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27 May 2022

Holly R. Anderson
Clerk of the Commission
112 State Street
Montpelier, VT 05620-2701

Re: Proposed Amendments to Case Number 9-0855 Rule 5.100 Pertaining to the
Construction and Operation of Net-Metering Systems

Via Email: puc.clerk@vermont.gov

Dear Ms. Anderson:

I thank the Vermont Public Utility Commission (“Commission”) for the opportunity to provide comments on Case Number 19-0855, regarding updates to the net-metering 5.100 Rule. I recently ran for re-election to the Board of Directors for Vermont Electric Cooperative. As I was running in a competitive contest, I had closer, and more regular constituent/ member contact than some of the other directors. I would like to provide some feedback to the commission on the proposed rule changes.

At the board level we have been discussing ways the Co-op can encourage beneficial electrification and promoting ways of energy transformation to reduce reliance on fossil fuels and reduce greenhouse gas emissions. We have set as a target for the Co-op to have our power supply contracts be 100% carbon free by 2025 and 100% renewable by 2030. Ambitious goals, but as a board we feel that we are headed in the right direction.

At the membership level, the greatest feedback I heard was, what are you doing about climate change? and how can the Co-op promote a higher use of renewable energy? Fortunately, we can direct our members to the publicly stated goals of carbon reduction and renewable energy, but there are nuances in the details. In my experience talking to members, the public perception is that electricity is a clean source of energy that can be generated by renewable sources. When we got into the nuances of nuclear energy being a carbon free source, most members did not want their energy being generated from nuclear power, hence the latter renewable goal.

As you may be aware the Vermont Legislature appropriated under H.740 climate action investments which totaled almost \$130 million dollars for FY 2023¹. Of that \$130 million, there is specifically \$32million appropriated for Electric Vehicle charging, Electrification incentives, and public transportation. While I applaud the incentives enacted by the legislature, in the proposed rule change it the PUC is attempting to restrict Electric Vehicle

¹ An Excerpt of H740 including section G600 is attached as an addendum to this transmittal

charging from net metering participation. Although \$32 million of state incentives is a lot of money, we need private participation to build a robust EV charging network. The exclusion of a specific type of customer from participating in a net metering program sends the wrong message from a public perception standpoint, not to mention it is contrary to the enabling legislation² which “ensures that all customers who want to participate in net metering have the opportunity to do so”. This change in the definition would restrict commercial EV charging companies from participating in net metering programs as the law allows.

The PUC appears to be deciding what customer can use what type of electricity from what source, a practice that is arbitrary and contrary to enacted legislation. On the larger picture, the PUC is essentially saying you can't use solar energy to charge your car. I find this policy to be disingenuous, and contrary to public opinion. I would request that prohibition of commercial EV charging businesses from participating in net metering programs be stricken from the proposed rule change.

In addition to restricting EV charging from participating in a net metering program the modification of the definition for “Preferred Site”, and the addition of the definition of “Significant Forest Clearing” is overly broad, arbitrary and without a sound decision foundation in science.

Why is a net metering site limited to once acre of clearing? How is this different from a proposed residential, commercial, recreational, or other kind of development? The wording “any stage of succession and currently not developed for non -forest use” is overreaching. A true working forest requires thinning, clearing and harvesting. If a landowner were to harvest their timber, during land management practices, they are now precluded from installing a net metering solar array, forever. There are no limitations on other forms of development including residential housing. Why has solar been singled out?

I would request that the wording significant forest clearing be eliminated from the “Preferred Site” definition, and the added definition of “Significant Forest Clearing” be stricken from the proposed rule.

The third comment area is regarding the “Preferred Sites” documentation required under sections 5.106 (8) and 5.106 (11). The added requirement for documentation steps for systems greater than 15kW of this size serves to discourage development on sites that should be encouraged. The added documentation step is going to have the opposite effect and will serve as a disincentive towards solar.

I would request the additional documentation required for sections 5.106(8) and 5.106(11) be removed.

² V.S.A. Sec 8010 (c)(1)(E)

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The adoption of the proposed rule changes favor roof mounted homeowner only systems, while creating more obstacles for community scale and larger sized solar development. Some homeowners do not have the ability to put solar on their homes or property. I would encourage the Commission to implement my requested (albeit minor) changes to Rule 5.1.

Thank you for the opportunity to provide comment.

Sincerely,

/s/ Charles Van Winkle

Charles Van Winkle

ADDENDUM I

H.740 Sec. G.600 CLIMATE ACTION INVESTMENTS

(a) In fiscal year 2023, \$129,760,000 is appropriated from the American Rescue Plan Act - Coronavirus State Fiscal Recovery Funds for climate change mitigation initiatives as follows:

1. \$45,000,000 to the Department for Children and Families, Office of Economic Opportunity, Home Weatherization Assistance Program to be used in fiscal years 2023 and 2024. Households approved for assistance in this section will also be offered services outlined in subdivision (4) of this subsection.
2. \$35,000,000 to the Department of Public Service to grant to Efficiency Vermont for the purpose of weatherization incentives to Vermonters with a moderate income. These funds shall be deposited in the Electric Efficiency Fund established under 30 V.S.A. § 209(d) and shall be available for use by Efficiency Vermont through December 31, 2024. Households approved for assistance in this section will also be offered services outlined in subdivision (4) of this subsection.
3. \$2,000,000 to the Agency of Transportation to support the continued build-out of public electric vehicle charging infrastructure along highway networks.
4. \$25,000,000 to the Department of Public Service, of which \$20,000,000 is to provide financial and technical assistance for Vermonters with low- and moderate-income to upgrade home electrical systems to enable installation of energy saving technologies, and \$5,000,000 is to establish a “Switch and Save” program to provide financial and technical assistance for Vermonters with low and moderate income to install, at low- or no-cost, heat pump water heaters, with a focus on replacing water heaters near the end of their useful life and serving households participating in the electrical system upgrades described in this subsection.
5. \$2,000,000 to the Department of Public Service for load management and storage efforts to assist Vermonters with low and moderate income customers to purchase electric equipment for heating, cooling, and vehicle charging. In addition, investments will be made in load control and management platforms to enable smaller municipal and cooperative utilities to capture and share benefits of load management and funding for municipal back-up electricity storage installations. The same use of funds shall apply to \$5,000,000 of the funds appropriated in 2021 Acts and Resolves No. 74, Sec G.600(a)(5).
6. \$15,000,000 to improve landscape resilience and mitigate flood hazards to be allocated as follows:
 - a. \$14,750,000 to the Department of Public Safety, Division of Emergency Management, for a State-level buyout program for flood-vulnerable parcels; and
 - b. \$250,000 to the Department of Environmental Conservation to provide technical assistance to the statewide hazard mitigation program.
7. \$4,760,000 to the Agency of Agriculture, Food and Markets to provide farms in Vermont with financial assistance for the implementation of soil-based practices that improve soil quality and nutrient retention, increase crop production, minimize erosion potential, and reduce agricultural waste discharges. Assistance may take the form of programs that provide education, training, or instruction to farmers.
8. \$1,000,000 to the Department of Forests, Parks and Recreation for the Urban and Community Forestry (UCF) Program to plant up to 5,000 trees to improve air quality

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and reduce heat island effects in urban areas in accordance with UCF program standards for design, planting, and maintenance.

- a. In fiscal year 2023, \$32,200,000 is appropriated from the General Fund and \$550,000 is appropriated from the Transportation Fund for electric vehicle charging infrastructure, electrification incentives and public transportation investments as follows:

- i. \$10,000,000 to the Agency of Commerce and Community Development to install level 1, 2, and 3 EVSE at dwellings, workplaces, and community attractions in accordance with Sec. E.903 of this act.
- ii. \$12,000,000 to the Agency of Transportation for the Incentive Program for New PEVs, established in 2019 Acts and Resolves No. 59, Sec. 34, as amended.
- iii. \$2,000,000 to the Agency of Transportation for the public-private partnership with Drive Electric Vermont to support the expansion of the plug-in electric vehicle market in the State.
- iv. \$3,000,000 to the Agency of Transportation to grant to the Community Action Agencies to support the Mileage Smart Program, established in 2019 Acts and Resolves No. 59, Sec. 34, as amended.
- v. \$3,000,000 to the Agency of Transportation for the Replace Your Ride Program, established in 2021 Acts and Resolves No. 55, Sec. 27, as amended.
- vi. \$2,200,000 general funds and \$550,000 Transportation funds to the Agency of Transportation for the following:
 1. \$1,200,000 general funds for transit agencies to, as practicable and in the sole discretion of the transit agencies, operate routes other than commuter and LINK Express on a zero-fare basis and provide service at pre-COVID-19 levels; and
 2. \$1,000,000 general funds and \$500,000 Transportation funds to continue administering the Mobility and Transportation Innovation (MTI) Grant program to support projects that improve both mobility and access to services for transit-dependent Vermonters, reduce the use of single-occupancy vehicles, and reduce greenhouse gas emissions.
 3. \$50,000 Transportation funds to the Agency of Transportation for electric bicycle incentives.

- vii. In fiscal year 2023, \$8,000,000 is appropriated from the General Fund to the Department of Public Service to offer up to 70 percent reimbursement to municipal and cooperative electrical distribution utilities for the implementation of one or more systems of Advanced Metering Infrastructure that has been approved by the Public Utility Commission.