



May 14, 2019

Public Utility Commission
c/o Judith Whitney, Clerk
112 State Street
Montpelier, VT 05702
(Filed electronically via ePUC)

RE: State of Vermont Public Utility Commission Docket #19-0855-RULE

Dear Commissioners,

The Northwest Regional Planning Commission (NRPC) is providing these written comments in response to the Public Utility Commission Order initiating a proceeding to review Commission Rule 5.100 which governs the construction and operation of net-metering systems.

NRPC supports the examination and modification of Rule 5.100. In general, the proposed changes will enable a more efficient and predictable process for net-metering projects that conform to local and regional energy plans and implement the state's energy goals.

Solar Canopy Over an Existing Parking Lot

NRPC supports a simplified process for canopies over an existing parking lot, recognizing that parking must remain the primary use of the site. The canopy in question would be a structure built over a paved parking lot, therefore the PUC should recognize and support municipal rules regulating structures (size, height, placement) to ensure orderly development and consistency in application of those rules.

"Preferred Site" Definition

The draft rule proposes several changes to the definition of "preferred site" which includes nine sub-definitions (pg. 9-11). NRPC has the following comments regarding the proposed changes to the definition of "preferred site:"

(Sub-definition #1) NRPC questions whether it makes sense to incentivize the creation of new impervious surfaces for solar development, especially in geographic areas with stormwater impairments.

(Sub-definitions #2-#6) NRPC supports the change to include pervious parking lots, clarify the time periods for existing development, and add specificity to the brownfields, landfill and earth extraction site definitions.

(Sub-definition #7) NRPC supports the elimination of the joint letter of support as a way of obtaining preferred site status.

NRPC does not write letters of support in regulatory proceedings, and neither supports nor opposes applications. Instead, NRPC analyzes whether a project conforms with the Regional Plan. A “support letter” may connote a subjective value judgment rather than an objective assessment of consistency with plan policy. The existing language in this definition provides no guidance or standards for a municipal or regional planning commission to write this letter and therefore is unpredictable for applicants.

NRPC strongly supports adding an additional “preferred site” option to include *a determination from the legislative body and municipal and regional planning commissions that the site in question is a preferred site for solar energy development based upon the policies in their respective plans*. It would be important to include language noting that this does not mean that the project is in conformance with the regional and/or municipal plan and that additional comments may be submitted by the RPC/municipality as the petition process continues.

Filing Requirements

The filing requirements for net-metering applications subject to Section 5.107 states that an “applicant must provide copies of the relevant section of any town plan and regional plan in effect” and “testimony describing how the project complies with or is inconsistent with the land conservation measures in those plans” (p. 28). NRPC supports moving this filing requirement to the 45-day notice period. NRPC believes that this information is needed for municipalities and RPCs to make well informed decisions on “preferred site” requests from developers during the 45-day notice period.

Generation Constrained Areas

NRPC has concerns about how net-metering projects exacerbate the issue of transmission constraints and curtailment in the Sheffield-Highgate Export Interface (SHEI) and other generation constrained areas. However, NRPC also understands that net-metering projects are an important part of achieving the state’s goals for renewable energy and greenhouse gas emissions.

NRPC believes that further discussion and analysis are needed prior to determining whether preferred site status is appropriate for areas of the grid that are generation constrained. For example, the PUC should examine whether locational pricing or a requirement to reduce fossil fuel consumption should be necessary in order for a project to obtain preferred site status in constrained areas.

General Comments

NRPC requests that the Public Utility Commission assess the impact and/or purpose of the 45-day notice period in the net-metering rules. NRPC's understanding is that the 45-day notice period was originally created in order to provide all parties with advance notice of an application and to provide a chance for all parties to engage with an applicant. However, with the addition of the "joint letter" preferred site option, the 45-day notice period has evolved from a time of just asking questions and having a dialogue with an applicant into a time of making important decisions that impact the municipality, RPC, and the future of the proposed project. Is the intent of 45-day notice period still being met? Is this 45-day notice period still working for all parties?

These comments are based on the information currently available; we may have additional comments as the rule making process continues.

Please feel free to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Taylor Newton', is written over a horizontal line.

Taylor Newton
Senior Planner

