

STATE OF VERMONT PUBLIC
UTILITY COMMISSION

Case No. 21-3883-RULE

Proposed creation of Vermont Public Utility Commission Rule Concerning Energy Storage	
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Order entered: 05/21/2024

ORDER SEEKING COMMENTS ON RULE DRAFT

On September 17, 2021, the Vermont Public Utility Commission (“Commission”) opened this proceeding to develop a rule governing the installation and operation of energy storage facilities in Vermont.¹ To date, the Commission has issued several requests for comments, conducted two workshops, and hosted a five-part series of webinars in conjunction with Sandia National Laboratories.

In today’s order, the Commission seeks comments from participants on the accompanying first draft of a storage rule. In creating this first draft of a storage rule, the Commission was mindful of the legislative grant of authority for promulgating a storage rule found in 30 V.S.A. § 8011, including the simplified process for siting storage facilities with capacities ranging from 100 kW to 1 MW as required by 30 V.S.A. § 248(u).

Section 8011(a) allows the Commission to “adopt and implement rules that govern the installation and operation of energy storage facilities of all sizes.”² If the Commission decides to implement rules governing energy storage facilities, those rules must, consistent with the requirements of 30 V.S.A. § 248(u), “establish standards and procedures governing application for and issuance or revocation of a certificate of public good for certain energy storage facilities under the provisions of section 248 of this title.”³ In establishing these standards and procedures, the Commission may: (1) waive the requirements of 30 V.S.A. § 248 that are not applicable to energy storage facilities, including criteria that are generally applicable to public service companies; (2) modify otherwise applicable notice and hearing requirements found in Title 30; and (3) seek to simplify the Section 248 application and review process.⁴ The

¹ See Case No. 21-3883-RULE, Order of 9/17/21.

² 30 V.S.A. § 8011(a).

³ 30 V.S.A. § 8011(d).

⁴ See 30 V.S.A. §§ 8011(d) and 248(u).

Commission may also set a size threshold below which storage facilities will not need to seek a certificate of public good under Section 248.⁵

In addition to the siting provisions that must be included in any storage rule adopted by the Commission, a storage rule may also address: (1) the respective duties of retail electricity providers and energy storage facility owners or operators; (2) the electrical and fire safety, power quality, interconnection, metering, and decommissioning of energy storage facilities; (3) the resolution of disputes between energy storage facility owners, operators, and the interconnecting provider; (4) energy storage aggregators and the operation of aggregations; and (5) energy storage facilities paired with other resources, such as net metering and standard offer plants, including retrofits of existing plants.⁶

The draft rule that accompanies this order primarily attempts to address the siting requirements of Sections 8011(d) and 248(u) by creating: (1) a utility-specific, application-based interconnection process for energy storage facilities of less than 100 kW; and (2) a tiered, simplified certificate of public good (“CPG”) review process under Section 248 for energy storage facilities with capacities of 100 kW or greater up to and including 1 MW, based on the location and characteristics of those facilities.

The draft rule also addresses decommissioning and interconnection through incorporation of the requirements found in Commission Rules 5.900 and 5.500. The draft rule also contains initial language or creates placeholders for the topic areas identified in 30 V.S.A. § 8011(c) as permissible for inclusion in an energy storage rule.

The Commission seeks comments from stakeholders on the draft rule generally as well as the following specific topic areas:

1. Definitions. Are additional definitions needed? Are the proposed definitions appropriate or in need of modification?
2. Systems of less than 100 kW. Is the application process proposed for smaller systems sufficient? If not, please explain and propose additional or different language.
3. Siting provisions for systems of 100 kW up to 1 MW. These provisions treat battery systems differently based on their location, and differentiate non-battery systems from battery systems. Are these provisions appropriate? If not, please explain and provide alternative proposals.

⁵ 30 V.S.A. § 8011(b).

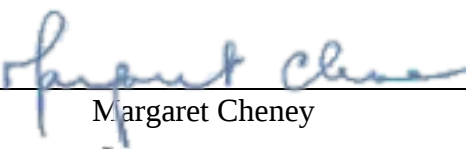
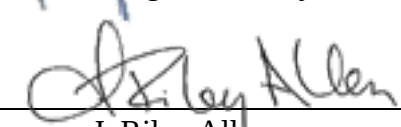
⁶ 30 V.S.A. 8011(c).

4. For the systems that qualify for expedited treatment, a CPG must issue on the 46th day following the filing of a petition if a hearing is not needed. In such cases, should the Commission develop a standard set of conditions applicable to all such projects? If yes, please propose appropriate conditions and describe how they should apply to a project (e.g., issuance of a physical CPG for each project, adoption of a general CPG or permit, or inclusion in the rule).
5. Should an energy storage rule contain any additional interconnection requirements beyond those set forth in Commission Rule 5.500? If yes, why?
6. What are the correct safety codes or standards that should be contained in an energy storage rule? Should they vary based on the size, location, or type of facility?
7. 30 V.S.A. 8011(c) allows the rule to contain provisions that address the respective duties of interconnecting utilities and energy storage owners or operators, including a mechanism for a resolution of disputes. Are these topics appropriate for inclusion in a rule? Are they more appropriately addressed in utility tariffs? If you believe they should be addressed in a rule, please provide proposed language.
8. What, if any, provisions should a rule contain on the topic of energy aggregators and aggregations? Should the rule address only energy storage aggregators and aggregations, or other aggregators and aggregations as well? Should aggregators be required to obtain a Section 231 CPG? If yes, does the Commission have the authority to impose such a requirement in a rule?
9. What information do interconnecting utilities need to accommodate aggregations? Should a CPG petition include a notice or information on whether the storage system is part of an aggregation? Do utilities prefer that this information be included in the CPG petition process or in the interconnection application process?
10. Should a rule establish required practices for the operation of aggregations? If yes, please explain and propose language.
11. Should the rule contain a provision directing that petitions for Section 248 certificates of public good from non-qualifying facility and non-utility energy storage facility developers also include a request for a Section 231 certificate of public good? If yes, please provide proposed language.
12. Any other relevant comments or suggestions consistent with 30 V.S.A. §§ 248(u) and 8011.

All comments must be filed by the close of business on June 14, 2024. After reviewing the comments, the Commission will make changes to the attached draft for recirculation to the participants in this rulemaking and will announce further process at that time.

SO ORDERED.

Dated at Montpelier, Vermont, this 21st day of May, 2024.

	)	
Edward McNamara	)	PUBLIC UTILITY
	)	
	)	
Margaret Cheney	)	COMMISSION
	)	
	)	
J. Riley Allen	)	OF VERMONT

OFFICE OF THE CLERK

Filed: May 21, 2024

Attest: 
Clerk of the Commission

Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Commission (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: puc.clerk@vermont.gov)

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