



2017

New England State Energy Legislation

AS OF SEPTEMBER 14, 2017

2017 New England Energy Legislation Summary

This summary of 2017 energy legislation in the six New England states is current as of September 14 and includes pending legislation and enacted laws of relevance to New England Power Pool (NEPOOL) Participants.

As of the date of this summary only Massachusetts is still actively considering legislation and has not yet adjourned. In this regard, we have attempted to identify significant legislation proposed in Massachusetts that is of interest to NEPOOL Participants.

Please let us know if you have any questions about 2017 legislative developments, and we will work to get you answers. You can refer questions to any member of the NEPOOL legal team listed at the end of this summary.

TABLE OF CONTENTS

CONNECTICUT	8
1. Public Act No. 17-117	8
An Act Concerning Public Notice of Tree Removal on Municipal Property	8
2. Public Act. No. 17-144	8
An Act Promoting the Use of Fuel Cells for Electric Distribution System Benefits and Reliability	8
3. Public Act. No. 17-186	10
An Act Concerning Renewable Portfolio Standard Compliance Requirements	10
4. Public Act. No. 17-138	10
An Act Concerning Water Company Rate Adjustment Mechanisms	10
5. Public Act No. 17-35	11
An Act Concerning Public Utilities Regulatory Authority Administrative Hearings for Purchased Gas Adjustments, Energy Adjustments Charges or Credits and Transmission Rates	11
6. Public Act No. 17-73	11
An Act Concerning Municipal Electric Utility Cooperatives	11
7. Public Act No. 17-64	12
An Act Concerning Minor Revisions to Electric Supplier Compliance Requirements Regarding Environmental Laws, Renewable Portfolio	

	Standards and Advertising and Contract Provisions and the Public Utilities Regulatory Authority’s Reporting of Electric Rates	12
8.	Public Act No. 17-218	13
	An Act Concerning the Installation of Certain Solar Facilities on Productive Farmlands.....	13
9.	Public Act No. 17-227 – Vetoed by Governor	13
	An Act Requiring a Study of the Viability of New District Heating Networks in the State	13
MAINE	15
1.	HP 744, LD 1061	15
	An Act to Increase Investment and Regulatory Stability in the Electric Industry.....	15
2.	SP 110, LD 344	15
	An Act to Provide Energy Cost Reduction for Maine Businesses and Citizens.....	15
3.	SP 133, LD 406	16
	An Act to Amend the Law Regarding Joint Use of Certain Utility and Telecommunications Infrastructure.....	16
4.	SP 248, LD 803	16
	An Act to Improve Transparency in the Electricity Supply Market	16
5.	HP 814, LD 1151	17
	An Act to Allow Promotional Allowances by Public Utilities	17
6.	HP 1017, LD 1478	17
	An Act to Provide Support for Sustainable Economic Development in Rural Maine	17
7.	HP 810, LD 1147	18
	An Act to Modernize the Renewable Portfolio Standard.....	18
8.	HP 910, LD1313	18
	An Act to Establish Energy Policy in Maine	18

9.	HP 535, LD 755	18
	An Act to Amend the Law Regarding Nontransmission Alternatives Investigations Required for Proposed Transmission Lines and Projects	18
10.	HP 327, LD 461	19
	Resolve, Regarding Legislative Review of Chapter 220: Removal of Provider of Last Resort Service Obligation, a Major Substantive Rule of the Public Utilities Commission.....	19
11.	HP 536, LD 756	19
	An Act to Clarify the Authority of an Affiliate of a Utility to Own Power Generation Outside of the Utility’s Territory	19
12.	SP 528, LD 1503	20
	An Act to Amend Criteria for Issuing a Certificate of Approval for Certain Projects Under the Finance Authority of Maine Act	20
13.	HP 373, LD 529 – Vetoed by Governor	20
	An Act to Ensure Resiliency of the Maine Electric Grid	20
14.	HP 629, LD 901 – Vetoed by Governor	21
	An Act to Amend the Laws Governing the Determination of a Wind Energy Development's Effect on the Scenic Character of Maine's Special Places.....	21
15.	HP 384, LD 540 – Vetoed by Governor	21
	An Act to Help Municipalities Prepare for Sea Level Rise	21
16.	SP 529, LD1504 – Vetoed by Governor	21
	An Act Regarding Solar Power for Farms and Businesses	21
	MASSACHUSETTS	22
1.	2017 MA S 1849	22
	An Act Transitioning Massachusetts to 100 Percent Renewable Energy	22
2.	2017 MA S 1828	22
	An Act Requiring the Timely Adoption of Greenhouse Gas Emission Limits for the Year 2030.....	22
3.	2017 MA S 1886	23
	An Act Relative to Meeting the Energy Needs of the Commonwealth	23

4.	2017 MA S 472	23
	An Act Providing for a Comprehensive Adaptation Management Plan in Response to Climate Change.....	23
5.	2017 MA H 2706	23
	An Act Relative to Solar Power and the Green Economy.....	23
6.	2017 MA S 1874	24
	An Act Relative to Energy Storage Procurement for 2025 and 2030.....	24
7.	2017 MA H 1746	24
	An Act to Advance Energy Storage	24
8.	2017 MA S 1821	24
	An Act Combating Climate Change	24
9.	2017 MA H 1726	25
	An Act to Promote Green Infrastructure, Reduce Greenhouse Gas Emissions, and Create Jobs.....	25
10.	2017 MA S 1869	25
	An Act to Protect Our Environment and Lower Our Carbon Footprint	25
11.	2017 MA S 1851	25
	An Act Relative to Renewable Energy Portfolio Standards	25
12.	2017 MA S 1870	25
	An Act to Protect Our Environment and Update Our Climate Action Plan	25
13.	2017 MA S 1871	26
	An Act Relative to Net Metering.....	26
14.	2017 MA S 1875	26
	An Act Relative to Local Energy Investment and Infrastructure Modernization	26
15.	2017 MA S 1876	26
	An Act Relative to Enhancing RPS Standards	26
16.	2017 MA S 1885	26
	An Act Regarding Net Metering	26

17.	2017 MA S 1915	26
	An Act Promoting Zero-Emission Vehicles	26
18.	2017 MA H 2600	27
	An Act Relative to Promoting Energy Storage Systems	27
19.	2017 MA H 3395	27
	An Act to Transition Massachusetts to 100 Per Cent Renewable Energy	27
NEW HAMPSHIRE		28
1.	Public Act. No. 81	28
	An Act Establishing a Committee to Review Subsidies for Energy Projects Provided by the Renewable Portfolio Standard	28
2.	Public Act No. 83	28
	An Act Establishing a Committee to Study Transmission, Distribution, Generation and Other Costs in Electricity System.....	28
3.	Public Act. 74	29
	An Act Repealing the Voluntary Greenhouse Gas Emissions Reductions Registry	29
4.	H.B. 352	29
	An Act Relative to the Energy Efficiency Fund	29
5.	S.B.116	29
	An Act Requiring Notice to Affected Municipalities of Energy Facility Siting.....	29
6.	S.B. 129	30
	An Act Requiring a Portion of the Renewable Energy Fund to Benefit Low to Moderate Income Residential Customers, Relative to Electric Renewable Energy Classes, Relative to the Class Rate for Biomass, and Relative to Requirements for Incentive Payments From the Renewable Energy Fund.....	30
RHODE ISLAND		31
1.	Bill No. 2017-H-112A, Bill No. 2017-S-112A	31
	An Act Relating to Public Utilities and Carriers - Renewable Energy Growth Program	31

2.	Bill No. 2017-H-5575, Bill No. 2017 S-0562	31
	An Act Relating to Towns and Cities – Statewide Municipal Solar Permit	31
3.	Bill No. 2017- H5291, Bill No. 2017- S98	31
	An Act Relating to Public Utilities and Carriers – Securitization Act	31
4.	Bill No. 2017-H6095A, Bill No. 2017-S570A	32
	An Act Relating to Taxation -- Taxation of Farm, Forest, and Open Space Land	32
5.	Bill No. 2017- H5318A, Bill No. 2017 S-880A	32
	An Act Relating to Public Utilities and Carriers - Net Metering	32
6.	Bill No. 2017-H-5618Aaa	32
	An Act Relating to Public Utilities and Carriers -- Net Metering	32
7.	Bill No. 2017 H-5483B, Bill No. 2017- S637A	32
	An Act Relating to Public Utilities and Carriers	32
8.	Bill No. 2017-H-5483	33
	An Act Relating to Public Utilities and Carriers- Distributed Generation Interconnection	33
9.	Bill No. 2017-H-6305, Bill No. 2017-S-0108Aa	33
	An Act Relating to State Affairs and Government - Resilient Rhode Island - Climate Change Coordinating Council.....	33
10.	Bill No. 2017-H-5274	34
	An Act Relating to Public Utilities and Carriers - Renewable Energy Growth Program	34
11.	Bill No. 2017-H-5274A, Bill No. 2017-S-112A	34
	An Act Relating to Public Utilities and Carriers -- Renewable Energy Growth Program	34
12.	Bill No. 2017-H-5643, Bill No. 2017-S-552A	34
	An Act Relating to Public Utilities and Carriers	34
VERMONT		35
1.	Public Act No. 42	35
	An Act Relating to Miscellaneous Energy Issues.....	35

2.	Public Act No. 77	35
	An Act Relating to Rural Economic Development.....	35
3.	Public Act No. 53	36
	An Act Relating to the Public Service Boards, Energy and Telecommunications.....	36

Connecticut

The Connecticut legislature began its current session on January 4 and adjourned on June 7. The legislature is expected to reconvene in a special session, possibly in mid-September, to enact a state budget. This special session may or may not address other matters, including energy. Of note:

Passed Legislation:

1. AN ACT CONCERNING PUBLIC NOTICE OF TREE REMOVAL ON MUNICIPAL PROPERTY (Public Act No. 17-117) (H.B. 6356)

- This legislation expands to municipal property prohibitions regarding:
 - ❖ pruning, removing, injuring, marking, or defacing trees or other natural objects;
 - ❖ posting notices; and
 - ❖ distributing or discarding advertisements and certain other materials.
- Requires telephone, telecommunications, and electric distribution companies (defined as “Utilities” in the legislation) to comply with the legislation’s application and permitting provisions when managing vegetation in any part of a utility protection zone located on municipal property.
- Subjects Utilities that do not comply with various requirements when managing vegetation in such zones to civil penalties for each violation, in addition to other penalties under law; however, the legislation exempts from these requirements those cases in which a utility prunes or removes a tree that is in direct contact with an energized electrical conductor or that has visible signs of burning.
- Current Status: Signed by Governor on July 7.
- EFFECTIVE DATE: Upon passage.

2. AN ACT PROMOTING THE USE OF FUEL CELLS FOR ELECTRIC DISTRIBUTION SYSTEM BENEFITS AND RELIABILITY (Public Act. No. 17-144) (H.B. 7036)

- This legislation allows electric distribution companies (EDCs) under certain conditions, to:

- ❖ build, own, and operate new fuel cell generation;
 - ❖ enter into power purchase agreements (PPAs) negotiated with people to build, own, and operate new fuel cell generation not exceeding 10 megawatts (MWs) in the aggregate; and
 - ❖ provide financial incentives to install fuel cell-powered CHP systems not exceeding 10 MWs in the aggregate, provided any such incentives shall be consistent with the Comprehensive Energy Strategy pursuant to Section 16a-3d of the general statutes.
- ❖ The total nameplate (generating) capacity rating of these fuel cell projects cannot exceed 30 MWs in the aggregate.
- This legislation requires Connecticut Public Utilities Regulatory Authority (PURA) approval for an EDC's plans to acquire new fuel cell generation and any proposals subsequently received under an approved plan. PURA must evaluate any proposal submitted and may approve one or more proposals if it finds that such proposal:
 - ❖ was developed in a manner that is consistent with a PURA-approved acquisition plan;
 - ❖ serves the long-term interests of ratepayers; and
 - ❖ cost-effectively avoids or defers distribution system costs.
 - Net costs incurred by EDCs under any such plans or proposals will be recovered from their ratepayers.
 - This legislation expands the procurement authority of the DEEP commissioner to include proposals from fuel cell, offshore wind, or anaerobic digestion facilities and, if the proposals meet certain conditions, order the EDCs to enter into contracts with them to procure energy, capacity, and environmental attributes, or any combination of these for up to 20 years.
 - This legislation changes the Class II renewable portfolio standard (RPS) to include only trash-to-energy facilities, increases to 4 percent (rather than from 3 percent) the percentage of power that must be from Class I or Class II resources, and lowers the alternative compliance payment for failure to comply.
 - This legislation also requires the Office of Fiscal Analysis to prepare a ratepayer impact statement for any bill before the General Assembly that would have a financial impact on electric ratepayers if passed, and, beginning with the 2019 legislative session, prohibits either chamber of the General

Assembly from acting on a bill without such a statement, unless two-thirds of the chamber votes to dispense with the statement requirement.

- Current Status: Signed by Governor on June 27.
- EFFECTIVE DATE: July 1, 2017, except the provision relative to Class II sources is effective upon passage and the provision relative to the conforming statement on ratepayer impact statements is effective July 1, 2019.

3. AN ACT CONCERNING RENEWABLE PORTFOLIO STANDARD COMPLIANCE REQUIREMENTS (Public Act. No. 17-186) (H.B. 7104)

- This legislation removes a provision that allows a supplier or an electric distribution company to make up a deficiency in its RPS requirements for the previous calendar year within the first three months of the succeeding calendar year.
- Current Status: Signed by Governor on June 30.
- EFFECTIVE DATE: July 1.

4. AN ACT CONCERNING WATER COMPANY RATE ADJUSTMENT MECHANISMS (Public Act. No. 17-138) (H.B. 7105)

- This legislation revises the methods PURA uses to make certain determination between rate cases for both public utilities and water companies.
- Expands and realigns the timeframe used to determine when a public utility's excessive return on equity requires PURA to determine the need for an interim rate decrease.
- Requires PURA to establish an earnings sharing mechanism when a company exceeds its allowable rate of return by more than 100 basis points for the rolling 12-month period ending with the two most recent consecutive financial quarters. The earnings sharing mechanism must allow such excess return on equity to be shared equally between ratepayers and shareholders.
- Current Status: Signed by Governor on June 30.
- EFFECTIVE DATE: October 1.

5. AN ACT CONCERNING PUBLIC UTILITIES REGULATORY AUTHORITY ADMINISTRATIVE HEARINGS FOR PURCHASED GAS ADJUSTMENTS, ENERGY ADJUSTMENTS CHARGES OR CREDITS AND TRANSMISSION RATES (Public Act No. 17-35) (S.B. 899)

- This legislation revises the requirement that the PURA hold an administrative hearing to approve certain charges related to purchased gas adjustments, energy adjustment charges or credits, and transmission rate changes for electric distribution and gas companies by making such a hearing optional, unless an electric distribution company, a gas company, interested persons, or members of the public request a hearing. Notice of any request for a hearing and any hearing scheduled is to be published five days before the hearing in a newspaper that circulates in the company's service area.
- Current Status: Signed by Governor on June 8.
- EFFECTIVE DATE: October 1.

6. AN ACT CONCERNING MUNICIPAL ELECTRIC UTILITY COOPERATIVES (Public Act No. 17-73) (S.B. 4)

- This legislation prohibits a municipal electric energy cooperative (Co-Op) from holding meetings, public hearings, strategic retreats, or similar activities outside Connecticut. Co-Op strategic retreats or similar activities must be approved by the Co-Op's board at a board meeting.
- Notices, agendas, and minutes for meetings and public hearings of a Co-Op, its member utilities, and its member utilities' municipalities be posted, within specific timeframes, on their respective websites.
- Requires that one of the people appointed to a Co-Op board from each of the member utilities be appointed by the member utility's municipal legislative body and be a commercial or residential ratepayer of the member utility operating in the legislative body's municipality. The municipal legislative body must prescribe that board member's qualifications, term and compensation by the municipal legislative body. That board member cannot hold an official position in, or be employed by, the governing body of a member utility, a municipality in which a member utility operates, or the Co-Op.
- Requires a Co-Op to have an independent auditing firm annually conduct and issue reports on a forensic examination of the Co-Op's books and accounts, as well as the Co-Op's conformance with the provisions of Chapter 101a and the Co-Op's bylaws (Audit Reports). Those Audit Reports, including any recommended corrective actions identified therein, must be posted within specific timeframes to the websites of the Co-Op, its member utilities, and its member utilities' municipalities.

- Additionally, this legislation requires a Co-Op to include in an annual report to the Energy and Technology Committee a list of the Co-Op's current board members and officers; copies of its most recent annual report, Auditor Reports, bylaws, conflicts of interest policy (if any), and, IRS Form 990; and a report that lists, for each Co-Op employee, the amount of the salary, wages and fringe benefit expenses.
- Further, this legislation establishes the position of a municipal electric consumer advocate to act as an independent advocate for consumer interests in all Co-Op matters, including electric rates. Connecticut's Co-Ops must together pay for costs related to the consumer advocate, with such costs limited to \$70,000 for the first year and \$50,000 for each subsequent year unless the consumer advocate demonstrates a substantial need and each board of Connecticut's Co-Ops approves it.
- Current Status: Signed by Governor on June 30.
- EFFECTIVE DATE: October 1.

7. *AN ACT CONCERNING MINOR REVISIONS TO ELECTRIC SUPPLIER COMPLIANCE REQUIREMENTS REGARDING ENVIRONMENTAL LAWS, RENEWABLE PORTFOLIO STANDARDS AND ADVERTISING AND CONTRACT PROVISIONS AND THE PUBLIC UTILITIES REGULATORY AUTHORITY'S REPORTING OF ELECTRIC RATES (Public Act No. 17-64) (S.B. 900)*

- Among other provisions, this legislation makes minor changes to existing statutes regarding electric supplier compliance with environmental laws, renewable portfolio standards, advertising and contract requirements, and the Public Utility Environmental Standards Act.
- Of note, this legislation:
 - ❖ Provides that customers may cancel a renewed contract with a retail electric supplier within the renewed contract's first two billing cycles without paying a fee;
 - ❖ Changes the conditions under which suppliers may advertise the renewable energy credits (RECs) they purchase; and
 - ❖ Delays the deadline by which PURA, in consultation with the Office of Consumer Counsel, must submit an annual report on the state of electric rate competition and the average rates for each customer class (commencing with the 2018 report, the report is to be submitted by April 1 rather than January 1).

➤ Current Status: Signed by Governor on June 27.

➤ EFFECTIVE DATE: October 1.

8. AN ACT CONCERNING THE INSTALLATION OF CERTAIN SOLAR FACILITIES ON PRODUCTIVE FARMLANDS (Public Act No. 17-218) (S.B. No. 943)

➤ This legislation revises Section 16 of the General Statutes to require the DEEP Commissioner to consider environmental impacts of proposals received in response to solicitations, including (but not limited to) the impacts to prime farmland and core forests and the reuse of Commissioner-identified brownfields and landfills.

➤ Authorizes the Connecticut Siting Council (CSC) to approve by declaratory ruling the construction or location of solar facilities with a capacity of 2 MWs or more to be located on prime farmland or forestland, excluding facilities selected by DEEP in any solicitation issued prior to July 1, 2017, provided the Department of Agriculture or DEEP represents in writing to the CSC that such project will not materially affect the status of such land as prime farmland or core forest.

➤ Provides that the Public Utilities Regulatory Authority must authorize, subject to defined apportionment to each electric distribution company, \$3 million per year for agricultural customer hosts, provided that each such host is an anaerobic digester host subject to certain requirements.

➤ Authorizes DEEP and the Department of Agriculture to assist companies in seeking approval of kelp oil as a feedstock under the fuel pathway within the Renewable Fuel Standard Program.

➤ Current Status: Signed by Governor on July 10.

➤ EFFECTIVE DATE: July 1, 2017; upon passage (kelp oil provision).

Vetoed Legislation:

9. AN ACT REQUIRING A STUDY OF THE VIABILITY OF NEW DISTRICT HEATING NETWORKS IN THE STATE (Public Act No. 17-227) (H.B. 6304)

➤ This legislation creates a process through which the electric distribution company serving Bridgeport can own and operate a combined heat and power (CHP) system that supplies thermal heat to Bridgeport's district heating company.

- Requires that the Connecticut Department of Energy & Environmental Protection (DEEP), in preparing its next comprehensive energy strategy and any strategy thereafter, incorporate a study of the viability of new district heating networks in the state including, but not limited to, recommendations for financing district heating networks.
- Current Status: Vetoed by Governor on July 11.

Maine

The Maine State Legislature began its current session on December 7, 2016 and adjourned on August 2. The legislature passed a number bills of interest to NEPOOL Participants, several of which, as discussed under “Vetoed Legislation”, were vetoed by the Governor after passage.

Passed and Enacted Legislation:

1. AN ACT TO INCREASE INVESTMENT AND REGULATORY STABILITY IN THE ELECTRIC INDUSTRY (HP 744) (LD 1061)

- This legislation gives the Maine Public Utilities Commission (ME PUC) authority to direct investor-owned transmission and distribution utilities to enter into long-term contracts for regional procurement of capacity resources, energy or renewable energy credits.
- The legislation also requires the ME PUC to issue an annual report on the procurement of capacity resources, energy and renewable energy credits in the preceding 12 months with a plan for the succeeding 12 months that is consistent with Maine’s goals for greenhouse gas reduction.
- In addition to adjustments to grid-scale wind permitting, the legislation directs the Maine Department of Environmental Protection to convene a stakeholder group regarding the effect of expedited wind energy on scenic character and existing uses, which may issue a report of its findings, including recommended legislation, to the Joint Standing Committee on Energy, Utilities and Technology.
- Current Status: Enacted without Governor’s Signature.
- EFFECTIVE DATE: November 1 (90 days after adjournment of First Regular Session).

2. AN ACT TO PROVIDE ENERGY COST REDUCTION FOR MAINE BUSINESSES AND CITIZENS (SP 110) (LD 344)

- This bill extends the expiration date for the execution of an energy cost reduction contract by the ME PUC from December 31, 2018 to December 31, 2020.
- Current Status: Signed by the Governor on April 19.
- EFFECTIVE DATE: November 1 (90 days after adjournment of First Regular Session).

3. AN ACT TO AMEND THE LAW REGARDING JOINT USE OF CERTAIN UTILITY AND TELECOMMUNICATIONS INFRASTRUCTURE (SP 133) (LD 406)

- This legislation addressed changes to the laws governing joint use of equipment regulated by the ME PUC by:
 - ❖ Changing the conditions under which the ME PUC may order joint use of equipment by eliminating the requirement that a hearing be held upon the Commission's motion or that a complaint be filed by an affected entity before the commission may order joint use of equipment;
 - ❖ Eliminating the requirement that the ME PUC find that the parties have failed to agree on the terms and conditions or compensation for the joint use of equipment before the Commission may enter an order;
 - ❖ Adding unlit fiber providers, telecommunications service providers and information service providers to the list of entities that may be subject to an order for joint use of equipment;
 - ❖ Expanding the types of subscribers whose interests must be taken into account by the Commission when taking actions or issuing orders related to joint use of equipment; and
 - ❖ Requiring the ME PUC to adopt rules governing joint use of equipment.
- Current Status: Signed by the Governor on June 14.
- EFFECTIVE DATE: November 1 (90 days after adjournment of First Regular Session).

4. AN ACT TO IMPROVE TRANSPARENCY IN THE ELECTRICITY SUPPLY MARKET (SP 248) (LD 803)

- This legislation makes the following changes intended to protect consumers that choose generation service through a competitive electricity provider.
- Of note:
 - ❖ Requires a competitive electricity provider to disclose to the consumer if the rate of generation service is higher than the standard-offer service rate;
 - ❖ Requires a competitive electricity provider to send a renewal notice to the consumer for generation service by certified mail, return receipt requested;

- ❖ Prohibits a competitive electricity provider from renewing a contract for generation service without express consent from the consumer; and
- ❖ Requires that the monthly utility bill for a consumer that elects to receive generation service from a competitive electricity provider contain certain information; and requires the ME PUC, in consultation with the ME Public Advocate, to determine if consumers paid more for generation service purchased from competitive electricity providers instead of through standard-offer service and if so by how much and to submit its findings to the Joint Standing Committee on Energy, Utilities and Technology.

- Current Status: Signed by the Governor on May 19.
- EFFECTIVE DATE: November 1 (90 days after adjournment of First Regular Session).

5. AN ACT TO ALLOW PROMOTIONAL ALLOWANCES BY PUBLIC UTILITIES (HP 814) (LD 1151)

- This legislation allows public utilities to offer or provide promotional allowances, such as rebates, discounts or similar reductions, to their customers or potential customers. The ME PUC must adopt rules to implement the provisions of this bill.
- Current Status: Signed by the Governor on May 26.
- EFFECTIVE DATE: November 1 (90 days after adjournment of First Regular Session).

6. AN ACT TO PROVIDE SUPPORT FOR SUSTAINABLE ECONOMIC DEVELOPMENT IN RURAL MAINE (HP 1017) (LD 1478)

- This legislation establishes the Rural Manufacturing and Industrial Site Redevelopment Program within the Maine Rural Development Authority to provide technical assistance, planning grants and implementation grants for the redevelopment and marketing of nonproductive industrial or manufacturing sites in rural communities. The authority may use funds from the Commercial Facilities Development Program to fund the activities of the Rural Manufacturing and Industrial Site Redevelopment Program.
- Current Status: Signed by the Governor on June 12.
- EFFECTIVE DATE: November 1 (90 days after adjournment of First Regular Session).

7. AN ACT TO MODERNIZE THE RENEWABLE PORTFOLIO STANDARD (HP 810) (LD 1147)

- This legislation extends the new renewable capacity resources portfolio requirement of 10% through 2028.
- Current Status: Passed by the legislature on June 21; vetoed by the Governor on June 30; veto overridden on July 20.
- EFFECTIVE DATE: November 1 (90 days after adjournment of First Regular Session).

8. AN ACT TO ESTABLISH ENERGY POLICY IN MAINE (HP 910) (LD1313)

- This legislation:
 - ❖ Amends the law regarding the transfer of funds from the Regional Greenhouse Gas Initiative Trust Fund to the ME PUC for the purpose of the Commission's making disbursements to affected manufacturing customers in proportion to their retail purchase of electricity.
 - ❖ Removes the requirement to transfer \$3,000,000 per year and directs the ME PUC to determine the total amount to be disbursed based on a percentage.
 - ❖ Allows affected customers to opt out of receiving a disbursement.
 - ❖ Requires an affected customer to use the entire amount disbursed by the ME PUC toward the cost of an approved efficiency measure in order for the affected customer to be eligible to receive matching funds from Efficiency Maine Trust.
- Current Status: Signed by Governor on June 30.
- EFFECTIVE DATE: November 1 (90 days after adjournment of First Regular Session).

9. AN ACT TO AMEND THE LAW REGARDING NONTRANSMISSION ALTERNATIVES INVESTIGATIONS REQUIRED FOR PROPOSED TRANSMISSION LINES AND PROJECTS (HP 535) (LD 755)

- This legislation provides the ME PUC with an additional three months to review and approve or deny requests for certificates of public convenience and necessity (CPCN).
- Amends the CPCN statute to allow the nontransmission alternatives investigation to be performed during the course of the CPCN proceeding

rather than requiring that it be submitted as part of the initial petition for CPCN approval.

- Current Status: Signed by Governor on June 14.
- EFFECTIVE DATE: November 1 (90 days after adjournment of First Regular Session).

10. RESOLVE, REGARDING LEGISLATIVE REVIEW OF CHAPTER 220: REMOVAL OF PROVIDER OF LAST RESORT SERVICE OBLIGATION, A MAJOR SUBSTANTIVE RULE OF THE PUBLIC UTILITIES COMMISSION (HP 327) (LD 461)

- This Resolve authorizes ME PUC Chapter 220, Provider of Last Resort (POLR) Service Obligation.
- Chapter 220 establishes the requirement and procedures for a Price Cap Incumbent Local Exchange Carrier (ILEC) to be relieved of its obligation to provide Provider of Last Resort service.
- Current Status: Passed by 2/3 Majority of House.
- EFFECTIVE DATE: April 11.

11. AN ACT TO CLARIFY THE AUTHORITY OF AN AFFILIATE OF A UTILITY TO OWN POWER GENERATION OUTSIDE OF THE UTILITY'S TERRITORY (HP 536) (LD 756)

- This legislation amends the Electric Restructuring Act to allow affiliates of Transmission & Distribution (T&D) Utilities to own generation or generation-related assets in accordance with standards of conduct adopted pursuant to the amendment, as long as the generation or generation-related assets are not directly interconnected into facilities that are owned or operated by the T&D Utility.
- Directs the ME PUC to issue a rule that establishes standards of conduct to govern the relationships between T&D Utilities and their affiliates that own generation or generation-related assets.
- Requires that the Standards of Conduct:
 - ❖ Prohibit a T&D Utility from taking any action that favors an affiliate or adversely affects a competitor of an affiliate in a manner that is unjust or unreasonable;
 - ❖ Ensure separation and independence of such affiliates; and
 - ❖ Protect ratepayers.

- Prohibits affiliate generation-related assets from participating in MPUC-approved long-term contracts if those affiliates do not have a pre-existing long-term contract or term sheet as of July 1, 2017.
- Current Status: Enacted without Governor's Signature on July 11.
- EFFECTIVE DATE: November 1 (90 days after adjournment of First Regular Session).

12. AN ACT TO AMEND CRITERIA FOR ISSUING A CERTIFICATE OF APPROVAL FOR CERTAIN PROJECTS UNDER THE FINANCE AUTHORITY OF MAINE ACT (SP 528) (LD 1503)

- This legislation amends the existing law regarding the Finance Authority of Maine's (FAME) criteria for issuing Certificates of Approval to finance projects pursuant to FAME's Revenue Obligation Securities Program.
- Requires applicants seeking financing assistance through the Revenue Obligation Securities Program demonstrate a strong likelihood of their ability to repay the revenue obligation securities, rather than just a reasonable likelihood.
- Current Status: Signed by Governor on May 26.
- EFFECTIVE DATE: May 26.

Vetoed Legislation:

13. AN ACT TO ENSURE RESILIENCY OF THE MAINE ELECTRIC GRID (HP 373) (LD 529)

- This legislation would have required, beginning December 1, 2017, and annually thereafter, that each investor-owned transmission and distribution utility submit to the commission a report detailing what steps, if any, the investor-owned transmission and distribution utility has taken to protect its bulk transmission systems from geomagnetic disturbances and electromagnetic pulse, including activities undertaken to meet any federal recommendations made to address geomagnetic disturbances and electromagnetic pulse.
- This legislation would have required each such utility to include neutral direct current monitoring information from autotransformers where monitoring equipment is installed, collected by the investor-owned transmission and distribution utility.

- Current Status: Passed by the legislature on May 2; vetoed by the Governor on May 12; veto sustained on May 16.
- 14. AN ACT TO AMEND THE LAWS GOVERNING THE DETERMINATION OF A WIND ENERGY DEVELOPMENT'S EFFECT ON THE SCENIC CHARACTER OF MAINE'S SPECIAL PLACES (HP 629) (LD 901)**
- This legislation would have required an applicant for an expedited wind energy development to provide a visual impact assessment of its project if the proposed wind generating facilities are located within 8 miles, measured horizontally, from a scenic resource of state or national significance.
 - Current Status: Passed by the legislature on May 31; vetoed by the Governor on June 12; veto sustained on June 13.
- 15. AN ACT TO HELP MUNICIPALITIES PREPARE FOR SEA LEVEL RISE (HP 384) (LD 540)**
- This legislation would have amended Maine's growth planning and land use laws to reflect that addressing the effects of sea level rise is a state planning and regulatory goal.
 - Current Status: Passed by the legislature on May 9; vetoed by the Governor on May 19; veto sustained on May 23.
- 16. AN ACT REGARDING SOLAR POWER FOR FARMS AND BUSINESSES (SP 529) (LD1504)**
- This legislation would have required the ME PUC to procure, through a competitive solicitation process 50 MW of large-scale commercial solar distributed generation resources by 2022, including 8 MW from large commercial solar distributed generation resources for projects associated with an agricultural or forest products business. The legislation would have also made certain changes to the ME net metering program.
 - Current Status: Passed by the legislature on June 28; vetoed by the Governor on July 10; veto sustained on August 2.

Massachusetts

The Massachusetts General Court is in its first year of its two-year session, which will conclude on July 31, 2018. So far, because it is early in the legislative session, no energy bills have been passed and enacted in Massachusetts in 2017. Numerous energy-related bills across such broad areas as climate change, renewables, energy storage, energy competitiveness and infrastructure have been introduced. Highlighted below are several representative bills that may be of interest to NEPOOL Participants. As the session unfolds, updates will be provided as appropriate to reflect current legislative developments.

Pending Legislation:

1. *AN ACT TRANSITIONING MASSACHUSETTS TO 100 PERCENT RENEWABLE ENERGY (2017 MA S 1849)*

- This legislation would steadily transition Massachusetts to 100 percent clean, renewable energy by 2050.
- This legislation provides for the establishment of a council to oversee the transition and for studies to be performed to determine how to carry out the transition. It also provides for regulations that would set interim targets for 2030 and 2040 for non-renewable energy resources serving load in Massachusetts and annually declining limits on such resources.
- Current Status: Bill was introduced on January 23 and is before the Joint Committee on Telecommunications, Utilities and Energy.

2. *AN ACT REQUIRING THE TIMELY ADOPTION OF GREENHOUSE GAS EMISSION LIMITS FOR THE YEAR 2030 (2017 MA S 1828)*

- This legislation would establish a statewide greenhouse gas emissions limit for 2030 of between 35 per cent and 60 per cent below the 1990 emissions level.
- This legislation would require the Secretary of Energy and Environmental Affairs to consult with all state agencies and regional authorities that have jurisdiction over sources of greenhouse gases on all elements of the emissions limits and plans that pertain to energy-related matters – including (but not limited to) electrical generation, load-based-standards or requirements, the provision of reliable and affordable electrical service and statewide fuel supplies - to ensure that greenhouse gas emissions reduction activities to be adopted and implemented by the Secretary are complementary, are non-duplicative, and can be implemented in an efficient and cost-effective manner.

- Current Status: Bill was introduced on January 23 and is pending in the Joint Committee on Telecommunications, Utilities and Energy. A hearing was held on June 13.

3. AN ACT RELATIVE TO MEETING THE ENERGY NEEDS OF THE COMMONWEALTH (2017 MA S 1886)

- This legislation would require the development every three years of a comprehensive energy plan for Massachusetts (the Plan). The Plan would be developed by state regulators after consultation with ISO New England Inc. and the state's electric and gas utilities.
- This legislation would require that the Plan prioritize meeting energy needs first through conservation and cost-effective energy efficiency and other cost-effective demand-reduction resources, and to the maximum extent feasible through cost-effective renewable resources and cogeneration.
- Upon adoption of the Plan, all certificates, licenses, permits, authorizations, grants, and other actions and activities by a state agency or authority shall be consistent, to the maximum extent feasible, with the Plan.
- Current Status: Bill was introduced on January 23 and is before the Joint Committee on Telecommunications, Utilities and Energy.

4. AN ACT PROVIDING FOR A COMPREHENSIVE ADAPTATION MANAGEMENT PLAN IN RESPONSE TO CLIMATE CHANGE (2017 MA S 472)

- This legislation would require the development at least once every 10 years of a comprehensive climate change adaptation management action plan.
- Upon adoption of the plan, all certificates, licenses, permits, authorizations, grants, financial obligations, projects, actions and approvals for any proposed projects, uses or activities in and by a state agency or state authority shall be consistent, to the maximum extent practicable, with the plan.
- Current Status: Bill was introduced on February 22, and was reported favorably by the Joint Committee on Environment, Natural Resources and Agriculture, as amended, and then referred to the Senate Committee on Global Warming and Climate Change on June 12, and the Senate Committee on Global Warming and Climate Change recommended passage and referred the bill to the Senate Ways and Means Committee on July 24.

5. AN ACT RELATIVE TO SOLAR POWER AND THE GREEN ECONOMY (2017 MA H 2706)

- This legislation would establish a solar program to achieve 17.5 percent of retail electricity sales from solar energy by December 31, 2025, and 25 percent of retail sales from solar energy by December 31, 2030.
- Current Status: Bill was introduced on March 8 and is currently before the Joint Committee on Telecommunications, Utilities and Energy.

6. *AN ACT RELATIVE TO ENERGY STORAGE PROCUREMENT FOR 2025 AND 2030 (2017 MA S 1874)*

- This legislation would require that on or before December 31, 2018, the Department of Energy Resources (DOER) shall set a statewide deployment target of 1,766 MWs of cost-effective energy storage to be achieved by January 1, 2025, and that on or before December 31, 2020, the DOER shall set a subsequent statewide energy storage deployment target to be achieved by January 1, 2030.
- Current Status: Bill was introduced on January 23 and is pending in the Joint Committee on Telecommunications, Utilities and Energy. A hearing by that committee was held on June 13.

7. *AN ACT TO ADVANCE ENERGY STORAGE (2017 MA H 1746)*

- This legislation accompanies S 1874 and would also require that, on or before December 31, 2018, the DOER set a statewide deployment target of 1,766 MW of cost effective energy storage to be achieved by January 1, 2025, and that on or before December 31, 2020, the DOER is to set a subsequent statewide energy storage deployment target to be achieved by January 1, 2030.
- Current Status: This bill was introduced on February 24 and is pending in the Joint Committee on Telecommunications, Utilities and Energy. A hearing by that committee was held on June 13.

8. *AN ACT COMBATING CLIMATE CHANGE (2017 MA S 1821)*

- This legislation would require the DOER to establish a system of financial charges to be imposed on the sale or distribution of “greenhouse gas emitting priorities” (defined as “matter that emits or is capable of emitting a greenhouse gas when burned and is identified as a priority under the terms of this act, except that natural gas, petroleum, coal, and any solid, liquid or gaseous fuel derived therefrom shall be greenhouse gas-emitting priorities”). The charge in the first year of operation would be \$10 per ton of CO₂e and the charge would increase by \$5 every year until the rate is \$40 per ton of CO₂e. The DOER would also establish a system of rebates to residents from the charges collected.

- Current Status: Bill was introduced on January 23 and is pending in the Joint Committee on Telecommunications, Utilities and Energy. A hearing by that committee was held on June 20.
- 9. *AN ACT TO PROMOTE GREEN INFRASTRUCTURE, REDUCE GREENHOUSE GAS EMISSIONS, AND CREATE JOBS (2017 MA H 1726)***
- This legislation is similar to S 1821 and would require the DOER to establish a system of financial charges to be imposed on the sale or distribution of “greenhouse gas emitting priorities” (defined as “matter that emits or is capable of emitting a greenhouse gas when burned and is identified as a priority under the terms of this act, except that natural gas, petroleum, coal, and any solid, liquid or gaseous fuel derived therefrom shall be greenhouse gas-emitting priorities”). The charge in the first year of operation would be \$10 per ton of CO₂e and the charge would increase by \$5 every year until the rate is \$40 per ton of CO₂e. The DOER would also establish a system of rebates to residents from the charges collected.
 - Current Status: Bill was introduced on January 23, and is pending in the Joint Committee on Telecommunications, Utilities and Energy. A hearing by that committee was held on June 20.
- 10. *AN ACT TO PROTECT OUR ENVIRONMENT AND LOWER OUR CARBON FOOTPRINT (2017 MA S 1869)***
- This legislation would amend existing climate protection and green economy statutes to allow for a carbon tax and rebate mechanism.
 - Current Status: Bill was introduced on January 23, and is pending in the Joint Committee on Telecommunications, Utilities and Energy. A hearing by that committee was held on June 20.
- 11. *AN ACT RELATIVE TO RENEWABLE ENERGY PORTFOLIO STANDARDS (2017 MA S 1851)***
- This legislation would revise the renewable energy portfolio standards to include certain hydroelectric facilities.
 - Current Status: Bill was introduced on January 23, and is pending in the Joint Committee on Telecommunications, Utilities and Energy.
- 12. *AN ACT TO PROTECT OUR ENVIRONMENT AND UPDATE OUR CLIMATE ACTION PLAN (2017 MA S 1870)***
- This legislation would, among other things: restrict the use of power from existing coal and oil-fired power plants and prohibit their future construction in the Commonwealth; impose a carbon tax if in 2020 greenhouse gas

emissions limits are not met by then; and establish a goal of providing 20% of Massachusetts electricity use from solar energy by 2025.

- Current Status: Bill was introduced on January 23, and is pending in the Joint Committee on Telecommunications, Utilities and Energy.

13. *AN ACT RELATIVE TO NET METERING (2017 MA S 1871)*

- This legislation would eliminate the aggregate net metering cap.
- Current Status: Bill was introduced on January 23, and is pending in the Joint Committee on Telecommunications, Utilities and Energy.

14. *AN ACT RELATIVE TO LOCAL ENERGY INVESTMENT AND INFRASTRUCTURE MODERNIZATION (2017 MA S 1875)*

- This legislation would revise a number of existing statutes to further promote distribution grid modernization by the Massachusetts electric utilities.
- Current Status: Bill was introduced on January 23, and is pending in the Joint Committee on Telecommunications, Utilities and Energy.

15. *AN ACT RELATIVE TO ENHANCING RPS STANDARDS (2017 MA S 1876)*

- This legislation would, beginning in 2018, increase by 2% per year the amount of electricity sales that must come from “qualified renewable resources”. The legislation would impose a separate minimum percentage requirement for such sales on municipal electric departments.
- Current Status: Bill was introduced on January 23, and is pending in the Joint Committee on Telecommunications, Utilities and Energy.

16. *AN ACT REGARDING NET METERING (2017 MA S 1885)*

- This legislation would provide for incremental increases to the net metering cap.
- Current Status: Bill was introduced on January 23, and is pending in the Joint Committee on Telecommunications, Utilities and Energy.

17. *AN ACT PROMOTING ZERO-EMISSION VEHICLES (2017 MA S 1915)*

- This legislation would promote the use of zero-emission vehicles through a consumer rebate program and through requirements for the electric distribution companies to offer time of use rates for charging electric vehicles.
- Current Status: Bill was introduced on January 23, and is pending in the Joint Committee on Telecommunications, Utilities and Energy.

18. AN ACT RELATIVE TO PROMOTING ENERGY STORAGE SYSTEMS (2017 MA H 2600)

- This legislation would promote energy storage development by offering certain tax exemptions for properties utilizing energy storage and by offering rebates to Massachusetts-based companies installing and manufacturing energy storage systems.
- Current Status: Bill was introduced on March 8, and is pending in the Joint Committee on Telecommunications, Utilities and Energy.

19. AN ACT TO TRANSITION MASSACHUSETTS TO 100 PER CENT RENEWABLE ENERGY (2017 MA H 3395)

- This legislation would steadily transition Massachusetts to 100 percent clean, renewable energy by 2050.
- This legislation provides for the establishment of a council to oversee the transition and for studies to be performed to determine how to carry out the transition. It also provides for regulations that would set interim targets for 2030 and 2040 for non-renewable energy resources serving load in Massachusetts and annually declining limits on such resources.
- Current Status: Bill was introduced on March 20 and is pending in the Joint Committee on Telecommunications, Utilities and Energy.

New Hampshire

The New Hampshire General Court began its current session on January 4, and adjourned on July 1. The legislature passed six energy bills of note; five were signed into law by the Governor, and one was enacted without the Governor's signature.

Passed and Enacted Legislation:

1. ***AN ACT ESTABLISHING A COMMITTEE TO REVIEW SUBSIDIES FOR ENERGY PROJECTS PROVIDED BY THE RENEWABLE PORTFOLIO STANDARD (Public Act. No. 81) (S.B. 51)***

- This legislation establishes a joint committee to study subsidies for energy projects provided by the renewable portfolio standard.
- Current Status: Signed by the Governor on June 2.
- EFFECTIVE DATE: Upon passage.

2. ***AN ACT ESTABLISHING A COMMITTEE TO STUDY TRANSMISSION, DISTRIBUTION, GENERATION AND OTHER COSTS IN ELECTRICITY SYSTEM (Public Act No. 83) (S.B. 125)***

- This legislation establishes a committee to study transmission and distribution costs in the state's energy system.
- The members of the committee includes:
 - ❖ three members of the state Senate, appointed by the president of the Senate.
 - ❖ three members of the House of Representatives, appointed by the speaker of the House of Representatives.
- This legislation requires the committee to:
 - ❖ study the reasons for the increase in transmission and distribution costs in the New Hampshire energy system; and
 - ❖ explore ways to mitigate or lower such transmission and distribution expenses.
- Current Status: Signed by the Governor on June 2.
- EFFECTIVE DATE: Upon passage.

3. AN ACT REPEALING THE VOLUNTARY GREENHOUSE GAS EMISSIONS REDUCTIONS REGISTRY (Public Act. 74) (H.B. 540)

- This legislation repeals the voluntary greenhouse gas emissions reductions registry administered by the New Hampshire Department of Environmental Services.
- Current Status: Signed by the Governor on June 2.
- EFFECTIVE DATE: July 1.

4. AN ACT RELATIVE TO THE ENERGY EFFICIENCY FUND (H.B. 352)

- This legislation changes the name of the Energy Efficiency Fund to the Energy Fund.
- This legislation revises the list of project categories that may be funded by the Energy Fund to include renewable energy projects.
- Specifically, this legislation provides for funds to be used to reimburse the Department of Administrative Services, Division of Public Works Design and Construction, for costs of providing construction administration services including, but not limited to, the design of and oversight of the design and construction of energy-saving or renewable energy measures.
- Current Status: Signed by the Governor on June 16.
- EFFECTIVE DATE: August 15.

5. AN ACT REQUIRING NOTICE TO AFFECTED MUNICIPALITIES OF ENERGY FACILITY SITING (S.B.116)

- This legislation requires applicants for an energy facility certificate to give notice to affected municipalities.
- This legislation also provides for an opportunity at one or more public hearings for comments from the governing body of each affected municipality and from residents of each affected municipality.
- Current Status: Signed by the Governor on June 15.
- EFFECTIVE DATE: August 14.

6. AN ACT REQUIRING A PORTION OF THE RENEWABLE ENERGY FUND TO BENEFIT LOW TO MODERATE INCOME RESIDENTIAL CUSTOMERS, RELATIVE TO ELECTRIC RENEWABLE ENERGY CLASSES, RELATIVE TO THE CLASS RATE FOR BIOMASS, AND RELATIVE TO REQUIREMENTS FOR INCENTIVE PAYMENTS FROM THE RENEWABLE ENERGY FUND (S.B. 129)

- This legislation requires a portion of the Renewable Energy Fund to benefit low to moderate income residential customers.
- This legislation is primarily directed at raising the Renewable Energy Portfolio Standard for Class II renewables, which includes biomass facilities. This legislation also eliminates the generation capacity requirement for incentive payments from the Renewable Energy Fund.
- Current Status: Enacted without Governor's Signature on July 11.
- EFFECTIVE DATE: Upon passage.

Rhode Island

The Rhode Island General Assembly began its current session on January 1 and is currently in recess as of July 1. Of interest to NEPOOL Participants, a number of energy bills were passed by the General Assembly and signed into law by the Governor or subsequently became law without the Governor's signature.

Passed and Enacted Legislation:

1. ***AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS - RENEWABLE ENERGY GROWTH PROGRAM (Bill No. 2017-H-112A) (Bill No. 2017-S-112A)***
 - This legislation expands the Renewable Energy Growth Program (RE Growth Program) through 2029, which is an additional 10 years after the fifth program year. The RE Growth Program allows eligible renewable distributed generation projects to sell generation output under long-term tariffs at fixed prices to National Grid.
 - This legislation increases the annual target for renewable energy capacity sold to National Grid by 400 MWs, with an annual target of 40 MWs for each year in the 10-year extension period.
 - Current Status: Signed by Governor on June 19.
 - EFFECTIVE DATE: Upon passage.
2. ***AN ACT RELATING TO TOWNS AND CITIES – STATEWIDE MUNICIPAL SOLAR PERMIT (Bill No. 2017-H-5575) (Bill No. 2017 S-0562)***
 - This legislation requires the Rhode Island Office of Energy Resources, in consultation with the building commission, to promulgate rules and regulations to create a statewide solar photovoltaic permit application.
 - Current Status: Signed by Governor on June 19.
 - EFFECTIVE DATE: Upon passage.
3. ***AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS – SECURITIZATION ACT (Bill No. 2017- H5291) (Bill No. 2017- S98)***
 - This legislation repeals parts of the Public Utility Securitization Act passed in 1997, as obsolete in that they no longer apply to any entity.
 - Status: Signed by Governor on June 19.
 - EFFECTIVE DATE: Upon Passage.

4. ***AN ACT RELATING TO TAXATION -- TAXATION OF FARM, FOREST, AND OPEN SPACE LAND (Bill No. 2017-H6095A) (Bill No. 2017-S570A)***
 - This legislation exempts no more than 20% of the total land acreage previously classified as farm, forest or open space land from land use change tax if the change is for purposes of a commercial renewable energy system.
 - Status: Signed by Governor on July 5.
 - EFFECTIVE DATE: Upon Passage.
5. ***AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS - NET METERING (Bill No. 2017- H5318A) (Bill No. 2017 S-880A)***
 - This legislation provides that by June 30, 2018, the Rhode Island Public Utilities Commission (RI PUC) will conduct a study examining the cost and benefit to all customers of the inclusion of the distribution charge as part of net-metering calculation.
 - Status: Enacted without Governor's signature on July 6.
 - EFFECTIVE DATE: Upon Passage.
6. ***AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- NET METERING (Bill No. 2017-H-5618Aaa)***
 - This legislation makes educational institutions, hospitals, and nonprofit corporations eligible for net-metering financing arrangements.
 - Status: Signed by Governor on July 18.
 - EFFECTIVE DATE: Upon Passage.
7. ***AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS (Bill No. 2017 H-5483B) (Bill No. 2017- S637A)***
 - This legislation amends EDCs' authority to charge interconnecting renewable energy customers for certain modifications and places timetables on interconnection work.
 - Prohibits EDCs from charging an interconnecting renewable energy customer for system modifications that are not directly related to the interconnection, except accelerated modifications for which the developer is repaid when the modification would have otherwise been made.
 - Requires any system modifications to be completed no later than 14 calendar months from the effective date of the interconnecting renewable energy

customer's interconnection service agreement subject to all payments being made in accordance with the interconnection service agreement, or the renewable energy customer's agreed upon expected interconnection date as set forth in the executed interconnection service agreement and full payment for all required system modifications.

- Enables replacement of a renewable energy resource with limitation on study time and system modification costs.
- Status: Signed by the Governor on June 30.
- EFFECTIVE DATE: Upon Passage.

8. *AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS- DISTRIBUTED GENERATION INTERCONNECTION (Bill No. 2017-H-5483)*

- This legislation prohibits EDCs from charging an interconnecting renewable energy customer for system modifications that are not directly related to the interconnection, except accelerated modifications for which the developer is repaid when the modification would have otherwise been made.
- This legislation also provides for enhanced, specific timelines for completing interconnection studies.
- Status: Signed by Governor June 30.
- EFFECTIVE DATE: Upon Passage.

9. *AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - RESILIENT RHODE ISLAND - CLIMATE CHANGE COORDINATING COUNCIL (Bill No. 2017-H-6305) (Bill No. 2017-S-0108Aa)*

- This legislation requires the development of a plan by December 31 to study the effectiveness of the state and/or multi-state carbon pricing program to incentivize institutions and industry to reduce carbon emissions.
- The study is to consider the effectiveness of allocating revenues generated from such carbon pricing program to fund enhanced incentives to institutions and industry for targeted efficiency measures, projected emissions reductions, economic impact to businesses, any economic benefits to Rhode Island, and impacts to the state's economic competitiveness if the program were implemented.
- Current Status: Signed by the Governor on July 19.
- EFFECTIVE DATE: Upon passage.

10. AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS - RENEWABLE ENERGY GROWTH PROGRAM (Bill No. 2017-H-5274)

- This legislation modifies the existing distributed generation procurement legislation by increasing the annual target procurement for each program for the year 2020 through the year 2029 by an additional 40 nameplate MWs above the annual target for the preceding program year.
- Current Status: Signed by the Governor on June 27.
- EFFECTIVE DATE: Upon passage.

11. AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- RENEWABLE ENERGY GROWTH PROGRAM (Bill No. 2017-H-5274A) (Bill No. 2017-S-112A)

- This legislation expands the renewable energy growth program for an additional 10 years after the fifth program year, with an annual target of 40 MWs for each year of the 10 year period.
- Current Status: Signed by Governor on June 27.
- EFFECTIVE DATE: Upon Passage.

12. AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS (Bill No. 2017-H-5643) (Bill No. 2017-S-552A)

- This legislation removes the 60 day excavation completion requirement for work near public utilities and requires accidents to be reported to 911.
- Current Status: Signed by Governor on June 29.
- EFFECTIVE DATE: Upon passage.

Vermont

The Vermont legislature began its current session on January 4 and adjourned on May 19.

Passed and Enacted Legislation:

1. *AN ACT RELATING TO MISCELLANEOUS ENERGY ISSUES (Public Act No. 42) (H. 411)*

- This legislation adopts federal appliance and lighting efficiency standards so that the same standards will be in place in Vermont should the federal standards be repealed or voided.
- This legislation adopts federal standards for general service lighting that have been adopted by the U.S. Department of Energy.
- This legislation also authorizes the Vermont Public Service Board to apply the same rules governing bill credits and the use of those credits on the customer's bill that it applies to net metering systems for which applications were filed on or after January 1, 2017, other than any adjustment related to siting and tradable renewable energy credits.
- Current Status: Signed by Governor on May 22.
- EFFECTIVE DATE: May 22.

2. *AN ACT RELATING TO RURAL ECONOMIC DEVELOPMENT (Public Act No. 77) (S. 34)*

- This legislation commissions a report and pilot program to address statements made in testimony this past winter in the Senate Agriculture Committee by directors of several regional development corporations regarding high energy efficiency and energy demand costs in Vermont relative to other states.
- In preparing the report, the Commissioner shall consult with the Secretary of Commerce and Community Development, the energy efficiency utilities, the regional development corporations, the Public Service Board, and other affected persons.
- The report shall provide the Commissioner's recommendations on:
 - ❖ whether and how to increase the use by commercial and industrial customers of self-administered efficiency programs; and

- ❖ the potential establishment of a multiyear pilot program that allows a category of commercial and industrial customers to apply the total amount of their Energy Efficiency Charge (EEC), for the period of the pilot, to investments that reduce the customer's total energy consumption.
- This legislation provides that the Public Service Board may establish by order or rule a volumetric charge to customers for the support of energy efficiency programs that meet the requirements of the legislation, with due consideration to the state's energy policy and to its energy and economic policy interests to maintain and enhance the state's economic vitality.
- Current Status: Signed by Governor on June 12.
- EFFECTIVE DATES: Upon passage (Section 3); January 1, 2018 (Section 7); July 1, 2017 (all other sections).

3. *AN ACT RELATING TO THE PUBLIC SERVICE BOARD, ENERGY AND TELECOMMUNICATIONS (Public Act No. 53) (S. 52)*

- This legislation amends Public Service Board proceedings based on recommendations of the Access to Public Service Board Working Groups requiring statutory change.
- This legislation requires the Department of Public Service to submit a report by November 15, on the issue of deploying energy storage on the electric transmission and distribution system. Among other items, the report is required to:
 - ❖ summarize existing state, regional and national actions affecting deployment of energy storage;
 - ❖ identify and summarize federal and state jurisdictional issues regarding deployment of energy storage;
 - ❖ identify the opportunities for, the benefits of, and the barriers to deploying energy storage;
 - ❖ identify and evaluate regulatory options and structures available to foster energy storage, including the potential cost to ratepayers; and
 - ❖ assess potential methods for fostering the development of cost-effective energy storage in Vermont and identify challenges and opportunities.
- This legislation also changes the Public Service Board's name to the Vermont Public Utility Commission.

- Current Status: Signed by the Governor on May 30.
- EFFECTIVE DATE: July 1.

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