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**State of Vermont
Public Utility Commission**

MEMORANDUM

To: Parties in PUC Case Number 17-5257-INV

From: Jake Marren JM

Re: Request for comments on potential revisions 30 V.S.A. § 8005a(k)(2)(B)

Date: November 28, 2018

Attached to this memorandum are potential revisions to the text of 30 V.S.A. § 8005a(k)(2)(B). The staff of the Vermont Public Utility Commission seek feedback from stakeholders about the potential revisions by no later than December 4, 2018.

Staff is considering three potential changes to the statute. The first change is that eligibility for the exemption would be restricted to utilities that have previously qualified for an exemption under the statute as it presently exists. Thus, only Washington Electric Cooperative (“WEC”), Burlington Electric Department (“BED”), and Swanton Electric Department (“Swanton”) would be able to continue to qualify for the exemption.

The second change is that a utility must own and retire an amount of renewable energy attributes that is not less than the utility’s annual retail sales to qualify for the exemption. Under the current statute, a utility must obtain sufficient renewable energy but does not need to own the renewable energy attributes associated with that power. The revised statute would require a utility to obtain 100% of its power supply from renewable resources and retains the phrase “regardless of whether the provider owned the energy's environmental attributes” so that the utility has the flexibility to sell any renewable energy attributes from those sources. However, the utility must obtain an amount of other renewable energy attributes that is not less than the utility’s annual retail sales. It is staff’s understanding that this how WEC and BED currently manage their supply of renewable energy attributes in order to claim that their power supplies are 100% renewable. Staff is not sure whether Swanton sells or purchases renewable energy attributes but would like to understand how this change would affect Swanton.

The third change is to the reporting period used to qualify for the exemption. The new reporting period would be the calendar year ending December 31. This is intended to coincide with the utilities’ reporting obligations under the Renewable Energy Standard.

Original language of 30 V.S.A. § 8005a(k)(2)(B)

(B) A retail electricity provider shall be exempt and wholly relieved from the requirements of this subdivision if, during the immediately preceding 12-month period ending October 31, the amount of renewable energy supplied to the provider by generation owned by or under contract to the provider, regardless of whether the provider owned the energy's environmental attributes, was not less than the amount of energy sold by the provider to its retail customers.

Proposed revision to 30 V.S.A. § 8005a(k)(2)(B) (annotated)

(B) A retail electricity provider ~~shall be exempt and wholly~~that was relieved from the requirements of this subdivision by the Commission on or prior to January 25, 2018, may continue to be exempt from the requirements of this subdivision if: (i) during the immediately preceding 12-month period ending ~~October~~December 31, the amount of renewable energy supplied to the provider by generation owned by or under contract to the provider, regardless of whether the provider owned the energy's environmental attributes, was not less than the amount of energy sold by the provider to its retail customers; and (ii) the retail electricity provider owns and retires an amount of renewable energy attributes that is not less than the provider's retail sales.

Proposed revision to 30 V.S.A. § 8005a(k)(2)(B) (clean)

(B) A retail electricity provider that was relieved from the requirements of this subdivision by the Commission on or prior to January 25, 2018, may continue to be exempt from the requirements of this subdivision if: (i) during the immediately preceding 12-month period ending December 31, the amount of renewable energy supplied to the provider by generation owned by or under contract to the provider, regardless of whether the provider owned the energy's environmental attributes, was not less than the amount of energy sold by the provider to its retail customers and (ii) the retail electricity provider owns and retires an amount of renewable energy attributes that is not less than the provider's retail sales.

PSB Case No. 17-5257-INV - SERVICE LIST

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