

2018 New England Energy Legislation Summary

This summary of 2018 energy legislation in the six New England states is current as of June 19, 2018 and includes enacted laws and pending legislation of relevance to New England Power Pool (NEPOOL) Participants.

As of the date of this summary only three states – Connecticut, Maine, and Vermont – have fully concluded their regular legislative sessions. The other New England states – Massachusetts, New Hampshire and Rhode Island – are still actively considering legislation and have not yet adjourned as of this date. Accordingly, for all six New England states, we have attempted to identify significant legislation passed, vetoed, or pending in each of these states that is of interest to NEPOOL Participants.

This summary will be posted to the NEPOOL website and revised as appropriate, with the posting of a final version once the 2018 legislative sessions have adjourned in all six states.

Please let us know if you have any questions about 2018 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.

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Connecticut

The Connecticut legislature began its current session on February 7, 2018, and adjourned on May 9, 2018. A possible Special Session may commence later this summer, but the legislature is not expected to address energy-related issues relevant to NEPOOL Participants.

Passed Legislation:

1. ***AN ACT CONCERNING CONNECTICUT'S ENERGY FUTURE (Public Act No. 50)***
 - This legislation makes changes in the state's renewable energy and energy efficiency programs. The most significant changes initiated by the act include replacing the state's net metering program with new tariff-based programs and appreciably increasing the requirements of the state's renewable portfolio standard (RPS).

Transition from Net Metering

- With respect to the net metering program, this legislation:
 - ❖ Provides for the end of Connecticut's net metering program, to be replaced by the zero-emission, low-emission and shared clean energy procurement programs that will compensate eligible on-site and shared clean energy projects through a tariff rather than through net metering credits;
 - ❖ Provides that new residential projects will no longer be eligible for net metering when Connecticut's residential solar investment program expires (the earlier of December 31, 2022, or when the program has deployed 300 megawatts (MWs) of residential solar installations); and
 - ❖ Ends net metering for all other new projects when the Public Utilities Regulatory Agency (PURA) approves procurement plans for the new zero-emission, low-emission and shared clean energy programs (described below). Customers who are currently net metered or who begin net metering before their program expires can continue to receive net metering credits through December 31, 2039, by which time PURA is required to establish a tariff rate for the electric distribution companies (EDCs) to buy electricity from those projects.
- To replace net metering for new projects, this legislation directs PURA, by September 1, 2018, to open proceedings:

- ❖ To establish procurement plans for zero-emission, low-emission and shared clean energy facilities for each EDC; and
 - ❖ To establish tariffs that provide for 20-year terms for zero-emission and low-emission facilities.
 - ❖ By that same deadline, DEEP is required to establish program requirements and tariff proposals for shared clean energy facilities.
- By September 1, 2019, PURA is required to open a proceeding to establish tariff rates for residential renewable projects with a capacity of 25 kilowatts or less.
 - Procurement plans will provide for an annual solicitation or solicitations to purchase energy and renewable energy certificates (RECs) from eligible projects, and may give a preference to technologies developed or manufactured in Connecticut. Low-emission and zero-emission projects will be new Class I generation projects (defined below) that customers own or develop on their own property and are under two megawatts in size. Projects must be sized so they do not exceed the on-site load of the customer; however, in the case of state, municipal and agricultural customers, up to five beneficial accounts that are either state, municipal or agricultural accounts or are critical facilities connected to a microgrid may be aggregated for purposes of determining maximum project size.
 - Shared clean energy facilities will be new Class I generation projects that are four megawatts or less and have at least two subscribers. DEEP is required, among other things, to establish consumer protections for project subscribers, including required customer disclosures, and to limit subscribers to low- and moderate-income customers, small businesses, state or municipal customers, commercial customers, and other residential customers who can demonstrate they are unable to participate in the residential renewable energy program.
 - Procurements will be subject to a price cap and capacity cap each year. PURA is required to establish the price cap for the first year, subject to change in subsequent years if PURA determines circumstances have changed. Program capacity is capped at 10 MW per year, 50 MW per year and 25 MW per year for the low-emission, zero-emission and shared clean energy programs, respectively, for years one through six of the applicable tariffs. Megawatts not used in any year will not be rolled over to subsequent years, and the cap is subject to adjustment by PURA "to maintain competitiveness."
 - Further, this legislation specifies that RECs purchased by EDCs under these new programs may either be retired on behalf of all customers to satisfy a portion of the RPS obligations as described below, or sold, depending on

what PURA determines is in the best interest of customers. The costs of these programs will be recovered through a non-bypassable charge assessed on all customers.

Renewable Portfolio Standard Modifications

- With respect to the RPS modifications, this legislation significantly increases the Class I RPS, which requires electricity suppliers in the state to source a portion of their load from solar, wind, geothermal, fuel cell, landfill gas or other biogas, wave or tidal power, low emission advanced renewable energy conversion technologies, or certain biomass or hydroelectric facilities.
 - ❖ Beginning January 2020, the Class I requirement will increase from 20 percent to 21 percent; it will increase to 22.5 percent in 2021; and it will increase to 24 percent in 2022. After that, the Class I requirement will continue to increase by two percentage points each year until 2030, when the Class I requirement will reach 40 percent, double the 2020 RPS of 20 percent. Contracts entered into before the effective date of this Act are exempt from the increase taking place in 2020, but will be subject to the subsequent increases.
 - ❖ The RPS increase will be accompanied by a decrease in the payment associated with a failure to meet the requirement, from five and one-half cents per kilowatt hour (kWh) of deficiency to four cents per kWh. In addition, PURA may reduce the RPS requirements if RECs purchased by EDCs under the new renewable energy programs described above are retired and not used for compliance in any jurisdictions.

Other Changes

- This legislation also requires the Conservation and Load Management (CLM) Plan, currently required to be provided by the EDCs and gas companies every three years, to include (i) demand management initiatives and (ii) steps required to reduce energy consumption by at least 1.6 MMBtus, or the equivalent MW of electricity, annually for each year from 2020 through 2025.
- This legislation eliminates the CLM Fund and associated customer charges, and instead requires that PURA ensure that revenues required to fund the CLM Plan are provided through a conservation adjustment mechanism, to be collected by the EDCs through a charge of up to six mills per kWh of electricity sold to each of its end use customers during the three years of such CLM Plan.
- This legislation requires any EDC that has within its service territory a biomass facility that is a Class I renewable energy source and began

operation after December 1, 2013, to, not later than July 1, 2018, file with PURA for its approval a 10-year power purchase contract that meets certain requirements. The resulting costs incurred by an EDC shall be recovered through a non-bypassable, fully reconciling component of electric rates for all customers of the EDC.

- This legislation, by adding “Municipal Electric Consumer Advocate” and “Independent Consumer Advocate” to the definition of “State officers and employees,” extends to such persons certain state employee liability protections.
- This legislation reduces the scope of the reports that a forensic auditor must produce in its statutorily-required forensic examination of the Connecticut Municipal Electric Energy Cooperative (CMEEC).
- Current Status: Signed by the Governor on May 24, 2018.
- Effective Date: Upon passage, except for the provisions that repeal the CLM Plan and make conforming changes which will become effective July 1, 2020.

2. AN ACT CONCERNING CLIMATE CHANGE PLANNING AND RESILIENCY (Public Act No. 82)

- This legislation establishes a new greenhouse gas (GHG) emissions reduction requirement:
 - ❖ Not later than January 1, 20130, GHG emissions must be reduced to a level at least 45 percent below the level emitted in 2001.
- This new emissions reduction requirement is in addition to the previously established requirements to:
 - ❖ Not later than January 1, 2020, to a level at least 10 percent below the level emitted in 1990; and
 - ❖ Not later than January 1, 2050, to a level at least 80 percent below the level emitted in 2001.
 - ❖ Integrates GHG reductions into various state planning documents and efforts, such as the state's Integrated Resources Plan and its plan of conservation and development;
 - ❖ Incorporates the new reduction into the law's existing energy source solicitation requirements;
 - ❖ Integrates sea level change projections, determined by the University of Connecticut's (UConn's) Marine Sciences Division as an update of

existing federal projections, into various municipal and state planning documents, such as state and municipal plans of conservation and development and municipal evacuation or hazard mitigation plans. It also applies these projections to the state's coastal management and flood management laws;

- Renames the state's Comprehensive Energy Strategy as the Comprehensive Climate and Energy Strategy, and requires it to be updated to account for the state's GHG reduction requirements to:
 - Not later than January 1, 2020, to a level at least 10 percent below the level emitted in 1990;
 - Not later than January 1, 2030, to a level at least 45 percent below the level emitted in 2001; and
 - Not later than January 1, 2050, to a level at least 80 percent below the level emitted in 2001.

➤ Current Status: Signed by the Governor on June 6, 2018.

➤ Effective Date: Upon passage

3. *AN ACT CONCERNING MUNICIPAL ELECTRIC UTILITIES AND RATE DESIGN STUDIES (Public Act No. 18)*

➤ This legislation clarifies that municipal electric companies that previously considered and made determinations related to rate design studies and electric vehicle time-of-day rates do not have to conduct such considerations and determinations again.

➤ Current Status: Signed by the Governor on May 29, 2018.

➤ Effective Date: Upon passage.

4. *AN ACT CONCERNING REVISIONS TO THE STATE BUDGET FOR FISCAL YEAR 2019 AND DEFICIENCY APPROPRIATIONS FOR FISCAL YEAR 2018 (Public Act No. 81)*

➤ This legislation directs PURA, for the fiscal years ending June 30, 2018 and June 30, 2019, to authorize the disbursement of \$63.5 million in the fiscal year ending June 30, 2018, and \$53.5 million in the fiscal year ending June 30, 2019, from the Energy Conservation and Load Management Funds (the Energy Efficiency Fund) to the General Fund; and

- This legislation concurrently repeals Section 683 of Public Act 17-2 of the June special session, which had directed, for fiscal years ending June 30, 2018 and June 30, 2019, \$63.5 million be transferred from the Energy Efficiency Fund to the General Fund for each fiscal year.
- Current Status: Signed by the Governor on May 15, 2018.
- Effective Date: Upon passage.

5. *AN ACT CONCERNING THE REPORTING OF RESIDENTIAL CUSTOMERS' NONPAYMENT FOR CERTAIN UTILITY AND TELECOMMUNICATION SERVICES (Public Act No. 116)*

- This legislation delays certain utility and telecommunication companies from reporting customer's nonpayment for service to credit rating agencies.
- Current Status: Signed by the Governor on June 6, 2018.
- Effective Date: Upon passage.

6. *AN ACT REQUIRING THE CONSIDERATION OF CREATING A PORTFOLIO STANDARD FOR THERMAL ENERGY IN THE NEXT INTEGRATED RESOURCES PLAN (Public Act No. 180)*

- This legislation changes the definition of Class I renewable energy source to include certain useful thermal energy generated from biodiesel and to create a homeowner-generated useful thermal energy program.
- Current Status: Transmitted to the Governor on June 1, 2018.
- Effective Date: Upon passage.

Maine

The Maine State Legislature began its 2018 regular session on January 2, 2018, and concluded that session on Wednesday, May 2, 2018. Legislators then reconvened on May 30, 2018 to discuss budget and funding issues and called for a special session that began on June 19, 2018, to address those issues. During the regular session, the legislature considered five pieces of legislation that may be of interest to NEPOOL Participants. Of those five, the legislature enacted two bills (one without the Governor's signature and one with) and one resolve, while the other two bills were vetoed by the Governor and did not go into effect. A special session commenced on June 19, 2018 related to state budget issues. It does not appear any energy issues will be considered during that special session.

Passed Legislation:

1. *AN ACT TO ENSURE FAIRNESS AMONG LARGE CONSUMERS OF NATURAL GAS (SP 267, LD 822)*

- This legislation raises the cap of the natural gas conservation program assessment to the first one million centum cubic feet (CCF) of natural gas usage by large-volume manufacturers and large-volume agricultural businesses.
- Current Status: Signed by the Governor on April 4, 2018.
- Effective Date: August 1, 2018 (90 days after adjournment).

2. *AN ACT TO UPDATE THE ALLOWANCE BUDGET FOR THE REGIONAL GREENHOUSE GAS INITIATIVE (HP 1142, LD 1657)*

- This legislation establishes, for each year from 2021 to 2030, the amount of allowances that Maine can auction as a participant in the Regional Greenhouse Gas Initiative (RGGI).
- This legislation establishes that the base annual carbon dioxide emissions budgets for 2021 to 2025 must be reduced by an amount equivalent to the quantity of banked allowances in excess of the quantity of allowances required for compliance at the end of 2020.
- Current Status: Enacted without the Governor's Signature.
- Effective Date: August 1, 2018 (90 days after adjournment).

3. ***RESOLVE, REGARDING LEGISLATIVE REVIEW OF PORTIONS OF CHAPTER 308: STANDARDS OF CONDUCT FOR TRANSMISSION AND DISTRIBUTION UTILITIES AND AFFILIATED GENERATORS, A MAJOR SUBSTANTIVE RULE OF THE PUBLIC UTILITIES COMMISSION (HP 1244, LD 1799)***

- This Emergency Resolve addresses the recent enactment by the Maine Public Utilities Commission (MPUC) of new Standards of Conduct for transmission and distribution utilities and affiliated generators. The Resolve approves the new rule, subject to a series of conditions, put forth by the legislature.
- Revisions include:
 - ❖ Addition of a provision specifying that a complaint may be brought for matters within the MPUC's jurisdiction by an individual generator for acts or omissions of a transmission and distribution utility that are unreasonable, preferential, discriminatory or anticompetitive;
 - ❖ Clarification that the rule applies to an affiliated generator that: (i) owns or develops generation or generation-related assets in the ISO New England (ISO-NE) or Northern Maine Independent System Administrator (NMISA) power systems; (ii) imports generation into the ISO-NE or NMISA power systems; (iii) is directly interconnected to the ISO-NE or NMISA power systems; (iv) takes any action or makes any plans toward future ownership or development of generation or generation-related assets in the ISO-NE or NMISA power systems; or (v) takes any action or makes any plans to import generation or become directly interconnected to the ISO-NE or NMISA power systems; and
 - ❖ Clarification that a transmission and distribution utility may not have an affiliate that owns generation or generation-related assets that: (1) are directly interconnected to any facilities owned or operated by the transmission and distribution utility; or (2) have a point of interconnection or are located within the service territory of the transmission and distribution utility.
- Current Status: Passed with 2/3 Majority of House and Senate.
- Effective Date: April 18, 2018.

Vetoed Legislation:

4. AN ACT REGARDING LARGE-SCALE COMMUNITY SOLAR PROCUREMENT (SP 499, LD 1444)

- This legislation would have directed the MPUC to procure 120 MW of large-scale community solar distributed generation resources by 2022.
- This legislation also would have reduced the impact of Maine's phase-out of net metering by prohibiting the practice of "gross metering" (utilities requiring customers to meter the gross output of their on-site renewable facilities used for net energy billing purposes).
- Current Status: Passed by the legislature on March 6, 2018; vetoed by the Governor on March 30, 2018; veto sustained on April 10, 2018.

5. AN ACT TO ALLOW MICROGRIDS THAT ARE IN THE PUBLIC INTEREST (HP 190, LD 257)

- This legislation directed the MPUC to approve a petition to construct and operate a new microgrid if the MPUC finds the proposal to be in the public interest. The legislation also would have provided the MPUC the ability to impose terms, conditions or requirements as necessary in approving a new microgrid and would have given the MPUC oversight to ensure reliability and security of the electrical system and consumer protections for new microgrid consumers.
- Current Status: Passed by the legislature on April 11, 2018; vetoed by the Governor on April 23, 2018; veto sustained on May 2, 2018.

Massachusetts

The Massachusetts General Court is in its second year of its two-year session, which will conclude on July 31, 2018. An informal session will begin on August 1, 2018. As of June 18, 2018, there has been no passed or enacted energy legislation in Massachusetts for 2018. Numerous energy-related bills across such broad areas as climate change, renewables, net metering, energy storage, energy competitiveness and infrastructure have been introduced. Several of these bills are still in a state of flux, with amendments being proposed and new bills being substituted. Highlighted below are several representative current bills that may be of interest to NEPOOL Participants. As the session unfolds, updates will be provided as appropriate to reflect current legislative developments. Regarding effective dates, Massachusetts laws involving general legislation (i.e. legislation of a general and permanent effect), become effective 90 days after the Governor's signature. Days are counted in succession, including holidays and weekends, and acts become effective at 12:01 am on the 91st day. Acts with emergency preambles usually provide for the measure to become effective immediately, but always in less than 90 days. The preamble must be adopted by both branches. In such cases, the act is effective upon the precise moment of the Governor's signature. Only item 2 below has an emergency preamble.

Pending Legislation:

1. AN ACT COMBATING CLIMATE CHANGE (2018 MA S.1821)

- This legislation would require the Department of Energy Resources (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 carbon dioxide equivalent (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: Legislation was introduced on January 23, 2017 and is pending in the Senate Committee on Global Warming and Climate Change.

2. AN ACT RELATIVE TO NET METERING (2018 MA S.1871)

- This legislation would require that no aggregate net metering cap apply to solar net metering facilities with the exception that the maximum amount of generating capacity eligible for net metering by a municipality or other governmental entity shall be 10 MWs.

- Current Status: Legislation was referred to the Joint Committee on Telecommunications, Utilities and Energy on January 23, 2017, reported favorably and referred to the Senate Committee on Global Warming and Climate Change. On June 11, 2017, that committee recommended that the legislation ought to pass and referred it to the Senate Committee on Ways and Means.

3. *AN ACT RELATIVE TO ENERGY STORAGE PROCUREMENT FOR 2025 AND 2030 (2018 MA S.1874)*

- This legislation would require that, on or before December 31, 2018, DOER 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, DOER set a subsequent statewide energy storage deployment target to be achieved by January 1, 2030.
- Current Status: Legislation was introduced on January 23, 2017, and referred to the Joint Committee on Telecommunications, Utilities and Energy. On March 1, 2018, that committee reported the legislation favorably and referred it to the Senate Committee on Global Warming and Climate Change. On June 11, 2018, that committee recommended the legislation ought to pass and referred it to the Senate Committee on Ways and Means.

4. *AN ACT PROVIDING FOR THE ESTABLISHMENT OF A COMPREHENSIVE ADAPTATION MANAGEMENT PLAN IN RESPONSE TO CLIMATE CHANGE (2018 MA S.2196)*

- This legislation would require the Secretary of Energy and Environmental Affairs to develop, draft and adopt a comprehensive adaptation management plan to address climate change, which would have to be revised at least once every five years.
- 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: Legislation was introduced as an amendment to S.472 on October 30, 2017, substituted for S.472 on November 2, 2017, and referred to the House Committee on Ways and Means on November 9, 2017.

5. *AN ACT TO PROMOTE A CLEAN ENERGY FUTURE (2018 MA S.2302)*

- This legislation incorporates multiple energy related objectives. Among other things, this legislation would:
 - ❖ Expand regulatory control over greenhouse gas emissions limits and require additional studies and plans for the Commonwealth to achieve

its limits by 2050, and establish interim limits for greenhouse gas emissions for 2030 and 2040. The interim 2030 emissions limit would be between 35 and 45 percent below the 1990 level, and the interim 2040 emissions limit would be between 55 and 65 percent below the 1990 level.

- ❖ Authorize the development of regulations for a system of market-based carbon reduction compliance mechanisms, or a system of charges or exactions imposed in order to reduce statewide greenhouse gas emissions.
 - ❖ Potentially expand the development of offshore energy in Massachusetts by authorizing procurement of 5,000 MWs of aggregate nameplate capacity installed by 2035 to be obtained through long-term procurements. Such expansion would be dependent on the DOER first making a finding that the procurement would be consistent with the Commonwealth's energy policy goals.
 - ❖ Potentially expand onshore renewable energy procurements under long-term contracts. Such expansion would be dependent on DOER first making a finding that the procurement would be consistent with the Commonwealth's energy policy goals.
 - ❖ Establish a joint procurement task force to improve the long-term procurement process for renewable energy resources.
 - ❖ Expand energy storage resources in Massachusetts by setting a statewide deployment target of 2,000 MW of cost-effective energy storage to be achieved by January 1, 2025, and authorize DOER to take various actions, including promulgating regulations, to achieve the target.
 - ❖ Limit EDC ownership and operation of energy storage systems and require EDCs and municipal lighting plants to identify areas of critical need for energy storage systems within their service territory.
 - ❖ Expand the RPS to include larger increases (3 percent) each year.
 - ❖ Remove the net metering cap for solar net metering facilities
- Current Status: Legislation was reported from the Committee on Global Warming and Climate Change on February 14, 2018, amended by inserting place thereof the text of S.2545 on June 7, 2018, and engrossed by the Senate on June 14, 2018.

6. ***AN ACT RELATIVE TO CLARIFYING PROPERTY TAX EXEMPTIONS FOR SOLAR AND WIND SYSTEMS (2018 MA S.2364)***
- This legislation would limit certain property tax exemptions for solar and wind projects in Massachusetts and condition such exemptions for others based on having payment-in-lieu-of-taxes agreements with the local municipalities in which they are located.
 - Current Status: Legislation was reported from the Senate Rules Committee as a new draft for S.2160 on March 26, 2018, passed, and referred to the House Committee on Ways and Means on March 29, 2018.
7. ***AN ACT RELATIVE TO INCREASING THE RENEWABLE PORTFOLIO STANDARD (2018 MA S.2503)***
- This legislation would change the RPS increase after December 31 from 1percent to 3 percent per year.
 - Current Status: Legislation is a new draft of S.1841 and S.1876. Reported favorably by the Joint Committee on Telecommunications, Utilities and Energy on April 30 and referred to the Senate Committee on Global Warming and Climate Change. On June 11, 2018, that committee recommended that the legislation ought to pass and referred it to the Senate Committee on Ways and Means.
8. ***AN ACT RELATIVE TO CLARIFYING PROPERTY TAX EXEMPTIONS FOR SOLAR AND WIND SYSTEMS (2018 MA S.2364)***
- This legislation would provide property tax exemptions for certain wind and solar distributed generation systems in Massachusetts.
 - Current Status: Legislation replaced a similar pending legislation on March 26, 2018, and is pending in the House Committee on Ways and Means.
9. ***AN ACT TO PROMOTE GREEN INFRASTRUCTURE, REDUCE GREENHOUSE GAS EMISSIONS, AND CREATE JOBS (2018 MA H.1726)***
- This legislation is similar to S.1821 and would require 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. DOER would also establish a system of rebates to residents from the charges collected.

- Current Status: Legislation was introduced on January 23, 2017, and is pending in the Joint Committee on Telecommunications, Utilities and Energy.

10. *AN ACT TO ADVANCE ENERGY STORAGE (2018 MA H.1746)*

- This legislation accompanies S.1874 and would also require that, on or before December 31, 2018, 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, DOER set a subsequent statewide energy storage deployment target to be achieved by January 1, 2030.
- Current Status: This legislation was introduced on February 24, 2017, and is pending in the Joint Committee on Telecommunications, Utilities and Energy, with reporting date extended to June 21, 2018.

11. *AN ACT RELATIVE TO RENEWABLE ENERGY CERTIFICATES (2018 MA H.1757)*

- This legislation would impose environmental requirements on run-of-river hydro-electric facilities seeking to qualify as renewable generating facilities. As similar piece of legislation from the Senate was introduced and is pending in S.1851.
- Current Status: Legislation was introduced on January 23, 2017, and is pending in the Joint Committee on Telecommunications, Utilities and Energy.

12. *AN ACT RELATIVE TO NUCLEAR POWER PLANT PROTECTIONS (2018 MA H.2472)*

- This legislation would revise the definition of the emergency planning zone for nuclear plume exposure pathways to be the area located within a 10-mile radius of the nuclear power plant and to also include cities and towns located in distinct geographic areas where any overland evacuation of individuals, either planned or otherwise, from that area would cause those evacuating to traverse highways or bridges bringing them closer to the power station. It would require that predetermined protective action plans be in place for the plume exposure pathway emergency planning zones, which shall include sheltering and evacuation details.
- Current Status: Legislation was referred to the House Committee on Public Health on January 23, 2017, reported favorably by that committee, referred to the Joint Committee on Health Care Financing, and on June 14, that committee recommended the bill ought to pass and referred it to the House Committee on Ways and Means.

- 13. AN ACT RELATIVE TO AGGREGATED GAS POWER (2018 MA H.2694)**
- This legislation would authorize municipalities to: (i) aggregate electric and natural gas load for purposes of soliciting bids to serve such customers; (ii) enter into supply agreements for such customers; and (iii) develop and file electrical energy plans with DOER.
 - Current Status: Legislation was referred to the Committee on Telecommunications and Energy on January 23, 2017, reported favorably by that committee and referred to the House Committee on Ways and Means on March 29, 2018.
- 14. AN ACT TO INCREASE THE RENEWABLE PORTFOLIO STANDARD AND ENSURE COMPLIANCE WITH THE GLOBAL WARMING SOLUTIONS ACT (2018 MA H.2700)**
- This legislation would increase the minimum percentage of kWh sales to end-use customers in Massachusetts from new renewable energy generating sources by an additional two percent of sales in 2018 and in each year thereafter. It would also require municipal electric departments to comply with the RPS by December 31, 2030.
 - Current Status: Legislation was referred to the Committee on Telecommunications and Energy on January 23, 2017. On May 9, 2018 the reporting date was extended to June 21, 2018.
- 15. AN ACT RELATIVE TO SOLAR POWER AND THE GREEN ECONOMY (2018 MA H.2706)**
- This legislation would establish a solar program to achieve 17.5 percent solar electricity, measured by the sale of retail electricity to end-use customers in Massachusetts, by December 31, 2025, and 25 percent solar electricity by December 31, 2030.
 - Current Status: Legislation was introduced on January 23, 2017 and is currently before the Joint Committee on Telecommunications, Utilities and Energy, with reporting date extended to June 21, 2018.
- 16. AN ACT RELATIVE TO COMPREHENSIVE SITING REFORM FOR LAND BASED WIND PROJECTS (2018 MA H.2710)**
- This legislation would provide streamlined processes for siting wind energy facilities in Massachusetts.
 - Current Status: Legislation was introduced on January 23, 2017 and referred to the Joint Committee on Telecommunications, Utilities and Energy. That committee held a hearing on the legislation on September 19, 2017.

- 17. AN ACT TO TRANSITION MASSACHUSETTS TO 100 PERCENT RENEWABLE ENERGY (2018 MA H.3395)**
- This legislation would transition Massachusetts to 100 percent renewable energy supply by 2050, with interim targets for 2030 and 2040. The legislation would require DOER to establish declining annual limits on energy supplied by non-renewable energy resources.
 - Current Status: Legislation was introduced on January 23, 2017, and referred to the Joint Committee on Telecommunications, Utilities and Energy. That committee held a hearing on the legislation on September 19, 2017.
- 18. AN ACT ACCELERATING THE RENEWABLE ENERGY PORTFOLIO STANDARD (2018 MA H.3634)**
- This legislation would increase the percentage of renewable energy supporting retail sales of electricity from year-to-year by an additional two percent of sales every year until December 31, 2027; an additional three percent of sales every year thereafter until December 31, 2037; and an additional five percent of sales every year thereafter.
 - Current Status: Legislation was introduced on January 23, 2017, and is pending in the Joint Committee on Telecommunications, Utilities and Energy, with reporting date extended to June 21, 2018.
- 19. AN ACT ESTABLISHING A GREEN BANKS PROGRAM (2018 MA H.4273)**
- This legislation would establish a green banks fund program within the Massachusetts Clean Energy Center. The purpose of the fund is to create reliable, flexible, low cost financing for renewable energy and energy efficiency projects in order to reduce “financing gaps” that occur when creditworthy projects are unable to reach their intended scale due to a lack of funding options. The fund is to be used to provide loans, loan guarantees, and other forms of financing for clean energy projects with the goals of abating climate change, boosting energy efficiency and encouraging the growth of clean energy businesses in the Commonwealth.
 - Current Status: Legislation, which replaced H 440, was reported favorably by the House Committee on Environment, Natural Resources and Agriculture and referred to the House Committee on Ways and Means on March 6, 2018.
- 20. AN ACT RELATIVE TO ANAEROBIC DIGESTION (2018 H.4303)**
- This legislation would require DOER to adopt regulations giving certain anaerobic digestion resources special beneficial treatment under the RPS and the net metering caps.

- Current Status: Legislation was reported favorably from the Committee on Telecommunications and Energy as a new draft replacing H 2695 and H 3385 and referred to the House Committee on Ways and Means on March 15.

21. AN ACT RELATIVE TO HYDRO (2018 MA H.4304)

- This legislation would include certain relicensed hydroelectric facilities in the Class I category of renewable energy resources under the RPS.
- Current Status: Legislation was reported favorably from the Committee on Telecommunications and Energy as a new draft replacing H 2697 referred to the House Committee on Steering, Policy and Scheduling on March 15, 2018. On May 7, that committee reported that the matter be placed in the Orders of the Day for the next sitting for a second reading.

22. AN ACT TO INCREASE RENEWABLE ENERGY AND REDUCE HIGH-COST PEAK HOURS (2018 MA H.4575)

- This legislation would require DOER to establish a clean peak standard for all retail electricity suppliers selling electricity to end-use customers in the Commonwealth that incorporates existing RPS-eligible resources and new “clean peak” resources. By December 31, 2018, DOER would be required to determine the current percentage of kWh sales to end-use customers in the Commonwealth from existing clean peak resource during the Seasonal Peak Load hours to establish a baseline. During the Seasonal Peak Load hours, every retail electricity supplier would be required to provide a minimum percentage of kWh sales to end-use customers in the commonwealth from clean peak resources according to the following schedule: an additional 0.75 percent of sales by December 31, 2019, and an additional 0.75 percent of sales each year thereafter until December 31, 2050.
- This legislation would also establish a Clean Capacity Credit Value (\$/MWh) through an annual competitive procurement process. A Clean Peak Resource would be eligible to receive the Clean Capacity Credit Value for 10 to 20 years from the unit’s effective Clean Peak Standard (CPS) date. The legislation would require EDCs to purchase clean capacity credits from clean peak resource owners, and prohibit the companies from owning clean peak resources and from enrolling and registering resources in the wholesale market without the prior approval from the system owner and DOER.
- Current Status: Legislation, which replaces H 1747, was reported favorably by the Committee on Telecommunications, Utilities and Energy and referred to the House Committee on Ways and Means on June 7, 2018.

23. AN ACT TO IMPROVE GRID RESILIENCY THROUGH ENERGY STORAGE (2018 MA H.4576)

- This legislation would, among other things: (i) require EDCs to file annual resiliency reports; (ii) authorize EDCs to conduct competitive solicitations for non-wires alternatives with specified criteria; (iii) provide for the establishment of an Energy Storage Innovation Research Institute; (iv) establish a definition for an “Energy Storage System”; and (v) establish a Commonwealth Energy Storage Testing Facility.
- Current Status: Legislation was referred from the Committee on Telecommunications and Energy as a new draft for H.2600 and reported favorably and referred to the House Committee on Ways and Means on June 7, 2018.

24. AN ACT RELATIVE TO NET METERING (2018 MA H.4577)

- This legislation would increase current net metering caps by 2 percent.
- Current Status: Legislation was reported favorably from the Committee on Telecommunications and Energy as a new draft of H.2712 and referred to the House Committee on Steering, Policy and Scheduling on June 7, 2018.

25. AN ACT PROMOTING CLIMATE CHANGE ADAPTATION, ENVIRONMENTAL AND NATURAL RESOURCE PROTECTION, AND INVESTMENT IN RECREATIONAL ASSETS AND OPPORTUNITY (2018 MA H.4613)

- This legislation would authorize the expenditure of specific amounts on various projects in Massachusetts, including some related to climate change adaptation. This legislation has an emergency preamble.
- Current Status: Legislation, which replaced H.4438 and H.4599, was reported from the Committee on Ways and Means and passed to be engrossed on June 13, 2018.

New Hampshire

The New Hampshire General Court began its current session on January 3, 2018, and will adjourn on July 1, 2018. The legislature to date has passed a number of energy-related legislation that may be of interest to NEPOOL Participants. “Enrolled” bills are those that have passed both the House and the Senate but have not yet been acted on by the Governor.

Passed Legislation:

1. ***AN ACT RELATIVE TO MUNICIPAL REGULATIONS OF SMALL WIND ENERGY SYSTEMS (Chaptered Law 0002)***
 - This legislation removes the authority of municipalities to set noise level limits for small wind energy systems and leaves that determination to the New Hampshire Site Evaluation Committee.
 - Current Status: Signed by the Governor on January 26, 2018.
 - Effective Date: March 27, 2018.
2. ***AN ACT RELATIVE TO TOWN REVOLVING FUNDS FOR GROUP NET METERING (Chaptered Law 0058)***
 - This law permits a town to establish a revolving fund for the purpose of facilitating transactions relative to municipal group net metering (*see also* Chaptered Law 0112; Chaptered Law 0212; and SB 446).
 - Current Status: Signed by the Governor on May 25, 2018.
 - Effective Date: July 24, 2018.
3. ***AN ACT RELATIVE TO PUBLIC UTILITIES COMMISSION REVIEW OF GROUP HOST AGREEMENTS (Chaptered Law 0112)***
 - This legislation also revises the state’s Group Net Metering law (*see also* Chaptered Law 0058; Chaptered Law 0212; and SB 446) by removing the review by the New Hampshire Public Utility Commission (NH PUC) of net metering group host agreements, and eliminating payment adjustments for small residential group host systems (those under 15 kW).
 - Signed by the Governor on May 25, 2018.
 - Effective Date: July 24, 2018.

4. AN ACT RELATIVE TO GROUP HOST NET ENERGY METERING (Chaptered Law 0212)

- This legislation revises New Hampshire's Group Net Metering law (see also Chaptered Law 0058; Chaptered Law 0112; and SB 446) by removing the requirement that net energy metering group customers all be default service customers of the same utility as the group host. Instead, the group of customers must only be located in the same service territory as the host.
- Current Status: Signed by the Governor on June 8, 2018.
- Effective Date: Upon the effective date of SB 367 (see below).

5. AN ACT ESTABLISHING A COMMISSION TO STUDY UTILITY PROPERTY VALUATION AND RECOMMEND LEGISLATION TO REFORM THE CURRENT SYSTEM OF TAXING UTILITY PROPERTY IN NEW HAMPSHIRE (Chaptered Law 0238)

- This legislation creates a commission to study utility property valuation and to recommend legislation to reform the current system of taxing utility property in New Hampshire.
 - ❖ This commission will be comprised of representatives from New Hampshire utility companies, New Hampshire municipalities, various state agencies, the judiciary, and the legislature.
- Current Status: Signed by the Governor on June 18, 2018.
- Effective Date: June 12, 2018, except for the section detailing the composition of the commission, which shall take effect on November 1, 2018.

6. AN ACT RELATIVE TO THE USE OF RENEWABLE GENERATION TO PROVIDE FUEL DIVERSITY (SB 365)

- This legislation requires the state's EDCs to pay above-market rates to the state's biomass (wood-burning) and waste-to-energy power plants. Prior to each of its next six sequential solicitations of its default service supply upon passage, each EDC is required to solicit proposals, in one solicitation or multiple solicitations, from eligible facilities, where the "adjusted energy rate" means 80 percent of the rate, expressed in dollars per megawatt-hour (MWh), resulting from the default energy rate minus, if applicable, the rate component for compliance with New Hampshire's RPS law (New Hampshire Revised Statutes Annotated (RSA) § 362-F) if that rate component is included in the approved default energy rate.
- After three years, this legislation would have to be evaluated before renewal or change.

- Current Status: Enrolled on May 23, 2018.
- Effective Date: Upon passage.

7. AN ACT RELATIVE TO NET ENERGY METERING LIMITS FOR CUSTOMER-GENERATORS (SB 446)

- This legislation allows an increase in the electric generating capacity of customer generators participating in net metering (see also Chaptered Law 0058; Chaptered Law 0112; and Chaptered Law 0212) by raising the one MW cap to five MWs.
- The legislation also clarifies the definition of eligible customer-generator for purposes of the utility property tax.
- Current Status: Enrolled on May 23, 2018.
- Effective Date: 60 days after passage.

8. AN ACT REQUIRING PUBLIC UTILITIES COMMISSION TO REVISE ITS ORDER AFFECTING THE BURGESS BIOPOWER PLANT IN BERLIN PROHIBITING THE IMPORT OF CERTAIN LIQUID FUELS, AND RELATIVE TO THE PRODUCTION OF USEFUL THERMAL ENERGY (SB 577)

- This legislation requires the NH PUC to suspend the operation of the cap on the cumulative reduction factor, as set forth in its current rate order for the Burgess Power Plant, for a period of three years from the date the operation of the cap would have otherwise taken effect.
- The legislation also prohibits the import of the following liquid fuels and the sale of such fuels in 2019. Specifically, the legislation refers to:
 - ❖ No. 2 oil, also referred to as distillate oil, with a sulfur content greater than 0.0015 percent by weight;
 - ❖ No. 4 oil with a sulfur content greater than 0.25 percent by weight; or
 - ❖ Nos. 5 or 6 oil, also referred to as residual oil, with a sulfur content greater than 0.5 percent by weight.
- This legislation further clarifies that certain methane gas energy output may qualify as useful thermal energy and be eligible for RECs.
- Current Status: Enrolled on May 23, 2018.
- Effective Date: July 1, 2018; except the portion regarding the eligibility of methane gas energy output, which takes effect 60 days after passage.

9. AN ACT RELATIVE TO INFORMATION COLLECTION CONCERNING ELECTRIC RENEWABLE PORTFOLIO STANDARDS (HB 225)

- This legislation modifies the requirements for annual reports by electricity providers concerning the state's RPS and the annual reporting of such information by the NH PUC:
 - ❖ By July 1 of each year, each provider of electricity is required to submit a report to the NH PUC, in a form approved by the NH PUC, documenting its RPS compliance for the prior year; and
 - ❖ Beginning October 1, 2019 and by October 1 of each subsequent year, the NH PUC is required to disclose as public information the information collected under such reports.
- Current Status: Enrolled on May 23, 2018.
- Effective Date: 60 days after passage

10. AN ACT RELATIVE TO CHANGES IN THE SYSTEM BENEFITS CHARGE (HB 317)

- This legislation requires legislative approval for any increase in the system benefits charge.
- Current Status: Enrolled on May 23, 2018.
- Effective Date: 60 days after passage.

11. AN ACT REQUIRING ELECTRIC BILLS TO INCLUDE THE COST OF COMPLIANCE WITH RENEWABLE ENERGY STANDARDS (HB 1550)

- Legislation requiring providers of electricity to include the estimated annual cost of RPS compliance on customer bills each December.
- Current Status: Enrolled on May 23, 2018.
- Effective Date: 60 days after passage.

12. AN ACT RELATIVE TO PARTICIPATION BY THE PUBLIC UTILITIES COMMISSION IN REGIONAL ACTIVITIES (HB 1555)

- This legislation directs the NH PUC and the Office of the Consumer Advocate (NH OCA) to advocate against any proposed regional or federal policies that are inconsistent with the policies, rules, or laws of New Hampshire. This legislation requires the NH PUC and NH OCA to consider how other states' policies will impact New Hampshire rates and work to prevent or minimize any rate impact determined to be unjust or unreasonable.

- Current Status: Enrolled on May 3, 2018.
- Effective Date: 60 days after passage.

13. *AN ACT RELATIVE TO THE LEGISLATIVE OVERSIGHT COMMITTEE ON ELECTRIC UTILITY RESTRUCTURING (Chaptered Law 0253)*

- This legislation renames the legislative oversight committee “on electric utility restructuring” as the legislative oversight committee “to monitor the transformation of delivery of electric services.”
- The legislation also tasks the renamed committee with reviewing and providing an interim report on or before April 1 and an annual report on or before November 1 on activities before the NH PUC regarding the “evolving changes in the provision of electric services to New Hampshire customers,” and other related developments.
- Current Status: Signed by the Governor on June 18, 2018.
- Effective Date: August 11, 2018 (60 days after passage).

Rhode Island

The Rhode Island General Assembly began its current session on January 2, 2018, and will adjourn in July, 2018. As of June 18, 2018, there has been no passed or enacted energy legislation in Rhode Island in 2018. Most of the legislation listed below has been held for further study, suggesting that it probably will not pass, but we expect additional activity over the next few weeks.

Pending Legislation:

1. AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - ENERGY SITING (2018 RI S 2054)

- This legislation would require that carbon emissions reduction goals be considered in energy plant siting proceedings.
- Current Status: Legislation was introduced on January 18, 2018, referred to the Senate Committee on Environment and Agriculture. On March 28, 2018, that committee recommended the measure be held for further study.

2. AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS - NET METERING (2018 RI S 2175)

- This legislation would change the definition of a net-metering financing arrangement and would change the crediting of net-metered accounts.
- Current Status: Legislation was introduced on February 1, 2018, and referred to the Senate Committee on Commerce.

3. AN ACT RELATING TO HEALTH AND SAFETY - ENERGIZE RHODE ISLAND: CLEAN ENERGY INVESTMENT AND CARBON PRICING ACT OF 2018 (2018 RI S 2188 and H 7400)

- This legislation would impose a fee on the use of all fossil fuels within the state, commencing on the implementation date. The fee would be \$15 per metric ton of CO₂e that would be released by burning the fuel sold. In each subsequent fiscal year, the rate would be the rate of the previous fiscal year plus five dollars until it reaches a rate of \$50 per metric ton of CO₂e.
- Current Status: The legislation was introduced on February 1, 2018, with the House legislation referred to the House Finance Committee, and the Senate legislation referred to the Senate Committee on Environment and Agriculture. On March 28, 2018, the Senate Committee recommended the Senate legislation be held for further study. On May 15, 2018, the House Finance Committee postponed further consideration of H 7400 at the request of the sponsor.

4. AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS - LONG-TERM LEASING CONTRACTS FOR RENEWABLE ENERGY (2018 RI S 2321)

- This legislation would clarify that interconnection and standby transformer costs incurred by any New Shoreham EDC (i.e., National Grid and/or Block Island Power Company (BIPCO) or their successors) shall be charged in transmission rates and be socialized throughout Rhode Island, and would provide for the reimbursement of BIPCO by National Grid for costs associated with interconnection and standby transformers.
- Current Status: Legislation was introduced on February 15, 2018, and referred to the Senate Committee on Commerce, and on March 27, 2018, was held for further study.

5. AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - ENERGY FACILITY SITING ACT (2018 RI S 2508)

- This legislation would require developers of fossil fuel generating facilities to construct or invest in renewable energy facilities in Rhode Island with a cost or investment equal to no less than 20 percent of the estimated cost of the fossil fuel facility. As an alternative, the developer of the fossil fuel facility could make a payment into the Rhode Island renewable energy development fund in an amount equal to 25 percent of the actual cost of the fossil fuel facility.
- Current Status: Legislation was introduced on March 1, 2018, and was referred to the Senate Committee on Environment and Agriculture. On March 28, 2018, that committee recommended the legislation be held for further study.

6. AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - RHODE ISLAND GLOBAL WARMING SOLUTIONS ACT (2018 RI S 2747 and H 7827)

- This legislation would, among other things, mandate greenhouse gas emissions reductions in Rhode Island to 20 percent below 1990 levels by 2025, 50 percent below 1990 levels by 2035; 70 percent below 1990 levels by 2045; and 80 percent below 1990 levels by 2050.
- Current Status: The House legislation was introduced on February 28, 2018, and referred to the House Committee on Environment and Natural Resources. A hearing was held on March 15, 2018, and the committee recommended the measure be held for further study. The Senate legislation was introduced on March 27, 2018, and referred to the Senate Committee on Environment and Agriculture and on May 30, that committee recommended the bill be held for further study.

7. ***AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS - DUTIES OF UTILITIES AND CARRIERS (2018 RI H 7628)***
- This legislation would require all public utilities regulated by the Rhode Island Public Utilities Commission to file a rate request for a decrease in their base rates to reflect any federal tax savings as a result of the enactment of federal tax legislation commencing May 1, 2019, and every May 1 thereafter.
 - Current Status: Legislation was introduced on February 14, 2018, and referred to the House Finance Committee. On April 12, 2018, the legislation was transferred to the House Committee on Corporations. On April 24, 2018, that committee recommended the measure be held for further study.
8. ***AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS - DISTRIBUTED GENERATION INTERCONNECTION (2018 RI H 7677)***
- This legislation would reduce the time that an EDC has to provide an applicant for a renewable distributed generation interconnection impact study from 90 to 60 days, authorize additional study to better serve applicants, and provide renewable energy customers a final accounting of changes and costs, and provide for penalties to the EDC for delays in interconnecting renewable energy projects.
 - Current Status: Legislation was introduced on February 15 and referred to the House Committee on Corporations. The committee held a hearing on the legislation on March 20, 2018, and the committee recommended the measure be held for further study.
9. ***AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - THE RHODE ISLAND ENERGY RESOURCES ACT (2018 RI H 7793)***
- This legislation would require, by July 1, 2019, the establishment of renewable energy siting ordinances in all cities and towns which would meet the standards set by a working group within the Rhode Island Office of Energy Resources.
 - Current Status: Legislation was introduced on February 28, 2018, and referred to the House Committee on Environment and Natural Resources. On March 28, 2018, that committee recommended the measure be held for further study.
10. ***AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS - NET METERING (2018 RI S 2652 and H 8020)***
- This legislation would expand the definition of eligible net metering resources by including certain "eligible biomass fuels".

- Current Status: Legislation was introduced in the Senate on March 20, 2018, referred to the Senate Committee on Environment and Agriculture, passed in the Senate on May 2, 2018, and was referred to the House Committee on Corporations on May 3, 2018. Legislation was introduced in the House on March 29, 2018, referred to the House Committee on Finance and that committee recommended passage on May 15, 2018.

11. *AN ACT RELATING TO AGRICULTURE AND FORESTRY - RHODE ISLAND FOREST CONSERVATION ACT (H 8141)*

- This legislation would prohibit any state economic and other incentives to develop or convert forest land for renewable energy uses.
- Current Status: Legislation was introduced on April 27, 2018, referred to the House Committee on Municipal Government, transferred to the House Committee on Environment and Natural Resources on May 4, 2018, and that committee recommended to hold the legislation for further study on May 10, 2018.

Vermont

The Vermont legislature began its current session on January 3, 2018, and adjourned May 4, 2018. Vermont is currently in a special session related to budget and tax issues that began on May 23, 2018. The special session is not expected to relate to energy-issues relevant to NEPOOL Participants.

Passed Legislation:

1. AN ACT RELATING TO STATE-OWNED AIRPORTS AND ECONOMIC DEVELOPMENT (Public Act No. 108)

- This legislation:
 - ❖ Requires the Secretary of Commerce and Community Development to update Vermont's Economic Development Marketing Plan to incorporate the marketing of State-owned airports and to submit the updated Marketing Plan to specified committees of the General Assembly on or before January 15, 2019;
 - ❖ For each State-owned airport, the Agency of Transportation, on or before January 15, 2019, is required to evaluate the feasibility of siting one or more renewable energy generating plants at the airport and installing electric vehicle charging stations at the airport, electric aircraft charging stations at the airport, and
 - ❖ Specifies that a designated area or areas at an airport may be leased to a business entity consistent with Federal Aviation Administration (FAA) requirements.
- Current Statue: Signed by the Governor on April 25, 2018.
- Effective Date: Upon passage.

2. AN ACT RELATING TO ENERGY PRODUCTIVITY INVESTMENTS UNDER THE SELF-MANAGED ENERGY EFFICIENCY PROGRAM (Public Act No. 150)

- This legislation makes several changes to the self-managed energy efficiency program including:
 - ❖ Changes the qualifications for customer participation;
 - ❖ Authorizes energy productivity programs and measures as an eligible investment;

- ❖ Allows funds from outside entities to count toward a participant's monetary commitment; and
 - ❖ Requires that the electric energy savings from projects in the program be bid into ISO-NE's Forward Capacity Market if the Department of Public Service determines it is cost-effective to do so.
- This legislation also directs the Public Utility Commission (VT PUC) to establish an Energy Savings Account (ESA) Partnership that will allow a participant, working with Efficiency Vermont, to place the participant's electric efficiency charge payments in an ESA and then use 100 percent of the funds on the participant's own energy efficiency projects. The Pilot Program will last for three years after which the VT PUC will conduct an evaluation and report to the Vermont General Assembly about whether the Pilot Program should be continued.
 - Current Statue: Signed by the Governor on May 21, 2018.
 - Effective Date: July 1, 2018.
3. ***AN ACT RELATING TO MISCELLANEOUS ENERGY SUBJECTS (Public Act No. 163)***
- This legislation:
 - ❖ Revises the minimum setback requirements applicable to solar electric generation requiring a certificate of public good from the VT PUC;
 - ❖ Amends the statute governing fees charged to support the participation of the Agency of Natural Resources in certificate of public good proceedings before the VT PUC; and
 - ❖ Establishes a voluntary habitat standard under which solar electric generation sites may claim that they provide benefits to pollinators and shrub-dependent birds.
 - Current Statue: Signed by the Governor on May 22, 2018.
 - Effective Date: July 1, 2018.