



TO: Department of Public Service

FROM: Chittenden County Regional Planning Commission Board Members

DATE: October 20, 2016

RE: Comments on the Draft Energy Compliance Standards

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The Chittenden County Regional Planning Commission (CCRPC) appreciates the opportunity to comment on the Department of Public Service's DRAFT Determination Standards for Energy Compliance. CCRPC's comments are responding to the draft standards with a particular focus on asking for further clarification on the components of the standards to ensure that the way in which a region or town can attain an affirmative energy compliance determination is flexible and achievable. Below is a list of items that reflect the comments of CCRPC's Planning Advisory Committee, Energy Sub-Committee, and the Board.

1. In Part II item 1 of the energy compliance standards on page 2, it is stated that: Act 174 requires regional and municipal plans be adopted/approved in order to qualify for a determination of energy compliance.

- CCRPC feels that the timing of seeking energy compliance determination after a plan is adopted makes it very difficult for a region or town to address any necessary changes in their plan if a negative determination is received. CCRPC requests that an optional pre-application process be put in place to assure that the Department of Public Service can identify deficiencies prior to plan adoption. In developing this process, CCRPC asks that the process be simple as to not introduce a lengthy time of review.

2. Part II also describes that towns and regions are required to undergo "enhanced energy planning" through an enhanced energy chapter, town plan amendment or a supporting plan.

- Please clarify the process for towns choosing to adopt a supporting energy plan. Does it need to be referenced in the town plan in order for the town to be given substantial deference in the section 248 process?

3. In Part II and Part III, the energy compliance standards state that if the requirement is not met, the checklist must satisfactorily explain and justify why it does not, and refers to the consistency standard.

- CCRPC appreciates incorporation of the consistency standard that we currently use for all state goals in regional and municipal planning. However, we ask for further clarification on the ultimate threshold for standards that are not relevant or attainable. In other words, is there a maximum number of standards that a region or municipality can mark as not relevant or attainable before they receive a negative determination? Additionally, if an applicant cannot meet a particular standard part of the justification

for why it does not should ask the applicant to include an explanation on how the entity is still able to reach the target. This type of explanation is required in the Pathways section. Consider adding this to all components of the standard.

4. Part II describes the components of a town/regional energy element of a plan as required in 24 V.S.A. § 4348a(a)(3).

- CCRPC feels that the checklist can be greatly simplified by combining Part II and Part III. It appears that these are separate sections based on separate sections of statute, however they are asking for the same language in the Plans so it should be combined. This would also help clarify that the consistency standard will be applied throughout. For example, Part II item 2 is asking for the same type of analysis as the Analysis & Target standards in Part III and the questions from Part II that apply to analysis should be integrated into Part III where appropriate.

5. The description in Part III on page 5 under that Analysis & Target heading refers to a Regional Plan breaking out the analysis for their municipalities.

- CCRPC asks whether a region is required to also break out the targets discussed in item 2 on page 6. If so, please clearly state that this is a requirement.
- CCRPC asks for clarification on whether community Solar Arrays (CSA) count towards a towns or regions renewable energy target even if the facility is not within its boundary.

6. In Part III Analysis & Targets, the standards say municipalities may choose to rely on a regional plan that has received an affirmative energy determination and is also presumed to meet the energy compliance standards.

- CCRPC asks for guidance on how a municipality would rely on the Regional Plan to serve as its energy element in the section 248 process. Also, could a municipality rely on the Regional Plan for the analysis and supplement the pathways and/or mapping components with their own local plan? We presume the municipality would need to either have everything in their local plan, or rely completely on the regional plan if the method for this is 24 VSA § 4349(a), but would appreciate the clarification. We anticipate that there may be a level of specificity in the local plans that we won't be able to fully incorporate in the Regional Plan.
- Additionally, if a municipality chooses to do its own analysis prior to the Regional Energy Plan receiving a positive energy determination, CCRPC asks whether data available on the Energy Action Network's Community Energy Dashboard is sufficient to meet this analysis and target standards. If so, please include that this is resource for towns to comply with Act 174 and provide guidance on its proper use for achieving energy compliance. If not, we find the analysis too onerous for a municipality to do this work on their own before the RPC completes their planning process.

7. Part III Analysis and Targets item 2 on page 6, asks if a plan establishes targets for energy conservation, efficiency, fuel-switching, and use of renewable energy for transportation, heating, and electricity?

- CCRPC asks if a target range is acceptable to meet this part of the standard and if renewable generation targets from wind, solar, biomass, and hydro-electric energy are also required.
8. Part III Pathways includes an “other” category under each sector (an example is Part III, Item 6.a.vi. on page 8).
- CCRPC asks can the pathways/implementation actions that a region or municipality lists under “other” replace all of the previous pathways (in this example it would be Part III, Item 6.a.i to 6.a.v.)?
9. Throughout the standards the terminology, "policy and/or implementation measures" are used.
- Consider changing all instances of this terminology to "policy and implementation measures", by removing "or". This change is important because a plan could have a policy that is in support of something, but no implementation measures that support it. The lack of implementation measures means that the policy will likely never actually be implemented, so having only the policy should not be considered strong enough to gain a certificate of determination.
10. On page 10 item C.i. refers to “existing electric load”.
- Consider improving the title of item C. to reflect that both load and generation components are needed to satisfy this part of the standard.
11. On page 5. Part III item 1. the question requires the applicant to check “Yes” if the plan includes an analysis of “current energy use...” and if “items a-c is checked below”
- Consider removing the part “(a-c checked, below)” as question 1 is general in nature and the questions below are more specific.
12. On Page 13, wetlands and transportation infrastructure are identified as known constraints.
- Consider further defining the types of wetlands that prohibit development of renewable energy facilities entirely and consider moving transportation infrastructure to a potential constraint.