REV 2025 Mid Session Legislative Update

Revising the “Single Plant” Definition

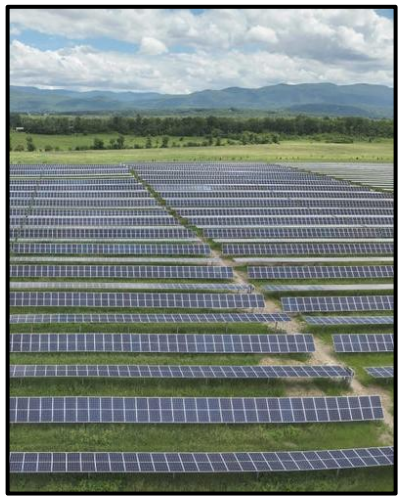
Raising the cap for fast registration of Net Metered ground mounts to 25kW

Governor Scott’s legislation to rollback the Renewable Energy Standard and the Global Warming Solutions Act

Community Solar & Standard Offer

More Efficient Solar Siting:
Updating the "Single Plant" Definition in Statute

- Before 2013, Standard Offer prices were set by the Legislature and Public Service Board
- Legislators and the PSB were justifiably concerned that larger projects could be divided into smaller Standard Offer projects, and access to non-market prices



A 5 MW plant is ineligible for Standard Offer

Cost savings from building at this scale accrue to ratepayers

Two 2.2MW plants built together would gain many of the 5MW plant's economies of scale

Under Standard Offer 1.0, both plants would receive a higher-than-market price, generating concern about gaming the system

"The definition of 'plant' in § 8002 was written to ensure that large projects, which can gain economies of scale based on their large size, do not take advantage of incentives intended for small projects."

Vermont Supreme Court, 2021

Single Plant Law Limits Development on Good Sites for Solar

Vermont's "single plant" law can prevent solar projects from being built near one another, preventing us from taking maximum advantage of sites that are:

- Already disturbed locations like brownfields
- Already host solar
- Close to existing load
- Located where the distribution infrastructure is robust

Towns have responded to the State's enhanced energy planning requirements and have clustered solar development in their land use planning. Single plant now runs counter to a Town's ability to manage development.

Old gravel pit potentially off-limits for solar because of "single plant"

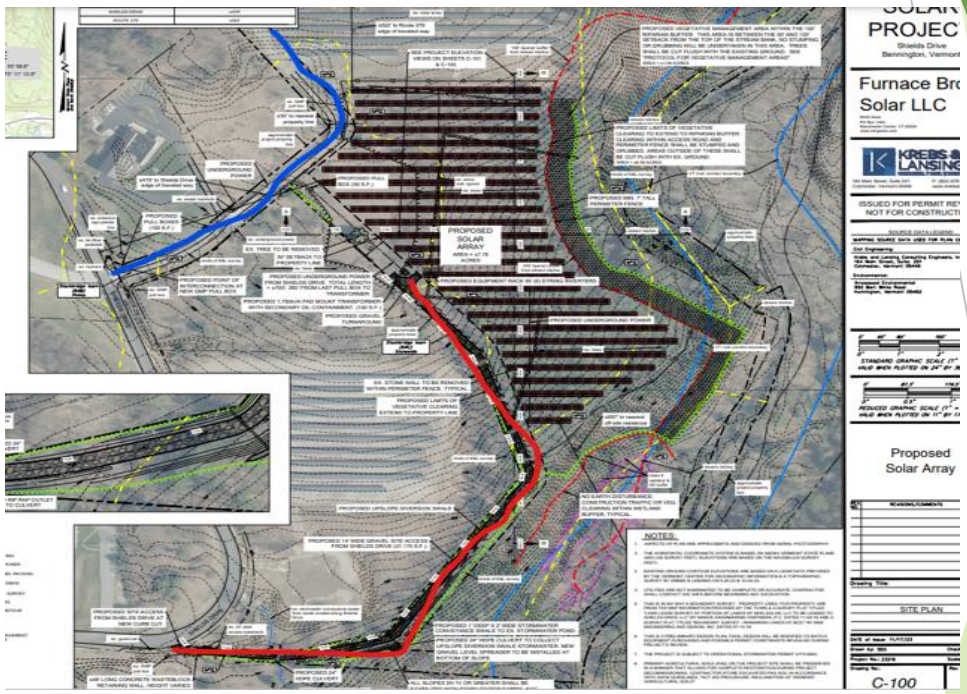
2.3 MW solar array on an old gravel pit

Single Plant Determinations Raise Costs and Increases the Time for Deployment on Good Sites for Solar

1. On a site designated by the Town of Bennington as a “preferred site”, MHG was advised by its lawyers to conclusively demonstrate that their solar project shared no common infrastructure with the 500kW net metering project on the same parcel installed by MHG five years prior.

To ensure they didn’t run into a “single plant” issue, MHG permitted an unneeded 1,500 ft long road costing over $50,000

2. To avoid a potential single plant conflict, a solar developer was advised by their lawyers to replace perfectly good utility poles it had installed only <u>two years earlier</u> on the site for a previous solar array



1.65MW Furnace Brook solar project in Bennington.
New road in red, existing road in blue

Single Plant Status

Goal: Have the House Energy Digital Infrastructure Committee add statutory language to S.50 that would eliminate the burden of rebutting a single plant assumption

- S.50 has already passed the Senate
- Original single plant language modification proposed in H.394
- REV testified to HEDI on 4/2 with additional suggested changes
- PUC testified against changing this statute on 4/8 and again on 4/15

Supporters: Land use and climate action advocates like TNC, CLF, VPIRG, VNRC and Two-Rivers Ottaqueechie Regional Planning Council

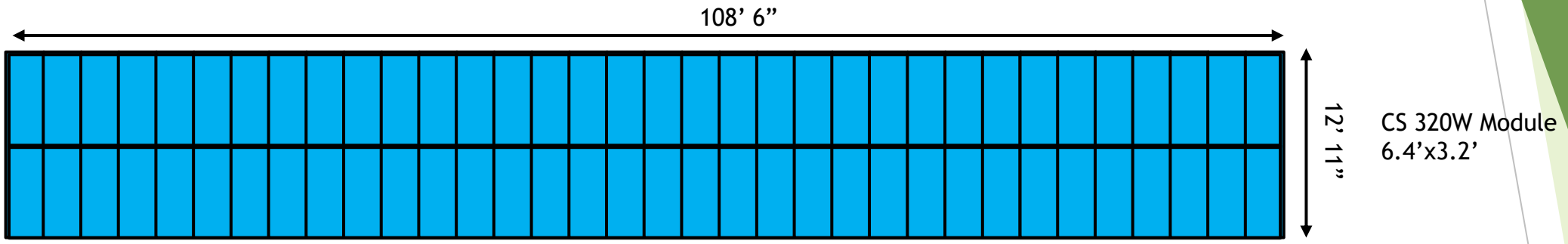
Updating Vermont's Residential Net Metered Solar Application & Registration Process to Meet Customers Electrification Needs

Act 99 of 2014 states that ground mount arrays ≤15kW use a quick registration process while ground mount arrays 15-150kW must go through a lengthier application process

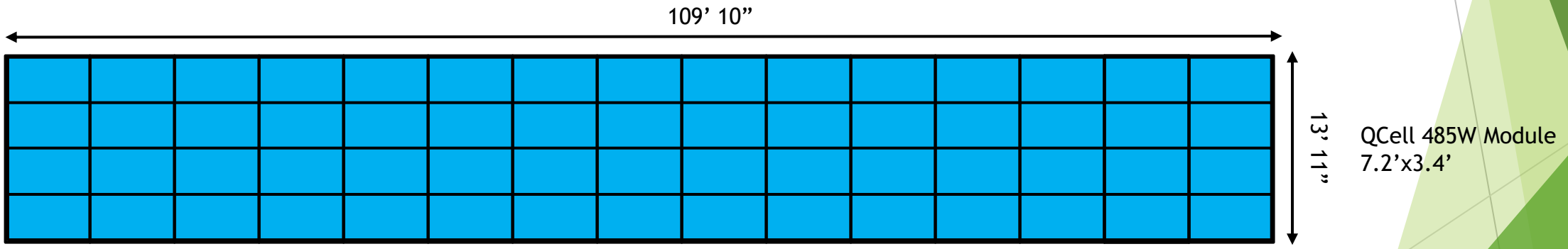
150kW AC solar array outside Lamoille Union HS

15kW AC residential solar array with 435W panels (66'x12')

Modern Solar Panels Can Produce 28% More Solar Power Using Almost the Same Amount of Land!



Layout of a pre-2017 15kW array using 66 320w panels covering roughly 1400 ft^2



Layout of a modern 25kW array using 60 485w panels covering roughly 1500 ft^2

Average residential solar panel size in 2014: 250W
Average residential solar panel size in 2024: 435-500W

Two Similar Sized Arrays, Two Very Different Results: Larger Backyard Projects Not Built!

15kW residential solar array in Barnard

Registration Process: CPG granted by the 15th calendar day after submission almost all the time

25kW residential solar array

Application Process: Four months minimum for a CPG

Only 12 CPG applications have even been filed since 2020 for 15-25kW AC projects

The uncertainty, cost, and length of time needed to complete the 15kW-150kW registration process is restricting the capacity of backyard solar projects!

Renewable Energy Vermont

Raising the Cap to 25kW for Ground Mount Net Metering to use Registration Process: Status

Status: Original language in S.50, which passed the Senate unanimously before the crossover deadline. S.50 is currently in HEDI.

- REV testified to HEDI on 3/21
- Testimony on 4/8 by: Catamount Solar, Power Guru, and Southern Vermont Solar
- Municipal Setbacks
  - Senate floor amendment, made without Committee testimony and opposed by REV, added requirements for projects <15 kW to follow municipal zoning
  - HEDI amended S.50 to include 10' setbacks for ground mount net metered projects <25kW, with support from REV

Supporters: PUC, GMP, VEC, land use and climate action advocates like TNC, CLF, VPIRG, Vermont League of Cities and Towns, and VNRC

Opponents: none

Rolling back the Renewable Energy Standard

H.289/S.110 introduced by the Public Service Department would rollback the Clean Heat Standard, Global Warming Solutions Act and the Renewable Energy Standard.

H.289/S.110 would force distributed solar in Vermont to compete on price with larger out-of-state wind and solar. This provision would make it almost impossible to build non-net metered 1-5 MW distributed solar in Vermont:

- The bill sets a price cap via the Alternative Compliance Payment (ACP) so low as to make it nearly impossible to build Tier II solar projects. A solar array would have to come in at between $74-$79 MWh to meet this price cap, far below the current cost of building solar of this size in New England.
- It is important to note that if the ACP is paid, instead of new power from wind and solar coming online, the money is used to fund projects like energy from burning biomass.

Rolling Back the Renewable Energy Standard

H.289/S.110 contains a provision that prevents grid upgrade costs from being recouped in PPA rates, forcing the developer to absorb these costs without compensation. This would make hundreds of MW of solar projects economically infeasible.

- The language in H.289/S.110 (below) eliminates the potential to build new solar in most of Vermont because any improvement to the grid could be used to trigger the "generation constrained areas" definition. It is almost unheard of in any state for 1-5MW solar project not to require *any* investments in wire replacement, pole replacement, or other hardware upgrades during the interconnection process.
- "(i) Procurements by retail electricity providers and programs that support meeting the requirements of this subdivision (2) shall avoid development of new facilities in generation constrained areas of the distribution or transmission system that would not need to be expanded but for the addition of additional generation, unless costs associated with development in those generation constrained areas are not passed through to ratepayers through the cost to utilities to purchase the generation or in any other manner."

Rolling Back the Renewable Energy Standard: Status

Status: The Senate Natural Resources and Energy Committee and the House Energy and Digital Infrastructure Committee have not taken witness testimony on H.289/S.110. Neither bill made crossover. The only potential path forward for these bills this year is as a floor amendment, likely to S.50.

Supporters: PSD

Opponents: REV, climate action advocates like TNC, CLF, VPIRG, and VNRC

Reauthorizing Standard Offer

- The Standard Offer is a procurement program for distributed generation created in 2009 with a cap of 127.5MW
- Solar projects can be up to 2.2MW. Other eligible technologies include wind <100kW, wind 100kW to 2.2MW, landfill methane, biomass and hydroelectric
- An annual RFP specifies the overall program capacity available for the year to different technologies and technology-specific price caps. The final RFP solicitation was in 2022
- Bids are selected based on price until the program capacity is fully awarded
- ***The PUC expects to rebid for unused Standard Offer capacity***

Standard Offer Solar Award Summary

	# Projects	Capacity (MW)
Total	78	138
Interconnected	47	76
In Process	18	39
Withdrawn	13	22

Reauthorized Standard Offer

A reauthorized Standard Offer would:

- Ensure the consistent and predictable deployment of new renewables and make sure that early emissions reductions are achieved regardless of volatility in load growth
- Recreate a space for community-owned renewables
- Utilize a mechanism that the Public Utility Commission has determined is consistent with the goal of timely development at the lowest feasible cost

Reauthorized Standard Offer

S.57/H.155 would:

- Create 100 MW of new Standard Offer capacity at 20 MW/yr for five years
- Add a 2 MW/yr carve out for Community Solar – defined as projects owned by the project off-takers or an entity representing them
- Eliminate allocations for technologies that emit greenhouse gases

Status: Not moving

S.57 supported by REV, VPIRG, Vermont Law School, CLF, Sierra Club, Nature Conservancy and Vermont Conservation Voters.

Opposed by: GMP, VEC, PSD and PUC

H.155 not being taken up by HEDI, it has missed the crossover deadline