



## EXECUTIVE COMMITTEE

June 4, 2018

4:00 p.m. at CVRPC's Office

### Page AGENDA

- 4:00<sup>1</sup> Adjustments to the Agenda**  
**Public Comment**
- 4:05 Financial Report** (enclosed)<sup>2</sup>
- 4:20 Renewable Energy Preferred Sites** (enclosed)<sup>2</sup>  
 Discuss process for approving preferred sites. Potential action to place item on Board of Commissioners agenda or refer it to the Regional Plan Committee for policy development.
- 5:00 Contract/Agreement Authorization** (enclosed)<sup>2</sup>  
     a) **Contractor Name** – Accounting Services (3 year)  
     b) Batchelder Associates, PC – Audit Services (FY18 Audit)
- 5:10 Dental Insurance** (enclosed)<sup>2</sup>  
 Approve Commission's FY2019 dental insurance benefit.
- 5:15 FY19 Executive Committee & Commission Meeting Schedule** (enclosed)<sup>2</sup>  
 Confirm or modify proposed meeting dates.
- 5:25 Committee Appointments, Laura Hill-Eubanks** (enclosed)  
 Discuss Committee appointments per the Committee's April 30 request.
- 5:40 Strategic Plan FY19 Actions** (enclosed)<sup>2</sup>  
 Approve document.
- 5:50 WBRD Administrative Services**  
 Update on internal controls adoption progress.
- 6:00 Commission Meeting Agenda** (enclosed)<sup>2</sup>
- 6:10 Meeting Minutes – April 30, 2018<sup>2</sup>**
- 6:15 Possible Executive Session – 1 V.S.A §313(3), Personnel<sup>2</sup>**
- 6:35 Adjourn**

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<sup>1</sup> All times are approximate unless otherwise advertised

# memo

To: Executive Committee, Central Vermont Regional Planning Commission  
From: Nicole Sancibrian, CPA  
Date: May 30, 2018  
Re: April 2018 Financial Statements

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The April financial statements reflect some changes from prior presentation. The following are highlights of the changes and related comments on the overall financial position:

## **Balance Sheet**

- Assets – Cash has recovered significantly, and April month-end billing is complete.
- Deferred income - The balance of \$129,721.84 now includes product-based projects for which cash has been received for future consultant costs.
- Net income of \$123,579.14 consists of \$30,640.15 of designated income for the High Meadows grant and \$92,938.99 of undesignated funds. High Meadows paid in advance and project work will continue through May 1, 2019. The undesignated funds are comprised of \$71,537.40 of Town Dues and \$21,401.59 of residual profits on completed product-based projects. These represent monies CVRPC can retain and use for its own purposes.

## **Financial Position**

- The projected undesignated net income (profit) for fiscal year 2018 will decrease to an estimated \$75,000-\$85,000 due to grants reaching their award limits in the next two months.
- CVRPC is recovering more administrative funds through the indirect cost rate than it has expended in administrative expenses for fiscal year 2018. We anticipate this will level out by June 30, 2018.
- Overall, CVRPC is on track to meet its financial goals for fiscal year 2018. The difference between the budgeted net income and April 30 net income partially reflects the difference between cash-based budgeting and accrual-based financial statements. CVRPC will transition to accrual-based budgeting for fiscal year 2019.

11:19 AM

## Central Vermont Regional Planning Commission

05/30/18

## Balance Sheet

Accrual Basis

As of April 30, 2018

|                                 | Apr 30, 18        |
|---------------------------------|-------------------|
| <b>ASSETS</b>                   |                   |
| Current Assets                  |                   |
| Checking/Savings                |                   |
| Checking                        | 221,379.04        |
| Northfield Savings - Reserve    | 26,234.16         |
| Peoples - CDBG Disaster Recover | 0.42              |
| Total Checking/Savings          | 247,613.62        |
| Accounts Receivable             |                   |
| Accounts Receivable             | 178,092.57        |
| Total Accounts Receivable       | 178,092.57        |
| Total Current Assets            | 425,706.19        |
| Fixed Assets                    |                   |
| Equipment                       | 39,785.25         |
| Equipment - Accum. Depreciation | -26,067.00        |
| Total Fixed Assets              | 13,718.25         |
| Other Assets                    |                   |
| Deposits                        | 4,415.00          |
| Prepaid Expenses                | 3,700.45          |
| Total Other Assets              | 8,115.45          |
| <b>TOTAL ASSETS</b>             | <b>447,539.89</b> |
| <b>LIABILITIES &amp; EQUITY</b> |                   |
| Liabilities                     |                   |
| Current Liabilities             |                   |
| Accounts Payable                |                   |
| *Accounts Payable               | 60,798.66         |
| Total Accounts Payable          | 60,798.66         |
| Credit Cards                    |                   |
| Staples Credit Plan             | 49.28             |
| Total Credit Cards              | 49.28             |
| Other Current Liabilities       |                   |
| Accrued Compensatory Time       | 7,240.91          |
| Accrued Vacation                | 24,711.61         |
| Deferred Income                 |                   |
| ACCD FY18                       | 27,314.92         |
| LEPC SERC                       | 235.17            |
| Product Based Projects          |                   |
| ERP - Mad Kingsbury Stormwater  | 54,227.88         |
| ERP - Mad River Cooridor        | 7,572.67          |
| ERP - Northfield Water St.      | 40,371.20         |
| Total Product Based Projects    | 102,171.75        |
| Total Deferred Income           | 129,721.84        |
| FED/FICA withholding            | 4,021.27          |
| HSA deductible withholding      | 825.00            |
| Pension Liability               | 1,387.84          |
| State withholding               | 490.54            |
| Total Other Current Liabilities | 168,399.01        |
| Total Current Liabilities       | 229,246.95        |
| <b>Total Liabilities</b>        | <b>229,246.95</b> |
| Equity                          |                   |
| Invested in Fixed Assets        | 13,718.25         |

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**Central Vermont Regional Planning Commission**

05/30/18

**Balance Sheet**

Accrual Basis

As of April 30, 2018

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|                                   | Apr 30, 18        |
|-----------------------------------|-------------------|
| Unrestricted Net Position         |                   |
| Designated for High Meadows       | 30,640.15         |
| Unrestricted Net Position - Other | 50,355.40         |
|                                   |                   |
| Total Unrestricted Net Position   | 80,995.55         |
|                                   |                   |
| Net Income                        | 123,579.14        |
|                                   |                   |
| Total Equity                      | 218,292.94        |
|                                   |                   |
| TOTAL LIABILITIES & EQUITY        | <b>447,539.89</b> |



## Central Vermont Regional Planning Commission

## Statement of Revenues and Expenditures

July 2017 through April 2018

Accrual Basis

|                                    | Jul '17 - Apr 18  | Budget            | \$ Over Budget     | % of Budget   |
|------------------------------------|-------------------|-------------------|--------------------|---------------|
| <b>Ordinary Income/Expense</b>     |                   |                   |                    |               |
| <b>Income</b>                      |                   |                   |                    |               |
| ACCD                               | 293,919.56        | 342,560.00        | -48,640.44         | 85.8%         |
| Community Development              |                   |                   |                    |               |
| BCRC Regional Energy Plan          | 20,000.00         | 20,000.00         | 0.00               | 100.0%        |
| Brownfields Grant                  | 228,531.67        | 299,780.00        | -71,248.33         | 76.2%         |
| Local Energy Planning - Year 2     | 0.00              | 5,400.00          | -5,400.00          | 0.0%          |
| NRPC Energy - Year 1               | 13,800.00         | 11,800.00         | 2,000.00           | 116.9%        |
| <b>Total Community Development</b> | <b>262,331.67</b> | <b>336,980.00</b> | <b>-74,648.33</b>  | <b>77.8%</b>  |
| Fee for Services                   |                   |                   |                    |               |
| Cross VT Trail                     | 2,159.00          | 10,149.00         | -7,990.00          | 21.3%         |
| Cross VT Trail reimbursement       | 0.00              | 650.00            | -650.00            | 0.0%          |
| GIS Project                        | 308.99            | 1,100.00          | -791.01            | 28.1%         |
| MRVPD Admn                         | 791.74            | 30,219.00         | -29,427.26         | 2.6%          |
| MRVPD Payroll Reimbursements       | 17,051.31         |                   |                    |               |
| WBRD Admn                          | 5,000.00          | 5,000.00          | 0.00               | 100.0%        |
| <b>Total Fee for Services</b>      | <b>25,311.04</b>  | <b>47,118.00</b>  | <b>-21,806.96</b>  | <b>53.7%</b>  |
| Municipal Contracts                |                   |                   |                    |               |
| Barre Town Sewer Manholes          | 2,967.80          | 1,000.00          | 1,967.80           | 296.8%        |
| Better Back Roads                  | 7,030.75          | 35,437.00         | -28,406.25         | 19.8%         |
| <b>Total Municipal Contracts</b>   | <b>9,998.55</b>   | <b>36,437.00</b>  | <b>-26,438.45</b>  | <b>27.4%</b>  |
| Natural Resources                  |                   |                   |                    |               |
| 604B                               | 1,818.00          | 3,636.00          | -1,818.00          | 50.0%         |
| BC/BT/Plainfield Stormwater MP     | 61,565.00         | 41,565.00         | 20,000.00          | 148.1%        |
| Berlin Stormwater Master Plan      | 27,525.00         | 26,525.00         | 1,000.00           | 103.8%        |
| ERP Northfld Village SW            | 4,828.80          | 95,000.00         | -90,171.20         | 5.1%          |
| Forest Integrity                   | 0.00              | 12,660.00         | -12,660.00         | 0.0%          |
| High Meadows Resilience            | 40,000.00         | 40,000.00         | 0.00               | 100.0%        |
| Mad-Kingsbury Stormwater M. Pla    | 23,772.12         | 106,000.00        | -82,227.88         | 22.4%         |
| Mad River Corridor Plan            | 19,216.33         | 26,878.00         | -7,661.67          | 71.5%         |
| SWCRPC Clean Water Block Grant     | 2,279.87          | 112,140.00        | -109,860.13        | 2.0%          |
| Water Quality                      | 16,750.51         | 28,506.00         | -11,755.49         | 58.8%         |
| <b>Total Natural Resources</b>     | <b>197,755.63</b> | <b>492,910.00</b> | <b>-295,154.37</b> | <b>40.1%</b>  |
| Other Income                       |                   |                   |                    |               |
| High Meadows Fund                  | 250.00            | 0.00              | 250.00             | 100.0%        |
| Interest Income                    | 36.79             | 10.00             | 26.79              | 367.9%        |
| Miscellaneous Income               | 13,630.67         | 5,000.00          | 8,630.67           | 272.6%        |
| <b>Total Other Income</b>          | <b>13,917.46</b>  | <b>5,010.00</b>   | <b>8,907.46</b>    | <b>277.8%</b> |
| Public Safety                      |                   |                   |                    |               |
| CCRPC_HMGP_FY16                    | 2,022.97          |                   |                    |               |
| DEMHS DPS MOU                      | 9,606.09          | 7,722.00          | 1,884.09           | 124.4%        |
| EMPG                               | 60,208.62         | 61,143.00         | -934.38            | 98.5%         |
| HMGP MEGA                          | 17,305.69         | 7,000.00          | 10,305.69          | 247.2%        |
| HMGP Mega Admin                    | 130.06            | 65.00             | 65.06              | 200.1%        |
| LEPC SERC                          | 6,869.09          | 5,000.00          | 1,869.09           | 137.4%        |
| <b>Total Public Safety</b>         | <b>96,142.52</b>  | <b>80,930.00</b>  | <b>15,212.52</b>   | <b>118.8%</b> |
| Town Dues                          |                   |                   |                    |               |
| Town Dues                          | 71,537.40         | 71,537.00         | 0.40               | 100.0%        |
| <b>Total Town Dues</b>             | <b>71,537.40</b>  | <b>71,537.00</b>  | <b>0.40</b>        | <b>100.0%</b> |

## Central Vermont Regional Planning Commission

## Statement of Revenues and Expenditures

July 2017 through April 2018

Accrual Basis

|                                     | Jul '17 - Apr 18    | Budget              | \$ Over Budget     | % of Budget   |
|-------------------------------------|---------------------|---------------------|--------------------|---------------|
| <b>Transportation</b>               |                     |                     |                    |               |
| DEC Class IV Road Demonstration     | 16,444.31           | 11,714.00           | 4,730.31           | 140.4%        |
| Grants in Aid                       | 13,700.19           | 24,921.00           | -11,220.81         | 55.0%         |
| TPI                                 | 189,505.61          | 236,842.00          | -47,336.39         | 80.0%         |
| VTrans Better Back Road             | 6,778.39            | 9,044.00            | -2,265.61          | 74.9%         |
| <b>Total Transportation</b>         | <b>226,428.50</b>   | <b>282,521.00</b>   | <b>-56,092.50</b>  | <b>80.1%</b>  |
| <b>Total Income</b>                 | <b>1,197,342.33</b> | <b>1,696,003.00</b> | <b>-498,660.67</b> | <b>70.6%</b>  |
| <b>Gross Profit</b>                 | <b>1,197,342.33</b> | <b>1,696,003.00</b> | <b>-498,660.67</b> | <b>70.6%</b>  |
| <b>Expense</b>                      |                     |                     |                    |               |
| Advertising                         | 1,125.94            | 1,890.00            | -764.06            | 59.6%         |
| Cleaning                            | 1,440.00            | 1,885.00            | -445.00            | 76.4%         |
| Consultants                         | 429,707.28          | 712,664.00          | -282,956.72        | 60.3%         |
| Copy                                |                     |                     |                    |               |
| Copier extra copies                 | 1,377.98            | 825.00              | 552.98             | 167.0%        |
| Copier Lease Payments               | 5,740.11            | 3,658.00            | 2,082.11           | 156.9%        |
| <b>Total Copy</b>                   | <b>7,118.09</b>     | <b>4,483.00</b>     | <b>2,635.09</b>    | <b>158.8%</b> |
| Depreciation expense                | 0.00                | 7,000.00            | -7,000.00          | 0.0%          |
| Dues/Pubs/Sponsorships              |                     |                     |                    |               |
| Government Relations                | 3,454.56            | 6,050.00            | -2,595.44          | 57.1%         |
| Dues/Pubs/Sponsorships - Other      | 6,096.94            | 4,400.00            | 1,696.94           | 138.6%        |
| <b>Total Dues/Pubs/Sponsorships</b> | <b>9,551.50</b>     | <b>10,450.00</b>    | <b>-898.50</b>     | <b>91.4%</b>  |
| Equipment - Capital                 | 11,728.11           | 20,000.00           | -8,271.89          | 58.6%         |
| Equipment - Repairs and Mainten     | 0.00                | 400.00              | -400.00            | 0.0%          |
| Interest Expense                    | 0.00                | 50.00               | -50.00             | 0.0%          |
| Liability Insurance                 | 1,482.00            | 1,510.00            | -28.00             | 98.1%         |
| Meetings/Programs                   | 3,784.05            | 12,592.00           | -8,807.95          | 30.1%         |
| Office Rent/Occupancy               |                     |                     |                    |               |
| Rent/Utility Deposits               | 34,215.80           | 41,109.00           | -6,893.20          | 83.2%         |
| <b>Total Office Rent/Occupancy</b>  | <b>34,215.80</b>    | <b>41,109.00</b>    | <b>-6,893.20</b>   | <b>83.2%</b>  |
| <b>Other Expenses</b>               |                     |                     |                    |               |
| Bad Debt                            | 0.00                | 100.00              | -100.00            | 0.0%          |
| Fees                                |                     |                     |                    |               |
| Annual Fees - Line of Credit        | 0.00                | 150.00              | -150.00            | 0.0%          |
| Bank Fees                           | 0.00                | 250.00              | -250.00            | 0.0%          |
| Payroll Direct Deposit Fees         | 213.09              | 394.00              | -180.91            | 54.1%         |
| <b>Total Fees</b>                   | <b>213.09</b>       | <b>794.00</b>       | <b>-580.91</b>     | <b>26.8%</b>  |
| <b>Gifts</b>                        | <b>300.00</b>       | <b>300.00</b>       | <b>0.00</b>        | <b>100.0%</b> |
| <b>Total Other Expenses</b>         | <b>513.09</b>       | <b>1,194.00</b>     | <b>-680.91</b>     | <b>43.0%</b>  |
| Postage                             | 1,653.71            | 2,600.00            | -946.29            | 63.6%         |
| <b>Professional Services</b>        |                     |                     |                    |               |
| Accounting                          | 42,445.00           | 52,000.00           | -9,555.00          | 81.6%         |
| Audit                               | 6,365.00            | 6,365.00            | 0.00               | 100.0%        |
| Benefits Administration             | 0.00                | 1,000.00            | -1,000.00          | 0.0%          |
| IT/Computer                         | 6,384.30            | 10,530.00           | -4,145.70          | 60.6%         |
| Legal                               | 1,381.50            | 4,600.00            | -3,218.50          | 30.0%         |
| Videography                         | 1,225.00            | 2,825.00            | -1,600.00          | 43.4%         |
| Professional Services - Other       | 0.00                | 23,500.00           | -23,500.00         | 0.0%          |
| <b>Total Professional Services</b>  | <b>57,800.80</b>    | <b>100,820.00</b>   | <b>-43,019.20</b>  | <b>57.3%</b>  |
| Reserve Contribution                | 0.00                | 25,000.00           | -25,000.00         | 0.0%          |
| Software/Licenses/IT                | 1,852.00            | 7,798.00            | -5,946.00          | 23.7%         |
| Subscriptions/Publications          | 0.00                | 212.00              | -212.00            | 0.0%          |
| Supplies - Billable                 | 5,673.37            | 9,820.00            | -4,146.63          | 57.8%         |

## Central Vermont Regional Planning Commission

## Statement of Revenues and Expenditures

July 2017 through April 2018

Accrual Basis

|  | Jul '17 - Apr 18    | Budget              | \$ Over Budget     | % of Budget     |
|--|---------------------|---------------------|--------------------|-----------------|
| <b>Supplies - Office</b>               |                     |                     |                    |                 |
| Equipment/Server                       | 1,700.43            | 4,630.00            | -2,929.57          | 36.7%           |
| GIS Supplies                           | 1,050.30            | 1,000.00            | 50.30              | 105.0%          |
| Office Supplies                        | 3,626.27            | 7,450.00            | -3,823.73          | 48.7%           |
| <b>Total Supplies - Office</b>         | <b>6,377.00</b>     | <b>13,080.00</b>    | <b>-6,703.00</b>   | <b>48.8%</b>    |
| <b>Telephone</b>                       | <b>5,244.13</b>     | <b>7,112.00</b>     | <b>-1,867.87</b>   | <b>73.7%</b>    |
| <b>Travel</b>                          | <b>11,312.88</b>    | <b>24,377.00</b>    | <b>-13,064.12</b>  | <b>46.4%</b>    |
| <b>Wages and Fringe Benefits</b>       |                     |                     |                    |                 |
| <b>Fringe Benefits</b>                 |                     |                     |                    |                 |
| Cross Trail VT Fringe                  | 159.00              | 860.00              | -701.00            | 18.5%           |
| CVRPC FICA                             | 26,446.07           | 37,046.00           | -10,599.93         | 71.4%           |
| Health Insurance                       | 60,990.58           | 83,098.00           | -22,107.42         | 73.4%           |
| Life Disability Insurance              | 2,949.60            | 5,892.00            | -2,942.40          | 50.1%           |
| MRVPD Employee Fringe                  | 6,051.33            | 8,056.00            | -2,004.67          | 75.1%           |
| Pension Plan                           | 14,288.89           | 24,213.00           | -9,924.11          | 59.0%           |
| Unemployment Comp                      | 786.00              | 1,510.00            | -724.00            | 52.1%           |
| Workmen's comp                         | 2,088.00            | 2,600.00            | -512.00            | 80.3%           |
| <b>Total Fringe Benefits</b>           | <b>113,759.47</b>   | <b>163,275.00</b>   | <b>-49,515.53</b>  | <b>69.7%</b>    |
| <b>Personnel</b>                       |                     |                     |                    |                 |
| Cross VT Trail                         | 2,000.00            | 9,288.00            | -7,288.00          | 21.5%           |
| MRVPD Leased Employees                 | 13,060.26           | 21,767.00           | -8,706.74          | 60.0%           |
| Personnel - Other                      | 354,363.71          | 484,261.00          | -129,897.29        | 73.2%           |
| <b>Total Personnel</b>                 | <b>369,423.97</b>   | <b>515,316.00</b>   | <b>-145,892.03</b> | <b>71.7%</b>    |
| <b>Total Wages and Fringe Benefits</b> | <b>483,183.44</b>   | <b>678,591.00</b>   | <b>-195,407.56</b> | <b>71.2%</b>    |
| <b>Total Expense</b>                   | <b>1,073,763.19</b> | <b>1,684,637.00</b> | <b>-610,873.81</b> | <b>63.7%</b>    |
| <b>Net Ordinary Income</b>             | <b>123,579.14</b>   | <b>11,366.00</b>    | <b>112,213.14</b>  | <b>1,087.3%</b> |
| <b>Net Income</b>                      | <b>123,579.14</b>   | <b>11,366.00</b>    | <b>112,213.14</b>  | <b>1,087.3%</b> |



## MEMO

Date: May 25, 2018

To: Executive Committee

From: Bonnie Waninger, Executive Director

Re: Requests for Preferred Site Designation

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✉ **ACTION REQUESTED:** The Committee has several options for action:

- A. Take no action. Adoption of the 2016 Regional Plan Update will designate preferred sites. If adopted on June 12, the Plan would take effect on July 18.
- B. Request the Regional Plan Committee recommend policy or guidance to evaluate sites for preferred site designation. This action may result in adopted policy in 2-6 months.
- C. Place the item on the Board of Commissioner agenda. The Board would:
  - Consider whether CVRPC should issue interim guidance for evaluating renewable energy projects that are not on CVRPC's preferred sites list.
  - If it should, review and approve interim guidance to be used by the Project Review Committee.
  - Request the Regional Plan Committee use the interim guidance to develop and recommend final guidance to the Board of Commissioners.

### Issue

The Public Utilities Commission (PUC) established net metering rules with siting adjustors that create additional incentives and potential disincentives for renewable energy developments. One incentive offered an increase rate of return for projects located on "Preferred Sites". Overall, the incentives worked; the number of proposed renewable energy generation projects increased dramatically since the incentives become effective. The siting adjustors are reviewed every two years, most recently in April. Incentives will decrease effective July 1, 2018.

The decreased incentives have created an incentive to file applications before July 1. CVRPC

has received multiple 45-day Advanced Notices for renewable energy projects seeking preferred site designation. CVRPC's current Regional Plan and its project review policy do not address this issue. All but two projects meet the State's criteria for preferred sites. If developers of these two sites can obtain letters of support from the Town and CVRPC, the developers can access current incentives. CVRPC does not have a policy on how to address these requests, therefore the Project Review Committee cannot evaluate them.

#### Current Policy

*Regional Plan* – The 2016 Regional Plan does not address Preferred Site designation because Preferred Sites were not relevant when the 2016 plan was adopted.

*Project Review Procedures* - CVRPC's current policy for project review, last amended in 2010, states CVRPC will comment using the currently adopted Regional Plan and only on projects that meet the threshold for Substantial Regional Impact (SRI). When SRI is met, the policy limits CVRPC's comments to a) consistency with the Regional Plan, and b) the SRI threshold item(s) that prompted review.

If CVRPC wishes to participate in preferred site designation for non-hydroelectric energy generation projects, it would be advisable to develop policy for the review process. Policy would assist CVRPC to review applications thoughtfully and equitably.

#### Background

*Net Metering Rules* – Net metering is the process of measuring the difference between the amount of electricity supplied to a customer and fed back from a customer by a net metering system (what is used from the utility balanced by what is generated by the customer's qualified system). New PUC rules become effective July 1, 2018. They lower net metering incentives. Energy project developers are rushing to submit applications prior to this date.

*Regional Energy Plan* - The Central Vermont Regional Energy Plan identifies Preferred Sites consistent with the State's Preferred Sites:

- Parking lots
- Gravel pits
- Brownfield sites (as defined in 10 V.S.A. §6642)
- Sanitary Landfills (as defined in 10 V.S.A. §6602)
- Rooftop installations

The Regional Energy Plan notes only statewide preferred sites would be specifically identified to

provide maximum flexibility for municipalities to establish additional preferred sites. The Regional Energy Plan states, *“The CVRPC will also evaluate and consider preferred locations as identified by the Public Utility Commission’s net metering rules. This will ensure consistency between state, regional, and locally preferred locations for renewable energy siting.”* The Vermont Agency of Natural Resources has developed guidance for how it will certify brownfield sites as Preferred Sites. This guidance provides perspective on why CVRPC might want to develop policy on Preferred Site approval requests.

*Regional Plan Update* - The Commission approved the Regional Energy Plan on April 12, 2018 and amended it on May 8, 2018. The Energy Plan will not have standing in regulatory processes until 35 days after it is adopted into the Central Vermont Regional Plan. If Regional Plan updates are adopted on June 12, 2018, the Plan will have standing on July 18, 2018.

*Project Review Procedures* - The Project Review Committee recommended updates to CVRPC’s Substantial Regional Impact guidance in March 2018. One update includes a requirement that projects requiring a Certificate of Public Good may be considered for regional impacts. The updates do not otherwise address how CVRPC will consider requests for Preferred Sites designation. The Regional Plan Committee and full Commission have not reviewed the recommendations, and the recommendations have not been adopted into the Regional Plan.

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period of time prescribed or allowed is less than 11 days.

(B) Enlargement. The Commission for cause shown may at any time in its discretion:

- (1) Grant an extension of time if it is requested before the expiration of the period originally prescribed, or
- (2) Upon request made after the expiration of the specified period, grant an extension where the failure to act was the result of excusable neglect.

### 5.103 Definitions

For the purposes of this Rule, the following definitions apply:

“Account” means a unique identifier assigned by the electric company to a customer for billing purposes. A customer account may include one or more meters.

“Adjoining Landowner” means a person who owns land in fee simple that:

- (1) Shares a property boundary with the tract of land on which a net-metering system is located; or
- (2) Is adjacent to that tract of land and the two properties are separated only by a river, stream, railroad line, or public highway.

“Adjustor” means a positive or negative charge applied to production kWh based on factors related to site selection (Site Adjustor) and retention of tradeable renewable energy credits (REC Adjustor).

“Amendment” means one or more of the following changes to the physical plans or design of a net-metering system. An amendment is either “major” or “minor”:

- (1) The following changes constitute a “major” amendment:
  - (a) increasing the nameplate capacity of the net-metering system by more than 5% or reducing the nameplate capacity of the net-metering system by more than 60%;
  - (b) moving the limits of disturbance by more than 50 feet;
  - (c) changing the fuel source of the net-metering system; or
  - (d) any other change that the Commission, in its discretion, determines is likely to have a significant impact under one or more of the criteria of

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Section 248 applicable to the net-metering system.

- (2) The following changes constitute a “minor” amendment:
  - (a) proposing additional aesthetic mitigation; or
  - (b) any other change to the physical plans or design of the system that is not a major amendment.

“Applicant” means the entity seeking authorization to construct and operate a net-metering system.

“Billing Meter” means an electric meter that measures either the consumption of electricity by a customer or the net of electric consumption by the customer and production by the net metering system.

“Blended Residential Rate” means the lesser of either:

- (1) For electric companies whose general residential service tariff does not include inclining block rates, the \$/kWh charge set forth in that electric company’s tariff for general residential service;
- (2) For electric companies whose general residential service tariff does include inclining block rates, a blend of the electric company’s general residential service inclining block rates that is determined by adding together all of the revenues to the company during the most recent calendar year from kWh sold under those block rates and dividing the sum by the total kWh sold by the company at those rates during the same year; or
- (3) The weighted statewide average of all electric company blended residential retail rates, as determined by the Commission, whichever is lower.

“Commission” means the Public Utility Commission of the State of Vermont and the employees thereof.

“Capacity” means the rated electrical nameplate for a plant, except that, in the case of a solar energy plant, the term means the aggregate AC nameplate capacity of all inverters used to convert the plant’s output to AC power. The capacity of an inverter is not changed when it is derated.



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“Category I Net-Metering System” means a net-metering system that is not a hydroelectric facility and that has a capacity of 15 kW or less.

“Category II Net-Metering System” means a net-metering system that is not a hydroelectric facility that has a capacity of more than 15 kW and less than or equal to 150 kW, and that is sited on a preferred site.

“Category III Net-Metering System” means a net-metering system that is not a hydroelectric facility, that has a capacity of greater than 150 kW and less than or equal to 500 kW, and that is sited on a preferred site.

“Category IV Net-Metering System” means a net-metering system that is not a hydroelectric facility, that has a capacity of greater than 15 kW and less than or equal to 150 kW, and that is not located on a preferred site.

“Certificate Holder” means one who holds a CPG. The certificate holder must have legal control of the net-metering system.

“Certificate of Public Good” or “CPG” means a certificate of public good issued by the Commission pursuant to 30 V.S.A. § 8010.

“Commissioned” or “Commissioning” means the first time a plant is put into operation following the initial construction of the plant.

“Conditional Waiver of a Criterion of 30 V.S.A. § 248” means the Commission waiver of the requirements for the presentation of evidence under the criterion, a specific review of the project by the Commission under the criterion, and the development of specific findings of facts for the criterion, unless the Commission finds that the application raises a significant issue under that criterion.

“Customer” means a retail electric consumer.

“Department” means the Vermont Department of Public Service.

“Electric Company” means the utility serving the net-metering customer or the utility that would serve an applicant seeking authorization to construct and operate a net-metering system, as the context indicates.

“Excess Generation” means the following: for customers who elect to wire net-metering

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systems such that they offset consumption on the billing meter, excess generation is the number of kWh by which production exceeds consumption. For customers who elect to wire net-metering systems such that they do not offset consumption on any customer's billing meter, all recorded production is considered excess generation.

"File" means the submission of documents, exhibits, plans, information, or other materials to the Commission through the Commission's electronic filing system, by delivery to the Commission's offices, or by delivery to the Commission during the course of a hearing.

"Group Net-Metering System" means a net-metering system serving more than one customer, or a single customer with multiple electric meters, located within the service area of the same retail electricity provider. Various buildings owned by municipalities, including water and wastewater districts, fire districts, villages, school districts, and towns, may constitute a group net-metering system. A union or district school facility shall be considered in the same group net-metering system with buildings of its member municipalities that are located within the service area of the same retail electricity provider that serves the facility.

"Host Landowner" means the owner of the property on which the net-metering system is or will be located.

"kW" means kilowatt or kilowatts (AC).

"kWh" means kilowatt hours.

"Inclining Block Rate" means a rate structure where an electric company charges a higher rate for each incremental block of electricity consumption.

"Limits of Disturbance" means the boundary within which all construction, materials storage, grading, landscaping, and any other activities related to site preparation, construction, operation, maintenance, and decommissioning take place as a result of the net-metering system, including areas disturbed due to the creation or modification of access roads, utility lines, and the clearing or management of vegetation.

"Net-Metering" means the process of measuring the difference between the electricity supplied to a customer and the electricity fed back by a net-metering system(s) during the customer's billing period:

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(1) using a single, non-demand meter or such other meter that would otherwise be applicable to the customer's usage but for the use of net metering; or

(2) if the system serves more than one customer, using multiple meters. The calculation shall be made by converting all meters to a non-demand, non-time-of-day meter, and equalizing them to the tariffed kWh rate.

"Net-Metering System" means a plant for generation of electricity that:

- (1) is of no more than 500 kW capacity;
- (2) operates in parallel with facilities of the electric distribution system;
- (3) is intended primarily to offset the customer's own electricity requirements; and
- (4) either (i) employs a renewable energy source; or (ii) is a qualified micro-combined heat and power system of 20 kW or less that meets the definition of combined heat and power facility in subsection 8015(b)(2) of Title 30 and uses any fuel source that meets air quality standards.

"Non-Bypassable Charges" means those charges on the electric bill defined in an electric company's tariffs that apply to a customer regardless of whether they net-meter or not. Non-bypassable charges may not be offset using current or previous net-metering credits. A customer is liable for payment of these charges regardless of whether the customer has a credit balance resulting from net-metering. The customer charge, energy efficiency charge, energy assistance program charge, any on-bill financing payment, and any equipment rental charge are non-bypassable charges.

"Party" means any person who has obtained party status under Section 5.117 of this Rule.

"Plant" means an independent technical facility that generates electricity from renewable energy. A group of facilities, such as wind turbines, will be considered one plant if the group is part of the same project and uses common equipment and infrastructure, such as roads, control facilities, and connections to the electric grid. Common ownership, control, proximity in time of construction, and proximity of facilities to each other will be relevant to determining whether a group of facilities is part of the same project.

"Pre-Existing Net-Metering System" means a net-metering system for which a completed

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CPG application was filed with the Commission prior to January 1, 2017, and whose completed application was either filed at a time when net-metering was being offered by the electric company pursuant to 30 V.S.A. § 219a (h)(1)(A) as the statute existed on December 31, 2016, or qualified under state law as a system that did not count towards the capacity limit on net-metering contained in that statute.

“Preferred Site” means one of the following:

- (1) A new or existing structure whose primary use is not the generation of electricity or providing support for the placement of equipment that generates electricity;
- (2) A parking lot canopy over a paved parking lot, provided that the location remains in use as a parking lot;
- (3) A tract previously developed for a use other than siting a plant on which a structure or impervious surface was lawfully in existence and use prior to July 1 of the year preceding the year in which an application for a certificate of public good under this Rule is filed. To qualify under this subdivision (3), the limits of disturbance of a proposed net-metering system must include either the existing structure or impervious surface and may not include any headwaters, streams, shorelines, floodways, rare and irreplaceable natural areas, necessary wildlife habitat, wetlands, endangered species, productive forestlands, or primary agricultural soils, all of which are as defined in 10 V.S.A. chapter 151;
- (4) Land certified by the Secretary of Natural Resources to be a brownfield site as defined under 10 V.S.A. § 6642;
- (5) A sanitary landfill as defined in 10 V.S.A. § 6602, provided that the Secretary of Natural Resources certifies that the land constitutes such a landfill and is suitable for the development of the plant;
- (6) The disturbed portion of a lawful gravel pit, quarry, or similar site for the extraction of a mineral resource, provided that all activities pertaining to site reclamation required by applicable law or permit condition are completed prior to the installation of the plant;

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- (7) A specific location designated in a duly adopted municipal plan under 24 V.S.A. chapter 117 for the siting of a renewable energy plant or specific type or size of renewable energy plant, provided that the plant meets the siting criteria recommended in the plan for the location; or a specific location that is identified in a joint letter of support from the municipal legislative body and municipal and regional planning commissions in the community where the net-metering system will be located.
- (8) A site listed on the National Priorities List (NPL) established under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. chapter 103, if the U.S. Environmental Protection Agency or the Agency of Natural Resources confirms that the site is listed on the NPL, and further provided that the Applicant demonstrates as part of its CPG application that:
- (a) development of the plant on the site will not compromise or interfere with remedial action on the site; and
  - (b) the site is suitable for development of the plant.
- (9) On the same parcel as, or directly adjacent to, a customer that has been allocated more than 50 percent of the net-metering system's electrical output. The allocation to the host customer may not be less than 50 percent during each of the first 10 years of the net-metering system's operation.

"Production Meter" means an electric meter that measures the amount of kWh produced by a net-metering system.

"Time-of-Use Meter" means an electric meter that measures the consumption of electricity during defined periods of the billing cycle.

"TOU" means time-of-use.

"Tradeable Renewable Energy Credit or REC" means all of the environmental attributes associated with a single unit of energy generated by a renewable energy source where:

- (1) Those attributes are transferred or recorded separately from that unit of energy;
- (2) The party claiming ownership of the tradeable renewable energy credits has acquired the exclusive legal ownership of all, and not less than all, the

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environmental attributes associated with that unit of energy; and

- (3) Exclusive legal ownership can be verified through an auditable contract path or pursuant to the system established or authorized by the Commission, or any program for tracking and verifying the ownership of environmental attributes of energy that is legally recognized in any state and approved by the Commission.
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may not displace any of the applicable adjustors, credits, or charges provided in this Rule.

**5.127 Determination of Applicable Rates and Adjustors**

- (A) Depending on the electric company service territory in which the net-metering system is located, the blended residential rate used to determine the value of net-metering credits is the lowest of the following:
- (1) For electric companies whose general residential service tariff does not include inclining block rates, the \$/kWh charge set forth in that utility's tariff for general residential service;
  - (2) For electric companies whose general residential service tariff includes inclining block rates, a blend of those rates determined by adding together all of the revenues to the company during the most recent calendar year from kWh sold under those block rates and dividing the sum by the total kWh sold by the company at those rates during the same year. Each electric company whose general residential service tariff includes inclining block rates must perform this calculation (1) by May 15 of each even-numbered year and (2) within 15 days of the effective date of a new tariff for general residential service that includes a change in rates of more than 5%. To the extent the calculation shows that there has been a change from the rate then in effect, the electric company must file by that same date a revision to its net-metering tariff to reflect the change. Any change to the blended residential rate calculated pursuant to this section may be included in a tariff compliance filing made pursuant to Section 5.128(H) of this Rule; or
  - (3) The weighted average of the blended residential rates for all Vermont electric companies. The average is weighted by the annual retail sales of the electric companies.
- (B) The REC adjustors are determined as follows:

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- (1) At the time an application for authorization to construct the net-metering system is filed with the Commission, the applicant must elect whether to retain ownership of any RECs generated by the system or whether to transfer such RECs to the electric company. This election is irrevocable. The electric company must retire all RECs transferred to it by a net-metering customer.
  - (2) The REC adjustor for a net-metering system must be calculated in dollars per kWh (\$/kWh) at the time the Commission issues the net-metering system a CPG. A zero or positive REC adjustor applies for a period of 10 years from the date the system is commissioned; a negative REC adjustor applies in perpetuity. Except for systems that register pursuant to Section 5.105 of this Rule, both the amount and the term of the REC adjustor will be stated in the net-metering system's CPG.
  - (3) Initial REC adjustors at the time this Rule becomes effective (January 1, 2017) are as follows:
    - (a) REC Adjustor (Transfer) = 3 cents per kilowatt hour;
    - (b) REC Adjustor (Retention) = negative 3 cents per kilowatt hour.
    - (c) Hydroelectric facilities net-metering under this rule are not subject to a REC adjustor.
- (C) The siting adjustors are determined as follows:
- (1) In order to provide incentives for the appropriate and beneficial siting of net-metering systems, each net-metering system may receive the highest-value siting adjustor for which it meets the applicable criteria. The net-metering system's siting adjustor must be expressed in dollars per kWh (\$/kWh) at the time the Commission issues the net-metering system a CPG. A zero or positive siting adjustor applies for a period of 10 years from the date the system is commissioned; a negative siting adjustor applies in perpetuity. Except for systems that register pursuant to Section



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5.105 of this Rule, both the amount and the term of the siting adjustor must be stated in the net-metering system's CPG.

- (2) The initial siting adjustors at the time this Rule becomes effective (January 1, 2017) are as follows:
  - (a) Category I = 1 cent per kilowatt hour;
  - (b) Category II = 1 cent per kilowatt hour;
  - (c) Category III = negative 1 cent per kilowatt hour;
  - (d) Category IV = negative 3 cents per kilowatt hour;
  - (e) Hydroelectric facilities = 0 cents per kilowatt hour.

**5.128 Biennial Update Proceedings**

- (A) The Commission must conduct a biennial update in 2018 and every two years thereafter to update the following:
  - (1) REC adjustors;
  - (2) siting adjustors;
  - (3) the statewide blended residential rate; and
  - (4) the eligibility criteria applicable to Categories I, II, III, and IV net-metering systems.
- (B) In updating the REC adjustors, the Commission must consider:
  - (1) the pace of renewable energy deployment necessary to be consistent with the Renewable Energy Standard program, the Comprehensive Energy Plan, and any other relevant State program;
  - (2) the total amount of renewable energy capacity commissioned in Vermont in the most recent two years;
  - (3) the disposition of RECs generated by net-metering systems commissioned in the past two years; and
  - (4) any other information deemed appropriate by the Commission.
- (C) In updating the siting adjustors, the Commission must consider:
  - (1) the number and capacity of net-metering systems receiving CPGs in the

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- most recent two years;
  - (2) the extent to which the current siting adjustors are affecting siting decisions;
  - (3) whether changes to the qualifying criteria of the categories are necessary;
  - (4) the overall pace of net-metering deployment; and
  - (5) any other information deemed appropriate by the Commission.
- (D) On or before February 1 of each even-numbered year, each electric company must file with the Commission and the Department of Public Service the following information regarding the state of the electric company's net-metering program:
- (1) the number of net-metering systems interconnected with the electric company's distribution system during the past two years;
  - (2) the capacity of each system;
  - (3) the fuel source of each system;
  - (4) the REC disposition of each system;
  - (5) the siting adjustor applicable to each system; and
  - (6) any other information the electric company believes to be relevant to the biennial update.
- (E) By no later than March 1 of each even-numbered year, the Department of Public Service and the Agency of Natural Resources may file with the Commission any proposed updates to the items specified in Section 5.128(A)(1)-(4) and reasons therefor.
- (F) Any person may file comments on the filings under (D) and (E), above, by March 15.
- (G) By May 1 of each even-numbered year, the Commission may by order update the items specified in Section 5.128(A)(1)-(4), as necessary. Adjustors must be determined to ensure that net-metering deployment occurs at a reasonable pace and in furtherance of State energy goals.
- (H) Electric companies must file no later than May 15 revisions to their net-metering

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tariffs that incorporate the new values set forth by the Commission in its biennial update order. Such tariffs must have an effective date of July 1. This tariff compliance filing may not include any other proposed changes to the utility's net-metering tariff, except for a proposed change to the utility's blended residential rate calculated pursuant to Section 5.127(A) of this Rule.

- (I) Notwithstanding the above, the Commission may conduct an update sooner than biennially at its own discretion or upon petition by the Department.

#### **5.129 Billing Standards and Procedures**

- (A) Customer Billing Requirements. The bill of a net-metering customer must include the following:
  - (1) the dollar amount of any credits carried forward from the previous months;
  - (2) the dollar amount of credits that have expired in the current month;
  - (3) the dollar amount of credits generated in the current month;
  - (4) the dollar amount of credits remaining; and
  - (5) the total kWh generated by the net-metering system in the current month.
- (B) Accumulated Bill Credits. Any accumulated bill credit must be used within 12 months from the month it is earned, or it reverts to the electric company without any compensation to the net-metering customer. Bill credits may not be transferred independently of a transfer of ownership of a net-metering system.
- (C) Membership in Multiple Net-Metering Groups. Individual customer accounts may be enrolled in only one net-metering group at a time. Customers with multiple accounts may enroll each account in a separate net-metering group.
- (D) 500 kW Customer Limit. The cumulative capacity of net-metering systems allocated to a single customer may not exceed 500 kW. For example, a customer who has two accounts cannot have each account allocated more than 50 percent of the output from two 500 kW net-metering systems because the cumulative capacity of the allocated share of those net-metering systems would exceed 500

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kW.

- (E) Multiple Net-Metering Systems in a Group. Groups may, subject to Commission approval, have more than one net-metering system attributed to a group and may increase the capacity of existing generation attributed to the group. However, the cumulative capacity of net-metering systems attributed to a group may not exceed 500 kW.
- (F) Group Member Allocations. Where the customer has, at its own expense, provided a separate meter for measuring production, the kWh produced by a net-metering system may be allocated to the accounts of a single customer or the accounts of group members. Where there is no separate production meter, only the excess generation may be allocated to accounts belonging to a single customer or to the accounts of members of a group.

#### **5.130 Group System Requirements**

- (A) In addition to any other requirements in 30 V.S.A. §§ 248 and 8010, and in any applicable Commission rules, before a group system may be formed and served by an electric company, the group must file the following information with the electric company:
  - (1) The meters to be included in the group system, which must be located within the same electric company service territory;
  - (2) A process for adding and removing meters in the group and an allocation of any credits among the members of the group. This allocation arrangement may be changed only on written notice to the electric company by the person designated under 5.130(A)(3), and any such change may only apply on a prospective basis;
  - (3) The name and contact information for a designated person who is responsible for all communications from the group system to the serving electric company, except for communications related to billing, payment, and disconnection; and

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Public Utility CommissionRule 5.100  
Page 3 of 58**PART I: GENERAL PROVISIONS****5.101 Purpose and Scope**

- (A) This Rule governs the terms upon which any electric company offers net-metering service within its service territory. In addition, this Rule governs the application for and issuance, amendment, transfer, and revocation of a certificate of public good for net-metering systems under the provisions of 30 V.S.A §§ 248, 8002, and 8010.
- (B) Except as modified by Section 5.125 (Pre-Existing Net-Metering Systems), this Rule applies to all net-metering systems in Vermont and applies to every person, firm, company, corporation, and municipality engaged in the site preparation, construction, ownership, or operation of any net-metering system that is subject to the jurisdiction of this Commission.
- (C) No person may commence site preparation for or construction of a net-metering system or convert an existing plant into a net-metering system without first obtaining a CPG under this Rule.
- (D) In the event that any portion of this Rule is found by a court of competent jurisdiction to be illegal or void, the remainder is unaffected and continues in full force and effect.

**5.102 Computation of Time**

- (A) Computation. In computing any period of time prescribed or allowed by this Rule, by order of the Commission, or by any applicable statute, the day from which the designated period of time begins to run is excluded from the computation. The last day of the period is included in the computation, unless it is a Saturday, a Sunday, or a state or federal legal holiday, or a day on which weather or other conditions have made the Commission's office and the Commission's electronic filing system unavailable, in which event the period runs until the end of the next day that is not one of the aforementioned days. Intermediate Saturdays, Sundays, and legal holidays are not counted when the

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period of time prescribed or allowed is less than 11 days.

(B) Enlargement. The Commission for cause shown may at any time in its discretion:

- (1) Grant an extension of time if it is requested before the expiration of the period originally prescribed, or
- (2) Upon request made after the expiration of the specified period, grant an extension where the failure to act was the result of excusable neglect.

### 5.103 Definitions

For the purposes of this Rule, the following definitions apply:

“Account” means a unique identifier assigned by the electric company to a customer for billing purposes. A customer account may include one or more meters.

“Adjoining Landowner” means a person who owns land in fee simple that:

- (1) Shares a property boundary with the tract of land on which a net-metering system is located; or
- (2) Is adjacent to that tract of land and the two properties are separated only by a river, stream, railroad line, or public highway.

“Adjustor” means a positive or negative charge applied to production kWh based on factors related to site selection (Site Adjustor) and retention of tradeable renewable energy credits (REC Adjustor).

“Amendment” means one or more of the following changes to the physical plans or design of a net-metering system. An amendment is either “major” or “minor”:

- (1) The following changes constitute a “major” amendment:
  - (a) increasing the nameplate capacity of the net-metering system by more than 5% or reducing the nameplate capacity of the net-metering system by more than 60%;
  - (b) moving the limits of disturbance by more than 50 feet;
  - (c) changing the fuel source of the net-metering system; or
  - (d) any other change that the Commission, in its discretion, determines is likely to have a significant impact under one or more of the criteria of



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Section 248 applicable to the net-metering system.

- (2) The following changes constitute a “minor” amendment:
  - (a) proposing additional aesthetic mitigation; or
  - (b) any other change to the physical plans or design of the system that is not a major amendment.

“Applicant” means the entity seeking authorization to construct and operate a net-metering system.

“Billing Meter” means an electric meter that measures either the consumption of electricity by a customer or the net of electric consumption by the customer and production by the net metering system.

“Blended Residential Rate” means the lesser of either:

- (1) For electric companies whose general residential service tariff does not include inclining block rates, the \$/kWh charge set forth in that electric company’s tariff for general residential service;
- (2) For electric companies whose general residential service tariff does include inclining block rates, a blend of the electric company’s general residential service inclining block rates that is determined by adding together all of the revenues to the company during the most recent calendar year from kWh sold under those block rates and dividing the sum by the total kWh sold by the company at those rates during the same year; or
- (3) The weighted statewide average of all electric company blended residential retail rates, as determined by the Commission, whichever is lower.

“Commission” means the Public Utility Commission of the State of Vermont and the employees thereof.

“Capacity” means the rated electrical nameplate for a plant, except that, in the case of a solar energy plant, the term means the aggregate AC nameplate capacity of all inverters used to convert the plant’s output to AC power. The capacity of an inverter is not changed when it is derated.

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“Category I Net-Metering System” means a net-metering system that is not a hydroelectric facility and that has a capacity of 15 kW or less.

“Category II Net-Metering System” means a net-metering system that is not a hydroelectric facility that has a capacity of more than 15 kW and less than or equal to 150 kW, and that is sited on a preferred site.

“Category III Net-Metering System” means a net-metering system that is not a hydroelectric facility, that has a capacity of greater than 150 kW and less than or equal to 500 kW, and that is sited on a preferred site.

“Category IV Net-Metering System” means a net-metering system that is not a hydroelectric facility, that has a capacity of greater than 15 kW and less than or equal to 150 kW, and that is not located on a preferred site.

“Certificate Holder” means one who holds a CPG. The certificate holder must have legal control of the net-metering system.

“Certificate of Public Good” or “CPG” means a certificate of public good issued by the Commission pursuant to 30 V.S.A. § 8010.

“Commissioned” or “Commissioning” means the first time a plant is put into operation following the initial construction of the plant.

“Conditional Waiver of a Criterion of 30 V.S.A. § 248” means the Commission waiver of the requirements for the presentation of evidence under the criterion, a specific review of the project by the Commission under the criterion, and the development of specific findings of facts for the criterion, unless the Commission finds that the application raises a significant issue under that criterion.

“Customer” means a retail electric consumer.

“Department” means the Vermont Department of Public Service.

“Electric Company” means the utility serving the net-metering customer or the utility that would serve an applicant seeking authorization to construct and operate a net-metering system, as the context indicates.

“Excess Generation” means the following: for customers who elect to wire net-metering

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systems such that they offset consumption on the billing meter, excess generation is the number of kWh by which production exceeds consumption. For customers who elect to wire net-metering systems such that they do not offset consumption on any customer's billing meter, all recorded production is considered excess generation.

"File" means the submission of documents, exhibits, plans, information, or other materials to the Commission through the Commission's electronic filing system, by delivery to the Commission's offices, or by delivery to the Commission during the course of a hearing.

"Group Net-Metering System" means a net-metering system serving more than one customer, or a single customer with multiple electric meters, located within the service area of the same retail electricity provider. Various buildings owned by municipalities, including water and wastewater districts, fire districts, villages, school districts, and towns, may constitute a group net-metering system. A union or district school facility shall be considered in the same group net-metering system with buildings of its member municipalities that are located within the service area of the same retail electricity provider that serves the facility.

"Host Landowner" means the owner of the property on which the net-metering system is or will be located.

"kW" means kilowatt or kilowatts (AC).

"kWh" means kilowatt hours.

"Inclining Block Rate" means a rate structure where an electric company charges a higher rate for each incremental block of electricity consumption.

"Limits of Disturbance" means the boundary within which all construction, materials storage, grading, landscaping, and any other activities related to site preparation, construction, operation, maintenance, and decommissioning take place as a result of the net-metering system, including areas disturbed due to the creation or modification of access roads, utility lines, and the clearing or management of vegetation.

"Net-Metering" means the process of measuring the difference between the electricity supplied to a customer and the electricity fed back by a net-metering system(s) during the customer's billing period:

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(1) using a single, non-demand meter or such other meter that would otherwise be applicable to the customer's usage but for the use of net metering; or

(2) if the system serves more than one customer, using multiple meters. The calculation shall be made by converting all meters to a non-demand, non-time-of-day meter, and equalizing them to the tariffed kWh rate.

"Net-Metering System" means a plant for generation of electricity that:

- (1) is of no more than 500 kW capacity;
- (2) operates in parallel with facilities of the electric distribution system;
- (3) is intended primarily to offset the customer's own electricity requirements; and
- (4) either (i) employs a renewable energy source; or (ii) is a qualified micro-combined heat and power system of 20 kW or less that meets the definition of combined heat and power facility in subsection 8015(b)(2) of Title 30 and uses any fuel source that meets air quality standards.

"Non-Bypassable Charges" means those charges on the electric bill defined in an electric company's tariffs that apply to a customer regardless of whether they net-meter or not. Non-bypassable charges may not be offset using current or previous net-metering credits. A customer is liable for payment of these charges regardless of whether the customer has a credit balance resulting from net-metering. The customer charge, energy efficiency charge, energy assistance program charge, any on-bill financing payment, and any equipment rental charge are non-bypassable charges.

"Party" means any person who has obtained party status under Section 5.117 of this Rule.

"Plant" means an independent technical facility that generates electricity from renewable energy. A group of facilities, such as wind turbines, will be considered one plant if the group is part of the same project and uses common equipment and infrastructure, such as roads, control facilities, and connections to the electric grid. Common ownership, control, proximity in time of construction, and proximity of facilities to each other will be relevant to determining whether a group of facilities is part of the same project.

"Pre-Existing Net-Metering System" means a net-metering system for which a completed

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CPG application was filed with the Commission prior to January 1, 2017, and whose completed application was either filed at a time when net-metering was being offered by the electric company pursuant to 30 V.S.A. § 219a (h)(1)(A) as the statute existed on December 31, 2016, or qualified under state law as a system that did not count towards the capacity limit on net-metering contained in that statute.

“Preferred Site” means one of the following:

- (1) A new or existing structure whose primary use is not the generation of electricity or providing support for the placement of equipment that generates electricity;
- (2) A parking lot canopy over a paved parking lot, provided that the location remains in use as a parking lot;
- (3) A tract previously developed for a use other than siting a plant on which a structure or impervious surface was lawfully in existence and use prior to July 1 of the year preceding the year in which an application for a certificate of public good under this Rule is filed. To qualify under this subdivision (3), the limits of disturbance of a proposed net-metering system must include either the existing structure or impervious surface and may not include any headwaters, streams, shorelines, floodways, rare and irreplaceable natural areas, necessary wildlife habitat, wetlands, endangered species, productive forestlands, or primary agricultural soils, all of which are as defined in 10 V.S.A. chapter 151;
- (4) Land certified by the Secretary of Natural Resources to be a brownfield site as defined under 10 V.S.A. § 6642;
- (5) A sanitary landfill as defined in 10 V.S.A. § 6602, provided that the Secretary of Natural Resources certifies that the land constitutes such a landfill and is suitable for the development of the plant;
- (6) The disturbed portion of a lawful gravel pit, quarry, or similar site for the extraction of a mineral resource, provided that all activities pertaining to site reclamation required by applicable law or permit condition are completed prior to the installation of the plant;

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(7) A specific location designated in a duly adopted municipal plan under 24 V.S.A. chapter 117 for the siting of a renewable energy plant or specific type or size of renewable energy plant, provided that the plant meets the siting criteria recommended in the plan for the location; or a specific location that is identified in a joint letter of support from the municipal legislative body and municipal and regional planning commissions in the community where the net-metering system will be located.

(8) A site listed on the National Priorities List (NPL) established under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. chapter 103, if the U.S. Environmental Protection Agency or the Agency of Natural Resources confirms that the site is listed on the NPL, and further provided that the Applicant demonstrates as part of its CPG application that:

(a) development of the plant on the site will not compromise or interfere with remedial action on the site; and

(b) the site is suitable for development of the plant.

(9) On the same parcel as, or directly adjacent to, a customer that has been allocated more than 50 percent of the net-metering system's electrical output. The allocation to the host customer may not be less than 50 percent during each of the first 10 years of the net-metering system's operation.

"Production Meter" means an electric meter that measures the amount of kWh produced by a net-metering system.

"Time-of-Use Meter" means an electric meter that measures the consumption of electricity during defined periods of the billing cycle.

"TOU" means time-of-use.

"Tradeable Renewable Energy Credit or REC" means all of the environmental attributes associated with a single unit of energy generated by a renewable energy source where:

- (1) Those attributes are transferred or recorded separately from that unit of energy;
- (2) The party claiming ownership of the tradeable renewable energy credits has acquired the exclusive legal ownership of all, and not less than all, the

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environmental attributes associated with that unit of energy; and

- (3) Exclusive legal ownership can be verified through an auditable contract path or pursuant to the system established or authorized by the Commission, or any program for tracking and verifying the ownership of environmental attributes of energy that is legally recognized in any state and approved by the Commission.
-

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Page 12 of 58**PART II: REGISTRATIONS AND APPLICATIONS FOR CPGS****5.104 Eligibility**

To be eligible to apply for a net-metering CPG under this Rule, an applicant must propose one of the following:

- (A) A category I net-metering system;
- (B) A category II net-metering system;
- (C) A category III net-metering system;
- (D) A category IV net-metering system; or
- (E) A hydroelectric system with a capacity of 500 kW or less.

**5.105 Registration of Hydroelectric Facilities, Ground-Mounted Photovoltaic Facilities of up to 15 kW in Capacity, and Roof-Mounted Photovoltaic Net-Metering Systems of Any Capacity Up to 500 kW**

- (A) Applicability. The registration procedure is applicable only to hydroelectric facilities, ground-mounted photovoltaic systems of up to 15 kW and photovoltaic net-metering systems that are mounted on a roof.
- (B) Form and Content. A net-metering system under this subsection must be registered with the Commission in accordance with the filing procedures and registration form prescribed by the Commission and must contain all of the information required by the instructions for completing that form.
- (C) Timeframes. Unless a letter raising interconnection issues is timely filed with the Commission by the interconnecting utility, a CPG will be deemed issued by the Commission without further proceedings, findings of fact, or conclusions of law, and the applicant may commence construction of the system according to the following timeframes:
  - (1) in the case of a net-metering system with a capacity of 15 kW or less, the eleventh business day following the filing of the form; and
  - (2) in the case of a net-metering system with a capacity of greater than 15 kW,



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the thirty-first day following the filing of the form.

- (D) Service. Upon filing the net-metering registration form with the Commission, the applicant must also cause notice of the form to be sent to the electric company and to the Department via the Commission's electronic filing system.
- (E) Interconnection. If the electric company believes that the interconnection of the net-metering system raises concerns, the electric company must convey these concerns in writing to the applicant and the Commission within the timeframes in (C), above. The electric company's filing must include a recommendation as to how the interconnection issues could be resolved by the applicant. The company must also convey a copy of the letter to the installer of the system named on the form. If an objection to the interconnection has been timely filed by the interconnecting electric company, the applicant may not commence construction of the project until the interconnection issues have been resolved. Disputes between the applicant and the electric company will be resolved using the dispute resolution procedures contained in Commission Rule 5.500, which governs interconnection requests.

**5.106 Applications for Ground-Mounted Photovoltaic Net-Metering Systems Greater Than 15 kW and Up to and Including 50 kW and for Facilities Using Other Technologies Up to and Including 50 kW**

- (A) Applicability. This application procedure is applicable to ground-mounted photovoltaic net-metering systems that are greater than 15 kW and up to 50 kW in capacity. This application procedure is also applicable to net-metering systems of 50 kW or less that use other eligible technologies. This application procedure does not apply to hydroelectric facilities or roof-mounted photovoltaic net-metering systems.
- (B) Form and Content. An application for a CPG under this subsection must be filed with the Commission in accordance with the Commission's current filing procedures, using the application form prescribed by the Commission, and must

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contain all of the information required by this Rule and the instructions for that form.

(C) Advance Submission Requirements. The applicant must provide notice of the application as follows:

(1) Recipients Entitled to Advance Submission. The applicant must provide the following persons with an advance submission, at least 45 days in advance of filing the application with the Commission:

- (a) the municipal legislative bodies and municipal and regional planning commissions in the communities where the project will be located;
- (b) all adjoining landowners;
- (c) the host landowner;
- (d) the Department of Public Service;
- (e) the Agency of Natural Resources;
- (f) the Natural Resources Board, if the proposed net-metering system is located on a parcel subject to an Act 250 Land Use Permit;
- (g) the Division for Historic Preservation;
- (h) the Agency of Agriculture Food and Markets; and
- (i) the electric company.

(2) Method of Service of Advance Submission. The applicant must cause the advance submission to be served to the entities listed in (1)(a) through (c), above, by certified mail. The applicant must cause the advance submission to be transmitted to the entities listed in (1)(d) through (i), above, using the Commission's electronic filing system, unless the applicant is making a paper filing in accordance with the Commission's rules, in which case service must be by certified mail. With permission from the intended recipient, the applicant may serve a copy of the advance submission via electronic mail.

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- (3) Contents of Advance Submission. The advance submission must state that the applicant intends to file a Section 8010 application with the Commission, must identify the location of the project site and the number of any Act 250 Land Use Permit applicable to the host parcel, and must provide a description of and site plan for the proposed project in sufficient detail to afford the recipient reasonable notice of the nature of the project so that the recipient is able to make an informed judgment as to any potential impact the construction or operation of the project may have on any interest of the recipient that is within the Commission's jurisdiction to address. The submission must provide contact information and state that the recipient may file inquiries or comments with the applicant about the project and that the recipient will also have an opportunity to file comments with the Commission once the application is filed.
- (4) Timing of Advance Submission and Application. If, within 180 days of the date of the advance submission, the applicant has not filed a complete application for the project that fully complies with the filing requirements of this Rule, the submission will be treated as withdrawn without further action required by the Commission.
- (D) Filing Requirements. Applications for net-metering systems that are greater than 15 kW and up to and including 50 kW and that are not roof-mounted photovoltaic systems must contain the following information. Failure to provide any required information will result in the application being deemed incomplete:
- (1) Applicant name. The application must include the legal name (and the "doing business as" name, if different), contact information, Vermont business registration number (if applicable), and a description of the company or person making the application. For example:
- XYZ Corporation (d/b/a ABC Solar)  
Headquarters at 123 Maple Lane, Anytown, VT 05600

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Service Agent: Jane Doe, Esq.

VT Business ID#: 12345

- (2) Host landowner. The application must include the name and address of the legal owner of the land upon which the proposed net-metering system would be built, and the number of any Act 250 Land Use Permit applicable to the host parcel.
- (3) Adjoining landowners. The application must include the names and addresses of all adjoining landowners. This information must be obtained from the most recent version of the town's grand list.
- (4) Certification that advance submission requirements have been met. The applicant must certify that it has complied with the advance submission requirements listed above.
- (5) Site plans. The applicant must provide a site plan for each project. A site plan must include:
  - (a) Proposed facility location and any project features;
  - (b) Approximate property boundaries and setback distances from those boundaries to the corner of the closest project-related structure, approximate distances to any nearby residences, and dimensions of all proposed improvements;
  - (c) Proposed utilities, including approximate distance from source of power, sizes of service available and required, and approximate locations of any proposed utility or communication lines;
  - (d) A description of any areas where vegetation is to be cleared or altered and a description of any proposed direct or indirect alterations to or impacts on wetlands or other natural resources protected under 30 V.S.A. § 248(b)(5), including the limits of disturbance and the total acreage of any disturbed area;
  - (e) Detailed plans for any drainage of surface and/or sub-surface water

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- and plans to control erosion and sedimentation both during construction and as a permanent measure;
- (f) Locations and specific descriptions of proposed screening, landscaping, groundcover, fencing, exterior lighting, and signs;
  - (g) Plans of any proposed access driveway, roadway, or parking area at the project site, including grading, drainage, and traveled width, as well as a cross-section of the access drive indicating the width, depth of gravel, paving, or surface materials;
  - (h) The latitude and longitude coordinates for the proposed project; and
  - (i) The approved site plan from any Act 250 Land Use Permit applicable to the host parcel.
- (6) Wetland delineation. The applicant must provide either a wetland delineation prepared by a qualified consultant, or a letter from the district wetland ecologist or a qualified consultant stating that no delineation is necessary because the net-metering system will not be proximate to any significant wetlands.
- (7) Response to comments received in response to 45-day advance submission. The applicant must file a document summarizing the comments and recommendations received in response to the 45-day notice. The document must respond to the issues raised in those comments and recommendations and must state what steps the applicant has taken to address those issues or why the applicant is unable to do so.
- (8) Statement of Consistency with Act 250 Land Use Permit. If the host parcel is subject to an Act 250 Land Use Permit, the applicant must file a document describing whether the construction of the proposed net-metering system will interfere with the satisfaction of any condition contained in the Act 250 Land Use Permit. If the construction will

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interfere with the satisfaction of any Act 250 Land Use Permit condition, the applicant must explain what steps it will take to address such issues or why the applicant is unable to do so.

- (E) Review for Administrative Completeness. Commission staff will review all filed applications to determine whether they are administratively complete enough to process. Applicants should receive an e-mail message with the results of this review within 5 business days of the date the Commission received the application; however, the expiration of this time period without the receipt of an e-mail message does not constitute a determination that the application is administratively complete enough to process. If the application is found to be complete, the applicant must provide copies of the application to the persons set forth in Sections 5.106(F), below. If the application is found to be incomplete, the applicant will be informed of the deficiencies and will be given an opportunity to cure them. A determination that an application is administratively complete enough to process is not a legal determination regarding the sufficiency of the information included in the application.
- (F) Service of Copies of Applications. Within 2 business days after the application is determined to be administratively complete, the applicant must serve copies of the application in accordance with this section.
- (1) Entities Entitled to Copies of the Application:
- (a) the municipal legislative bodies and the municipal and regional planning commissions where the net-metering system will be located;
  - (b) the host landowner;
  - (c) all adjoining landowners;
  - (d) the Department of Public Service;
  - (e) the Agency of Natural Resources;
  - (f) the Natural Resources Board, if the proposed net-metering systems

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is located on a parcel subject to an Act 250 Land Use Permit;

- (g) the Division for Historic Preservation;
- (h) the Agency of Agriculture Food and Markets; and
- (i) the electric company.

(2) Method of Service.

- (a) The applicant must provide a copy of the application to the entities named in (1)(a) through (c), above, by certified mail.
- (b) The applicant must cause copies of the application to be transmitted to the entities listed under (1)(d) through (i), above, using the Commission's electronic filing system, or if the applicant is making a paper filing, then using certified mail.

(G) Effect of Failure to Provide Timely Service. The Commission will grant reasonable extensions of time to the entities listed under (F)(1), above, to make a responsive filing when the applicant fails to cause timely service of copies of an application.

(H) Interconnection. If the electric company finds that the interconnection of the net-metering system will have an adverse effect on system stability or reliability, the electric company shall convey these concerns in writing to the applicant and the Commission no later than the thirty-first day following the Commission's determination that the application is complete. The electric company's filing must include a recommendation as to how the interconnection issues could be resolved by the applicant. If a concern is raised, a CPG will not issue until the electric company files a letter stating that the concern has been addressed or the Commission finds that the proposed net-metering system may be safely interconnected with the company's distribution grid without having an adverse impact on system stability and reliability. The letter must also describe all improvements to the grid necessary to interconnect the net-metering system. Any dispute between an applicant and the electric company shall be resolved using the

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dispute resolution procedures contained in Rule 5.500.

**5.107 Applications for Net-Metering Systems Greater Than 50 kW That Are Not Roof-Mounted Photovoltaic Systems or Hydroelectric Facilities**

- (A) Applicability. This application procedure is applicable to net-metering systems greater than 50 kW that are not photovoltaic systems mounted on a roof or hydroelectric facilities.
- (B) Advance Notice Requirements. The applicant must provide notice of the application as follows:
- (1) Recipients Entitled to Advance Submission. The applicant must provide the following persons with an advance submission, at least 45 days in advance of filing the application with the Commission:
- (a) the municipal legislative bodies and municipal and regional planning commissions in the communities where the project will be located;
  - (b) all adjoining landowners;
  - (c) the host landowner;
  - (d) the Department of Public Service;
  - (e) the Agency of Natural Resources
  - (f) the Natural Resources Board, if the proposed net-metering system is located on a parcel subject to an Act 250 Land Use Permit;
  - (g) the Division for Historic Preservation;
  - (h) the Agency of Agriculture Food and Markets; and
  - (i) the electric company.
- (2) Method of Service of Advance Submission. The applicant must cause the advance submission to be served to the entities listed in (1)(a) through (c), above, by certified mail. The applicant must cause the advance submission to be transmitted to the entities listed in (1)(d) through (i), above, using the Commission's electronic filing system, unless the



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applicant is making a paper filing in accordance with the Commission's rules, in which case service must be by certified mail. With permission from the intended recipient, the applicant may serve a copy of the advance submission via electronic mail.

- (3) Contents of Advance Submission. The notice must state that the applicant intends to file a Section 8010 application with the Commission, must identify the location of the project site and the number of any Act 250 Land Use Permit applicable to the host parcel, and must provide a description and site plan of the proposed project in sufficient detail to afford the recipient reasonable notice of the nature of the project so that the recipient is able to make an informed judgment as to any potential impact the construction or operation of the project may have on any interest of the recipient that is within the Commission's jurisdiction to address. The submission must provide contact information and state that the recipient may file inquiries or comments with the applicant about the project and that the recipient will also have an opportunity to file comments with the Commission once the application is filed.
- (4) Timing of Advance Submission and Application. If, within 180 days of the date of the advance submission, the applicant has not filed a complete application for the project that fully complies with the filing requirements of this Rule, the submission will be treated as withdrawn without further action required by the Commission.

- (C) Filing Requirements. Applications for net-metering systems subject to this Section 5.107 must contain the following information. Failure to provide any required information will result in the application being deemed incomplete:
- (1) Applicant name. The application must include the legal name (and the "doing business as" name, if different), contact information, Vermont business registration number (if applicable), and a description of the

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company or person making the application. For example:

XYZ Corporation (d/b/a ABC Solar)

Headquarters at 123 Maple Lane, Anytown, VT 05600

Service Agent: Jane Doe, Esq.

VT Business ID#: 12345

- (2) Host landowner. The application must include the name and address of the legal owner of the land upon which the proposed net-metering system would be built and the number of any Act 250 Land Use Permit applicable to the host parcel.
- (3) Adjoining landowners. The application must include the names and addresses of all adjoining landowners. This information must be obtained from the most recent version of the town's grand list.
- (4) Certification that advance submission requirements have been met. The applicant must certify that it has complied with the advance submission requirements listed above.
- (5) Site plans. The applicant must provide a site plan for each project. A site plan must include:
  - (a) Proposed facility location and any project features;
  - (b) Approximate property boundaries and setback distances from those boundaries to the corner of the nearest project-related structure, approximate distances to any nearby residences, and dimensions of all proposed improvements;
  - (c) Proposed utilities, including approximate distance from source of power, sizes of service available and required, and approximate locations of any proposed utility or communication lines;
  - (d) A description of any areas where vegetation is to be cleared or altered and a description of any proposed direct or indirect alterations to or impacts on wetlands or other natural resources

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- protected under 30 V.S.A. § 248(b)(5), including the limits of disturbance and the total acreage of any disturbed area;
- (e) Detailed plans for any drainage of surface and/or sub-surface water and plans to control erosion and sedimentation both during construction and as a permanent measure;
  - (f) Locations and specific descriptions of proposed screening, landscaping, groundcover, fencing, exterior lighting, and signs;
  - (g) Plans of any proposed access driveway, roadway, or parking area at the project site, including grading, drainage, and traveled width, as well as a cross-section of the access drive indicating the width, depth of gravel, paving, or surface materials;
  - (h) The latitude and longitude coordinates for the proposed project;
  - (i) The presence and total acreage of primary agricultural soils as defined in 10 V.S.A. § 6001 on each tract to be physically disturbed in connection with the construction and operation of the net-metering system, the amount of those soils to be disturbed, and any other proposed impacts to those soils; and
  - (j) The approved site plan from any Act 250 Land Use Permit applicable to the host parcel.
- (6) Elevation drawings.
- (a) For each proposed structure, the applicant must provide elevation drawings.
  - (b) The elevation drawings must be to appropriate scales but no smaller than 1"/20'.
  - (c) The applicant must include two elevation drawings of the proposed structures drawn at right angles to each other, showing the ground profile to at least 100 feet beyond the edge of any proposed clearing, and showing any guy wires or supports. The elevation

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drawing must show height of the structure above grade at the base, and describe the proposed finish of the structure.

- (d) The elevation drawing must indicate the relative height of the facility to the tops of surrounding trees as they presently exist.
- (e) Each plan sheet must be clearly labeled with the project title, date, revision date(s), scale, and name of the person or firm that prepared the plan.

- (7) Testimony, exhibits, proposed findings, and proposed CPG. The applicant must address each of the applicable Section 248 criteria through testimony and exhibits. The testimony and exhibits must contain sufficient facts to support a positive finding by the Commission under each of the applicable Section 248 criteria. To the extent that the proposal will result in an adverse impact affecting any of these criteria, the applicant must describe what measures, if any, will be taken to minimize any such impact.

Any witness sponsoring an exhibit or testimony must file a notarized affidavit stating that the information provided is accurate to the best of the witness's knowledge. All exhibits must be sponsored by a witness. The witness must further attest to having personal knowledge to be able to testify as to the validity of the information contained in the exhibit or testimony.

The applicant must file proposed findings of fact and a proposed CPG with the application.

- (8) Local and regional plans. The applicant must provide copies of the relevant sections of any town plan and regional plan in effect in the community in which the proposed facility will be located. The applicant must include testimony describing how the project complies with or is inconsistent with the land conservation measures in those plans.
- (9) Wetland delineation. The applicant must provide either a wetland

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delineation prepared by a qualified consultant, or a letter from the district wetland ecologist or a qualified consultant stating that no delineation is necessary because the net-metering system will not be proximate to any significant wetlands.

(10) Interconnection.

- (a) For net-metering systems with a capacity greater than 150 kW, the applicant must file as part of the application a letter from the electric company stating that the proposed net-metering system may be safely interconnected with the company's distribution grid without having an adverse impact on system stability or reliability. The letter must also describe all improvements to the grid necessary to interconnect the net-metering system.
- (b) For systems with a capacity less than or equal to 150 kW, no letter from the electric company is required as part of the application. However, if the electric company finds that the interconnection of the net-metering system will have an adverse effect on system stability or reliability, the electric company shall convey these concerns in writing to the applicant and the Commission no later than the thirty-first day following the Commission's determination that the application is complete. The electric company's filing must include a recommendation as to how the interconnection issues could be resolved by the applicant. If a concern is raised, a CPG will not issue until the electric company files a letter stating that the concern has been addressed or the Commission finds that the proposed net-metering system may be safely interconnected with the company's distribution grid without having an adverse impact on system stability and reliability. The letter must also describe all improvements to the grid necessary to interconnect the net-

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metering system. Any dispute between an applicant and the electric company shall be resolved using the dispute resolution procedures contained in Rule 5.500.

- (11) Responses to comments received in response to 45-day advance submission. The applicant must file a document summarizing the comments and recommendations received in response to the 45-day notice. The document must respond to the issues raised in those comments and recommendations and must state what steps the applicant has taken to address those issues or why the applicant is unable to do so.
- (12) Decommissioning plan. All applications for net-metering systems with capacities greater than 150 kW must include a decommissioning plan that provides for the removal and safe disposal of project components and the restoration of any primary agricultural soils, if such soils are present within the net-metering system's limits of disturbance.
- (13) Statement of consistency with Act 250 Land Use Permit. If the host parcel is subject to an Act 250 Land Use Permit, the applicant must file a document describing whether the construction of the proposed net-metering system will interfere with the satisfaction of any condition contained in the Act 250 Land Use Permit. If the construction will interfere with the satisfaction of any Act 250 Land Use Permit condition, the applicant must explain what steps it will take to address such issues or why the applicant is unable to do so.
- (D) Review for Administrative Completeness. Commission staff will review all filed applications to determine whether they are administratively complete enough to process. Applicants should receive an e-mail message with the results of this review within 5 business days of the date the Commission received the application; however, the expiration of this time period without the receipt of an e-mail message does not constitute a determination that the application is

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administratively complete enough to process. If the application is found to be complete, the applicant must provide copies of the application to the persons as set forth in Section 5.107(E), below. If the application is found to be incomplete, the applicant will be informed of the deficiencies and will be given an opportunity to cure them. A determination that an application is administratively complete enough to process is not a legal determination regarding the sufficiency of the information included on the application.

- (E) Service of Copies of Applications and Notices. Within 2 business days after the application is determined to be administratively complete, the applicant must serve copies of the application or provide notice of the application in accordance with this section.

(1) Entities Entitled to Copies of the Application:

- (a) the municipal legislative bodies and the municipal and regional planning commissions where the net-metering system will be located;
- (b) the Department of Public Service;
- (c) the Agency of Natural Resources;
- (d) the Natural Resources Board, if the proposed net-metering system is located on a parcel subject to an Act 250 Land Use Permit;
- (e) the Division for Historic Preservation;
- (f) the Agency of Agriculture Food and Markets; and
- (g) the electric company.
- (h) the host landowner; and
- (i) all adjoining landowners.

(2) Method of Service.

- (a) The applicant must provide a copy of the application to the entities listed in (1)(a), above, by certified mail.
- (b) The applicant must cause copies of the application to be

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transmitted to the entities named in (1)(b) through (g), above, using the Commission's electronic filing system, or if the applicant is making a paper filing, using certified mail.

(c) The applicant must cause notices under (1)(h) and (i), above, to be served by certified mail.

(3) Effect of Failure to Provide Timely Service. The Commission will grant reasonable extensions of time to the entities listed in (E)(1) and (2), above, to file comments when the applicant fails to cause timely service of copies of an application or a notice.

#### **5.108 Amendments to Pending Registrations and Applications**

- (A) Minor Amendment. Applicants must provide notice of all minor amendments to all persons and entities who were entitled to receive a copy of the original application. The notice must provide sufficient information, including an amended site plan, so that the Commission can understand the nature of the proposed change and its impact, if any, on any of the Section 248 criteria. The Commission may request additional information from the applicant regarding a proposed minor amendment at any time during the review of a net-metering system. Any comments or objections to a proposed minor amendment must be filed within 10 business days of the date the minor amendment was filed with the Commission.
- (B) Major Amendment. An applicant seeking a major amendment must withdraw its application or registration and refile the amended document in accordance with the applicable procedures for that type of net-metering system.

#### **5.109 Amendments to Approved Net-Metering Systems**

- (A) Minor Amendment. For ground-mounted systems, certificate holders must provide notice of all minor amendments to the Commission, the Department of Public Service, the Agency of Natural Resources, the Natural Resources Board if



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the host parcel is subject to an Act 250 Land Use Permit, and any party to the proceeding in which the net-metering system was granted a CPG. For roof-mounted systems, certificate holders must provide notice of all minor amendments to the Commission, the Department of Public Service, the Natural Resources Board if the host parcel is subject to an Act 250 Land Use Permit, and any party to the proceeding in which the net-metering system was granted a CPG. The notice must provide sufficient information so that the Commission can understand the nature of the proposed minor amendment and its impact, if any, on any of the Section 248 criteria. The certificate holder may implement the proposed minor amendments without further action by the Commission unless a written objection is filed with the Commission within 10 business days after the minor amendment notice. If an objection is filed by any of the persons specified in this subsection, the certificate holder may not implement the proposed minor amendment until the objection has been withdrawn or resolved by the Commission.

- (B) Major Amendment. The procedure for obtaining authorization to implement a major amendment is the same as the application procedure for the category of net-metering system applicable to the amended net-metering system.
- (C) Maintenance and Repair. The maintenance and repair of net-metering systems and the replacement of equipment with like equipment do not require prior notice or Commission approval.

#### **5.110 Transfer and Abandonment of CPGs**

- (A) Transfer With Change in Ownership of Host Property. A CPG for a net-metering system is deemed to be automatically transferred when the property hosting a net-metering system is sold or legal title is otherwise conveyed to a new owner. The new owner may continue operating the net-metering system provided that:
  - (1) the new owner agrees to operate and maintain the net-metering system according to all terms and conditions of the CPG and complies with this

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Rule 5.100; and

- (2) within 30 days after acquiring ownership of the system, the new owner of a ground-mounted system completes and files an official transfer form with the Commission, the Department of Public Service, the Agency of Natural Resources and the electric company, or within 30 days after acquiring ownership of the system, the new owner of a roof-mounted system completes and files an official transfer form with the Commission, the Department of Public Service, and the electric company.
- (B) Transfer Separate from Change in Ownership of Host Property. CPG holders seeking to transfer a net-metering CPG separately from a change in ownership of the property hosting the net-metering system must obtain Commission approval prior to transferring a CPG. To obtain Commission approval of a proposed transfer, the current CPG holder and proposed CPG holder must complete and file a form developed for this purpose.
- (C) Abandonment. Non-use of a CPG for a period of one year following the date the CPG is issued will result in the revocation of the CPG. For the purpose of this section, for a CPG to be considered used, the net-metering system must be commissioned. An extension of time will only be granted upon written request and for good cause shown. Prior to construction, a certificate holder may abandon a CPG at any time upon written notice thereof to the Commission, the Department, the Agency of Natural Resources, and the electric company.

**5.111 Substantive Criteria of 30 V.S.A. § 248(b) Applicable to Net-Metering CPG Registrations and Applications**

Pursuant to 30 V.S.A. § 8010, which provides that the Commission may waive the requirements of 30 V.S.A. § 248(b) that are not applicable to net-metering systems, the Commission will review registrations and applications for net-metering systems for compliance with the following statutory criteria. (All other criteria are conditionally waived.)

- (A) For state-jurisdictional hydroelectric net-metering systems and for net-metering

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systems that are located on a new or existing structure whose primary use is not the generation of electricity or providing support for the placement of equipment that generates electricity: 30 V.S.A. § 248(b)(3) (stability and reliability).

- (B) For net-metering systems that are not located on a new or existing structure whose primary use is not the generation of electricity or providing support for the placement of equipment that generates electricity and that elect to *transfer* the tradeable renewable energy credits to the electric company: 30 V.S.A. §§ 248(b)(1) (orderly development); (b)(3) (stability and reliability); (b)(5) (aesthetics, historic sites, air and water purity, the natural environment, the use of natural resources, and public health and safety); (b)(8) (outstanding resource waters); and Section 248(s) (setbacks).
- (C) For net-metering systems that are not located on a new or existing structure whose primary use is not the generation of electricity or providing support for the placement of equipment that generates electricity and that elect to *retain* the tradeable renewable energy credits generated by the net-metering system: 30 V.S.A. §§ 248(b)(1) (orderly development); (b)(2) (need); (b)(3) (stability and reliability); (b)(5) (aesthetics, historic sites, air and water purity, the natural environment, the use of natural resources, and public health and safety); (b)(8) (outstanding resource waters); and Section 248(s) (setbacks).

#### 5.112 **Aesthetic Evaluation of Net-Metering Projects**

- (A) Quechee Test. In determining whether a net-metering system satisfies the aesthetics criterion contained in 30 V.S.A. § 248(b)(5), the Commission applies the so-called “Quechee test” as described in the case *In Re Halnon*, 174 Vt. 515 (2002) (mem.), set forth below:
  - (1) Step one: Determine whether the project would have an adverse impact on aesthetics and the scenic and natural beauty of an area because it would not be in harmony with its surroundings. If the answer is no, then the project satisfies the aesthetics criterion. If yes, move on to step two.

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- (2) Step two: The adverse impact will be found to be undue if any one of the three following questions is answered affirmatively:
  - (a) Would the project violate a clear, written community standard intended to preserve the aesthetics or scenic, natural beauty of the area?
  - (b) Would the project offend the sensibilities of the average person?
  - (c) Have the applicants failed to take generally available mitigating steps that a reasonable person would take to improve the harmony of the proposed project with its surroundings?
- (B) Adverse Aesthetic Impact. In order to determine that a project would have an adverse impact on aesthetics and the scenic and natural beauty under subsection (A)(1), above, the Commission must find that a project would be out of character with its surroundings. Specific factors used in making this evaluation include the nature of the project's surroundings, the compatibility of the project's design with those surroundings, the suitability of the project's colors and materials with the immediate environment, the visibility of the project, and the impact of the project on open space.
- (C) Clear, Written Community Standard. In order to find that a project would violate a clear, written community standard, the Commission must find that the Project is inconsistent with a provision of the applicable town or regional plan that:
  - (1) Designates specific scenic resources in the area where the project is proposed. Statements of general applicability do not qualify as clear, written community standards. For example, the general statement that "agricultural fields shall be preserved" would not qualify because the statement does not designate specific resources as scenic. The statement "the agricultural fields to the west of Maple Road are scenic resources that must be preserved" would qualify because it designates specific resources as scenic.

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- (2) Provides specific guidance for project design. For example, the statement “only dwellings, forestry, and agriculture are permitted within the Maple Road scenic protection area” would be a clear standard because it states with specificity what type of development is permitted. The statement “all development in the Maple Road scenic protection area must maintain the rural character of the area” would not be a clear standard because it does not state with specificity what type of development is permitted.
- (D) Offend the Sensibilities of the Average Person. A project will be found to offend the sensibilities of the average person if the project would be so out of character with its surroundings or so significantly diminish the scenic qualities of the area as to be offensive or shocking to the average person. In determining whether a project would offend the sensibilities of an average person, the Commission will consider the perspective of an average person viewing the project from both adjoining residences and from public vantage points.
- (E) Generally Available Mitigating Steps. In determining whether an applicant has taken generally available mitigating steps, the Commission may consider the following:
  - (1) what steps, such as screening, the applicant is proposing to take;
  - (2) whether the applicant has adequately considered other available options for siting the project in a manner that would reduce its aesthetic impact;
  - (3) whether the applicant has adequately explained why any additional mitigating steps would not be reasonable; and
  - (4) whether mitigation would frustrate the purpose of the Project.

**5.113 Setbacks**

Applicants seeking authorization to construct a ground-mounted net-metering system must comply with the following minimum setback requirements:

- (1) From a state or municipal highway, measured from the edge of the traveled way:

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- (a) 100 feet for a solar facility with a plant capacity exceeding 150 kW; and
  - (b) 40 feet for a solar facility with a plant capacity less than or equal to 150 kW but greater than 15 kW.
- (2) From each property boundary that is not a state or municipal highway:
  - (a) 50 feet for a solar facility with a plant capacity exceeding 150 kW; and
  - (b) 25 feet for a solar facility with a plant capacity less than or equal to 150 kW but greater than 15 kW.
- (3) This subsection does not require a setback for a solar facility with a plant capacity equal to or less than 15 kW.
- (4) In the case of a net-metering wind turbine, the facility must be set back from all property boundaries and public rights-of-way by a distance equal to at least twice the height of the turbine, as measured from the tip of the blade.
- (5) On review of an application, the Commission may either require a larger setback than this subsection requires, or approve an agreement to a smaller setback among the applicant, the municipal legislative body, and each owner of property adjoining the smaller setback.

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Page 35 of 58**PART III: PARTICIPATING IN THE REVIEW OF APPLICATIONS FOR CPGS**

Part III describes the procedures applicable to the review of net-metering applications filed pursuant to Sections 5.106 and 5.107. Part III does not apply to the review of net-metering registrations filed pursuant to Section 5.105.

**5.114 Obtaining Information About a Net-Metering CPG Application**

Interested persons may obtain information about a net-metering CPG application by visiting the web portal for the Commission's electronic filing system or by contacting the Clerk of the Commission.

**5.115 Rules and Processes Applicable to the Review of Net-Metering CPG Applications**

The purpose of this Rule is to simplify the process of participating in the review of applications for net-metering CPGs. In keeping with this purpose, the process for reviewing CPG applications is described in Sections 5.116 through 5.124, below. The following provisions of the Commission's general rules of practice, Commission Rule 2.200 (Procedures Generally Applicable), do not apply in the review of a net-metering application or a hearing thereon: Commission Rules 2.202 (initiation of proceedings), 2.204(A)-(G) (filing and service requirements), 2.205 (notice), 2.207 (time), 2.213 (prefiled testimony), 2.214 (A)(discovery), and 2.216(A)-(C) (evidence). Any procedure not described in this Rule is governed by the provisions of Rule 2.200. Where there is a conflict between the procedures described in this Rule and any other Commission rule, the provisions of this Rule govern.

**5.116 Submission of Public Comments**

When a net-metering application is filed with the Commission, the public may file comments addressing whether the application should be approved. All public comments concerning an application must be filed with the Commission, with a copy sent to the applicant, within 30 days from the date of notification by the Commission that the application is administratively complete. These public comments will be viewable on the Commission's electronic filing system. The applicant may file a written response to all timely filed public

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comments with the Commission within 15 calendar days of the close of the 30-day public comment period, unless otherwise directed by the Commission.

**5.117 Party Status in Net-Metering CPG Proceedings**

- (A) When a person wishes to participate in the review of a CPG application as a party, which is a prerequisite to filing an appeal of a final Commission decision, such person must obtain party status from the Commission.
- (B) The following persons must obtain party status as follows:
  - (1) The Vermont Department of Public Service and the Agency of Natural Resources are parties in any proceeding under this Rule.
  - (2) The Natural Resources Board is a party in any proceeding for which it is entitled to receive notice of an application under this Rule.
  - (3) The following persons will be granted party status by the Commission only after filing a notice of intervention. The Commission will provide a form for such purpose:
    - (a) the electric company;
    - (b) the legislative body and the planning commission of the municipality in which a facility is located, pursuant to 30 V.S.A. § 248(a)(4)(F);
    - (c) the regional planning commission of the region in which a facility is located;
    - (d) the regional planning commission of an adjacent region if the distance between the net-metering system's nearest component and the boundary of that adjacent region is less than or equal to 500 feet or 10 times the height of the facility's tallest component, whichever is greater;
    - (e) the legislative body and planning commission of an adjacent municipality if the distance between the net-metering system's nearest component and the boundary of that adjacent municipality



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is less than or equal to 500 feet or 10 times the height of the facility's tallest component, whichever is greater

- (f) adjoining landowners;
  - (g) the Vermont Agency of Agriculture Food and Markets; and
  - (h) the Vermont Division for Historic Preservation.
- (C) Any other person seeking to participate in a net-metering proceeding as a party must file a motion to intervene either in accordance with Commission Rule 2.209 or by filing a form developed by the Commission for use under this Rule.
- (D) Any person who obtains party status acquires all of the legal rights and obligations of a party in a Commission proceeding. The filing of public comments on an application and the consideration of such public comments by the Commission do not confer party status. Party status is conferred only upon the filing of a notice of intervention by the persons listed in (B)(3), above, or upon issuance of an order from the Commission granting a duly filed motion to intervene.

#### **5.118 Requests for Hearing**

The review of net-metering CPG applications is based upon the information contained in the application filed by the applicant. If a party wishes to offer contrary evidence or to challenge the accuracy of information contained in an application, then the party must request a hearing to present such evidence and argument. A party must file a request for hearing within 30 days from the date of notification by the Commission that the application is administratively complete. The request must identify the proposed issues to be resolved through the hearing. Unless the party has already been granted party status by the Commission, a request for a hearing must be accompanied by a notice of intervention or motion to intervene, pursuant to Section 5.117 of this Rule.

#### **5.119 Circumstances When the Commission Will Conduct a Hearing**

- (A) The Commission will grant a request for a hearing only if such request is filed by

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a party. Such a request may be included with a notice of intervention or motion to intervene. A hearing requested by a party will be granted provided that the request raises:

- (1) one or more substantive issues under the applicable Section 248 criteria; or
  - (2) a substantive issue that is within the Commission's jurisdiction to resolve.
- (B) Requests must be supported by more than general or speculative statements. For example, it is not sufficient to state that an application "violates Section 248(b)(5)." Instead, a party should state with specificity why the project raises a substantive issue under the Section 248 criteria. For example: "The application raises an issue under the aesthetics criterion under Section 248(b)(5) because the applicant has not proposed adequate mitigation to screen the western portion of the project from Maple Street."

#### **5.120 Prehearing Conferences and Status Conferences**

In cases where the Commission has determined that a hearing will be held, on reasonable notice the Commission will conduct a prehearing conference prior to the hearing. The Commission may also conduct additional status conferences as necessary. Upon request of a party and in the discretion of the Commission, such conferences may be conducted telephonically. The following topics may be addressed at a prehearing or status conference:

- (a) clarifying the issues to be addressed at the hearing and, if possible, narrowing them;
- (b) identifying evidence, documents, witnesses, stipulations, and other offers of proof to be presented at a hearing;
- (c) promoting the expeditious, informal, and nonadversarial resolution of issues and the settlement of differences;
- (d) requiring the timely exchange of information concerning the application;
- (e) setting a schedule for the prefilings of testimony and exhibits; and
- (f) such other matters as the Commission deems appropriate.

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Each party may serve interrogatories, requests for documents, and requests to admit on any other party. The cumulative number of such discovery requests may not exceed 20. For purposes of this limit, each subpart of a discovery request will be counted as a separate request. Any additional discovery may be obtained only upon request of a party and upon order of the Commission where the Commission finds that the requested discovery would not be unduly burdensome or expensive, taking into account such factors as the needs of the case, limitations on the parties' resources, and the importance of the issue in the case. Any discovery dispute must be submitted to the Commission in writing for resolution.

**5.122 Procedure for Hearings**

- (A) Notice. Prior to any hearing conducted under this Rule, each party will receive a notice stating the time, place, and nature of the hearing. The notice will include a short and plain statement of the matters at issue in the hearing and a statement of the statutes and rules involved in the case.
- (B) Order of Witnesses, Marking of Exhibits. At the hearing the Commission will establish the order in which the parties will present their witnesses and evidence. At that time all exhibits and any other documents to be entered into the record must be marked for identification (for example, Exhibit Applicant-1).
- (C) Pre-Filed Testimony and Exhibits. Each party must pre-file a copy of all testimony and exhibits with the Commission. Copies of such filings must be provided to the applicant and other parties at the time of filing. At the discretion of the Commission, parties may present live direct or rebuttal testimony.
- (D) Cross-Examination. At the hearing, each party will be afforded a reasonable opportunity to ask questions of other parties' witnesses.
- (E) Evidence. The Rules of Evidence, as modified by 3 V.S.A. § 810, apply in hearings under this Rule.
- (F) Transcript. Any hearing will be transcribed and a transcript will be made

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available to the public by the Commission.

- (G) Briefs, Proposed Findings of Fact. At the conclusion of the hearing, the parties will state whether they wish to file proposed findings of fact or legal briefs. A schedule for making such filings will be established, if necessary.

**5.123 Decisions**

After the conclusion of the hearing and after the submission of any briefs and proposed findings of fact, the Commission will issue a written decision in the case. In a case where a majority of the Commissioners have not heard the case or read the record, a proposal for decision will be provided to the parties for comment and opportunity for oral argument prior to the issuance of a final decision.

**5.124 Appeals of Commission Decisions**

Information about how to appeal a Commission decision to the Vermont Supreme Court will be provided with any final order from the Commission.

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- (A) Eligibility. A pre-existing net-metering system must:
- (1) have a complete CPG application filed with the Commission prior to January 1, 2017; and
  - (2) the complete CPG application must have been filed at a time when the electric company was accepting net-metering systems pursuant to 30 V.S.A. §219a (h)(1)(A) as the statute existed on December 31, 2016, or qualified under state law as a system that did not count towards the capacity limit on net-metering contained in that statute.
- (B) Rules Applicable to the Review of CPG Applications for Pre-Existing Net-Metering Systems. Any complete CPG application filed prior to January 1, 2017, shall be reviewed pursuant to the version of Rule 5.100 that was in effect at the time the complete application was filed.
- (C) Applicable Rates for Pre-Existing Net-Metering Systems. Customers using pre-existing net-metering systems shall, for a period of 10 years from the date of the net-metering system's commissioning, be credited for generation according to the rates and incentives provided for in 30 V.S.A. § 219a, as the statute existed on December 31, 2016, and the Commission's rules implementing that statute. If the customer's system was commissioned before the electric company's first rate schedule to comply with Section 219a(h)(1)(K) took effect, then the 10-year period shall run from the effective date of the electric company's first rate schedule implementing the incentive. At the end of the applicable 10-year period, customers using pre-existing net-metering systems shall be credited for excess generation as provided in Section 5.126 of this Rule or its successor.
- (D) Non-Bypassable Charges. For a period of 10 years from the date that a pre-existing net-metering system was commissioned, a customer using that net-metering system may apply any accrued net-metering credits to any charge

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irrespective of whether that charge is a non-bypassable charge.

- (E) Adjustors Not Applicable to Pre-Existing Net-Metering Systems. Pre-existing net-metering systems are not subject to any siting adjustors or REC adjustors established under this Rule.
- (F) Tradeable Renewable Energy Credits. Any tradeable renewable energy credits created by pre-existing net-metering systems will continue to be either retained by the customer or transferred to the electric company per the election made by the applicant at the time of application for its CPG. For CPG applications filed prior to the time when such election was available, tradeable renewable energy credits are retained by the customer.
- (G) Existing Groups Using Pre-Existing Net-Metering Systems. Notwithstanding Sections 5.129(C) through (E), an existing group or customer may have more than 500 kW of pre-existing net-metering systems attributed to the group or customer if these net-metering arrangements were requested prior to January 1, 2017.
- (H) Provisions of This Rule Applicable to Pre-Existing Net-Metering Systems. Pre-existing net-metering systems are subject only to the following provisions of this Rule.
  - (1) 5.109 (Amendments to Approved Net-Metering Systems);
  - (2) 5.110 (Transfers and Abandonment);
  - (3) 5.126 (Energy Measurement), except as modified by (C), above, and except that a customer is not required to install a production meter at a pre-existing system pursuant to 5.126(A)(1);
  - (4) 5.129 (Billing Standards and Procedures);
  - (5) 5.131 (Interconnection Requirements);
  - (6) 5.132 (Disconnection of Net-Metering Systems); and
  - (7) 5.134 (Compliance Proceedings).
- (I) All other net-metering systems are subject to all provisions of this Rule.

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Page 43 of 58**5.126 Energy Measurement for Net-Metering Systems**

- (A) Electric energy measurement for net-metering systems must be performed in the following manner:
- (1) At its own expense, the applicant must install a production meter to measure the electricity produced by the net-metering system.
  - (2) Individual Net-Metering System Billing: For customers who elect to wire net-metering systems such that they offset consumption on the billing meter, the billing meter establishes billing determinants for the customer's bill based on the rate schedule for the customer.
    - (a) At the end of the billing period, the electric company must net electricity produced with electricity consumed.
      - (i) If electricity consumed by the customer exceeds the electricity produced by the net-metering system, the customer must be billed the difference, net of any credit accumulated in the preceding 12 months. Credits may not be applied to non-bypassable charges as identified in a utility's tariff.
      - (ii) If the electricity produced by the net-metering system exceeds the electricity consumed, the excess generation must be monetized at the applicable blended residential rate. The monetized credit applies to all charges on the bill not identified as non-bypassable charges in a utility's tariff.
      - (iii) For the first 10 years after the system is commissioned, any zero or positive siting or REC adjustor set forth in the net-metering facility's CPG is multiplied by the kWh from the production meter and applied to the bill as a credit. For example, the \$0.01/kWh siting adjustor for net-metering systems 15 kW or less will result in such systems receiving a bill credit of \$0.01/kWh multiplied by all kWh on the

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production meter.

- (iv) Any negative siting or REC adjustor set forth in the net-metering facility's CPG is multiplied by the kWh from the production meter and applied to the bill as an additional charge. For example, the  $-\$0.03/\text{kWh}$  REC adjustor for net-metering systems that retain their RECs will result in such systems receiving a bill charge of  $\$0.03/\text{kWh}$  multiplied by all kWh on the production meter.
- (v) If credits remain after being applied to all charges not identified in an electric company's tariff as non-bypassable charges, such credits must be tracked, applied, or carried forward on customer bills, as described in Section 5.129.

(3) Group Net-Metering System Billing for Systems Not Directly

Interconnected: For customers who elect to wire group net-metering systems such that they offset consumption on the billing meter, the billing meter establishes the billing determinants for the customer's bill based on the rate schedule for the customer.

- (a) At the end of the billing period, the electric company must net electricity produced with electricity consumed on the generation account.
  - (i) If electricity consumed by the customer exceeds the electricity produced by the net-metering system, the customer must be billed the difference, net of any credit accumulated in the preceding 12 months. Credits may not be applied to non-bypassable charges as identified in a utility's tariff.
  - (ii) If the electricity produced by the net-metering system exceeds the electricity consumed, the excess generation



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must be allocated to group members and monetized at the applicable blended residential rate. The monetized credit applies to all charges on the bill not identified as non-bypassable charges in a utility's tariff.

- (iii) For the first 10 years after the system is commissioned, any zero or positive siting or REC adjustor set forth in the net-metering facility's CPG is multiplied by the kWh from the production meter, allocated to the group members and applied to the bills as credits. For example, the \$0.01/kWh siting adjustor for net-metering systems 15 kW or less will result in such systems receiving a bill credit of \$0.01/kWh multiplied by all allocated kWh from the production meter.
  - (iv) Any negative siting or REC adjustor set forth in the net-metering facility's CPG is multiplied by the kWh from the production meter, allocated to the group members, and applied to the bills as additional charges. For example, the negative \$0.03/kWh REC adjustor for net-metering systems that retain their RECs will result in such systems receiving a bill charge of \$0.03/kWh multiplied by all allocated kWh from the production meter.
  - (v) If credits remain on group members' bills after being applied to all charges on the bills not identified as non-bypassable charges in an electric company's tariff, such credits must be tracked, applied, or carried forward on group member bills, as described in Section 5.129.
- (4) Group Net-Metering System Billing for Systems Directly Interconnected: For customers who elect to wire group net-metering systems such that the generation is directly connected to the utility grid and does not also offset

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any customer's billing meter, the electricity produced by the net-metering system must be allocated to the group members and monetized at the applicable blended residential rate. The monetized credit applies to all charges on the bill not identified as non-bypassable charges.

- (a) For the first 10 years after the system is commissioned, any zero or positive siting or REC adjustor set forth in the net-metering facility's CPG is multiplied by the kWh from the production meter, allocated to the group members, and applied to the bills as credits. For example, the \$0.01/kWh siting adjustor for net-metering systems 15 kW or less will result in such systems receiving a bill credit of \$0.01/kWh multiplied by all allocated kWh from the production meter.
  - (b) Any negative siting or REC adjustor set forth in the net-metering facility's CPG is multiplied by the kWh from the production meter, allocated to the group members, and applied to the bills as additional charges. For example, the negative \$0.03/kWh REC adjustor for net-metering systems that retain their RECs will result in such systems receiving a bill charge of \$0.03/kWh multiplied by all allocated kWh from the production meter.
  - (c) If credits remain on group members' bills after being applied to all charges on the bills not identified as non-bypassable charges in an electric company's tariff, such credits must be tracked, applied, or carried forward on group member bills, as described in Section 5.129.
- (B) As part of a tariff filed for Commission approval pursuant to this Rule, an electric company may propose alternative methods of energy measurement for group net-metering systems if the application of Section (A), above, would cause unreasonable administrative burdens for the electric company. Such alternatives

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may not displace any of the applicable adjustors, credits, or charges provided in this Rule.

**5.127 Determination of Applicable Rates and Adjustors**

- (A) Depending on the electric company service territory in which the net-metering system is located, the blended residential rate used to determine the value of net-metering credits is the lowest of the following:
- (1) For electric companies whose general residential service tariff does not include inclining block rates, the \$/kWh charge set forth in that utility's tariff for general residential service;
  - (2) For electric companies whose general residential service tariff includes inclining block rates, a blend of those rates determined by adding together all of the revenues to the company during the most recent calendar year from kWh sold under those block rates and dividing the sum by the total kWh sold by the company at those rates during the same year. Each electric company whose general residential service tariff includes inclining block rates must perform this calculation (1) by May 15 of each even-numbered year and (2) within 15 days of the effective date of a new tariff for general residential service that includes a change in rates of more than 5%. To the extent the calculation shows that there has been a change from the rate then in effect, the electric company must file by that same date a revision to its net-metering tariff to reflect the change. Any change to the blended residential rate calculated pursuant to this section may be included in a tariff compliance filing made pursuant to Section 5.128(H) of this Rule; or
  - (3) The weighted average of the blended residential rates for all Vermont electric companies. The average is weighted by the annual retail sales of the electric companies.
- (B) The REC adjustors are determined as follows:

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- (1) At the time an application for authorization to construct the net-metering system is filed with the Commission, the applicant must elect whether to retain ownership of any RECs generated by the system or whether to transfer such RECs to the electric company. This election is irrevocable. The electric company must retire all RECs transferred to it by a net-metering customer.
  - (2) The REC adjustor for a net-metering system must be calculated in dollars per kWh (\$/kWh) at the time the Commission issues the net-metering system a CPG. A zero or positive REC adjustor applies for a period of 10 years from the date the system is commissioned; a negative REC adjustor applies in perpetuity. Except for systems that register pursuant to Section 5.105 of this Rule, both the amount and the term of the REC adjustor will be stated in the net-metering system's CPG.
  - (3) Initial REC adjustors at the time this Rule becomes effective (January 1, 2017) are as follows:
    - (a) REC Adjustor (Transfer) = 3 cents per kilowatt hour;
    - (b) REC Adjustor (Retention) = negative 3 cents per kilowatt hour.
    - (c) Hydroelectric facilities net-metering under this rule are not subject to a REC adjustor.
- (C) The siting adjustors are determined as follows:
- (1) In order to provide incentives for the appropriate and beneficial siting of net-metering systems, each net-metering system may receive the highest-value siting adjustor for which it meets the applicable criteria. The net-metering system's siting adjustor must be expressed in dollars per kWh (\$/kWh) at the time the Commission issues the net-metering system a CPG. A zero or positive siting adjustor applies for a period of 10 years from the date the system is commissioned; a negative siting adjustor applies in perpetuity. Except for systems that register pursuant to Section

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5.105 of this Rule, both the amount and the term of the siting adjustor must be stated in the net-metering system's CPG.

- (2) The initial siting adjustors at the time this Rule becomes effective (January 1, 2017) are as follows:
  - (a) Category I = 1 cent per kilowatt hour;
  - (b) Category II = 1 cent per kilowatt hour;
  - (c) Category III = negative 1 cent per kilowatt hour;
  - (d) Category IV = negative 3 cents per kilowatt hour;
  - (e) Hydroelectric facilities = 0 cents per kilowatt hour.

**5.128 Biennial Update Proceedings**

- (A) The Commission must conduct a biennial update in 2018 and every two years thereafter to update the following:
  - (1) REC adjustors;
  - (2) siting adjustors;
  - (3) the statewide blended residential rate; and
  - (4) the eligibility criteria applicable to Categories I, II, III, and IV net-metering systems.
- (B) In updating the REC adjustors, the Commission must consider:
  - (1) the pace of renewable energy deployment necessary to be consistent with the Renewable Energy Standard program, the Comprehensive Energy Plan, and any other relevant State program;
  - (2) the total amount of renewable energy capacity commissioned in Vermont in the most recent two years;
  - (3) the disposition of RECs generated by net-metering systems commissioned in the past two years; and
  - (4) any other information deemed appropriate by the Commission.
- (C) In updating the siting adjustors, the Commission must consider:
  - (1) the number and capacity of net-metering systems receiving CPGs in the

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- most recent two years;
  - (2) the extent to which the current siting adjustors are affecting siting decisions;
  - (3) whether changes to the qualifying criteria of the categories are necessary;
  - (4) the overall pace of net-metering deployment; and
  - (5) any other information deemed appropriate by the Commission.
- (D) On or before February 1 of each even-numbered year, each electric company must file with the Commission and the Department of Public Service the following information regarding the state of the electric company's net-metering program:
- (1) the number of net-metering systems interconnected with the electric company's distribution system during the past two years;
  - (2) the capacity of each system;
  - (3) the fuel source of each system;
  - (4) the REC disposition of each system;
  - (5) the siting adjustor applicable to each system; and
  - (6) any other information the electric company believes to be relevant to the biennial update.
- (E) By no later than March 1 of each even-numbered year, the Department of Public Service and the Agency of Natural Resources may file with the Commission any proposed updates to the items specified in Section 5.128(A)(1)-(4) and reasons therefor.
- (F) Any person may file comments on the filings under (D) and (E), above, by March 15.
- (G) By May 1 of each even-numbered year, the Commission may by order update the items specified in Section 5.128(A)(1)-(4), as necessary. Adjustors must be determined to ensure that net-metering deployment occurs at a reasonable pace and in furtherance of State energy goals.
- (H) Electric companies must file no later than May 15 revisions to their net-metering

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tariffs that incorporate the new values set forth by the Commission in its biennial update order. Such tariffs must have an effective date of July 1. This tariff compliance filing may not include any other proposed changes to the utility's net-metering tariff, except for a proposed change to the utility's blended residential rate calculated pursuant to Section 5.127(A) of this Rule.

- (I) Notwithstanding the above, the Commission may conduct an update sooner than biennially at its own discretion or upon petition by the Department.

#### **5.129 Billing Standards and Procedures**

- (A) Customer Billing Requirements. The bill of a net-metering customer must include the following:
  - (1) the dollar amount of any credits carried forward from the previous months;
  - (2) the dollar amount of credits that have expired in the current month;
  - (3) the dollar amount of credits generated in the current month;
  - (4) the dollar amount of credits remaining; and
  - (5) the total kWh generated by the net-metering system in the current month.
- (B) Accumulated Bill Credits. Any accumulated bill credit must be used within 12 months from the month it is earned, or it reverts to the electric company without any compensation to the net-metering customer. Bill credits may not be transferred independently of a transfer of ownership of a net-metering system.
- (C) Membership in Multiple Net-Metering Groups. Individual customer accounts may be enrolled in only one net-metering group at a time. Customers with multiple accounts may enroll each account in a separate net-metering group.
- (D) 500 kW Customer Limit. The cumulative capacity of net-metering systems allocated to a single customer may not exceed 500 kW. For example, a customer who has two accounts cannot have each account allocated more than 50 percent of the output from two 500 kW net-metering systems because the cumulative capacity of the allocated share of those net-metering systems would exceed 500

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kW.

- (E) Multiple Net-Metering Systems in a Group. Groups may, subject to Commission approval, have more than one net-metering system attributed to a group and may increase the capacity of existing generation attributed to the group. However, the cumulative capacity of net-metering systems attributed to a group may not exceed 500 kW.
- (F) Group Member Allocations. Where the customer has, at its own expense, provided a separate meter for measuring production, the kWh produced by a net-metering system may be allocated to the accounts of a single customer or the accounts of group members. Where there is no separate production meter, only the excess generation may be allocated to accounts belonging to a single customer or to the accounts of members of a group.

#### **5.130 Group System Requirements**

- (A) In addition to any other requirements in 30 V.S.A. §§ 248 and 8010, and in any applicable Commission rules, before a group system may be formed and served by an electric company, the group must file the following information with the electric company:
  - (1) The meters to be included in the group system, which must be located within the same electric company service territory;
  - (2) A process for adding and removing meters in the group and an allocation of any credits among the members of the group. This allocation arrangement may be changed only on written notice to the electric company by the person designated under 5.130(A)(3), and any such change may only apply on a prospective basis;
  - (3) The name and contact information for a designated person who is responsible for all communications from the group system to the serving electric company, except for communications related to billing, payment, and disconnection; and



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- (4) A binding process for resolving any disputes among the members of a group relating to the net-metering system. This dispute resolution process may not in any way require the involvement of the electric company, the Commission, or the Department. This process does not apply to disputes between the electric company and individual group members regarding billing, payment, or disconnection.
- (B) The electric company must implement appropriate changes to a net-metering group within 30 days after receiving written notification of such changes from the person designated under subsection 5.130(A)(3). Written notification of a change in the person designated under subsection 5.130(A)(3) is effective upon receipt by the electric company. The electric company is not liable for the consequences from actions based on such notification.
- (C) For each group member's customer account, the electric company must bill that group member directly and send directly to that group member all communications related to billing, payment, and disconnection of that group member's customer account. Any volumetric charges for any account so billed must be based on the individual meter for the account.

**5.131 Interconnection Requirements**

The interconnection of all net-metering systems is governed by Commission Rule 5.500. The applicant bears the costs of all equipment necessary to interconnect the net-metering system to the distribution grid and any distribution system upgrades necessary to ensure system stability and reliability.

**5.132 Disconnection of a Net-Metering System**

The following procedures govern the disconnection of a net-metering system from the electrical system. These procedures apply to net-metering systems only and do not supplant Commission Rules 3.300 and 3.400 relating to company disconnection in general. A customer who initiates a permanent disconnection of a net-metering system must notify the electric

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company. The electric company must notify the Commission and the Department of the disconnection.

- (A) In the event the electric company must perform an emergency disconnection of a net-metering system, the electric company must notify the customer within 24 hours after the disconnection. For the purpose of this section, the term “emergency” means a situation in which continued interconnection of the net-metering system is imminently likely to result in significant disruption of service or endanger life or property.
- (B) If the emergency is not caused by the operation of the net-metering system, the company must reconnect the net-metering system upon cessation of the emergency.
- (C) If the emergency is caused by the operation of the net-metering system, the electric company must communicate the nature of the problem to the customer within 5 days, and attempt to resolve the problem. If the problem has not been resolved within 30 days of an emergency disconnection, the electric company must file a disconnection petition with the Commission.
- (D) Non-emergency disconnections must follow the same procedure as emergency disconnections in subsection B above, except that the electric company must give written notice of the disconnection no earlier than 10 days and no later than 3 working days prior to the first date on which the disconnection of the net-metering system is scheduled to occur. Such notice must communicate to the customer the reason for disconnection and the expected duration of the disconnection. With written consent from the customer, an electric company may arrange to provide the customer with notice of non-emergency disconnections on terms other than those set forth in this Rule, provided that the electric company first informs the customer of the provisions of this Rule and that the customer may contact the Consumer Affairs and Public Information Division of the Vermont Department of Public Service. For group systems, such consent may be

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obtained from the person designated under Section 5.130(A)(3).

- (E) A customer who is involuntarily disconnected may file a written complaint with the Commission at any time following disconnection. The customer must provide a copy of the complaint to the electric company and the Department of Public Service. Within 30 days of the date the complaint is filed, the Commission may hold a hearing to investigate the complaint. In the event of the filing of such a complaint, the electric company must carry the burden of proof to demonstrate the reasonableness of disconnection.

### **5.133 Electric Company Requirements**

(A) Generally. Electric companies:

- (1) Must make net-metering available to any customer or group on a first-come, first-served basis as determined by the order in which customers file a complete interconnection application;
- (2) Must track credits by the month and year created and apply them on a first-created, first-used basis;
- (3) May charge a reasonable fee for establishment, special meter reading, accounting, account correction, and account maintenance for a net-metering system;
- (4) May, prior to interconnection, charge a reasonable fee to cover the cost of electric company distribution system improvements necessary to safely and reliably serve the net-metering customer;
- (5) May require a customer to install advanced metering infrastructure prior to serving the net-metering customer;
- (6) May require that all meters included within a group system be read on the same billing cycle; and
- (7) May require energy efficiency audits for customers seeking to install and operate a net-metering system if they are:
  - (a) a residential customer with historic energy consumption of 750

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kWh or more per month; or

(b) a commercial or industrial customer.

- (B) Each electric company with net-metering customers must maintain current records of the number, individual capacity, cumulative capacity, and disconnections of net-metering generation installed within its service territory.

**5.134 Electric Company Tariffs**

Tariffs. Pursuant to 30 V.S.A. § 225, an electric company must propose for Commission approval a tariff to implement a net-metering program in its service territory pursuant to this Rule within 60 days after the effective date of this Rule. In connection with filing such tariffs, an electric company may request additional time to implement any provision of this Rule. The Commission will grant reasonable requests where there is good cause shown.

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Page 57 of 58**PART V: COMPLIANCE PROCEEDINGS****5.135 Compliance Proceedings**

- (A) In response to a complaint filed by any member of the public or on its own motion, the Commission may refer matters concerning whether an approved net-metering system is complying with the terms of its CPG or any applicable law within the Commission's jurisdiction to the Department of Public Service for investigation and to make a recommendation as to whether the Commission should open a compliance proceeding or take any other steps necessary to ensure that the net-metering system continues to serve the public good.
- (B) After considering the Department's recommendation, the Commission may take any or all of the following steps to ensure that a net-metering system is constructed and operated in compliance with the terms and conditions of the CPG issued for that net-metering system and any related Commission order:
  - (1) Direct the certificate holder to provide the Commission with an affidavit under oath or affirmation attesting that the person, company, or corporation or any facility or plant thereof is in compliance with the terms and conditions of the CPG pursuant to 30 V.S.A. 30(g);
  - (2) Direct the certificate holder to provide additional information;
  - (3) Dismiss the complaint;
  - (4) After notice and opportunity for hearing, amend or revoke any CPG for a net-metering system, impose a penalty under 30 V.S.A. § 30, or order remedial activities for any of the following causes:
    - (a) The CPG or order approving the CPG was issued based on material information that was false or misleading;
    - (b) The system was not installed, or is not being operated, in accordance with the National Electrical Code or applicable interconnection standards;
    - (c) The net-metering system was not installed or is not being operated

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in accordance with the plans and evidence submitted in support of the application or registration form or with the findings contained in the order approving the net-metering system;

- (d) The holder of the CPG has failed to comply with one or more of the CPG conditions, the order approving a CPG for the net-metering system, or this Rule; or
- (e) Other good cause as determined by the Commission in its

discretion.

- (C) If, assuming the allegations in the complaint are true, the Commission determines that there is no probability of a violation of any CPG condition, Commission order, or any applicable law, the Commission will dismiss the complaint and inform the complainant and CPG holder of such dismissal.

History: Effective March 1, 2001; revised July, 2003; revised November 1, 2007; revised April 15, 2009; revised January 27, 2014; revised July 1, 2017.

**AGENCY OF NATURAL RESOURCES  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
WASTE MANAGEMENT AND PREVENTION DIVISION**

**GUIDELINES FOR CERTIFICATION OF BROWNFIELD PREFERRED SITES**

**APRIL 2018**

Public Utility Commission Rule 5.100 defines a “preferred site” to include “land certified by Secretary of the Agency of Natural Resources to be a brownfield site as defined under 10 V.S.A. § 6642”.

“Brownfield site” means real property, the expansion, redevelopment, or reuse of which may be complicated by the release or threatened release of a hazardous material. It does not include properties where there is a court ordered requirement to remediate the property.

Hazardous materials are hazardous substances listed under CERCLA, petroleum, hazardous wastes, and other materials listed by the Agency of Natural Resources (Agency).

Persons who own property where a hazardous material has been released are legally liable for the investigation of how the environment has been impacted by that release and how the hazardous material should be remediated.

Lessees may be treated as owners for purposes of cleanup liability depending on the duration and nature of the lease.

The rules that govern this process are referred to as the Investigation and Remediation of Contaminated Properties Rule (IRule).

A person responsible for remediating a contaminated property may voluntarily remediate their site under the supervision of the Agency, enter the statutory brownfield cleanup program, or be subject to an enforcement action.

Brownfield sites enrolled in the BRELLA program (statutory program that provides liability limitations) are investigated and remediated pursuant to a statutory program and also receive preference for funding assistance.

In order for the Agency to certify a site as a Brownfield site, one of the following must be met:

1. The property is enrolled, will be enrolled, and/or has completed the statutory brownfields program (BRELLA). If the applicant has completed the BRELLA process they must be in receipt of a Certificate of Completion (COC);
2. The applicant demonstrates how the renewable energy project, either in whole or in part, may be complicated by the release or threatened release of a hazardous material; or
3. The Brownfield property includes a renewable energy project that is a part of a larger development, and the development as a whole may be complicated by the release or threatened release of a hazardous material.

With respect to defining what constitutes “complicated” for purposes of Brownfields status, the applicant is required to demonstrate how the site may be complicated with respect to each of the following: (a) environmental liability concerns; (b) financial barriers to development; (c) cleanup considerations; and (d) reuse planning.

AGENCY OF NATURAL RESOURCES  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
WASTE MANAGEMENT AND PREVENTION DIVISION

**WHAT TO SUBMIT WITH A BROWNFIELD CERTIFICATION REQUEST**

“Brownfield site” means real property, the expansion, redevelopment, or reuse of which may be complicated by the release or threatened release of a hazardous material. It does not include properties where there is a court ordered requirement to remediate the property.

In order for the Agency to certify a site as a Brownfield site, the property needs to fall into one of the following categories:

Category 1. The property is enrolled, will be enrolled, and/or has completed the statutory brownfields program (BRELLA).

- If the property is already enrolled in BRELLA please submit the Agency’s approval letter and the Site Number.
- If the applicant is planning to enroll in BRELLA please submit an administratively complete application form to the DEC Brownfields Program (contact the Brownfields Program for assistance at 802-249-5822 or [patricia.coppolino@vermont.gov](mailto:patricia.coppolino@vermont.gov)). See link to BRELLA Site: <http://dec.vermont.gov/waste-management/contaminated-sites/brownfields/BRELLA>
- If the applicant has completed the BRELLA program please submit the Site Number and a copy of the Certificate of Completion.

Category 2. The applicant demonstrates how the renewable energy project may be complicated by the release or threatened release of a hazardous material at the Brownfield.

- The Applicant shall submit a Phase I Environmental Site Assessment report.
- Applicant shall submit a project summary including a [draft] site plan showing the area of real or perceived contamination (Recognized Environmental Condition (REC)) and the location of the renewable energy project including all anticipated design features (i.e. solar panels, transformer or inverter locations, system control station, access roads, etc.). NOTE: The renewable energy project must be co-located, either in part or in whole, with a REC identified in the Phase 1 ESA report.
- The applicant is required to demonstrate how the proposed project, either in whole or in part, may be complicated with respect to each of the following: (a) environmental liability concerns; (b) financial barriers to development; (c) cleanup considerations; and (d) reuse planning.

Category 3. The Brownfield property includes a renewable energy project that is a part of a larger development, and the development as a whole may be complicated by the release or threatened release of a hazardous material.

- The Applicant shall submit a Phase I Environmental Site Assessment report.
- Applicant shall submit a project summary that describes the site redevelopment plan and include a [draft] site plan showing the area of real or perceived contamination (REC) and all redevelopment features (i.e. current and/or proposed location of buildings, access roads, solar system, parking, etc.).
- The applicant is required to demonstrate how the site redevelopment as a whole may be complicated with respect to each of the following: (a) environmental liability concerns; (b) financial barriers to development; (c) cleanup considerations; and (d) reuse planning.





## MEMO

Date: May 11, 2018

To: Executive Committee

From: Bonnie Waninger, Executive Director

Re: FY19 Dental Benefit

☒ **ACTION REQUESTED:** Approve CVRPC's FY19 dental benefit to maintain the existing dental policy and 100% employer contribution.

Delta Dental raised insurance premiums by 2.9% due to claim trends and adjustments for inflation. Premiums increased by 2% for FY18. The cost increase by rate category is:

| Category   | FY18 Premium | FY19 Premium | FY18-FY19 Yearly Premium Increase |
|------------|--------------|--------------|-----------------------------------|
| 1 Person   | \$419.52     | \$431.64     | \$12.12                           |
| 2 Persons  | \$789.60     | \$812.52     | \$22.92                           |
| 3+ Persons | \$1,395.84   | \$1,436.28   | \$40.44                           |

CVRPC's change in cost from FY18 to FY19 is:

| Category                               | FY18       |            |                   | FY19              |            |            |
|--|------------|------------|-------------------|-------------------|------------|------------|
|  | Premium    | # Enrolled | CVRPC Cost        | Premium           | # Enrolled | CVRPC Cost |
| 1 Person                               | \$419.52   | 1          | \$419.52          | \$431.64          | 0          | \$0.00     |
| 2 Persons                              | \$789.60   | 0          | \$0.00            | \$812.52          | 1          | \$568.76*  |
| 3+ Persons                             | \$1,395.84 | 4          | \$5,583.36        | \$1,436.28        | 4          | \$5,745.12 |
| <b>CVRPC Total Cost by Fiscal Year</b> |            |            | <b>\$6,002.88</b> | <b>\$6,313.88</b> |            |            |

Difference CVRPC Total Cost FY18-FY19

-\$611.80

Difference FY18-FY19 Cost using FY19 Enrolled Employees

\$177.80

\*Note: CVRPC pro-rates contributions for part-time employees based on hours worked.



## FY 2019 Meetings

### Executive Committee<sup>1</sup>

July 2, 2018  
 Aug 6, 2018  
 Sept 4, 2018 (Tuesday)  
 Oct 1, 2018  
 Nov 5, 2018  
 Dec 3, 2018  
 Dec 31, 2018  
 Feb 4, 2019  
 Mar 4, 2019  
 Apr 1, 2019  
 May 6, 2019  
 June 3, 2019

### Board of Commissioners

July 10, 2018  
 Aug 14, 2018<sup>2</sup>  
 Sept 11, 2018  
 Oct 9, 2018  
 Nov 13, 2018  
 Dec 11, 2018  
 Jan 8, 2019  
 Feb 12, 2019  
 Mar 12, 2019  
 Apr 9, 2019  
 May 14, 2019  
 June 11, 2019

Staff recommends discussion of Executive Committee meetings dates for:

| <u>Regular Date</u> | <u>Consideration</u>     | <u>Potential Alternate Date</u> |
|---------------------|--------------------------|---------------------------------|
| July 2              | Potential holiday travel | Monday, June 25                 |
| December 31         | New Year's Eve           | Thursday, December 27           |

<sup>1</sup> When a regular Committee meeting occurs on a holiday, the meeting date has been shifted to the next day (with the day noted in parenthesis).

<sup>2</sup> The Board of Commissioners customarily does not meet in August.



## CENTRAL VERMONT REGIONAL PLANNING COMMISSION

## Committees and Appointed Positions

FY19 Recommendations

Note: Strikeouts indicate individual is no longer a Commissioner or did not wish to be reappointed to the Committee.

## STANDING COMMITTEES

| Executive  |
|--|
| <i>Meets:</i> Monthly, 4:00 pm, week prior to Commission meeting   |
| <i>Members:</i> 4 officers and 3 at-large Commissioners  |
| <i>Term:</i> 1 year; officers typically two years  |
| <i>Elected:</i> By Board of Commissioners  |
| <i>Duties:</i>   |
| <ul style="list-style-type: none"> <li>- Act on behalf of the Commission in absence of a Commission quorum</li> <li>- Approve budgets, contracts &amp; audits</li> <li>- Add/eliminate staff and contractors</li> <li>- Amend Personnel Policies</li> <li>- Approve policy actions</li> <li>- Recommend positions to be taken</li> <li>- Approve Commission agendas</li> </ul> |

## 2019 Members (Elected by Commissioners)

Julie Potter, East Montpelier, Chair  
 Laura Hill-Eubanks, Northfield, Vice Chair  
 Michael Gray, Woodbury, Treasurer  
 Dara Torre, Moretown, Secretary  
 Janet Shatney, Barre City, At Large  
 Byron Atwood, Barre Town, At Large  
 Steve Lotspeich, Waterbury, At Large

| Nominating   |
|--|
| <i>Meets:</i> April/May, as needed   |
| <i>Members:</i> 3 Commissioners  |
| <i>Term:</i> 1 year; cannot serve consecutive terms  |
| <i>Appointed:</i> By Board of Commissioners  |
| <i>Duties:</i>   |
| <ul style="list-style-type: none"> <li>- Nominate officers and at-large members of the Executive Committee.</li> </ul> |

## 2018 Members (Members appointed in February per CVRPC Bylaws)

Don La Haye, Waitsfield (Chair)  
 Brian Fitzgerald, Duxbury  
 Ron Krauth, Middlesex

## ADVISORY COMMITTEES

| Project Review   |
|--|
| <i>Meets:</i> Monthly (as needed), on the fourth Thursday, 4:00 pm   |
| <i>Members:</i> 5 Commissioners plus 1 alternate and the project's host Commissioner   |
| <i>Term:</i> 3-year; staggered terms   |
| <i>Appointed:</i> By Board of Commissioners  |
| <i>Duties:</i>   |
| <ul style="list-style-type: none"> <li>- Determine Act 250/Section 248 project conformance with the Regional Plan</li> <li>- Provide input and recommendations for projects with Significant Regional Impact</li> <li>- Solicit input from other parties as needed to gather information and render a decision</li> <li>- Evaluate potential cumulative impacts for projects</li> <li>- Provide guidance on amendments or changes to Substantial Regional Impact criteria</li> </ul> |

## 2018 Members (Date indicates end of term)

2020 - VACANT  
 2020 - Janet Shatney, Barre City  
 2019 - Byron Atwood, Barre Town  
 2019 - Laura Hill-Eubanks, Northfield  
 2018 - Bob Werneke, Berlin  
 2018 - Jerry D'Amico, Roxbury (Alternate)

## Personnel Policy Review

A Working Committee of the Executive Committee

|   |
|---|
| <i>Meets:</i> As needed   |
| <i>Members:</i> 3 Commissioners   |
| <i>Term:</i> None established   |
| <i>Appointed:</i> By Executive Committee  |
| <i>Duties:</i>  |
| <ul style="list-style-type: none"> <li>- Recommend revisions to Personnel Policies</li> </ul> |

## 2019 Members

Julie Potter, East Montpelier, Chair  
 Laura Hill-Eubanks, Northfield  
 Steve Lotspeich, Waterbury

## Nominees for June 2018:

Election for 3 seats: 1 two 2018, 3-year terms and one 2020, vacant term (finish Brian Fitzgerald's term). Commissioners expressing interest include:

John Brabant, Calais  
 Bob Werneke, Berlin  
 Jerry D'Amico, Roxbury



## CENTRAL VERMONT REGIONAL PLANNING COMMISSION

### Committees and Appointed Positions

FY19 Recommendations

Note: Strikeouts indicate individual is no longer a Commissioner or did not wish to be reappointed to the Committee.

#### ADVISORY COMMITTEES

| Regional Plan  |
|--|
| <i>Meets:</i> Monthly, as needed                     |
| <i>Members:</i> 5 Commissioners                      |
| <i>Term:</i> changed from 1, to 2 year (May 2018)    |
| <i>Appointed:</i> By Board of Commissioners          |
| <i>Duties:</i>                                       |
| - Develop and recommend updates to the Regional Plan |

##### 2018 Members

Laura Hill-Eubanks, Northfield  
 Dara Torre, Moretown  
 Ron Krauth, Middlesex  
~~Janet Shatney, Barre City~~  
 Vacant, Regional Commissioner

##### Nominees for June 2018:

Laura Hill-Eubanks, Northfield  
 Dara Torre, Moretown  
 Ron Krauth, Middlesex  
 Kirby Keeton, Montpelier  
 Julie Potter, East Montpelier

| Town Plan Review   |
|--|
| <i>Meets:</i> As needed.   |
| <i>Members:</i> 5 Commissioners  |
| <i>Term:</i> 1 year  |
| <i>Appointed:</i> By Board of Commissioners  |
| <i>Duties:</i>   |
| - Review municipal plans for conformance to statutory requirements and recommend whether a plan should be approved |
| - Review each municipality's planning process and recommend whether it should be confirmed                         |
| - Provide guidance to municipalities about future plan updates and ways to strengthen planning efforts             |

##### 2018 Members

~~Janet Shatney, Barre City, Chair~~  
 Bill Arrand, Worcester  
~~Jerry D'Amico, Roxbury~~  
 Ron Krauth, Middlesex  
~~Ivan Shadis, Marshfield~~

##### Nominees for June 2018:

Ron Krauth, Middlesex  
 Lee Cataneo, Orange  
 Jan Ohlsson, Calais Alternate  
 Joyce Manchester, Moretown Alternate  
 VACANT (requesting participation from Alternates)

| Transportation Advisory   |
|---|
| <i>Meets:</i> Monthly on 4th Tuesday, 6:30 pm   |
| <i>Members:</i> Municipal representatives   |
| <i>Term:</i> 1 year   |
| <i>Appointed:</i> By municipal legislative body   |
| <i>Duties:</i>  |
| - Recommend Transportation Planning Initiative (TPI) work program & budget to Executive Committee |
| - Prioritize transportation studies funded by the Commission's TPI program                        |
| - Recommend Regional Plan transportation element  |
| - Prioritize state-funded transportation projects   |

##### 2018 Members

Appointed by the 23 municipalities  
 Steve Lotspeich, Chair





## CENTRAL VERMONT REGIONAL PLANNING COMMISSION

### Committees and Appointed Positions

FY19 Recommendations

Note: Strikeouts indicate individual is no longer a Commissioner or did not wish to be reappointed to the Committee.

#### ADVISORY COMMITTEES

| Brownfields Advisory  |
|---|
| <b>Meets:</b> Monthly on 3rd Monday, 4:00 pm  |
| <b>Members:</b> 4 Commissioners plus 1 alternate, CVEDC, VT Dept of Health, 5 representatives of housing, real estate, finance, at-risk populations, and the environment  |
| <b>Term:</b> 2 years; staggered terms - Commissioners even years & Interest Groups odd years  |
| <b>Appointed:</b> By Board of Commissioners   |
| <b>Duties:</b> <ul style="list-style-type: none"> <li>- Oversee CVRPC Brownfields Program</li> <li>- Prioritize sites for assessment</li> <li>- Participate in hiring contractors</li> <li>- Recommend brownfield-related policy</li> <li>- Participate in public outreach</li> </ul> |

| Clean Water Advisory  |
|---|
| <b>Meets:</b> Ad hoc, as needed   |
| <b>Members:</b> 2 Commissioners and at minimum 3 representatives from partner organizations, the public, and private companies  |
| <b>Term:</b> None identified  |
| <b>Appointed:</b> By Board of Commissioners   |
| <b>Duties:</b> <ul style="list-style-type: none"> <li>- Identify activities, policies, and direction for CVRPC's clean water support</li> <li>- Determine CVRPC direction and goals regarding the Lake Champlain TMDL, Tactical Basin Plans, and the Regional Plan</li> </ul> |

| Energy Advisory   |
|---|
| <b>Meets:</b> Monthly (as needed), 4:00 pm  |
| <b>Members:</b> 5 Commissioners and 12 stakeholders from municipalities & energy committees, utilities, economic development, transportation & transit, State agencies, and renewable energy developers |
| <b>Term:</b> Duration of project or March 1, 2018   |
| <b>Appointed:</b> By Board of Commissioners   |
| <b>Duties:</b> <ul style="list-style-type: none"> <li>- Recommend regional energy plan to Commission</li> <li>- Oversee public engagement</li> <li>- Recommend to Commission energy policies</li> </ul> |

#### 2016-2018 Members

##### 4 Regional Commissioners + 1 Alternate

Janet Shatney, Barre City, Chair  
~~Julie Potter, East Montpelier~~  
 Ron Krauth, Middlesex  
 Don La Haye, Waitsfield  
 VACANT, Regional Commissioner Alternate

##### Interest Group Representatives

###### Designated

Economic - CVEDC (Gunner McCain & Jamie Stewart, Alt)  
 Health - VT Dept. of Health (Joan Marie Misek)

###### Non-Designated

At Risk Populations - Capstone Community Action, VACANT

~~Brad Denny, Northfield~~ VACANT

Housing - Downstreet Housing, Steve Comolli  
 Finance - Union Bank, Tim Ross

Environment - Friends of the Winooski River, Shawn White (requested non-voting status)

###### Non-Voting

Dorrie Paar, US EPA

#### Initial Members (active, but not appointed yet)

##### 2 Regional Commissioners

Ron Krauth, Middlesex  
 Amy Hornblas, Cabot

##### Representatives of the Region's Municipalities

Dona Bate, Montpelier City Council  
 Stewart Clark, Worcester Planning Commission

John Brabant, Calais Selectboard

Larry Becker, Middlesex Conservation Commission  
 Russ Barrett, Northfield Conservation Commission

John Hoogenboom, Moretown Selectboard

Vermont Agency of Natural Resources (ex-officio, non-voting). Karen Bates  
 Winooski Natural Resource Conservation District, Corinna Parnap  
 Watershed Group(s)

Friends of the Winooski River, Michele Braun  
 Friends of the Mad River, Brian Shupe/Corrie Miller alternate

##### Private companies or interested stakeholders

Ann Smith

#### 2018 Members

Steve Fitzhugh, Northfield Planning Com., Chair  
 Janet Shatney, Barre City Regional Commissioner  
 Julie Potter, East Montpelier Regional Commissioner  
 Brian Fitzgerald, Duxbury Regional Commissioner  
 Ron Krauth, Middlesex Regional Commissioner  
 Don La Haye, Waitsfield Regional Commissioner

Jamie Stewart, CVEDC

Bram Towbin, Town of Plainfield

Alex Bravakis, Novus Energy Development

Karin McNeill, Agency of Natural Resources

Jackie Cassino, Agency of Transportation

Robert Dostis, Green Mountain Power

Barbara Conrey, Montpelier Energy Committee

Paul Zabriskie, Capstone Community Action

Karen Horn, Vermont League of Cities & Towns

Patty Richards, Washington Electric Coop

Mark Sousa, Green Mountain Transit

Dan Potter, Public Service Department

#### Commissioner nominees for June 2018:

Amy Hornblas, Cabot  
 Janet Shatney, Barre City  
 Ron Krauth, Middlesex  
 Don LaHaye, Waitsfield  
 Alternate: [no nominee yet]

#### Nominees for June 2018:

This Committee began operating in May 2018.  
 Its members have not been appointed.



## CENTRAL VERMONT REGIONAL PLANNING COMMISSION

## Committees and Appointed Positions

FY19 Recommendations

Note: Strikeouts indicate individual is no longer a Commissioner or did not wish to be reappointed to the Committee.

## COMMISSION APPOINTMENTS

**Vermont Association of Planning & Development Agencies**

Meets: First Thursday in June and December

Appointee: As desired by the Commission, usually the Chair

Term: 1 year

Appointed: By Board of Commissioners

Duties:

- Participate in two policy meetings

**2019 Representative**

Julie Potter, CVRPC Chair

**Vermont Economic Progress Council**

Meets: Monthly, 4th Thursday of the month

Term: 1 year

Appointee: As desired by the Commission, usually the Executive Director

Appointed: By Board of Commissioners

Duties:

- Attend as needed and comment on projects in the region

**2019 Representative**

Bonnie Waninger

**Green Mountain Transit**

Meets: Monthly on 3rd Tuesday, 7:30 am

Term: 3 years

Appointee: As desired by the Commission, usually Executive Director or Transportation Planner

Appointed: By Board of Commissioners

Duties:

- Guide the organization through setting goals and annual priorities
- Participate on at least one committee as designated by the Chair

**2017-2019 Representatives**

Bonnie Waninger, Commissioner

Dan Currier, Alternate

**Mad River Valley Planning District**

Meets: Monthly on 3rd Thursday, 7:00 pm

Term: 1 year

Appointee: As desired by the Commission, usually

Appointed: By Board of Commissioners

Duties:

- Manage business and affairs of the District as an ex-officio, non-voting member of its Steering Committee

**2019 Representative**

Eric Vorwald, Representative

Bonnie Waninger, Alternate

**CENTRAL VERMONT REGIONAL PLANNING COMMISSION****Five Year Strategic Goals****Year 4: FY19 Activities and Measures**

06/05/18

**MISSION**

The mission of CVRPC is to assist member municipalities in providing effective local government and to work cooperatively with them to address regional issues.

**GOAL 1: Enhance Financial Security**

CVRPC retains the financial resources and policies to support its mission and work priorities, and to continue to operate in fiscally challenging times.

Strategies:

- I. Manage organizational budget and project funds in a sustainable and transparent manner
- II. Increase reserve fund to \$200,000 by 2025 (~2.75 months operating reserves)
- III. Refresh and expand policies to strengthen organizational oversight and comply with 2 CFR Part 200 requirements

FY19 Activities and Measures

- I. *Financial reports are provided monthly in a timely manner*
  - a) Executive Committee receives financial statements and budget to actuals, cash flow, and financial summary reports in meeting packet (Nicole)
  - b) Project financial reports and training assist staff to complete 95% of projects within budget (Staff, Nicole)
  - c) CVRPC maintains unqualified audit reports (Nicole)
- II. *Complete audit annually by October 31 (Nicole)*
  - a) Complete audit field work by September 15
  - b) Submit Audit annually by November 30
  - c) Submit Indirect Rate Proposal annually by March 31
- III. *Implement plan to reduce administrative costs (All)*
  - a) Work with staff to develop strategies and actions to reduce administrative hours by November 30
  - b) Implement strategies and actions, such as system modifications and training.

- 1 c) Administrative costs are reduced to the extend practical by 2022
- 2 IV. *Contribute to reserve fund as funds permit* (Bonnie/Nicole)
- 3 a) Prepay FY19 reserve contribution in FY18
- 4 b) Reserve fund balance reaches 2025 goal
- 5 V. *Create/update the following policies/procedures:* (Nancy)
- 6 a) Update Personnel Policy Manual by 06/30/19 (with Bonnie)
- 7 b) Update Administrative and Financial Procedures by 12/31/18 (with Nicole)
- 8 c) Develop and incorporate grants management procedures into Administrative
- 9 and Financial Procedures by 06/30/18 (with All)
- 10 VI. *Develop 2 CFR Part 200 training schedule for staff by 12/31/18; implement plan* (Nancy
- 11 with Nicole)
- 12 a) Staff acquires and maintains the knowledge and skills required to manage grant-
- 13 funded projects within state and federal requirements
- 14 b) Staff contributes to building effective grants management procedures
- 15 c) CVRPC maintains unqualified audit reports

## 18 **GOAL 2: Create Operational Excellence**

19 CVRPC continually builds a workplace and workplace philosophy in which problem-solving,  
20 teamwork, and leadership results in the ongoing improvement of the organization.

### 22 Strategies:

- 23 I. Build a knowledgeable, professional, and interdisciplinary staff
- 24 II. Strengthen Commissioner understanding of, and participation in, Commission activities
- 25 and services
- 26 III. Enhance the office environment to support operations and delivery of services

### 28 FY19 Activities and Measures:

- 29 I. *Train staff to enhance knowledge and skills* (All)
- 30 a) Develop a 3-year professional development guide with all staff by 09/30/18 (An
- 31 outcome of the performance review process)
- 32 b) Provide at least three individual professional development opportunities for all
- 33 staff annually, one of which is outside their current project discipline
- 34 II. *Enhance team morale* (Nancy supported by all)
- 35 a) Provide on-going visibility for staff accomplishments through CVRPC's
- 36 communication portals, office celebrations, etc.
- 37 b) Complete quarterly team building activities, including social events, community
- 38 tours, learning opportunities, etc.



1     III.    *Enhance Committee effectiveness*

- 2           a)   Develop consistent Rules of Procedure for all committees by 12/31/18
- 3               –   Project Review – adopted 09/12/17
- 4               –   Town Plan Review – draft 09/26/17 (Eric)
- 5               –   Regional Plan – no action (Clare)
- 6               –   Executive (reformatting) – draft 01/02/17; incorporate conflict of interest & code of conduct
- 7               –   policy for 06/05/18 Exec Com review (Bonnie)
- 8               –   Nominating – no action (Bonnie)
- 9               –   TAC – adopted 04/11/17
- 10            –   Brownfields – adopted 10/11/16; need updating (Clare)
- 11            –   Regional Energy – adopted 12/13/16; committee needs repurposing or to be dissolved (TBD)
- 12            –   Clean Water Advisory – draft 04/10/18; ready for Commission review (Pam)
- 13           b)   Designate chairs for all committees by 09/30/18
- 14               –   Regional Plan – no action; need to rebuild committee (Clare)
- 15               –   Clean Water Advisory – first meeting May 2018 (Pam)
- 16           c)   Train chairs on the roles and responsibilities of the chair by 10/31/18 (TBD)
- 17           d)   Notice Commissioners of committee meetings with links to agendas (Nancy)
- 18           e)   Report Committee activities and actions to Commissioners monthly (All)

19    IV.    *Enhance Commissioner engagement*

- 20           a)   Hold orientation meeting with new Commissioners within two months of
- 21               appointment (Bonnie)
- 22           b)   Conduct Commissioner survey regarding Commission meeting effectiveness and
- 23               understanding of the role of a Regional Commissioner by 08/31/18
- 24               (Bonnie/Nancy)
- 25           c)   Implement meeting changes and/or develop tools and/or host trainings as
- 26               needed (Bonnie)
- 27           d)   Update Commission bylaws by 06/30/19 (Bonnie/Bylaw Update Committee)

28    V.    *Enhance the office working and meeting environment*

- 29           a)   Clean and organize office to project a professional work environment by
- 30               01/15/19 (Nancy/All)
- 31           b)   Implement furniture replacement plan as funds allow (Nancy)
- 32           c)   Obtain cost estimates for structural space improvements by 06/30/19 (Nancy)
- 33           d)   Identify opportunities and costs for office relocation by 06/30/19 (Nancy)
- 34
- 35

36    **GOAL 3: Enhance Services**

37    CVRPC focuses on the needs of member municipalities, and continually works to increase their

38    desire and ability to work cooperatively to address regional issues.

39

40

Strategies:

- I. Align organizational thinking to anticipate municipal and regional needs
- II. Increase municipal plan implementation activities by building CVRPC project delivery and management understanding
- III. Pursue funding opportunities more strategically to implement CVRPC priorities

FY19 Activities and Measures:

- I. *Identify municipal planning and implementation priorities for FY20 by 03/31/19*
  - a) Review municipal plans for implementation priorities by 01/31/19 (Eric/Clare)
  - b) Complete a municipal survey by 02/28/19 (Eric/Clare)
  - c) Solicit Commissioner input into FY20 workplan by 02/28/19 (Bonnie)
- II. *Build CVRPC project delivery and management skills (Dan)*
  - a) Enhance staff knowledge and skills in project delivery and management through online trainings and team learning
  - b) Develop project tracking materials
  - c) Identify existing projects that need project delivery and management assistance
  - d) Projects and deliverables are produced on time, within budget, and with sufficient quality.
- III. *Complete Plan Central Vermont (Clare)*
  - a) Final Draft completed by 05/01/19
  - b) Final Draft reviewed by Board of Commissioners at June meeting
  - c) Draft distributed for to statutory parties and for public and agency comment by 12/31/19

**GOAL 4: Position CVRPC as Leader and Partner**

CVRPC assists others to achieve their goals, and in doing so, achieves its own goals.

Strategies:

- I. Increase visibility at local, regional, state, federal levels for CVRPC activities
- II. Increase work with State/Federal Legislators
- III. Enhance CVRPC relationship with other regional organizations

FY19 Activities and Measures:

- I. *Enhance communications with municipalities, partners, and Commissioners (Nancy/All)*
  - a) Publish News Briefs weekly (grant announcements, meeting notices, etc.)
  - b) Publish a newsletter quarterly (articles about projects and programs)

- 1 c) Develop press releases related to project progress (recognize regular and special
- 2 milestones)
- 3 d) Develop 1-2-page project briefing sheets and update at project completion; post
- 4 to website and distribute in Board packet
- 5 e) Update Facebook page weekly (using News Briefs or other information)
- 6 II. *Position CVRPC as a regional and state leader*
- 7 a) Publish the online data library by 07/31/18 (Eric)
- 8 b) Host bi-monthly regional trainings for municipalities (All)
- 9 c) Participate in at least three activities of regional partners, such as CVEDC,
- 10 Capstone, Downstreet, Solid Waste, Friends of the Winooski River, Friends of the
- 11 Mad River, Winooski Natural Resource Conservation District, etc.; provide
- 12 partner updates on CVRPC activities (All)
- 13 d) Serve as RPC lead for at least one statewide project or shared task (Senior
- 14 Planners/Program Manager)
- 15 III. *Engage Commissioners in statewide policy development*
- 16 a) Identify State plans, policies, and rules and Summer Study Committees of
- 17 interest anticipated for public comment in FY19 by 07/31/18 (All)
- 18 b) Comment on at least two plan, policy or rule documents annually (Senior
- 19 Planners/Program Manager)

## 5-Year Strategic Goals – FY19 Activities

| Priority                                     | Activity   | Lead              | July | Aug | Sept | Oct | Nov   | Dec  | Jan | Feb | Mar      | Apr | May | June |
|--|--|-------------------|------|-----|------|-----|-------|------|-----|-----|----------|-----|-----|------|
| <b>Goal 1: Enhance Financial Security</b>    |  |                   |      |     |      |     |       |      |     |     |          |     |     |      |
| H  | Monthly financial reports                          | Nicole            | X    | X   | X    | X   | X     | X    | X   | X   | X        | X   | X   | X    |
| H  | Complete audit                                     | Nicole            |      |     |      | X   |       |      |     |     |          |     |     |      |
| H  | Submit Audit/Indirect Proposal                     | Nicole            |      |     |      |     | Audit |      |     |     | Indirect |     |     |      |
| H  | Identify strategies to reduce administrative hours | All               |      |     |      |     | X     |      |     |     |          |     |     |      |
| L  | Contribute to reserve fund                         | Bonnie & Nicole   |      |     |      |     |       |      |     |     |          |     |     | X    |
| L  | Update Personnel Policy Manual                     | Nancy with Bonnie |      |     |      |     |       |      |     |     |          |     |     | X    |
| H  | Adopt Admin/Financial Procedures                   | Nancy with Nicole |      |     |      |     |       | X    |     |     |          |     |     |      |
| H  | Add grants management procedures                   | Nancy With All    |      |     |      |     |       |      |     |     |          |     |     | X    |
| L  | Develop 2 CFR staff training plan                  | Nancy with Nicole |      |     |      |     |       | Plan |     |     |          |     |     |      |
| L  | Implement 2 CFR staff training plan                | Nancy with Nicole |      |     |      |     |       |      |     | X   |          | X   |     | X    |
| <b>Goal 2: Create Operational Excellence</b> |  |                   |      |     |      |     |       |      |     |     |          |     |     |      |
| L  | Develop 3-year staff development guide             | All               |      |     | X    |     |       |      |     |     |          |     |     |      |
| M  | Conduct team building activities                   | Nancy With All    | X    |     |      | X   |       |      | X   |     |          | X   |     |      |
| H  | Finish Rules of Procedure for all committees       | As assigned       |      |     |      |     |       | X    |     |     |          |     |     |      |
| H  | Designate Committee Chairs                         | As Assigned       |      |     | X    |     |       |      |     |     |          |     |     |      |
| H  | Host Chair training                                | TBD               |      |     |      | X   |       |      |     |     |          |     |     |      |
| H  | Hold new Commissioner orientation meetings         | Bonnie            |      |     |      |     |       |      |     |     |          |     |     |      |

| Priority  | Activity                                      | Lead              | July | Aug | Sept | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May   | June   |
|---|---|-------------------|------|-----|------|-----|-----|-----|-----|-----|-----|-----|-------|--------|
| M   | Survey Commissioners on meeting effectiveness | Bonnie With Nancy |      | X   |      |     |     |     |     |     |     |     |       |        |
| H   | Update Commission bylaws                      | Bonnie            |      |     |      |     |     |     |     |     |     |     |       | X      |
| M   | Clean office                                  | All               |      |     |      |     |     |     | X   |     |     |     |       |        |
| H   | Plan structural space improvements            | Nancy             |      |     |      |     |     |     |     |     |     |     |       | X      |
| H   | Identify opportunities for office relocation  | Nancy             |      |     |      |     |     |     |     |     |     |     |       | X      |
| <b>Goal 3: Enhance Services</b>                     |   |                   |      |     |      |     |     |     |     |     |     |     |       |        |
| M   | Review Municipal Plans for priorities         | Eric & Clare      |      |     |      |     |     |     | X   |     |     |     |       |        |
| L   | Survey municipal needs                        | Eric & Clare      |      |     |      |     |     |     |     | X   |     |     |       |        |
| M   | Solicit Commissioner input for FY20 Work Plan | Bonnie            |      |     |      |     |     |     |     | X   |     |     |       |        |
| H   | Train staff on project management             | Dan               |      |     |      |     |     |     |     |     |     |     |       | X      |
| H   | Complete Plan Central VT                      | Clare             |      |     |      |     |     |     |     |     |     |     | Draft | Review |
| <b>Goal 4: Position CVRPC as Leader and Partner</b> |   |                   |      |     |      |     |     |     |     |     |     |     |       |        |
| H   | Publish News Briefs weekly                    | Nancy             |      |     |      |     |     |     |     |     |     |     |       |        |
| H   | Publish newsletter quarterly                  | Nancy With All    |      | X   |      |     | X   |     |     | X   |     |     | X     |        |
| H   | Develop press releases at milestones          | All               | X    | X   | X    | X   | X   | X   | X   | X   | X   | X   | X     | X      |
| M   | Develop project briefing sheets               | All               |      |     | X    |     |     | X   |     |     | X   |     |       | X      |
| L   | Update Facebook page weekly                   | Nancy With All    |      |     |      |     |     |     |     |     |     |     |       |        |
| H   | Publish online data library                   | Eric              | X    |     |      |     |     |     |     |     |     |     |       |        |
| M   | Host bi-monthly trainings                     | All               | X    |     | X    |     | X   |     | X   |     | X   |     | X     |        |
| M   | Participate in 3 partner activities           | All               |      |     |      |     |     |     |     |     |     |     |       | X      |

| Priority | Activity                                 | Lead                    | July | Aug | Sept | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | June |
|----------|--|-------------------------|------|-----|------|-----|-----|-----|-----|-----|-----|-----|-----|------|
| M        | Serve as RPC lead for statewide effort   | Sr Planners & Prog Mngr |      |     |      |     |     |     |     |     |     |     |     | X    |
| H        | Identify State plans/studies for comment | All                     | X    |     |      |     |     |     |     |     |     |     |     |      |
| M        | Comment on two plans, etc.               | Sr Planners & Prgm Mngr |      |     |      |     |     |     |     |     |     |     |     | X    |

1



## BOARD OF COMMISSIONERS

June 12, 2018 at 7:00 pm

Central VT Chamber of Commerce Conference Room, 963 Paine Turnpike North, Berlin

Page **AGENDA**

- 7:00<sup>1</sup>**     **Adjustments to the Agenda**  
                 **Public Comments**
- 7:05**     **Program Tour: Central Vermont Brownfields Program, Clare Rock**  
                 Solving redevelopment puzzles one challenge at a time
- 7:30**     **2016 Regional Plan Update, Eric Vorwald (enclosed)<sup>2</sup>**  
                 a) Public Hearing – host second hearing to receive public comments  
                 b) Plan Adoption – adopt Regional Plan to incorporate Regional Energy Plan and  
                 forest integrity language. If changes are desired, additional hearing is required.
- 7:45**     **Renewable Energy Preferred Sites, Eric Vorwald (enclosed)<sup>2</sup>**  
                 Briefing and potential action to refer item to Regional Plan Committee for policy  
                 development.
- 8:15**     **The Future of Act 250: Framing CVRPC Comments, Eric Vorwald & Clare Rock (enclosed)**  
                 Process introduction, summary of Vermont Planners Association Act 250 Conference, and  
                 trends from CVRPC's regional survey.
- 8:35**     **Commission Appointments (enclosed)<sup>2</sup>**  
                 Appoint FY19 committees and representatives to outside organizations
- 8:45**     **Meeting Minutes – May 8, 2018 (enclosed)<sup>2</sup>**
- 8:50**     **Reports (enclosed)**  
                 Updates and questions on Staff, Executive Director, and Committee Reports
- 9:00**     **Adjournment**

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<sup>1</sup> Times are approximate unless otherwise advertised.

<sup>2</sup> Anticipated action item.

**CENTRAL VERMONT REGIONAL PLANNING COMMISSION****Executive Committee****DRAFT Minutes****April 30, 2018**

Present:

☒ Julie Potter☒ Laura Hill-Eubanks☒ Michael Gray☒ Dara Torre☒ Steve Lotspeich☒ Don La Haye☒ Byron Atwood

Staff: Bonnie Waninger, Nancy Chartrand

Guests: None

Chair J. Potter called the meeting to order at 4:00 pm. Quorum was present to conduct business.

**Adjustments to the Agenda**

None

**Public Comment**

None.

**Financial Report**

B. Waninger advised CVRPC remains on track to achieve its FY18 goals. The Committee discussed the potential net income, possible reserve contributions, how reserve contributions are reflected in the budget, and the effects of accrual versus cash budgeting. Waninger described how future budgets would reflect reserve contributions. Budget adoption includes adopting reserve fund goals.

B. Atwood and L. Hill-Eubanks entered at 4:05 pm.

*S. Lotspeich moved to accept the financial report with change to net income at the end of Revenue / Expenses to reflect the reserve contribution; M. Gray seconded. Motion carried.*

**Contract/Agreement Authorization**

Potter noted no contracts/agreements needed authorized. B. Waninger advised CVRPC was not awarded a Brownfield grant. The Committee discussed the brownfields grant process.

**2016 Regional Plan Update**

Waninger summarized subsequent events to the Board's decision to prohibit wind above 2500 feet. The implication would be a similar prohibition of development above 2500 feet for all development. The Regional Plan Committee recommends the Board modify Regional Energy Plan language to match Regional Plan language, which "discourages" rather than "prohibits" development above 2500 feet.



1  
2 L. Hill-Eubanks asserted some types of development could be prohibited and others not. B. Waninger  
3 noted that if wind is prohibited such a prohibition would apply to cell towers and other development  
4 above 2500 feet. As part of Act 174, the Public Service Department (PSD) developed guidelines to be  
5 certified. Energy cannot be treated differently than other types of development.

6  
7 A public hearing is not required to change the Regional Energy Plan. Two hearings are required for  
8 Regional Plan; one was held in April.

9  
10 The PSD also commented on CVRPC's wind tower hub height limit. State energy guidelines define three  
11 wind hub heights – 30 m residential, 50 m commercial, 70 m utility scale. 116 feet is in the middle of  
12 residential and commercial heights. The PSD suggested CVRPC either choose a predefined height or  
13 clarify its language. Staff will have more visuals and details for presentation to Board at the upcoming  
14 Board meeting to help understand and address the height issue as it pertains to the Regional Plan.

15  
16 The Committee requested information about the implementation if Commissioners need additional time  
17 to discuss these issues. Waninger said municipal energy plans cannot be certified after 7/1/18 unless  
18 CVRPC has a certified Regional Plan. It does not appear that any municipalities are ready for  
19 certification. Calais is the closest to energy plan completion.

20  
21 Waninger noted that the year 1 municipalities (Waterbury, East Montpelier, and Barre Town) are not  
22 ready to send plans to the Selectboard for adoption consideration. If this does not occur by August 31,  
23 CVRPC will not earn the product-based payment related to work with these three towns (\$2,040 total).

#### 24 25 **Strategic Plan FY19 Actions**

26 Waninger reviewed changes from the last draft and discussed staff input. M. Gray requested towns be  
27 incorporated into the project management training. B. Waninger indicated the initial training will be  
28 internal at a staff meeting. CVRPC could make it available to towns once the "dry run" is complete. L.  
29 Hills-Eubank requested Friends of the Winooski River be added to regional partners on page 20, line 8.

30  
31 Discussion ensued as to whether the document is an internal document or not. Previously it has not  
32 been published on the website. It will, however, be incorporated into the Performance Review process  
33 for 2019. B. Waninger will finalize the document for review and adoption next month.

#### 34 35 **FY19 Work Plan & Budget**

36 This is the Committee's first review of the Work Plan and second review of the Budget. The Work Plan  
37 format was adjusted this year to increase understanding of what CVRPC does and how it is funded.  
38 Waninger provided an overview of the document.

39  
40 D. Torre requested an addition for Moretown as outlined on page 26 to add Phase II River Corridor. She  
41 has discussed the need with E. Vorwald.

42  
43 S. Lotspeich had a question on page 32 regarding staffing. This is to be addressed.  
44

1 J. Potter requested an amendment on page 31 – last paragraph. Amend to “. . . with several large  
2 contracts ending, natural resource funds are decreasing. They continue to be a strong part of the  
3 Commission’s work program.”  
4

5 B. Waninger also provided an overview of the Draft Budget, indicating shaded items are risk areas (page  
6 36, lines 3, 24, 36, 39 & 52) and why. From an expense perspective, it is a very tight budget. No  
7 professional development will be undertaken unless required by a contract. Some dues were also  
8 removed. It is still a deficit budget.  
9

10 J. Potter noted that since it is expected CVRPC is to have sizable net income at end of FY18, could  
11 reserves be prepaid to cover anticipated FY19 deficit? B. Waninger said it could be. She noted the  
12 reserve fund amount is only one month’s worth of payroll versus the recommended six months of  
13 operating costs. She recommended not using reserves to fund the gap if possible. She noted the  
14 Committee could adopt a deficit budget at the fiscal year start and adjust for a different decision at the  
15 mid-year budget adjustment. She is looking for guidance at this time. The Committee supported  
16 adopting a deficit budget, which allowed at least six months for the Commission to close the budget gap.  
17

18 B. Atwood questioned the reduction in ACCD funds from FY18 to FY19. Waninger explained that FY18  
19 was inflated artificially by a FY17 carryover. Carryover is not anticipated for FY19. Also, CVRPC’s ACCD  
20 funds decrease by 3-5% annually due to lack of growth regionally compared to other areas of the state.  
21 Atwood also questioned Community Development. Waninger said the brownfields consultant budge  
22 was ~\$229,000 in FY18 versus \$78,000 for FY19. Swings are also due to energy projects ending.  
23

24 There was limited grant writing in FY17 which results in a dip in revenue for FY19. More grants will be  
25 written in FY19 which will help in the future, but not so much for FY19 revenue.  
26

## 27 Committees

28 Personnel Policy Review: The FY18 budget included attorney review of the Personnel Policy Manual  
29 after CVRPC’s attorney provided a cursory review with recommendations. Waninger noted the  
30 review should begin shortly. Reaffirming the Personnel Policy Review Committee membership would  
31 assist with reviewing any recommended changes to the Policy. The first Committee meeting would  
32 be after 7/1/18. J. Potter, S. Lotspeich, and L. Hill-Eubanks all agreed to serve again.  
33

34 *B. Atwood moved to reappoint J. Potter, S. Lotspeich, and L. Hill-Eubanks to the Personnel Policy*  
35 *Review Committee; D. La Haye seconded. Motion carried.*  
36

37 Regional Plan: The Committee has difficulty achieving quorum and was uncertain of its membership.  
38 Staff research regarding membership was outlined in the meeting memo. Currently, there is one  
39 vacant Commissioner seat and of the five appointed organizations only one seat is filled.  
40

41 L. Hill-Eubanks indicated it is difficult to get organizations to show up regularly and achieve quorum.  
42 She suggested membership be five Commissioners. Outside groups could be invited to offer input  
43 and advice as needed, similar to the initial Regional Plan element workgroups. It was noted that  
44 non-voting members still impact quorum. Upon inquiry, B. Waninger advised that Scott Bascom

(VTrans) would be fine with dropping off the Committee. With regard to the Plan, Land Use, Implementation, Compatibility Statement, and Natural Resource components still need to be addressed. Overall consistency and conciseness of language needs to be addressed in the 300-page plan. The goals need to be reviewed, consolidated, and strengthened for consistency.

Clare Rock will staff Plan Central Vermont and the Regional Plan Committee in FY19.

S. Lotspeich supported the change in membership to five Commissioners with interest organizations in an advisory role. He recommended addressing appointments length. Waninger said the goal is to provide the Commission with a draft by 06/30/19. Lotspeich recommended a two-year commitment.

*S. Lotspeich moved to recommend to the Board that the Regional Plan Committee member consist of five Commissioners with a term length of two years; M Gray seconded. Motion carried.*

The Committee requested an opportunity to discuss recommendations prior to Board appointments.

#### **Consent Items**

*B. Atwood moved to approve the consent agenda as presented; L. Hill-Eubanks seconded. Motion carried.*

#### **Commission Meeting Agenda**

D. Torre will not be at the Commission meeting due to a work commitment. M. Gray volunteered to address Elections. L. Hill-Eubanks requested staff include the Committee appointment table in the Commission packet. The Committee requested CVRPC Committees be moved up on the agenda and the time be adjusted to allow more time for the Regional Energy Plan discussion.

*L. Hill-Eubanks moved to approve the Commission meeting agenda with changes; S. Lotspeich seconded. Motion carried.*

#### **Executive Session – Personnel**

J. Potter requested a short update from staff in executive session.

*B. Atwood moved to find that premature general public knowledge of the personnel discussion would place CVRPC at a disadvantage; D. Torre seconded. Motion carried.*

*B. Atwood moved to enter executive session at 6:00 pm; seconded by M Gray. Motion carried.*

*D. Torre moved to exit executive session at 6:28 pm; B. Atwood seconded. Motion carried.*

No action was taken.

#### **Adjourn**

*D. La Haye moved to adjourn at 6:28 pm; B. Atwood seconded. Motion carried.*