section 8004 of  
8       this title: total renewable energy, distributed renewable generation, and energy  
9       transformation.

**Comment [AA3]:** VCE and Mr. Whitworth ask that the process for siting review be reformed if the RESET program is to go forward.

10       ~~(4)(1) Total renewables targets renewable energy. This~~  
11       (A) Purpose; establishment. To encourage the economic and  
12       environmental benefits of renewable energy, this subdivision establishes, as  
13       ~~percentages of annual electric sales, target~~ for the RESET program, minimum  
14       total amounts of total renewable energy within the supply portfolio of each  
15       retail electricity provider. To satisfy this requirement, a provider may use  
16       renewable energy with environmental attributes attached or any class of  
17       tradeable renewable energy credits generated by any renewable energy plant  
18       whose energy is capable of delivery in Vermont New England.

**Comment [AA4]:** WEC requests “any class of” and capable of delivery “in New England”

19       ~~(A)(B) Required amounts. The target amounts of total renewable~~  
20       ~~energy established~~ required by this subsection shall be 55 percent of each retail  
21       electricity provider’s annual retail electric sales during the year beginning on

January 1, 2017, increasing by an additional **four percent each third**  
**January 1 thereafter**, until reaching 75 percent on and after January 1, 2032.

~~(B) Each retail electricity provider shall manage its supply portfolio to be reasonably consistent with the target amounts established by this subdivision (4). The Board shall consider such consistency during the course of reviewing a retail electricity provider's charges and rates under this title, integrated resource plans under section 218c of this title, and petitions under section 248 (new gas and electric purchases, investments, and facilities) of this title.~~

(C) Relationship to other categories. Distributed renewable generation used to meet the requirements of subdivision (2) of this subsection shall also count toward the requirements of this subdivision. However, an energy transformation project under subdivision (3) of this subsection shall not count toward the requirements of this subdivision.

(2) Distributed renewable generation.

(A) Purpose; establishment. This subsection establishes a distributed renewable generation category for the RESET program. This category encourages the use of distributed generation to support the reliability of the State's electric system; reduce line losses; contribute to avoiding or deferring improvements to that system necessitated by transmission or distribution constraints; and diversify the size and type of resources connected to that

**Comment [AA5]:** New Haven is concerned that this category will mean more solar or other renewable projects without addressing current siting process problems, including issues on aesthetic impacts, screening, setbacks, and impacts on primary agricultural soils.



1 system. This category requires the use of renewable energy for these purposes  
2 to reduce environmental and health impacts from air emissions that would  
3 result from using other forms of generation.

4 (B) Definition. As used in this section, “distributed renewable  
5 generation” means one of the following:

6 (i) a renewable energy plant that is new renewable energy; has a  
7 plant capacity of five MW or less; and

8 (I) is directly connected to the subtransmission or distribution  
9 system of a Vermont retail electricity provider; or

10 (II) is directly connected to the transmission system of an  
11 electric company required to submit a Transmission System Plan under  
12 subsection 218c(d) of this title, if the plant is part of a plan approved by the  
13 Board to avoid or defer a transmission system improvement needed to address  
14 a transmission system reliability deficiency identified and analyzed in that  
15 Plan; or

16 (ii) a net metering system approved under the former section 219a  
17 or under section 8010 of this title if the system is new renewable energy and  
18 the interconnecting retail electricity provider owns and retires the system’s  
19 environmental attributes.

20 (C) Required amounts. The required amounts of distributed  
21 renewable generation shall be one percent of each retail electricity provider’s

1 annual **retail** electric sales during the year beginning January 1, 2017,  
2 increasing by an additional three-fifths of a percent each subsequent January 1  
3 until reaching 10 percent on and after January 1, 2032.

4 (D) Distributed generation greater than five MW. On petition of a  
5 retail electricity provider, the Board may for a given year allow the provider to  
6 employ a renewable energy plant with a plant capacity greater than five MW to  
7 satisfy the distributed renewable generation requirement if the plant would  
8 qualify as distributed renewable generation but for its plant capacity and the  
9 provider demonstrates that it is unable during that year to meet the requirement  
10 solely with qualifying renewable energy plants of five MW or less. **To**  
11 **demonstrate this inability, the provider shall issue one or more requests**  
12 **for proposals, and show that it is unable to obtain:**

13 (i) **the construction and interconnection to its system of**  
14 **distributed renewable generation that is consistent with its approved**  
15 **least-cost integrated resource plan under section 218c of this title at a cost**  
16 **less than or equal to the sum of the applicable alternative compliance**  
17 **payment rate and the applicable rates published by the Department under**  
18 **the Board's rules implementing subdivision 209(a)(8) of this title; and**

19 (ii) **tradeable renewable energy credits for distributed**  
20 **renewable generation at a cost that is less than the applicable alternative**  
21 **compliance rate.**

1           (3) Energy transformation.

2           (A) Purpose; establishment. This subsection establishes an energy  
3 transformation category for the RESET program. This category encourages  
4 Vermont retail electricity providers to support additional distributed renewable  
5 generation or, ~~at less cost than such generation,~~ to support other projects to  
6 reduce fossil fuel consumed by their customers and the emission of greenhouse  
7 gases attributable to that consumption. A retail electricity provider may satisfy  
8 the energy transformation requirement through distributed renewable  
9 generation in addition to the generation used to satisfy subdivision (a)(2) of  
10 this section or energy transformation projects or a combination of such  
11 generation and projects.

12           (B) Required amounts. For the energy transformation category, the  
13 required amounts shall be two percent of each retail electricity provider's  
14 annual **retail** electric sales during the year beginning January 1, 2017,  
15 increasing by an additional two-thirds of a percent each subsequent January 1  
16 until reaching 12 percent on and after January 1, 2032.

17           (C) Eligibility criteria. For an energy transformation project to be  
18 eligible under this subdivision (a)(3):

19                   (i) implementation of the project shall have commenced on or  
20 after January 1, 2015; and

21                   (ii) the project shall:

1                   (I) over its life, result in a net reduction in fossil fuel consumed  
2 by the provider's customers and in the emission of greenhouse gases  
3 attributable to that consumption, whether or not the fuel is supplied by the  
4 provider;

5                   (II) meet the need for its good or services at the lowest present  
6 value life cycle cost, including environmental and economic costs; and

7                   (III) cost ~~the utility~~ less per MWH than the ~~purchase of~~  
8 ~~tradeable renewable energy credits for distributed renewable generation~~  
9 ~~applicable alternative compliance payment rate.~~

10                  (D) Conversion. For the purpose of determining eligibility and the  
11 application of the energy transformation project to a provider's annual  
12 requirement, the provider shall convert the net reduction in fossil fuel  
13 consumption resulting from ~~the provider's support of~~ the energy  
14 transformation project to a MWH equivalent of electric energy, in accordance  
15 with rules ~~or procedures~~ adopted by the Board. The conversion shall use the  
16 most recent year's approximate heat rate for electricity net generation from the  
17 total fossil fuels category as reported by the U.S. Energy Information  
18 Administration in its Monthly Energy Review.

19                  (E) Other sources.

20                  (i) ~~An~~ **A retail electricity provider or a provider's partner may**  
21 **oversee an** energy transformation project under this subdivision (3).

1 **However, the provider shall deliver the project's goods or services through**  
2 **in partnership with persons other than a retail electricity the provider unless**  
3 **one of the following applies:**

4 **(I) Service exclusive delivery through the provider is more**  
5 **cost-effective than delivery by another person or there is no person other than**  
6 **the provider willing and able with the expertise or capability to deliver the**  
7 **goods or services.**

8 **(II) Implementation of the energy transformation project**  
9 **commenced before July 1, 2015 and the project's service delivery was by a**  
10 **provider.**

11 **(ii) An energy transformation project may provide incremental**  
12 **support to a program authorized under Vermont statute that meets the**  
13 **eligibility criteria of this subdivision (3) but may take credit only for the**  
14 **additional amount of service supported and shall not take credit for that**  
15 **program's regularly budgeted or approved investments.**

16 **(F) Rules and procedures. The Board shall adopt rules to To**  
17 **carry out this subdivision (3). These rules shall include each of the**  
18 **following, the Board shall adopt rules and procedures:**

19 **(i) The For the conversion methodology in accordance with**  
20 **subdivision (3)(D) of this subsection (a).**

1            (ii) ~~A procedure~~ To provide a process for prior approval of  
2            energy transformation projects by the Board or its designee. This ~~procedure~~  
3            ~~process~~ shall ensure that each of these projects meets the requirements of this  
4            subdivision (3) and need not consist of individual review of each energy  
5            transformation project prior to implementation as long as the mechanism  
6            ensures those requirements are met. **An energy transformation project that**  
7            **commenced prior to initial adoption of rules and procedures under this**  
8            **subdivision (F) may seek approval after such adoption.**

9            (iii) For cost-effectiveness screening of energy transformation  
10           projects. This screening shall be consistent with the provisions of this  
11           subdivision (3) and screening tests developed under subsections 209(d)  
12           (energy efficiency) and 218c(a) (least-cost integrated planning) of this title.

13           (iv) To allow a provider who has met its required amount  
14           under this subdivision (3) in a given year to apply excess net reduction in  
15           fossil fuel consumption, expressed as a MWH equivalent, from its energy  
16           transformation project or projects during that year toward the provider's  
17           required amount in a future year.

18           (v) ~~A mechanism to~~ To ensure periodic verification and auditing  
19           of an energy transformation project's claimed fossil fuel reductions, avoided  
20           greenhouse gas emissions, conversion to MWH equivalent, cost-effectiveness  
21           and, if applicable, energy savings. **The results of periodic verification and**

1 auditing shall apply to future energy transformation projects only, and  
2 shall not reduce retroactively claims made on behalf of a project or reduce  
3 claims carried forward under subdivision (3)(F)(iv) of this subsection (a).

4 (vi) To ensure that all ratepayers have an equitable  
5 opportunity to participate in, and benefit from, energy transformation  
6 projects regardless of rate class, income level, or distribution utility  
7 service territory.

8 (vii) ~~Provisions to~~ To ensure the coordinated delivery of energy  
9 transformation projects with the delivery of similar services, including  
10 low-income weatherization programs, entities that fund and support affordable  
11 housing, energy efficiency programs delivered under section 209 of this title,  
12 and other energy efficiency programs delivered locally or regionally within  
13 the State.

14 (viii) ~~Provisions to~~ To ensure that, if an energy transformation  
15 project will increase the use of electric energy, the project incorporates best  
16 practices for demand management and will use technologies appropriate for  
17 Vermont.

18 (ix) ~~A procedure to~~ To provide a process under which a provider  
19 may withdraw from or terminate, in an orderly manner, an ongoing energy  
20 transformation project that no longer meets the eligibility criteria because of

1 ~~changes in the price of tradeable renewable energy credits or another~~ one  
2 or more factors beyond the control of the project and the provider.

3 **(G) Petitions. On petition of a retail electricity provider in any**  
4 **given year, the Board may:**

5 **(i) reduce the provider's required amount under this**  
6 **subdivision (3) for that year, without penalty or alternative compliance**  
7 **payment, if the Board finds that strict compliance with the required**  
8 **amount for that year will:**

9 **(I) cause the provider to increase significantly its retail**  
10 **rates; or**

11 **(II) materially impair the provider's ability to meet the**  
12 **public's need for energy services after safety concerns are addressed, in**  
13 **the manner set forth in subdivision 218c(a)(1) (least-integrated planning)**  
14 **of this title; or**

15 **(ii) allow a provider who failed to achieve the required amount**  
16 **under this subdivision (3) during the preceding year to avoid paying the**  
17 **alternative compliance payment if the Board:**

18 **(I) finds that the provider made a good faith effort to**  
19 **achieve the required amount and its failure to achieve that amount**  
20 **resulted from market factors beyond its control; and**



1                   **(II) directs that the provider add the difference between the**  
2 **required amount and the provider's actually achieved amount for that**  
3 **year to its required amount for one or more future years.**

4                   (4) Alternative compliance rates.

5                   (A) The alternative compliance payment rates for the categories  
6 established by this subsection (a) shall be:

7                   (i) total renewable energy requirement – \$0.01 per kWh; and

8                   (ii) distributed renewable generation and energy transformation  
9 requirements – ~~\$0.07~~ \$0.06 per kWh.

10                  (B) The Board shall adjust these rates for inflation annually  
11 commencing January 1, 2018, using the CPI.

12                  (b) Reduced amounts; providers; 100 percent renewable.

13                  (1) The provisions of this subsection shall apply to a retail electricity  
14 provider that:

15                  (A) as of January 1, 2015, was entitled, through contract, ownership  
16 of energy produced by its own generation facilities, or both, to an amount of  
17 renewable energy equal to or more than 100 percent of its anticipated total  
18 retail electric sales in 2017, regardless of whether the provider owned the  
19 environmental attributes of that renewable energy; and

20                  (B) commencing ~~April 1, 2015~~ on January 1, 2017, owns and has  
21 retired tradeable renewable energy credits monitored and traded on the New

1 England Generation Information System or otherwise approved by the Board  
2 equivalent to 100 percent of the provider's total retail sales of electricity,  
3 calculated as an average on an annual basis.

4 (2) A provider meeting the requirements of subdivision (1) of this  
5 subsection may:

6 (A) satisfy the distributed renewable generation requirement of this  
7 section ~~through the amount of renewable energy generated by accepting~~  
8 net metering systems within its service territory **pursuant to the provisions of**  
9 **this title that govern net metering; and**

10 (B) ~~if the Board has appointed the provider as an energy~~  
11 ~~efficiency entity under subsection 209(d) of this title,~~ propose to the Board  
12 to reduce the energy transformation requirement that would otherwise apply to  
13 the provider under this section.

14 (i) The provider may make and the Board may review such a  
15 proposal in connection with a periodic submission made by the provider  
16 pursuant to its appointment under subsection 209(d) of this title.

17 (ii) The Board may approve a proposal under this subdivision (B)  
18 if it finds that:

19 (I) the energy transformation requirement that would otherwise  
20 apply under this section exceeds the ~~technical~~ achievable potential for

1 cost-effective energy transformation projects in the provider's service territory  
2 that meet the eligibility criteria for these projects under this section; and

3 (II) the reduced energy transformation requirement proposed  
4 by the provider is not less than the amount sufficient to ensure the provider's  
5 deployment or support of energy transformation projects that will acquire that  
6 ~~technical~~ achievable potential.

7 (iii) The measure of cost-effectiveness under this subdivision (B)  
8 shall be the alternative compliance payment rate established in this section for  
9 the energy transformation requirement.

10 (c) Biomass.

11 (1) Distributed renewable generation that employs biomass to produce  
12 electricity shall be eligible to count toward a provider's distributed renewable  
13 generation or energy transformation requirement only if the plant produces  
14 both electricity and thermal energy from the same biomass fuel and the  
15 majority of the energy recovered from the plant is thermal energy.

16 (2) Distributed renewable generation and energy transformation projects  
17 that employ biomass to produce energy shall comply with ~~harvesting and~~  
18 ~~procurement~~ renewability standards adopted by the Commissioner of  
19 Forests, Parks and Recreation under 10 V.S.A. § 2751.

20 (d) Low-impact hydropower. A hydroelectric renewable energy plant shall  
21 be eligible to satisfy the distributed renewable generation or energy

1 transformation requirement only if, in addition to meeting the definition of  
2 distributed renewable generation, the plant is and continues to be certified by  
3 the Low-impact Hydropower Institute of Portland, Maine.

4 ~~(e) Regulations and procedures. The Board shall provide, by order or rule,~~  
5 ~~the regulations and procedures that are necessary to allow the Board and the~~  
6 ~~Department to implement, and to supervise further the implementation and~~  
7 ~~maintenance of the SPEED program. These rules shall assure that decisions~~  
8 ~~with respect to certificate of public good applications for construction of~~  
9 ~~SPEED resources shall be made in a timely manner.~~

10 ~~(f) Preapproval. In order to encourage joint efforts on the part of regulated~~  
11 ~~companies to purchase power that meets or exceeds the SPEED standards and~~  
12 ~~to secure stable, long term contracts beneficial to Vermonters, the Board may~~  
13 ~~establish standards for pre-approving the recovery of costs incurred on a~~  
14 ~~SPEED project that is the subject of that joint effort.~~

15 ~~(g) State; nonliability. The State and its instrumentalities shall not be liable~~  
16 ~~to a plant owner or retail electricity provider with respect to any matter related~~  
17 ~~to SPEED, including costs associated with a standard offer contract under this~~  
18 ~~section or section 8005a of this title or any damages arising from breach of~~  
19 ~~such a contract, the flow of power between a plant and the electric grid, or the~~  
20 ~~interconnection of a plant to that grid.~~

21 ~~(h) (n) [Repealed.]~~

1 Sec. 4. 30 V.S.A. § 8005a is amended to read:

2 § 8005a. ~~SPEED~~; STANDARD OFFER PROGRAM

3 (a) Establishment. A standard offer program is established ~~within the~~  
4 ~~SPEED program~~. To achieve the goals of section 8001 of this title, the Board  
5 shall issue standard offers for renewable energy plants that meet the eligibility  
6 requirements of this section. The Board shall implement these standard offers  
7 ~~through the SPEED facilitator~~ by rule, order, or contract and shall appoint a  
8 Standard Offer Facilitator to assist in this implementation. For the purpose of  
9 this section, the Board and the Standard Offer Facilitator constitute  
10 instrumentalities of the State.

11 \* \* \*

12 (k) Executed standard offer contracts; transferability; allocation of benefits  
13 and costs. With respect to executed contracts for standard offers under this  
14 section:

15 (1) A contract shall be transferable. The contract transferee shall notify  
16 the ~~SPEED~~ Standard Offer Facilitator of the contract transfer within 30 days of  
17 transfer.

18 (2) The ~~SPEED~~ Standard Offer Facilitator shall distribute the electricity  
19 purchased to the Vermont retail electricity providers at the price paid to the  
20 plant owners, allocated to the providers based on their pro rata share of total  
21 Vermont retail kWh sales for the previous calendar year, and the Vermont

1 retail electricity providers shall accept and pay the ~~SPEED~~ Standard Offer  
2 Facilitator for the electricity. However, during any given calendar year:

3 (A) Calculation of pro rata shares under this subdivision (2) shall  
4 include an adjustment in the allocation to a provider if one or more of the  
5 provider's customers created greenhouse gas reduction credits under section  
6 8006a of this title that are used to reduce the size of the annual increase under  
7 subdivision (c)(1)(C)(adjustment; greenhouse gas reduction credits) of this  
8 section. The adjustment shall ensure that any and all benefits or costs from the  
9 use of such credits flow to the provider whose customers created the credits.  
10 The savings that a provider realizes as a result of this application of greenhouse  
11 gas reduction credits shall be passed on proportionally to the customers that  
12 created the credits.

13 (B) A retail electricity provider shall be exempt and wholly relieved  
14 from the requirements of this subdivision ~~and subdivision 8005(b)(5)~~  
15 ~~(requirement to purchase standard offer power)~~ of this title if, during the  
16 immediately preceding 12-month period ending October 31, the amount of  
17 renewable energy supplied to the provider by generation owned by or under  
18 contract to the provider, regardless of whether the provider owned the energy's  
19 environmental attributes, was not less than the amount of energy sold by the  
20 provider to its retail customers.

1           (3) The ~~SPEED~~ Standard Offer Facilitator shall transfer the  
2       environmental attributes, including any tradeable renewable energy credits, of  
3       electricity purchased under standard offer contracts to the Vermont retail  
4       electricity providers in accordance with their pro rata share of the costs for  
5       such electricity as determined under subdivision (2) of this subsection (k),  
6       except that in the case of a plant using methane from agricultural operations,  
7       the plant owner shall retain such attributes and credits to be sold separately at  
8       the owner's discretion. It shall be a condition of a standard offer issued under  
9       this section that tradeable renewable energy credits associated with a plant that  
10      accepts the standard offer are owned by the retail electric providers purchasing  
11      power from the plant, except in the case of a plant using methane from  
12      agricultural operations.

13          (4) The ~~SPEED~~ Standard Offer Facilitator shall transfer all capacity  
14      rights attributable to the plant capacity associated with the electricity  
15      purchased under standard offer contracts to the Vermont retail electricity  
16      providers in accordance with their pro rata share of the costs for such  
17      electricity as determined under subdivision (2) of this subsection (k).

18          (5) All reasonable costs of a Vermont retail electricity provider incurred  
19      under this subsection shall be included in the provider's revenue requirement  
20      for purposes of ratemaking under sections 218, 218d, 225, and 227 of this title.  
21      In including such costs, the Board shall appropriately account for any credits

1 received under subdivisions (3) and (4) of this subsection (k). Costs included  
2 in a retail electricity provider's revenue requirement under this subdivision (5)  
3 shall be allocated to the provider's ratepayers as directed by the ~~board~~ Board.

4 (l) ~~SPEED Standard Offer~~ Facilitator; expenses; payments. With respect to  
5 standard offers under this section, the Board shall ~~by rule or order~~:

6 (1) ~~Determine~~ determine a ~~SPEED Standard Offer~~ Facilitator's  
7 reasonable expenses arising from its role and the allocation of the expenses  
8 among plant owners and Vermont retail electricity providers;

9 (2) ~~Determine~~ determine the manner and timing of payments by a  
10 ~~SPEED Standard Offer~~ Facilitator to plant owners for energy purchased under  
11 an executed contract for a standard offer;

12 (3) ~~Determine~~ determine the manner and timing of payments to the  
13 ~~SPEED Standard Offer~~ Facilitator by the Vermont retail electricity providers  
14 for energy distributed to them under executed contracts for standard offers;

15 (4) ~~Establish~~ establish reporting requirements of a ~~SPEED Standard~~  
16 Offer Facilitator, a plant owner, and a Vermont retail electricity provider.

17 \* \* \*

18 (n) Wood biomass. ~~Wood~~ In addition to the other requirements of this  
19 section, wood biomass resources ~~that would otherwise constitute qualifying~~  
20 ~~SPEED resources~~ may receive a standard offer under this section only if they



1 have a design system efficiency (the sum of full load design thermal output and  
2 electric output divided by the heat input) of at least 50 percent.

3 \* \* \*

**Comment [AA6]:** VIPPA has asked for extensive amendments to subsection (p), which is not reprinted here.

4 (q) Allocation of regulatory costs. The Board and Department may  
5 authorize or retain legal counsel, official stenographers, expert witnesses,  
6 advisors, temporary employees, and research services in conjunction with  
7 implementing their responsibilities under this section. In lieu of allocating  
8 such costs pursuant to subsection 21(a) of this title, the Board or Department  
9 may allocate the expense in the same manner as the ~~SPEED~~ Standard Offer  
10 Facilitator's costs under subdivision (l)(1) of this section.

11 (r) State; nonliability. The State and its instrumentalities shall not be liable  
12 to a plant owner or retail electricity provider with respect to any matter related  
13 to the standard offer program, including costs associated with a standard offer  
14 contract or any damages arising from the breach of such a contract, the flow of  
15 power between a plant and the electric grid, or the interconnection of a plant to  
16 that grid.

17 Sec. 5. INTENT; AMENDMENT OF 30 V.S.A. § 8005a

18 The General Assembly's intent in the amendments to 30 V.S.A. § 8005a set  
19 forth in Sec. 4 of this act is to clarify the text because of the repeal of the  
20 Sustainably Priced Energy Enterprise Development Program in Sec. 3 of this  
21 act and to move provisions relating to the standard offer program from

1 30 V.S.A. § 8005 into section 8005a. The General Assembly does not intend  
2 any provision of this act to be interpreted as a substantive change to the  
3 standard offer program. **The Standard Offer Facilitator described in Sec. 4**  
4 **of this act shall be the successor to the SPEED Facilitator under 30 V.S.A.**  
5 **§§ 8005 and 8005a as they existed prior to this act.**

6 Sec. 6. 30 V.S.A. § 8005b is amended to read:

7 § 8005b. RENEWABLE ENERGY PROGRAMS; ~~BIENNIAL~~ REPORT

8 (a) ~~On or before January 15, 2013, and no later than every second~~  
9 ~~January 15 thereafter through January 15, 2033, the Board~~ **The Department**  
10 shall file ~~a report~~ **reports** with the General Assembly in accordance with this  
11 section. ~~The Board shall prepare the report in consultation with the~~  
12 **Department.**

13 **(1) The House Committee on Commerce and Economic**  
14 **Development, the Senate Committee on Finance, and the House and**  
15 **Senate Committees on Natural Resources and Energy each shall receive a**  
16 **copy of these reports.**

17 **(2) The Department shall file the report under subsection (b) of**  
18 **this section annually each February 15 commencing in 2018 through 2033.**

19 **(3) The Department shall the report under subsection (c) of this**  
20 **section biennially each February 15 commencing in 2017 through 2033.**

1 During years in which the Department is required to submit both reports,  
2 the Department shall combine them into one report.

3 (4) The provisions of 2 V.S.A. § 20(d) (expiration of required  
4 reports) shall not apply to the ~~report~~ reports to be made under this  
5 subsection section.

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

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

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

17 (c) The biennial report under this section shall include at least each of the  
18 following:

19 (1) Commencing with the report to be filed in 2019, the subject  
20 matter required under subsection (b) of this section for the annual report.

1           **(2)** The retail sales, in kWh, of electricity in Vermont during the **two**  
2 preceding calendar ~~year~~ **years**. The report shall include the statewide total and  
3 the total sold by each retail electricity provider.

4           ~~(2)(3)~~ The amount of ~~SPEED~~ resources **Commencing with the report**  
5 **to be filed in 2019**, each retail electricity provider's required amount of  
6 renewable energy during the **two** preceding calendar years for each category of  
7 the RESET Program as set forth in section 8005 of this title.

8           (4) For the **two** preceding calendar years, the amounts of renewable  
9 energy and tradeable renewable energy credits eligible to satisfy the  
10 requirements of sections 8004 and 8005 of this title actually owned by the  
11 Vermont retail electricity providers, expressed as a percentage of retail kWh  
12 sales. The report shall include the statewide total and the total owned by each  
13 retail electricity provider for each of these amounts and shall discuss the  
14 progress of each provider toward achieving ~~the goals and targets of subsection~~  
15 ~~8005(d)(SPEED)~~ each of the categories set forth in section 8005 of this title.  
16 ~~The report to be filed under this subsection on or before January 15, 2019 shall~~  
17 ~~discuss and attach the Board's determination under subdivision~~  
18 ~~8005(d)(2)(2017 SPEED goal) of this title.~~ The report shall summarize the  
19 energy transformation projects undertaken pursuant to section 8005 of this  
20 title, their costs **and benefits**, their claimed avoided fossil fuel consumption  
21 and greenhouse gas emissions, and, if applicable, claimed energy savings.

1       ~~(3) A summary of the activities of the SPEED program under section~~  
2       ~~8005 of this title, including the name, location, plant capacity, and average~~  
3       ~~annual energy generation, of each SPEED resource within the program.~~

4       **(4)(5)** A summary of the activities of the standard offer program under  
5       section 8005a of this title, including the number of plants participating in the  
6       program, the prices paid by the program, and the plant capacity and average  
7       annual energy generation of the participating plants. The report shall present  
8       this information as totals for all participating plants and by category of  
9       renewable energy technology. The report also shall identify the number of  
10      applications received, the number of participating plants under contract, and  
11      the number of participating plants actually in service.

12      **(5)(6)** An assessment of the energy efficiency and renewable energy  
13      markets and recommendations to the General Assembly regarding strategies  
14      that may be necessary to encourage the use of these resources to help meet  
15      upcoming supply requirements.

16      **(6)(7)** An assessment of whether Vermont retail electric rates are rising  
17      faster than inflation as measured by the CPI, and a comparison of Vermont's  
18      electric rates with electric rates in other New England states. If statewide  
19      average rates have risen ~~more than 0.2 percentage points per year~~ faster than  
20      inflation over the preceding two or more years, the report shall include an  
21      assessment of the contributions to rate increases from various sources, such as

1 the costs of energy and capacity, costs due to construction of transmission and  
2 distribution infrastructure, and costs due to compliance with the requirements  
3 of **sections 8004 and 8005 (RESET program) and** section 8005a (~~SPEED~~  
4 ~~program~~; standard offer) of this title. Specific consideration shall be given to  
5 the price of renewable energy and the diversity, reliability, availability,  
6 dispatch flexibility, and full life cycle cost, including environmental benefits  
7 and greenhouse gas reductions, on a net present value basis of renewable  
8 energy resources available from suppliers. The report shall include any  
9 recommendations for statutory change that arise from this assessment. If  
10 electric rates have increased primarily due to cost increases attributable to  
11 nonrenewable sources of electricity or to the electric transmission or  
12 distribution systems, the report shall include a recommendation regarding  
13 whether to increase the size of the annual increase described in subdivision  
14 8005a(c)(1)(standard offer; cumulative capacity; pace) of this title.

15 **(7)(8)(A) An Commencing with the report to be filed in 2019, an**  
16 assessment of whether strict compliance with the requirements of **sections**  
17 **8004 and 8005 (RESET program) and** section 8005a (~~SPEED program~~;  
18 standard offer) of this title:

19 (i) has caused one or more providers to raise its retail rates faster  
20 over the preceding two or more years than statewide average retail rates have  
21 risen over the same time period;

1 (ii) will cause retail rate increases particular to one or more  
2 providers; or

3 (iii) will impair the ability of one or more providers to meet the  
4 public's need for energy services in the manner set forth under subdivision  
5 218c(a)(1) of this title (least-cost integrated planning).

6 (B) Based on this assessment, consideration of whether statutory  
7 changes should be made to grant providers additional flexibility in meeting  
8 requirements of sections 8004 and 8005 or section 8005a of this title.

9 ~~(8)~~(9) Any recommendations for statutory change related to sections  
10 8004, 8005, and 8005a of this title.

11 (d) During the preparation of reports under this section, the  
12 Department shall provide an opportunity for the public to submit relevant  
13 information and recommendations.

14 Sec. 7. 30 V.S.A. § 8006 is amended to read:

15 § 8006. TRADEABLE CREDITS; ENVIRONMENTAL ATTRIBUTES;  
16 RECOGNITION, MONITORING, AND DISCLOSURE

17 (a) The Board shall establish or adopt a system of tradeable renewable  
18 energy credits for renewable resources that may be earned by electric  
19 generation qualifying for the ~~renewables portfolio standard~~ RESET  
20 Program. The system shall ~~be designed to~~ recognize tradeable renewable  
21 energy credits monitored and traded on the New England Generation

1 Information System (GIS); shall provide a process for the recognition,  
2 approval, and monitoring of environmental attributes ~~and tradeable~~  
3 ~~renewable energy credits associated with attached to~~ renewable energy that  
4 are eligible to satisfy the requirements of sections 8004 and 8005 of this title  
5 but are not monitored and traded on the GIS; and shall otherwise be  
6 consistent with regional practices.

7 (b) The Board shall ensure that all electricity provider and provider-affiliate  
8 disclosures and representations made with regard to a provider's portfolio are  
9 accurate and reasonably supported by objective data. Further, the Board shall  
10 ensure that providers disclose the types of generation used ~~and whether the~~  
11 ~~energy is Vermont based,~~ and shall clearly distinguish between energy or  
12 tradeable energy credits provided from renewable and nonrenewable energy  
13 sources and existing and new ~~sources~~ renewable energy.

14 Sec. 8. **INITIAL IMPLEMENTATION;** PUBLIC SERVICE BOARD

15 **RULEMAKING**

16 (a) On or before August 1, 2015, the Public Service Board (the Board) shall  
17 commence a ~~rulemaking~~ proceeding to adopt initial rules ~~and procedures~~ to  
18 implement Secs. 2 (sales of electric energy; RESET Program), 3 (RESET  
19 Program categories), and 7 (tradeable renewable energy credits) of this act.

20 (b) On or before April 1, 2016:



1           **(1) the Board shall submit final proposed rules under this section**  
2           **to the Secretary of State and the Legislative Committee on Administrative**  
3           **Rules (LCAR) pursuant to 3 V.S.A. § 841; and**

4           **(2) the Board shall provide a copy of its proposed procedures**  
5           **under this section to LCAR, which shall transmit them to the standing**  
6           **committees of jurisdiction.**

7           (c) On or before July 1, 2016, the Board shall finally adopt initial rules to  
8           implement Secs. 2, 3, and 7 of this act to take effect on January 1, 2017. If the  
9           Board is unable to finally adopt these rules by July 1, 2016, the Board may  
10          issue an order by that date stating the requirements of the initial rules for the  
11          ~~renewable portfolio standard~~ **RESET program** to take effect on January 1,  
12          2017, if that order is followed by final adoption of those initial rules for this  
13          program prior to January 1, 2017. Initial rules finally adopted under this  
14          subsection (c) shall not be subject to the requirement of 3 V.S.A. § 843(c) to  
15          finally adopt rules within eight months of the initial filing.

16          **(d) The Board shall adopt initial procedures under this section**  
17          **according to the same schedule that applies to final adoption of initial**  
18          **rules.**

19          (e) The Board and the Department of Public Service may retain experts and  
20          other personnel to assist them with the rulemaking **and procedures** under this

1 section and allocate the costs of these personnel to the electric distribution  
2 utilities in accordance with the ~~procedures~~ process under 30 V.S.A. § 21.

3 \* \* \* Harvesting and Procurement \* \* \*

4 Sec. 9. 10 V.S.A. § 2751 is added to read:

5 § 2751. ~~HARVESTING AND PROCUREMENT BIOMASS~~

6 **RENEWABILITY STANDARDS; RENEWABLE ENERGY**

7 **RESET PROGRAM**

8 (a) Definitions. As used in the section:

9 (1) “Commissioner” means the Commissioner of Forests, Parks and  
10 Recreation.

11 (2) “Distributed renewable generation” shall have the same meaning as  
12 in 30 V.S.A. § 8005.

13 (3) “Energy transformation project” shall have the same meaning as in  
14 30 V.S.A. § 8002.

15 (4) “Renewability” means capable of being replaced by natural  
16 ecological cycles or sound management practices.

17 (5) “RESET Program” shall have the same meaning as in 30 V.S.A.  
18 § 8002.

19 (b) Rules. The Commissioner shall adopt rules that set **renewability**  
20 standards for ~~harvesting and procurement of~~ wood products used to generate  
21 energy by distributed renewable generation and energy transformation projects

1 within the RESET Program. The Commissioner shall design the standards to  
2 ensure long-term forest health and sustainability. **These standards may**  
3 **include minimum efficiency requirements for wood boilers and**  
4 **requirements for harvesting and procurement. In developing these rules,**  
5 **the Commissioner shall consider differentiating the standards by scale of**  
6 **wood product consumption.**

7 Sec. 10. FOREST, PARKS AND RECREATION RULEMAKING

8 On or before July 1, 2016, the Commissioner of Forests, Parks and  
9 Recreation shall adopt initial rules under 10 V.S.A. § 2751.

10 \* \* \* Environmental Attributes, Net Metering Systems \* \* \*

11 Sec. 11. 30 V.S.A. § 219a(h) is amended to read:

12 (h)(1) An electric company:

13 \* \* \*

14 (I) ~~At the option of a net metering customer of the company, may~~  
15 Shall receive ownership of the environmental attributes of electricity generated  
16 by the customer's net metering system, including ownership of any associated  
17 tradeable renewable energy credits, unless at the time of application for the  
18 system the customer elects not to transfer ownership of those attributes to the  
19 company. If a customer elects this option, the The company shall retain  
20 ownership of and shall retire the attributes and credits received from ~~the~~  
21 ~~customer~~ its net metering customers, which shall apply toward compliance

1 with ~~any statutes enacted or rules adopted by the State requiring the company~~  
2 ~~to own the environmental attributes of renewable energy~~ sections 8004 and  
3 8005 of this title.

4 \* \* \*

5 Sec. 12. 30 V.S.A. § 8010(c) is amended to read:

6 (c) In accordance with this section, the Board shall adopt and implement  
7 rules that govern the installation and operation of net metering systems.

8 (1) The rules shall establish and maintain a net metering program that:

9 \* \* \*

10 (F) balances, over time, the pace of deployment and cost of the  
11 program with the program's impact on rates; ~~and~~

12 (G) accounts for changes over time in the cost of technology; and

13 (H) allows a customer to retain ownership of the environmental  
14 attributes of energy generated by the customer's net metering system and of  
15 any associated tradeable renewable energy credits or to transfer those attributes  
16 and credits to the interconnecting retail provider, and:

17 (i) if the customer retains the attributes, ~~reduces the value of the~~  
18 ~~credit provided under this section for electricity generated by the~~  
19 ~~customer's net metering system by the provides that the customer shall~~  
20 receive the same amount of credit per kWh as other customers installing

**Comment [AA7]:** Mr. Weiss asks that:

- The net metering application have a check-box, to be completed by the owner of the system, that the customer has received full information on trade-off or keeping or transferring environmental attributes.
- Each customer in a group net metering system be able to make this choice.
- On transfer, the person receiving a system be able to make this choice.
- A similar system of education, check-offs, and choice be required for energy transformation projects.

1 **the same size and type of net metering system, minus the** value of the  
2 **attributes; and**

3 (ii) if the customer transfers the attributes to the interconnecting  
4 provider, requires the provider to retain them for application toward  
5 compliance with sections 8004 and 8005 of this title.

6 (2) The rules shall include provisions that govern:

7 \* \* \*

8 (E) the formation of group net metering systems, the resolution of  
9 disputes between group net metering customers and the interconnecting  
10 provider, and the billing, crediting, and disconnection of group net metering  
11 customers by the interconnecting provider; and

12 (F) the amount of the credit to be assigned to each kWh of electricity  
13 generated by a net metering customer in excess of the electricity supplied by  
14 the interconnecting provider to the customer, the manner in which the  
15 customer's credit will be applied on the customer's bill, and the period during  
16 which a net metering customer must use the credit, after which the credit shall  
17 revert to the interconnecting provider; ~~and~~

18 ~~(G) the ownership and transfer of the environmental attributes of~~  
19 ~~energy generated by net metering systems and of any associated tradeable~~  
20 ~~renewable energy credits. When assigning an amount of credit under this~~  
21 ~~subdivision (F), the Board shall consider **the length of time over which to**~~

1 ~~make the credit available and the relationship of that amount and length~~  
2 ~~of time to making multiple lengths of time available over which a~~  
3 ~~customer may take a credit and differentiating the amount according to~~  
4 ~~the length of time chosen. For example, a credit amount may be higher if~~  
5 ~~taken over 10 years and lower if taken over 20 years. Factors relevant to~~  
6 ~~this consideration shall include the customer's ability to finance the net~~  
7 ~~metering system, to the cost of that financing, and to the net present value to~~  
8 ~~all ratepayers of the net metering program.~~

9 \* \* \*

10 \* \* \* Clean Energy Development Fund \* \* \*

11 Sec. 13. 30 V.S.A. § 8015 is amended to read:

12 § 8015. VERMONT CLEAN ENERGY DEVELOPMENT FUND

13 \* \* \*

14 (d) Expenditures authorized.

15 \* \* \*

16 (3) ~~A grant in lieu of a solar energy tax credit in accordance with~~  
17 ~~32 V.S.A. § 5930z(f). Of any Fund monies unencumbered by such grants,~~  
18 ~~the first \$2.3 million shall fund the Small-scale Renewable Energy~~  
19 ~~Incentive Program described in subdivision (1)(E)(ii) of this subsection.~~

20 (4) ~~A sum equal to the cost for the 2010 and preceding tax years of~~  
21 ~~the business solar energy income tax credits authorized in 32 V.S.A.~~

1 ~~§§ 5822(d) and 5930z(a), net of any such costs for which a transfer has~~  
2 ~~already been made under this subdivision and of the cost of any credits in~~  
3 ~~lieu of which the taxpayer elects to receive a grant, shall be transferred~~  
4 ~~from the Clean Energy Development Fund to the General Fund.~~  
5 Notwithstanding any contrary provision of this section, the Clean Energy  
6 Development Fund shall use all of the monies from alternative compliance  
7 payments under sections 8004 and 8005 of this title for projects that meet  
8 the definition of “energy transformation project” under section 8002 of  
9 this title and the eligibility criteria for those projects under section 8005 of  
10 this title. A retail electricity provider shall not count, toward its required  
11 amount under the energy transformation category of section 8005 of this  
12 title, support provided by the Clean Energy Development Fund for an  
13 energy transformation project.

14 \* \* \*

15 \* \* \* Other Provisions \* \* \*

16 Sec. 14. 10 V.S.A. § 212(6)(M) is amended to read:

17 (M) ~~Sustainably Priced Energy Enterprise Development (SPEED)~~  
18 ~~resources~~ a renewable energy plant, as defined in 30 V.S.A. § 8002, if the  
19 construction of the plant requires a certificate of public good under 30 V.S.A.  
20 § 248 and all or part of the electricity generated by the plant will be under  
21 contract to a Vermont electric distribution utility;

1     Sec. **15.** 30 V.S.A. § 218(f) is amended to read:

2             (f) Regulatory incentives for renewable generation.

3             (1) Notwithstanding any other provision of law, an electric distribution  
4     utility subject to rate regulation under this chapter shall be entitled to recover  
5     in rates its prudently incurred costs in applying for and seeking any certificate,  
6     permit, or other regulatory approval issued or to be issued by federal, State, or  
7     local government for the construction of new renewable energy to be sited in  
8     Vermont, regardless of whether the certificate, permit, or other regulatory  
9     approval ultimately is granted.

10            (2) The Board is authorized to provide to an electric distribution utility  
11     subject to rate regulation under this chapter an incentive rate of return on  
12     equity or other reasonable incentive on any capital investment made by such  
13     utility in a renewable energy generation facility sited in Vermont.

14            (3) To encourage joint efforts on the part of electric distribution utilities  
15     to support renewable energy and to secure stable, long-term contracts  
16     beneficial to Vermonters, the Board may establish standards for preapproving  
17     the recovery of costs incurred on a renewable energy plant that is the subject of  
18     that joint effort, if the construction of the plant requires a certificate of public  
19     good under section 248 of this title and all or part of the electricity generated  
20     by the plant will be under contract to the utilities involved in that joint effort.



1           ~~(4) For the purpose of~~ In this subsection, “plant,” “renewable energy,”  
2           and “new renewable energy” shall be as defined in section 8002 of this title.

3           Sec. **16.** 30 V.S.A. § 218c(b) is amended to read:

4           (b) Each regulated electric or gas company shall prepare and implement a  
5           least cost integrated plan for the provision of energy services to its Vermont  
6           customers. At least every third year on a schedule directed by the Public  
7           Service Board, each such company shall submit a proposed plan to the  
8           Department of Public Service and the Public Service Board. The Board, after  
9           notice and opportunity for hearing, may approve a company’s least cost  
10          integrated plan if it determines that the company’s plan complies with the  
11          requirements of subdivision (a)(1) of this section and ~~is reasonably consistent~~  
12          ~~with achieving the goals and targets of subsection 8005(d)(2017 SPEED goal;~~  
13          ~~total renewables targets)~~ of sections 8004 and 8005 of this title.

14          Sec. **17.** 30 V.S.A. § 248(r) is added to read:

15          (r) The Board may provide that in any proceeding under subdivision  
16          (a)(2)(A) of this section for the construction of a renewable energy plant, a  
17          demonstration of compliance with subdivision (b)(2) of this section, relating to  
18          establishing need for the plant, shall not be required if all or part of the  
19          electricity to be generated by the plant is under contract to one or more  
20          Vermont electric distribution companies and if no part of the plant is financed  
21          directly or indirectly through investments, other than power contracts, backed

1 by Vermont electricity ratepayers. In this subsection, “plant” and “renewable  
2 energy” shall be as defined in section 8002 of this title.

3 Sec. **18.** 30 V.S.A. § 8001(b) is amended to read:

4 (b) The Board shall ~~provide, by order or rule,~~ adopt the ~~regulations~~ rules  
5 and procedures that are necessary to allow the Board and the Department to  
6 implement and supervise programs pursuant to subchapter 1 of this chapter.

7 \* \* \* Technical Amendments \* \* \*

8 Sec. **19.** 30 V.S.A. § 2(g) is amended to read:

9 (g) In all forums affecting policy and decision making for the New England  
10 region’s electric system, including matters before the Federal Energy  
11 Regulatory Commission and the Independent System Operator of New  
12 England, the Department of Public Service shall advance positions that are  
13 consistent with the statutory policies and goals set forth in 10 V.S.A. §§ 578,  
14 580, and 581 and sections 202a, 8001, 8004, and 8005 of this title. In those  
15 forums, the Department also shall advance positions that avoid or minimize  
16 adverse consequences to Vermont and its ratepayers from regional and  
17 inter-regional cost allocation for transmission projects. This subsection shall  
18 not compel the Department to initiate or participate in litigation and shall not  
19 preclude the Department from entering into agreements that represent a  
20 reasonable advance to these statutory policies and goals.

21 Sec. **20.** 30 V.S.A. § 219a(e)(3)(C) is amended to read:

(C) Any accumulated credits shall be used within 12 months, or shall  
revert to the electric company, without any compensation to the customer.

~~Power reverting to the electric company under this subdivision (3) shall be  
considered SPEED resources under section 8005 of this title.~~

Sec. 21. REPEAL

30 V.S.A. § 219b(a)(5) (net metering systems; SPEED resources) is  
repealed.

Sec. 22. CONFORMING AMENDMENTS; RENEWABLE ENERGY  
DEFINITIONS

(a) In 2014 Acts and Resolves No. 99, Sec. 3, in 30 V.S.A. § 8002(8)  
(existing renewable energy) and (17) (new renewable energy), each occurrence  
of “December 31, 2004” is amended to “June 30, 2015.” The Office of  
Legislative Counsel shall implement these amendments during statutory  
revision.

(b) 2014 Acts and Resolves No. 99, Sec. 3 is amended to read:

Sec. 3. 30 V.S.A. § 8002 is amended to read:

§ 8002. DEFINITIONS

As used in this chapter:

\* \* \*

(24) ~~“SPEED Standard Offer Facilitator”~~ means an entity appointed by  
the Board pursuant to ~~subdivision 8005(b)(1)~~ subsection 8005a(a) of this title.

\* \* \*

(29) “RESET Program” means the Renewable Energy Standard and Energy Transformation Program established under sections 8004 and 8005 of this title.

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§ 8009. BASELOAD RENEWABLE POWER PORTFOLIO  
REQUIREMENT

\* \* \*

(f) With respect to a plant used to satisfy the baseload renewable power portfolio requirement:

(1) The ~~SPEED~~ Standard Offer Facilitator shall purchase the baseload renewable power, and shall allocate the electricity purchased and any associated costs ~~shall be allocated by the SPEED Facilitator~~ to the Vermont retail electricity providers based on their pro rata share of total Vermont retail kWh sales for the previous calendar year, and the Vermont retail electricity providers shall accept and pay those costs.

\* \* \*

(i) The State and its instrumentalities shall not be liable to a plant owner or retail electricity provider with respect to any matter related to the baseload renewable power portfolio requirement or a plant used to satisfy such requirement, including costs associated with a contract related to such a plant or any damages arising from the breach of such a contract, the flow of power between a plant and the electric grid, or the interconnection of a plant to that grid. For the purpose of this section, the Board and the ~~SPEED~~ Standard Offer Facilitator constitute instrumentalities of the State.

\* \* \* Severability and Effective Dates \* \* \*

1     **Sec. 24. SEVERABILITY**

2         The provisions of this act are severable. If any provision of this act is  
3         invalid, or if any application of this act to any person or circumstance is  
4         invalid, the invalidity shall not affect other provisions or applications which  
5         can be given effect without the invalid provision or application.

6     **Sec. 25. EFFECTIVE DATES**

7         (a) This section and Secs. 8 (Public Service Board rulemaking), 10  
8         (Forests, Parks and Recreation rulemaking), and 24 (severability) shall take  
9         effect on passage.

10        (b) Secs. 1 through 7, 9, 11, and 13 through 23 shall take effect on July 1,  
11        2015. Sec. 11 (net metering systems; environmental attributes) shall not apply  
12        to complete applications filed prior to its effective date.

13        (c) Sec. 12 (net metering systems; environmental attributes) shall amend  
14        30 V.S.A. § 8010 as added effective January 1, 2017 by 2014 Acts and  
15        Resolves No. 99, Sec. 4. Sec. 12 shall take effect on January 2, 2017, except  
16        that, notwithstanding 1 V.S.A. § 214, the section shall apply to the Public  
17        Service Board process under 2014 Acts and Resolves No. 99, Sec. 5.

18  
19  
20  
21     (Committee vote: \_\_\_\_\_)

1  
2  
3

\_\_\_\_\_  
Representative \_\_\_\_\_  
FOR THE COMMITTEE

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