

1 S.85

2 Introduced by Senator Rodgers

3 Referred to Committee on

4 Date:

5 Subject: Energy; public service; renewable energy; net metering; solar
6 generation; setbacks; screening

7 Statement of purpose of bill as introduced: This bill proposes to require that
8 solar generation plants seeking a certificate of public good from the Public
9 Service Board comply with setback and screening requirements adopted by the
10 municipality.

11 An act relating to setbacks and screening requirements for solar generation
12 plants subject to Public Service Board siting review

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

14 Sec. 1. 30 V.S.A. § 248 is amended to read:

15 § 248. NEW GAS AND ELECTRIC PURCHASES, INVESTMENTS, AND
16 FACILITIES; CERTIFICATE OF PUBLIC GOOD

17 * * *

18 (b) Before the Public Service Board issues a certificate of public good as
19 required under subsection (a) of this section, it shall find that the purchase,
20 investment or construction:

1 (1) with respect to an in-state facility, will not unduly interfere with the
2 orderly development of the region with due consideration having been given to
3 the recommendations of the municipal and regional planning commissions, the
4 recommendations of the municipal legislative bodies, and the land
5 conservation measures contained in the plan of any affected municipality.

6 However, ~~with:~~

7 (A) With respect to a natural gas transmission line subject to Board
8 review, the line shall be in conformance with any applicable provisions
9 concerning such lines contained in the duly adopted regional plan; and, in
10 addition, upon application of any party, the Board shall condition any
11 certificate of public good for a natural gas transmission line issued under this
12 section so as to prohibit service connections that would not be in conformance
13 with the adopted municipal plan in any municipality in which the line is
14 located.

15 (B) In addition to the other applicable provisions of this subdivision
16 (1), a ground-mounted solar electric generation facility shall comply with the
17 setback requirements, if any, that apply to other development in the area of the
18 facility under the land use bylaws of the municipality in which the facility is
19 located and shall comply with the screening requirements, if any, contained in
20 the plan of that municipality that are specific to solar electric generation
21 facilities and that do not interfere with the intended functional use of the solar

1 electric generation facility. In this subdivision (B), “screening” includes
2 landscaping, vegetation, fencing, and topographic features;

3 * * *

4 Sec. 2. 30 V.S.A. § 219a is amended to read:

5 § 219a. SELF-GENERATION AND NET METERING

6 * * *

7 (c) The Board shall establish by rule or order standards and procedures
8 governing application for, and issuance or revocation of a certificate of public
9 good for net metering systems under the provisions of section 248 of this title.

10 A net metering system shall be deemed to promote the public good of the State
11 if it is in compliance with the criteria of this section and ~~board~~ Board rules or
12 orders. In developing such rules or orders:

13 (1) With respect to a solar net metering system of 15 kW or less, the
14 Board shall provide that the system may be installed ten days after the
15 customer’s submission to the Board, ~~and~~ the interconnecting electric company,
16 and the municipality of a completed registration form and certification of
17 compliance with the applicable interconnection requirements and the setback
18 and screening requirements described in subdivision 248(b)(1) of this title.

19 Within that ten-day period, the interconnecting electric company and the
20 municipality each may deliver to the customer and the Board a letter ~~detailing~~
21 that, in the case of the interconnecting utility, details any issues concerning the

1 interconnection of the system or, in the case of the municipality, addresses the
2 facility's compliance with the setback and screening requirements. The
3 customer shall not commence construction of the system prior to the passage
4 of this ten-day period and, if applicable, resolution by the Board of any
5 ~~interconnection~~ issues raised by the electric company or the municipality in
6 accordance with this subsection. If the ten-day period passes without delivery
7 by the electric company or the municipality of a letter that raises
8 ~~interconnection~~ issues in accordance with this subsection, a certificate of
9 public good shall be deemed issued on the 11th day without further
10 proceedings, findings of fact, or conclusions of law, and the customer may
11 commence construction of the system. On request, the Clerk of the Board
12 promptly shall provide the customer with written evidence of the system's
13 approval. ~~For the purpose of~~ In this subdivision, the following shall not be
14 included in the computation of time: Saturdays, Sundays, State legal holidays
15 under 1 V.S.A. § 371(a), and federal legal holidays under 5 U.S.C. § 6103(a).

16 (2) With respect to a net metering system for which a certificate of
17 public good is not deemed issued under subdivision (1) of this subsection, the
18 Board:

19 (A) may waive the requirements of section 248 of this title that are
20 not applicable to net metering systems, including criteria that are generally
21 applicable to public service companies as defined in this title, but shall not

1 waive the setback and screening requirements to be applied to solar generation
2 facilities pursuant to subdivision 248(b)(1) of this title;

3 * * *

4 Sec. 3. 30 V.S.A. § 8007(b) is amended to read:

5 (b) With respect to renewable energy plants that have a plant capacity that
6 is greater than 150 kW and is 2.2 MW or less, the Board shall establish by rule
7 or order standards and procedures governing application for, and issuance or
8 revocation of, a certificate of public good for such a plant under the provisions
9 of section 248 of this title, and the interconnection of such a plant with the
10 system of a Vermont retail electricity provider.

11 (1) In developing such rules or orders, the Board:

12 (A) Shall waive the requirements of section 248 of this title that are
13 not applicable to such a plant, including, for a plant that is not owned by a
14 Vermont retail electricity provider, criteria that are generally applicable to such
15 a provider, but shall not waive the setback and screening requirements to be
16 applied to solar generation facilities pursuant to subdivision 248(b)(1) of
17 this title.

18 * * *

19 Sec. 4. 30 V.S.A. § 8010(c)(3) is amended to read:

20 (3) The rules shall establish standards and procedures governing
21 application for and issuance or revocation of a certificate of public good for net

1 metering systems under the provisions of section 248 of this title. In
2 establishing these standards and procedures, the rules:

3 (A) may waive the requirements of section 248 of this title that are
4 not applicable to net metering systems, including criteria that are generally
5 applicable to public service companies as defined in this title, but shall not
6 wave the setback and screening requirements to be applied to solar generation
7 facilities pursuant to subdivision 248(b)(1) of this title;

8 * * *

9 Sec. 5. 24 V.S.A. § 4413(b) is amended to read:

10 (b) A bylaw under this chapter shall not regulate public utility power
11 generating plants and transmission facilities regulated under 30 V.S.A. § 248,
12 except that setback requirements contained in a bylaw under this chapter shall
13 apply to solar electric generating plants in accordance with 30 V.S.A.
14 § 248(b)(1)(B).

15 Sec. 6. EFFECTIVE DATES

16 (a) This section and Secs. 1 through 3 and 5 shall take effect on passage.

17 (b) Sec. 4 (net metering systems) shall amend 30 V.S.A. § 8010 as added
18 effective January 1, 2017 by 2014 Acts and Resolves No. 99, Sec. 4. Sec. 4
19 shall take effect on January 2, 2017, except that, notwithstanding 1 V.S.A.
20 § 214, the section shall apply to the Public Service Board process under 2014
21 Acts and Resolves No. 99, Sec. 5.