

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 25-0056-INV

Updates to the processes for qualifying facilities for the Vermont Renewable Energy Standard and Mass Qualification	
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Order entered: 01/10/2025

ORDER REGARDING UPDATED PROCESSES FOR QUALIFYING FACILITIES FOR THE VERMONT RENEWABLE ENERGY STANDARD AND OPPORTUNITY FOR MASS QUALIFICATION

In this Order, the Vermont Public Utility Commission (“Commission”) sets out the updated processes for qualifying facilities for the Vermont Renewable Energy Standard (“RES”). Public Act 179 (2024 Vt.) (“Act 179”) made changes to the facilities qualifying for Tier II of the RES and added a new category of facilities – Tier IV.¹ These changes require updates to the Commission’s processes for qualifying facilities for the RES. Consistent with the changes made by Act 179, this Order includes updates and additions to the processes currently set forth in Commission Rules 4.406(b), (c), and (e).² The processes established in this Order will remain the processes for qualifying facilities for the RES until such time as the Commission completes formal rulemaking to update Commission Rule 4.400, the “RES Rule,” or issues another Order making further changes to the processes.

In conjunction with this Order, the Commission will update ePUC to reflect the changes provided in Act 179 and this Order.³

Additionally, the Commission has initiated the process for Tier IV to be added to the New England Power Pool Generation Information System (“NEPOOL GIS”). At its December 10, 2024, meeting, the NEPOOL Markets Committee referred the addition of Tier IV to the GIS Operating Rules Working Group. The GIS Operating Rules Working Group will consider the potential changes needed to the NEPOOL GIS Operating Rules and to NEPOOL GIS and will return to the NEPOOL Markets Committee for approval before enacting any changes. NEPOOL GIS certificates for the first quarter of 2025 will be created on July 15, 2025, so the Commission

¹ 30 V.S.A. § 8005(a)(2) and (4).

² Certain updates have also been made to conform with Commission drafting conventions.

³ The Commission anticipates the updates to ePUC going live before the end of January.

has requested that the changes to the NEPOOL GIS Operating Rules and to NEPOOL GIS become effective on or before July 1, 2025.

Further, to aid the utilities in efficiently qualifying facilities under the updated Tier II definition and the new Tier IV category, the Commission invites utilities to file spreadsheets containing the information required under subsection (b)(2) below for each facility they seek to qualify. Additionally, for a hydroelectric facility for which Tier II qualification is sought, a utility must provide a certification that the facility was owned and operated by the utility since on or before January 1, 2024, and, except for municipal electric utilities, a certification from the Low Impact Hydropower Institute. The deadline for filing spreadsheets is February 10, 2025, and those filings should be made in this proceeding.

Updates to RES Requirements

The following are the updated processes for qualifying facilities for the RES, with the updates reflected in redline. The language being modified comes from Commission Rules 4.406(b), (c), and (e).

(a) A facility or group of facilities seeking to be qualified for Tier I-~~or~~, II, or IV of the RES shall have a qualification registration or application submitted to the Commission pursuant to the requirements of this ~~section~~order. A facility that qualifies as a Tier II resource automatically qualifies as a Tier I resource. Facilities that qualify as a Tier I-~~or~~, II, or IV resource shall receive a statement of qualification from the Commission, and the Commission shall notify the NEPOOL GIS administrator of newly qualified facilities on a monthly basis.

(b) Registration Process.

(1) A facility that meets the following requirements may receive a statement of qualification by means of the registration process described below.

(A) For Tier I, a facility that produces Renewable Energy, as defined in this rule, using any of the following fuel sources: methane and flammable gases from food waste, agricultural waste, or other organic materials, or from decay of sewage or landfill wastes; geothermal; hydroelectric; marine thermal or hydrokinetic; photovoltaic solar; concentrated solar power; ~~and~~or wind.

(B) For Tier II, a facility that:

(i) has a system capacity of 5 MW (AC) or less,

(ii) is directly connected to the subtransmission or distribution system of a Vermont Retail Electricity Provider,

(iii) came into service after ~~June 30, 2015~~January 1, 2010, and

(iv) produces New Renewable Energy, as defined in ~~this rule~~30 V.S.A. § 8002(17), using any of the following fuel sources: methane and flammable gases from food waste, agricultural waste, or other organic materials, or from decay of sewage or landfill wastes; geothermal; hydroelectric that has received a water quality certification pursuant to 33 U.S.C. § 1341 from the Vermont Agency of Natural Resources after January 1, 1987, or from the Low Impact Hydropower Institute; marine thermal or hydrokinetic; photovoltaic solar; concentrated solar power; and wind~~, or~~

(v) on or before January 1, 2024, is owned and operated by a Retail Electricity Provider, as defined in 30 V.S.A. § 8002(23), and is

(a) a hydroelectric renewable energy plant,

(b) has a system capacity of 5 MW (AC) or less, and

(c) if owned and operated by a Retail Electricity Provider that is not a municipal electric utility formed under local charter or chapter 79 of Title 30 of the Vermont Statutes Annotated, the facility is and continues to be certified by the Low Impact Hydropower Institute.

(C) For Tier IV, a facility:

(i) that came into service after January 1, 2010,

(ii) that produces New Renewable Energy, as defined in 30 V.S.A. § 8002(17), using any of the following fuel sources: methane and flammable gases from food waste, agricultural waste, or other organic materials, or from decay of sewage or landfill wastes; geothermal; hydroelectric that has received a water quality certification pursuant to 33 U.S.C. § 1341 from the Vermont Agency of Natural Resources after January 1, 1987, or from the Low Impact Hydropower Institute; marine thermal or hydrokinetic; photovoltaic solar; concentrated solar power; or wind, and

(iii) whose energy is capable of delivery in New England.

(2) A facility seeking a statement of qualification through registration shall submit a complete registration on a form provided by the Commission, which shall include:

(A) Vermont certificate of public good number, if applicable,

(B) NEPOOL GIS identification number,

(C) Plant Capacity,

(D) ~~the~~ Retail Electricity Provider system or transmission system with which the facility is interconnected,

(E) ~~the~~ date the facility came into service, if the facility seeks to be qualified as a Tier II or IV resource,

(F) fuel source, ~~and~~

(G) name of the facility,

(H) name and address of an authorized representative for the facility,

(I) city and state where the facility is located,

(J) independent verifier for the facility,

(K) Tier or Tiers of the RES for which the facility is seeking qualification, and

(L) any other information required by the Commission's registration form.

(3) A facility that complies with the requirements of Tier I ~~or~~, II, or IV and files a complete registration form by the 15th day of a month should receive a statement of qualification from the Commission within 15 days of the 15th day of the month; however, the expiration of this time period without the receipt of a statement of qualification does not constitute a determination that the facility is qualified. The Commission ~~shall~~will provide Tier I ~~and~~, II, and IV qualifications to NEPOOL GIS on a monthly basis.

(c) Application Process. For a facility not included under subdivision (b)(1) of this section that is seeking to qualify as a Tier I ~~or~~, II, or IV resource, the facility shall submit a complete application requesting a statement of qualification.

(1) The application shall be filed on a form provided by the Commission, which shall include all the information listed in subdivision (b)(2) of this section.

(2) The Department and the Vermont Agency of Natural Resources shall have 30 days from the date a complete application is posted on ePUC, the Commission's electronic filing system, to submit any comments on the application, including whether the Commission should conduct further proceedings to determine whether the facility should receive a statement of qualification.

(3) Following the 30-day comment period described above, the Commission may issue a statement of qualification, if the facility qualifies as a Tier I ~~or~~, II, or IV resource, or may open an investigation to determine whether such a statement should be issued.

* * *

(e) Review of Tier I ~~and~~, II and IV Facilities.


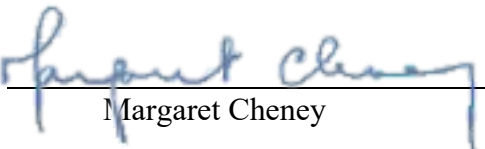
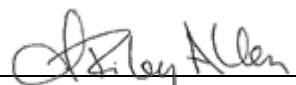
(1) Upon reasonable notice, the Commission or Department may audit a facility or group of facilities previously qualified as Tier I ~~or~~, II, or IV resources, including the inspection and copying of records, inspection of facilities, and other actions necessary to determine compliance with the RES.

(2) The Commission or Department may audit the accuracy of information, including electric generation information, reported to NEPOOL GIS for a facility or group of facilities approved under this [section order](#), and may require the production of any records, documents, or relevant materials necessary to examine such accuracy.

(3) Upon notice and opportunity for hearing, the Commission may revoke a statement of qualification for a facility or group of facilities if it finds that a facility does not comply with the requirements of the RES or that the information submitted in the facility's registration or application form is not accurate.

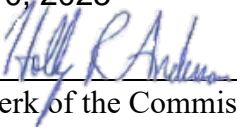
SO ORDERED.

Dated at Montpelier, Vermont, this 10th day of January, 2025.

 _____)) PUBLIC UTILITY
Edward McNamara)	
 _____)) COMMISSION
Margaret Cheney)	
 _____)) OF VERMONT
J. Riley Allen)	

OFFICE OF THE CLERK

Filed: January 10, 2025

Attest: 
_____)
Clerk of the Commission

Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Commission (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: puc.clerk@vermont.gov)

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