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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- RENEWABLE READY PROGRAM

Introduced By: Senators DiMario, Euer, Tikoian, LaMountain, Gu, Britto, Valverde, Miller, and Pearson

Date Introduced: March 07, 2023

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 42 of the General Laws entitled "STATE AFFAIRS AND
2 GOVERNMENT" is hereby amended by adding thereto the following chapter:

3 CHAPTER 140.5

4 RENEWABLE READY PROGRAM

5 **42-140.5-1. Statement of purpose.**

6 The purpose of this program is to promote the responsible siting and development of
7 renewable energy generating resources in locations where it would be an ancillary beneficial use
8 to the redevelopment of previously contaminated property. Greenhouse gas emissions pose threats
9 to the health and safety of Rhode Islanders through flooding, sea level rise, extreme heat, and
10 increased storm intensity. In order to reduce this threat, Rhode Island must promote the deployment
11 of renewable energy generating projects, while preserving the most valuable forests.

12 **42-140.5-2. Definitions.**

13 As used in this chapter, the following words and terms shall have the following meanings,
14 unless the context indicates another or different meaning or intent:

15 (1) "Commissioner" means the commissioner of the office of energy resources.

16 (2) "Corporation" means any corporate person, including, but not limited to: corporations,
17 societies, associations, limited liability companies, partnerships, and sole proprietorships.

18 (3) "Department" means the department of environmental management.

1 (4) "Eligible entities" means any local governmental unit, corporation or person.

2 (5) "Financial assistance" means any form of financial assistance provided by the
3 infrastructure bank to a local governmental unit, person, or corporation in accordance with this
4 chapter for all or any part of the cost of an approved project, including, without limitation: grants,
5 temporary and permanent loans, with or without interest, guarantees, insurance, subsidies for the
6 payment of debt service on loans, lines of credit, and similar forms of financial assistance, principal
7 forgiveness and negative interest loans.

8 (6) "Fund" means the renewable ready fund described in § 42-140.5-4.

9 (7) "Infrastructure bank" means the Rhode Island infrastructure bank.

10 (8) "Interconnection costs" means charges from the electric distribution company to a
11 renewable energy customer or developer as described in § 39-26.3-4.1.

12 (9) "Interconnection study" means either a feasibility study or impact study as described in
13 § 39-26.3-2.

14 (10) "Local governmental unit" means any town, city, district, commission, agency,
15 authority, board, bodies politic and corporate, public corporation, or other political subdivision or
16 instrumentality of the state or of any political subdivision thereof.

17 (11) "Office" means the office of energy resources.

18 (12) "Person" means any natural person.

19 **42-140.5-3. Identification of eligible sites.**

20 (a) The office, in coordination with the department, shall prepare a list of locations that
21 meet the following criteria:

22 (1) Is a current or former contaminated site as determined by the department;

23 (2) Is property or a facility owned and/or managed by the state;

24 (3) Is a rooftop of a commercial, industrial, or municipal building;

25 (4) Is state property adjacent to a highway or major road; or

26 (5) Is owned by the electric distribution company and subject to their environmental
27 response fund.

28 (b) The list shall exclude properties where the owner has begun the process of permitting
29 or developing a renewable energy generation project or any other development.

30 (c) The list shall include a reasonable estimate of the renewable energy production capacity
31 of the locations.

32 (d) The list shall identify the current owner of the property and provide their contact
33 information, if available.

34 (e) The list shall also include a reasonable estimate of any utility interconnection costs that

1 would be required to connect the project to the existing electricity transmission and distribution
2 system; provided that:

3 (1) Any available impact study shall be conclusive evidence of estimated costs;

4 (2) Any variables that the office or department relied upon in the creation of the estimate
5 shall be included and described;

6 (3) The office may consult with the electric distribution company in the creation of its
7 estimates; and

8 (4) The cost of an interconnection study shall not be included in the estimation of
9 interconnection costs.

10 (f) The list shall prioritize locations based upon surrounding infrastructure that can support
11 the development of distributed generation resources.

12 **42-140.5-4. Establishment of the renewable ready fund.**

13 (a) There is hereby established a renewable ready fund at the infrastructure bank.

14 (b) The purpose of the fund is to provide financial assistance to eligible entities to reduce
15 the site preparation and interconnection costs for renewable energy development projects on current
16 or formerly contaminated sites to support and encourage the development of these locations.

17 (c) The infrastructure bank is hereby authorized and directed to seek all available federal
18 resources, in consultation with the office and any electric distribution company, to fulfill the
19 purpose of the fund. In pursuing federal funding sources, efforts shall include, but not be limited
20 to, funding programs and other financing mechanisms established through the federal Infrastructure
21 Investment and Jobs Act, the Inflation Reduction Act, and any applicable federal statute.

22 (d) The fund shall consist of:

23 (1) Money appropriated in the state budget to the fund or otherwise made available to the
24 infrastructure bank;

25 (2) Money made available to the fund through federal programs or private contributions;

26 (3) Repayments of principal and interest from loans made from the fund;

27 (4) Proceeds from the sale, disposition, lease, or rental of collateral related to financial
28 assistance provided under this chapter;

29 (5) Application or other fees paid to the infrastructure bank to process applications for
30 financial assistance; and

31 (6) Any other money made available to the fund.

32 **42-140.5-5. Powers of the infrastructure bank.**

33 (a) The infrastructure bank shall review and approve applications for financial assistance
34 from the fund, subject to the availability of funds, upon the submission of a complete application

1 from eligible entities to receive funds for a purpose consistent with this chapter.

2 (b) The infrastructure bank shall create a standard application and annual application
3 deadlines to be used in the management of fund requests.

4 (c) The infrastructure bank, upon a determination that an application is incomplete, may
5 direct applicants to revise their application or deny the application after a reasonable opportunity
6 for the applicant to provide additional information.

7 (d) The infrastructure bank, in the event that there are insufficient funds to cover the costs
8 of all projects that meet the criteria to be approved, shall follow the prioritized list prepared by the
9 office in accordance with this chapter.

10 (e) Approval of an application shall only occur if funds are currently available in the fund,
11 or if the infrastructure bank reasonably expects that funds will be available in the six (6) months
12 following the approval of an application.

13 (f) The infrastructure bank shall set an application fee, due upon submission, to cover the
14 reasonable costs to the bank for the investigation and review of the application.

15 **42-140.5-6. Use of funds.**

16 (a) Funds shall be used to cover the costs of connecting a renewable energy generation
17 project to the electric distribution system on sites identified by the office and department and
18 published on the list of eligible sites, and shall include, but not be limited to, the following activities:

19 (1) Installation of transformers and substations;

20 (2) Transmission facilitation;

21 (3) Grid flexibility; and

22 (4) Electrification planning for sites and facilities.

23 (b) Funds shall not be used to conduct any interconnection study or other preliminary work
24 as may be required by the electric distribution company or the public utilities commission.

25 (c) Funds shall not be distributed to applicants, or an entity to whom the applicant must
26 pay to make the interconnection, until the following criteria are met:

27 (1) The project site is listed on the list of eligible sites prepared by the office;

28 (2) The application is approved by the infrastructure bank;

29 (3) An impact study, as described in § 39-26.3-2, is complete;

30 (4) Certification is provided demonstrating that funds are available in the fund; and

31 (5) The applicant's project is approved by the public utilities commission, if such approval
32 is required.

33 (d) Should an application be approved but funds are not disbursed within twelve (12)
34 months from the application's approval by the infrastructure bank, then the approval may be

1 considered void and funds allocated to project shall be made available for other applications.

2 **42-140.5-7. Property owned by the electric or gas distribution company.**

3 (a) Properties included or listed on the electric or gas distribution company's environmental
4 response fund are eligible to be included on the eligible site list described in § 42-140.5-3(a).

5 (b) The electric or gas distribution company is encouraged to lease these properties,
6 following successful remediation, to developers through a competitive bidding process.

7 (c) Any lease payments to the gas or electric distribution companies for use of their site
8 shall be deposited in the environmental response fund.

9 **42-140.5-8. Adoption of rules and regulations.**

10 The infrastructure bank shall have the authority to adopt, amend, and implement such rules
11 and regulations as may be necessary and desirable to effectuate the purposes of this chapter.

12 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO STATE AFFAIRS AND GOVERNMENT -- RENEWABLE READY
PROGRAM

1 This act would establish the renewable ready program which is designed to promote
2 responsible siting and development of renewable energy on certain enumerated sites such as
3 formerly contaminated sites. Projects would be funded through the infrastructure bank.

4 This act would take effect upon passage.

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