






**State of Vermont
Public Utility Commission**

MEMORANDUM

To: Parties in cases before the Public Utility Commission

From: Anthony Roisman, Chair 
Margaret Cheney, Commissioner 
Riley Allen, Commissioner 

Re: Energy Storage Facilities required to obtain a Certificate of Public Good – 30 V.S.A. § 248(u)

Date: December 15, 2022

On December 31, 2022, amendments to 30 V.S.A. § 248(u) will go into effect.¹ The amended provision reads in part:

(u) For an energy storage facility, a certificate under this section shall only be required for a stationary facility exporting to the grid that has a capacity of 100 kW or greater, unless the Commission establishes a larger threshold by rule. The Commission shall establish a simplified application process for energy storage facilities subject to this section with a capacity of up to 1 MW, unless it establishes a larger threshold by rule.

This provision lowers the capacity threshold for energy storage facilities that are required to obtain certificates of public good (“CPGs”) from 500 kW to 100 kW. In recent years, the Commission has allowed applications for stand-alone energy storage facilities with a capacity of 4.99 MW or under to use the simplified procedures in 30 V.S.A. § 248(j) for projects of limited size and scope.²

While the Commission works to develop the simplified application process required by subsection (u), as of December 31, 2022, stand-alone energy storage facilities with a capacity of 100 kW to 500 kW may submit applications for a CPG pursuant to 30 V.S.A. § 248(j) until otherwise directed by the Commission.³ Under 30 V.S.A. § 248(j), interested parties may raise concerns with whether the petition raises a significant issue with respect to the substantive criteria of Section 248.

¹ These amendments were enacted by Act 54 of 2021, available at <https://legislature.vermont.gov/Documents/2022/Docs/ACTS/ACT054/ACT054%20As%20Enacted.pdf>.

² See Case Nos. 21-5049-PET; 21-1042-PET; and 21-1254-PET; see also Commission Rule 5.402(F) for filing requirements.

³ Any energy storage facility that is between 500 kW and 4.99 MW in capacity may also continue to seek a CPG under 30 V.S.A. § 248(j).