

released for comment an additional draft of the rule on February 19, 2016. This second draft also elicited significant feedback from the public, which resulted in further revisions.

On March 27, 2016, following review by the Interagency Committee on Administrative Rules, the Board filed a proposed net-metering rule with the Vermont Secretary of State. The Board then conducted two public hearings in early May of 2016. The Board received and reviewed 532 written comments from citizens, municipalities, utilities, and businesses in response to the proposed rule that was filed with the Vermont Secretary of State.

III. Discussion and Conclusion

In designing a revised net-metering program pursuant to Act 99, it became clear to the Board that net-metering raises significant and complex policy issues for Vermonters that deserve careful and comprehensive scrutiny. The Board has endeavored to facilitate a thorough public process to identify and explore these issues so that the Board could weigh them and make informed policy decisions that will affect the various competing interests at stake in this rulemaking. Notwithstanding the time and resources that to date have been invested in this rule-drafting process, significant new issues have continued to emerge in response to the successive drafts of the rule as they were published. As a result, the Board has not been able to “finally adopt” a revised net-metering rule by July 1, 2016, as contemplated by Act 99.

Accordingly, pursuant to Section 5 (d)(5) of Act 99, the Board hereby establishes by order a revised net-metering program, to be followed by final adoption of rules for this program “within a reasonable period” of time.

We would like to emphasize that today’s Order is subject to a reconsideration period of 10 business days beginning from today. During this time, comments may be filed seeking reconsideration of the net-metering program established today.

Meanwhile, the Board intends to withdraw the proposed net-metering rule that currently is on file with the Vermont Secretary of State. After the Board has considered any comments received during this 10-business-day period, we will file a new proposed net-metering rule with the Vermont Secretary of State. The administrative rulemaking process will then provide an additional opportunity for substantive comments to be filed on the proposed net-metering rule.

The revised net-metering program as set forth in the draft rule attached to this Order, and subject to any modification that may be made in response to comments the Board may receive on reconsideration, shall take effect January 1, 2017. If the Board adopts a final net-metering rule pursuant to the administrative rulemaking process prior to January 1, 2017, the net-metering program established by this Order shall be superceded by that duly-adopted rule.

SO ORDERED.

Dated at Montpelier, Vermont, this 30th day of June, 2016.

<u>s/James Volz</u>)	
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<u>s/Margaret Cheney</u>)	PUBLIC SERVICE
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<u>s/Sarah Hofmann</u>)	BOARD
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)	OF VERMONT

OFFICE OF THE CLERK

FILED: June 30, 2016

ATTEST: s/Judith C. Whitney
Clerk of the Board

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

Notice of Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and Order.