VERMONT LEAGUE OF CITIES & TOWNS

Serving and Strengthening Vermont Local Governments

May 13, 2016

Judith Whitney, Clerk
Vermont Public Service Board
112 State Street
Montpelier, VT 05620-2701

Re: Proposed Net Metering Rule 5.100

Dear Ms. Whitney:

I am writing on behalf of the cities and towns in Vermont to comment on the Net Metering Rule. The siting of renewable energy facilities has been tremendously controversial in Vermont and to date 160 municipalities have signed a resolution calling for a more significant say in the Public Service Board (PSB) Certificate of Public Good (CPG) process. We are commenting on aspects of the rule relating to siting of facilities.

Now that the legislative session is over, we cannot comment on the Net Metering Rule without putting it in the context of S.230 as it was passed particularly with respect to both the planning provisions and the requirement for substantial deference of that legislation. The Net Metering Rule needs to include the provision that a regional commission or municipality that has received a "determination of compliance" for its plan shall be accorded substantial deference. The statutory definition of substantial deference should be included in the rule.

We endorse the rule-proposed definitions of Category II and Category III Net metering Systems that give preference to locally preferred sites.

We believe that no net metering system should be exempt from the requirement to comply with the energy plan. (Section 5.110)

The definition of party should include any entity or person accorded automatic party status in Title 30 Section 248. The rule needs to define a "clear written community standard intended to preserve the aesthetics or scenic natural beauty of the area," as that term is used in the description of the Quechee Test and its applicability. A clear written community standard should be used to evaluate proposed projects both when it designates specific scenic resources in the proposed project area and also when it contains more generalized language regarding scenic resources that are referenced by municipal officials in their recommendations to the board. For instance, a statement such as "agricultural fields containing primary agricultural soils in active production within the last five years" should qualify because it establishes a clear specific criterion that can be applied to sites within the community. Municipal officials would use such a standard to evaluate the appropriateness of a facility proposal. (Sec. 5.111 C)

Likewise, the rule should define "average person."

Sponsor of:

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VLCT Municipal Assistance Center

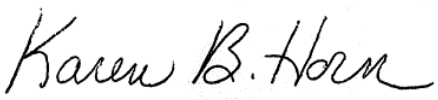
VLCT Property and Casualty Intermunicipal Fund, Inc.

The rule should require that a request for a hearing must be filed within 30 days from the date of notification by the board *to all parties* that the application is administratively complete. A request for a hearing under this section should be accompanied by a motion to intervene or notice of statutory party status pursuant to the statute. (Sec. 5.113 (E) (2), (G), (H)). It is not sufficient to rely on the applicant to inform all parties that an application is administratively complete or to inform all parties of the timeline for seeking a hearing.

The rule should provide that parties as of right need only to file a "notice of intent to intervene," instead of a "motion to intervene" which, presumably, would require an affirmative response from the board. (5.118)

Thank you for the opportunity to comment.

Sincerely,



Karen B. Horn, Director
Public Policy and Advocacy