

2019 -- S 0661

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- DISTRIBUTED GENERATION
INTERCONNECTION

Introduced By: Senators Sosnowski, McCaffrey, Conley, Lombardo, and Coyne

Date Introduced: March 21, 2019

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 39-3-7.1 of the General Laws in Chapter 39-3 entitled "Regulatory
2 Powers of Administration" is hereby amended to read as follows:

3 **39-3-7.1. Prohibited practices.**

4 (a) The use of "master-meters," so-called, in apartment or tenement houses containing
5 more than ten (10) apartments or dwelling units is hereby prohibited; provided, however, that this
6 section shall only apply to apartment houses, construction of which is commenced after July 1,
7 1977. Each apartment or dwelling unit shall have a measuring device or meter for the purpose of
8 measuring the electricity used only by that apartment. The commission shall promulgate all
9 necessary rules and regulations to carry out the purposes and provisions of this section; provided,
10 however, that this section shall not apply to the multi-family dwellings constructed for the
11 exclusive use of persons who are elderly and/or disabled through public financing, whenever the
12 organization sponsoring the construction shall elect to use a single meter for all, or designated
13 portions, of the housing.

14 (b) Effective April 30, 2020, the owner of any housing development, apartment or
15 dwelling units may choose to, at the owner's cost, install or convert to a "master-meter," provided
16 that either the housing development, apartment or dwelling units are served by:

17 (1) A facility that is a community remote net-metering system; or

18 (2) A facility that is an eligible net-metering system that is associated with any housing

1 development or developments owned or operated by a public agency, nonprofit organization,
2 limited-equity housing cooperative, or private developer, that receives assistance under any
3 federal, state, or municipal government program to assist the construction or rehabilitation of
4 housing affordable to low- or moderate-income households, as defined in the applicable federal or
5 state statute, or local ordinance, encumbered by a deed restriction or other covenant recorded in
6 the land records of the municipality in which the housing is located, that:

7 (i) Restricts occupancy of no less than fifty percent (50%) of the housing to households
8 with a gross, annual income that does not exceed eighty percent (80%) of the area median income
9 as defined annually by the United States Department of Housing and Urban Development (HUD);

10 (ii) Restricts the monthly rent, including a utility allowance, that may be charged to
11 residents, to an amount that does not exceed thirty percent (30%) of the gross, monthly income of
12 a household earning eighty percent (80%) of the area, median income as defined annually by
13 HUD; and

14 (iii) That has an original term of not less than thirty (30) years from initial occupancy and
15 at least twenty (20) years remain on that original term.

16 (c) The value of the net-metering credits shall be used to provide benefits to tenants.
17 Terms and conditions for master metering with renewable energy systems shall be developed by
18 the electric distribution company in consultation with the office of energy resources, Rhode
19 Island housing and mortgage finance corporation, and the division of public utilities and carriers.
20 On or before January 31, 2020, the electric distribution company shall file its terms and
21 conditions with the public utilities commission for its consideration and decision thereon by
22 March 30, 2020.

23 (d) All developers will be required to submit their renewable energy proposals to Rhode
24 Island housing to review and verify that such proposals are providing benefits to the tenants of the
25 property prior to submitting the net-metering application of credits documentation to the electric
26 distribution company. Rhode Island housing shall notify the office of energy resources and
27 electric distribution company of all proposals that have been reviewed and verified as providing
28 benefits to tenants at the applicable property.

29 SECTION 2. Sections 39-26.3-1, 39-26.3-2 and 39-26.3-4.1 of the General Laws in
30 Chapter 39-26.3 entitled "Distributed Generation Interconnection" are hereby amended to read as
31 follows:

32 **39-26.3-1. Policy objective.**

33 The general assembly hereby finds and declares that the expeditious completion of the
34 application process for renewable distributed generation is in the public interest. The general

1 [assembly further finds that it is in the interest of the state to incentivize and promote development](#)
2 [on brownfields, landfills, superfund sites, gravel pits, parking lots, and developed and previously](#)
3 [disturbed lots and minimize impacts to environmental conservation and housing development.](#)

4 For this reason, certain standards and other provisions for the processing of applications [and](#)
5 [allocation of interconnection costs](#) are hereby set forth to assure that the application process
6 assists in the development of renewable generation resources in a timely manner.

7 **39-26.3-2. Definitions.**

8 The following terms shall have the meanings given below for purposes of this chapter:

9 (1) "Applicant" means an electric distribution customer or distributed-generation
10 developer who submits an application to the electric distribution company for the installation of a
11 renewable, distributed-generation interconnection to the distribution system for a renewable,
12 distributed-generation project that, as contemplated, meets the eligibility requirements for net
13 metering contained within title 39 or the eligibility requirements for a standard contract contained
14 within title 39.

15 (2) "Feasibility study" means a high-level project assessment that includes an estimate of
16 the cost of interconnecting to the distribution system that would be assessed on the applicant for
17 an interconnection. Such estimate is not based on any engineering study, but is based on past
18 experience and judgment of the electric distribution company, taking into account the information
19 in the application, the location of the interconnection, and general knowledge of the distribution
20 and transmission system. Such estimate cannot be relied upon by the applicant for purposes of
21 holding the electric distribution company liable or responsible for its accuracy as long as the
22 electric distribution company has provided the estimate in good faith. The feasibility study
23 estimate shall be a range within which the electric distribution company believes the
24 interconnection costs are likely to be and shall include a disclaimer that explains the nature of the
25 estimate.

26 (3) "Feasibility study fee" means a fee that shall be charged to the applicant to obtain a
27 feasibility study as specified in § 39-26.3-4.

28 (4) "Impact study" means an engineering study that includes an estimate of the cost of
29 interconnecting to the distribution system that would be assessed on the applicant for an
30 interconnection that is based on an engineering study of the details of the proposed generation
31 project. Such estimate generally will have a probability of accuracy of plus or minus twenty-five
32 percent (25%). Such an estimate may be relied upon by the applicant for purposes of determining
33 the expected cost of interconnection, but the distribution company may not be held liable or
34 responsible if the actual costs exceed the estimate as long as the estimate was provided in good

1 faith and the interconnection was implemented prudently by the electric distribution company.

2 (5) "Impact study fee" means a fee that shall be charged to the applicant to obtain an
3 impact study as specified in § 39-26.3-4.

4 (6) "Net siting benefits" means benefits that are created by situating a facility and support
5 facilities in one location versus another, taking into consideration land use, housing development
6 in residential zones, forest conservation, socio-economic, and environmental benefits, and
7 specifically excluding power system and tax-related benefits.

8 ~~(6)~~(7) "Renewable energy resource" means those resources set forth in § 39-26-5.

9 **39-26.3-4.1. Interconnection standards.**

10 (a) The electric distribution company which shall not include Pascoag Utility District or
11 Block Island Power Company, or its successor, may only charge an interconnecting, renewable-
12 energy customer for any system modifications to its electric power system specifically necessary
13 for and directly related to the interconnection, except as otherwise provided in subsection (b) of
14 this section.

15 (b) Commencing with completed interconnection applications submitted on and after
16 June 30, 2019, interconnecting renewable-energy customers of eligible net-metering systems:

17 (1) Owned by a public entity, educational institution, hospital, nonprofit, or multi-
18 municipal collaborative; or

19 (2) Owned and operated by a renewable-generation developer on behalf of a public
20 entity, educational institution, hospital, nonprofit, or multi-municipal collaborative through net-
21 metering financing arrangement that is qualified as an eligible net-metering system, as defined in
22 § 39-26.4-2, or community remote net-metering system, as defined in § 39-26.4-2, shall be
23 reimbursed for interconnecting costs up to a value as determined by the public utilities
24 commission in accordance with subsections (c)(1) and (c)(2) of this section, if the eligible net-
25 metering system is on land identified by the office of energy resources and department of
26 environmental management pursuant to § 42-140-3.1.

27 (c) On or before March 30, 2020, and no less than once every two (2) years thereafter, the
28 public utilities commission with participation of the office of energy resources, and the
29 department of environmental management, shall determine an interconnection value
30 reimbursement for facilities and support facilities that are developed on land identified by the
31 office of energy resources and department of environmental management pursuant to § 42-140-
32 3.1 not to exceed the net siting benefit associated with facility and support facilities and not to
33 exceed a total value cap set by the public utilities commission based on interconnection costs for
34 the net-metering systems in subsection (b) of this section for the prior five (5) year period, which

1 projects need not have achieved commercial operation.

2 (1) To determine net siting benefits, the public utilities commission will compare the
3 value of siting facilities and support facilities on land identified pursuant to § 42-140-3.1 to a
4 land-use baseline.

5 (2) The public utilities commission may determine different relative siting values for
6 different land-use types and conditions identified pursuant to § 42-140-3.1. The public utilities
7 commission may determine different relative siting values and interconnection value
8 reimbursements for different facility sizes, generation types, and technical characteristics. The
9 commission shall post the proposed determination and associated net siting benefit proposal for a
10 thirty (30) day public comment period to solicit feedback, prior to any final adoption.

11 (3) The costs of the net siting benefits value and associated reimbursement in promoting
12 renewable energy development in the preferred identified land use areas shall be recoverable in a
13 manner determined by the commission.

14 ~~(b)~~(d) If the public utilities commission determines that a specific system modification
15 benefiting other customers has been accelerated due to an interconnection request, it may order
16 the interconnecting customer to fund the modification subject to repayment of the depreciated
17 value of the modification as of the time the modification would have been necessary as
18 determined by the public utilities commission. Any system modifications benefiting other
19 customers shall be included in rates as determined by the public utilities commission.

20 ~~(c)~~(e) If an interconnecting, renewable-energy customer is required to pay for system
21 modifications and a subsequent renewable-energy or commercial customer relies on those
22 modifications to connect to the distribution system within ten (10) years of the earlier
23 interconnecting, renewable-energy customer's payment, the subsequent customer will make a
24 prorated contribution toward the cost of the system modifications that will be credited to the
25 earlier interconnecting, renewable-energy customer as determined by the public utilities
26 commission.

27 ~~(a)~~(f) An electric distribution company shall acknowledge to the interconnecting,
28 renewable-energy customer receipt of an application to initiate the interconnection process within
29 three (3) business days of receipt. The electric distribution company shall notify the
30 interconnecting, renewable-energy customer in writing within ten (10) business days of receipt
31 that the application is or is not complete and, if not, advise what is missing. Any disputes
32 regarding whether and when an application to initiate the interconnection process is complete
33 shall be resolved expeditiously at the public utilities commission. The maximum time allowed
34 between the date of the completed application and delivery of an executable interconnection

1 service agreement shall be one hundred seventy-five (175) calendar days or two hundred (200)
2 calendar days if a detailed study is required. All electric distribution company system
3 modifications must be completed by the date which is the later of: (1) No longer than two
4 hundred seventy (270) calendar days, or three hundred sixty (360) calendar days if substation
5 work is necessary, from the date of the electric distribution company's receipt of the
6 interconnecting, renewable-energy customer's executed interconnection service agreement; or (2)
7 The interconnecting, renewable-energy customer's agreed upon extension of the time between the
8 execution of the interconnection service agreement and interconnection as set forth in writing. All
9 deadlines herein are subject to all payments being made in accordance with the distributed
10 generation interconnection tariff on file with the public utilities commission and the
11 interconnection service agreement. These system modification deadlines cannot be extended due
12 to customer delays in providing required information, all of which must be requested and
13 obtained before completion of the impact study. The deadlines for completion of system
14 modifications will be extended only to the extent of events that are clearly not under the control
15 of the electric distribution company, such as extended prohibitive weather, union work stoppage
16 or force majeure, or third-party delays, including, without limitation, delays due to ISO-NE
17 requirements not attributable to electric distribution company actions, and which cannot be
18 resolved despite commercially reasonable efforts. The electric distribution company shall notify
19 the customer of the start of any claimed deadline extension as soon as practicable, its cause and
20 when it concludes, all in writing. Any actual damages that a court of competent jurisdiction
21 orders the electric distribution company to pay to an interconnecting, renewable-energy customer
22 as a direct result of the electric distribution company's failure to comply with the requirements of
23 this subsection shall be payable by its shareholders and may not be recovered from customers,
24 provided that the total amount of damages awarded for any and all such claims shall not exceed,
25 in the aggregate, an amount equal to the amount of the incentive the electric distribution company
26 would have earned as provided for in §§ 39-26.6-12(j)(3) and 39-26.1-4 in the year in which the
27 system modifications were required to be completed. In no event shall the electric distribution
28 company be liable to the interconnecting, renewable-energy customer for any indirect, incidental,
29 special, consequential, or punitive damages of any kind whatsoever as a result of the electric
30 distribution company's failure to comply with this section.

31 ~~(e)~~(g) On or before September 1, 2017, the public utilities commission shall initiate a
32 docket to establish metrics for the electric distribution company's performance in meeting the
33 time frames set forth herein and in the distributed generation interconnection standards approved
34 by the public utilities commission. The public utilities commission may include incentives and

1 penalties in the performance metrics.

2 ~~(f)~~(h) The proposed interconnection of any new renewable energy resource that replaces
3 the same existing renewable energy resource of the same or less nameplate capacity that has been
4 in operation in the twelve (12) months preceding notification of such replacement shall be subject
5 to a sixty-day (60) review. The purpose of such sixty-day (60) review is to allow the electric
6 distribution company to determine whether any system modifications are required to support the
7 interconnection of the replacement renewable energy resource. If there is a need for system
8 modifications because of an interconnection policy change implemented by the electric
9 distribution company, then the system modification may be included in rates as determined by the
10 public utilities commission. If there is a need for system modifications only because of a change
11 in the rating or utility disturbance response that adversely affects the impact of the facility on the
12 distribution system, then the interconnecting, renewable-energy customer shall be responsible for
13 the cost of the system modifications.

14 SECTION 3. Section 39-26.4-3 of the General Laws in Chapter 39-26.4 entitled "Net
15 Metering" is hereby amended to read as follows:

16 **39-26.4-3. Net metering.**

17 (a) The following policies regarding net metering of electricity from eligible net-metering
18 systems and community remote-net-metering systems and regarding any person that is a
19 renewable self-generator shall apply:

20 (1)(i) The maximum, allowable capacity for eligible net-metering systems, based on
21 nameplate capacity, shall be ten megawatts (10 MW), effective sixty (60) days after passage. The
22 aggregate amount of net metering in the Block Island Power Company and the Pascoag Utility
23 District shall not exceed three percent (3%) of peak load for each utility district; and

24 (ii) Through December 31, 2018, the maximum, aggregate amount of community remote-
25 net-metering systems built shall be thirty megawatts (30 MW). Any of the unused MW amount
26 after December 31, 2018, shall remain available to community remote-net-metering systems until
27 the MW aggregate amount is interconnected. The office of energy resources shall, in consultation
28 with Rhode Island housing and mortgage finance corporation, the electric and gas distribution
29 company, and a working group, determine a recommended megawatt capacity expansion of the
30 community remote-net-metering program and file such petition to the commission.

31 (iii) The office of energy resources shall provide the recommended annual megawatt
32 capacity and period of years between 2020 and 2025 to achieve the target to the public utilities
33 commission no later than September 30, 2019.

34 (iv) The public utilities commission shall issue a decision on the office of energy

1 resources recommendation within one hundred fifty days (150) days of the filing made to the
2 commission, and shall base their decision on the criteria used pursuant to § 39-26.4-3(a)(ii), and
3 any other relevant data deemed appropriate by the commission.

4 (v) If the public utilities commission approves the office of energy resources
5 recommendation for the annual program capacity, or makes a modification to the annual program
6 megawatt capacity, the program shall begin annually on March 15, 2020.

7 (vi) Any program capacity awarded to projects between 2020 and 2025 that is terminated
8 by an applicant or electric distribution company, shall remain within the program and be awarded
9 to other eligible projects.

10 After December 31, 2018, the commission may expand or modify the aggregate amount
11 after a public hearing upon petition by the office of energy resources. The commission shall
12 determine within six (6) months of such petition being docketed by the commission whether the
13 benefits of the proposed expansion exceed the cost. This aggregate amount shall not apply to any
14 net-metering financing arrangement involving public entity facilities, multi-municipal
15 collaborative facilities, educational institutions, the federal government, hospitals, or nonprofits.
16 By June 30, 2018, the commission shall conduct a study examining the cost and benefit to all
17 customers of the inclusion of the distribution charge as a part of the net-metering calculation.

18 (b)(1) Effective January 1, 2020, the maximum allowable capacity for eligible net-
19 metering systems, based on nameplate capacity, shall not exceed ten megawatts (10 MW) in
20 residential areas within a municipality by any landowner of contiguous owned lot properties for
21 any new interconnection applications submitted to the electric distribution company after
22 December 31, 2019.

23 (2) The megawatt or contiguous lot restrictions shall not apply to any interconnection
24 applications submitted to the electric distribution company by December 31, 2019. Any
25 municipality shall have the discretion to waive the megawatt and contiguous lot restriction for
26 any project, on a case by case basis, if the municipality makes that determination through an
27 adopted municipal resolution. The municipality shall host a public hearing in accordance with the
28 zoning enabling act on the matter prior to passage of a resolution. The municipality shall provide
29 a copy of the approved resolution to the office of energy resources that shall be submitted to the
30 electric distribution company. The office of energy resources shall notify the municipality when
31 the filing is made to the electric distribution company. An applicant with a project shall not be
32 allowed to submit any interconnection application to the electric distribution company until the
33 resolution is submitted to the electric distribution company.

34 (3) This section shall not apply to projects sited on preferred siting areas previously

1 within residential zones as defined in § 42-140-3.1.

2 (4) This section shall not apply to non-residential zoned properties.

3 (c)(1) Effective January 1, 2020, the maximum, allowable capacity for eligible net-
4 metering systems, based on nameplate capacity, shall not exceed four megawatts (4 MW) for any
5 projects that are within identified areas of environmental concern. Projects in areas of
6 environmental concern shall not be allowed on contiguous parcels for any new interconnection
7 applications submitted to the electric distribution company after December 31, 2019. The
8 megawatt or contiguous lot restrictions shall not apply to any interconnection applications
9 submitted to the electric distribution company by December 31, 2019. Any municipality shall
10 have the discretion to waive the megawatt and contiguous lot restriction for any project, on a case
11 by case basis, if the municipality makes that determination through an adopted municipal
12 resolution. The municipality shall host a public hearing in accordance with the zoning enabling
13 act on the matter prior to passage of a resolution. The municipality shall provide a copy of the
14 approved resolution to the office of energy resources that shall be submitted to the electric
15 distribution company. The office of energy resources shall notify the municipality when the filing
16 is made to the electric distribution company. An applicant with a project shall not be allowed to
17 submit any interconnection application to the electric distribution company until the resolution is
18 submitted to the electric distribution company.

19 (2) For ease of administering net-metered accounts and stabilizing net-metered account
20 bills, the electric-distribution company may elect (but is not required) to estimate for any twelve-
21 month (12) period:

22 (i) The production from the eligible net-metering system or community remote-net-
23 metering system; and

24 (ii) Aggregate consumption of the net-metered accounts at the eligible net-metering-
25 system site or the sum of the consumption of the eligible credit-recipient accounts associated with
26 the community remote-net-metering system, and establish a monthly billing plan that reflects the
27 expected credits that would be applied to the net-metered accounts over twelve (12) months. The
28 billing plan would be designed to even out monthly billings over twelve (12) months, regardless
29 of actual production and usage. If such election is made by the electric-distribution company, the
30 electric-distribution company would reconcile payments and credits under the billing plan to
31 actual production and consumption at the end of the twelve-month (12) period and apply any
32 credits or charges to the net-metered accounts for any positive or negative difference, as
33 applicable. Should there be a material change in circumstances at the eligible net-metering system
34 site or associated accounts during the twelve-month (12) period, the estimates and credits may be

1 adjusted by the electric-distribution company during the reconciliation period. The electric-
2 distribution company also may elect (but is not required) to issue checks to any net-metering
3 customer in lieu of billing credits or carry-forward credits or charges to the next billing period.
4 For residential-eligible net-metering systems and community-remote-net-metering systems
5 twenty-five kilowatts (25 kw) or smaller, the electric-distribution company, at its option, may
6 administer renewable net-metering credits month to month allowing unused credits to carry
7 forward into the following billing period.

8 (3) If the electricity generated by an eligible net-metering system or community remote-
9 net-metering system during a billing period is equal to, or less than, the net-metering customer's
10 usage at the eligible net-metering-system site or the sum of the usage of the eligible credit-
11 recipient accounts associated with the community remote-net-metering system during the billing
12 period, the customer shall receive renewable net-metering credits, that shall be applied to offset
13 the net-metering customer's usage on accounts at the eligible net-metering-system site, or shall be
14 used to credit the eligible credit-recipient's electric account.

15 (4) If the electricity generated by an eligible net-metering system or community remote-
16 net-metering system during a billing period is greater than the net-metering customer's usage on
17 accounts at the eligible net-metering-system site or the sum of the usage of the eligible credit-
18 recipient accounts associated with the community remote-net-metering system during the billing
19 period, the customer shall be paid by excess renewable net-metering credits for the excess
20 electricity generated up to an additional twenty-five percent (25%) beyond the net-metering
21 customer's usage at the eligible net-metering-system site, or the sum of the usage of the eligible
22 credit-recipient accounts associated with the community remote net-metering system during the
23 billing period; unless the electric-distribution company and net-metering customer have agreed to
24 a billing plan pursuant to subdivision (2).

25 (5) The rates applicable to any net-metered account shall be the same as those that apply
26 to the rate classification that would be applicable to such account in the absence of net-metering,
27 including customer and demand charges, and no other charges may be imposed to offset net-
28 metering credits.

29 (b) The commission shall exempt electric-distribution company customer accounts
30 associated with an eligible, net-metering system from back-up or standby rates commensurate
31 with the size of the eligible net-metering system, provided that any revenue shortfall caused by
32 any such exemption shall be fully recovered by the electric-distribution company through rates.

33 (c) Any prudent and reasonable costs incurred by the electric-distribution company
34 pursuant to achieving compliance with subsection (a) and the annual amount of any renewable

1 net-metering credits or excess, renewable net-metering credits provided to accounts associated
2 with eligible net-metering systems or community remote-net-metering systems, shall be
3 aggregated by the distribution company and billed to all distribution customers on an annual basis
4 through a uniform, per-kilowatt-hour (kwh) surcharge embedded in the distribution component of
5 the rates reflected on customer bills.

6 (d) The billing process set out in this section shall be applicable to electric-distribution
7 companies thirty (30) days after the enactment of this chapter.

8 SECTION 4. Chapter 42-140 of the General Laws entitled "Rhode Island Energy
9 Resources Act" is hereby amended by adding thereto the following sections:

10 **42-140-3.1. Definitions.**

11 When used in this chapter, the following terms shall have the following meanings:

12 (1) "Areas of environmental concern" means areas where special management attention is
13 needed to protect important historical, cultural, and scenic values, or fish and wildlife or other
14 natural resources.

15 (2) "Brownfields" mean a currently, or formerly, contaminated site that has been
16 disclosed to the department of environmental management through formal notification pursuant
17 to the regulations promulgated pursuant to the industrial property remediation and reuse act.

18 (3) "Comprehensive solar siting ordinance" means an adopted ordinance by a
19 municipality that regulates and addresses solar energy installations for roof, ground mounted and
20 carport solar systems that balances different interests including climate change, housing
21 development, wildlife conservation and renewable development.

22 (4) "Developed and previously disturbed lots" means an existing cleared, disturbed or
23 contaminated property that was created prior to December 31, 2017.

24 (5) "Landfill" means for the purposes of this section, any parcel of property that was used
25 as a landfill as defined in § 23-19.1-4 or a sanitary landfill, dump or other disposal area where
26 more than thirty (30) cubic yards of solid waste was disposed that has been disclosed, through
27 formal notification, to the department of environmental management.

28 (6) "Preferred siting areas" means brownfields, landfills, superfund sites, gravel pits,
29 parking lots and developed and previously disturbed lots.

30 (7) "Renewable energy resources" means those resources set forth in § 39-26-5.

31 **42-140-11. Comprehensive solar energy siting ordinances by municipalities.**

32 (a) No later than April 30, 2020, all cities and towns shall each have adopted or updated
33 existing comprehensive solar siting ordinances addressing both roof, ground mounted and carport
34 solar systems.

1 **(b) Municipalities shall provide their first-time or updated draft comprehensive solar**
2 **siting ordinances to the office of energy resources and the division of statewide planning no later**
3 **than January 31, 2020, for the state agencies to review. The office of energy resources shall notify**
4 **the municipal official within five (5) business days of receipt of the drafted or updated ordinance**
5 **and shall provide written feedback to the municipality within thirty (30) business days. The office**
6 **of energy resources shall review drafted ordinances in coordination with the state building code**
7 **commission and fire safety code board of appeal for review and consistency with state building,**
8 **electric and fire codes law provided for in the state building code chapter 27.3 of title 23, and the**
9 **state's renewable energy generation and interconnection laws as defined in chapters 26, 26.3, 26.4**
10 **and 26.6 of title 39.**

11 **(c) If a municipality does not adopt a comprehensive solar siting ordinance by April 30,**
12 **2020, then the municipality and its residents shall not have access to the state renewable energy**
13 **growth and renewable energy fund programs that are associated with solar systems that are**
14 **twenty-five kilowatts (25 kw) or higher until the municipality has adopted a comprehensive solar**
15 **siting ordinance.**

16 **(d) The determination on access to the state renewable programs associated with solar**
17 **systems shall be made by the commissioner of the office of energy resources in consultation with**
18 **the associate director of the division of statewide planning. The determination by the office of**
19 **energy resources shall be limited to whether the new or updated comprehensive solar siting**
20 **ordinance is consistent with state building, electrical and fire codes and renewable generation**
21 **laws and regulations. In order to avoid losing access to the state renewable energy programs**
22 **associated with solar systems, the municipality shall submit an explanation for delay in adopting**
23 **or updating its comprehensive solar siting ordinance to the office of energy resources and division**
24 **of statewide planning within forty-five (45) business days of the April 30, 2020, deadline, with an**
25 **actionable plan to adopt a comprehensive solar siting ordinance. This section shall not apply to**
26 **any projects or active systems that have submitted interconnection applications or have been**
27 **awarded tariffs or grants by the state or electric distribution company on or before April 30, 2020.**

28 **(e) All adopted municipal comprehensive solar siting ordinances shall be posted on the**
29 **office of energy resources' website. Any updates made by a municipality to its comprehensive**
30 **solar siting ordinance in the future shall be provided to the office of energy resources for posting**
31 **within thirty (30) days of passage of ordinance updates by the municipality.**

32 **(f) The office of energy resources shall maintain and publish a list of municipalities in**
33 **compliance with this section and those that are not in compliance. The list shall be sent to the**
34 **governor, the president of the senate, and the speaker of the house by May 15, 2020.**

1 **42-140-11.3. Technical assistance to municipalities.**

2 The office of energy resources and division of statewide planning shall provide technical
3 assistance upon request to any municipality in the development of its renewable energy siting
4 ordinances.

5 **42-140-11.4. Renewable energy implementation plan.**

6 The office of energy resources in consultation with the department of environmental
7 management shall conduct a study and report on the renewable energy implementation and clean
8 energy production opportunities from solar, offshore wind, land-based wind and small-scale
9 hydropower across the state.

10 SECTION 5. Chapter 45-24 of the General Laws entitled "Zoning Ordinances" is hereby
11 amended by adding thereto the following section:

12 **45-24-46.5. Special provision -- Residential density.**

13 For all property upon which a municipality allows for conservation, industrial,
14 commercial, or manufacturing use, including, but not limited to, solar installations to be
15 constructed or situated on land suitable for development located within a residential zone, that
16 municipality shall, within six (6) months of the final approval of that use, provide for the ability
17 to replace the lost residential density of the property supplanted by the new use, by allowing
18 increased residential density on other properties in the municipality in locations which the
19 municipality determines are most suitable, with preference given to areas with supportive water,
20 sewer, storm water, and environmentally protective infrastructure.

21 SECTION 6. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- DISTRIBUTED GENERATION
INTERCONNECTION

- 1 This act would require municipalities to adopt comprehensive solar siting ordinances
- 2 addressing both roof, ground mounted and carport solar systems.
- 3 This act would take effect upon passage.

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LC002060
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