

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) "Department" means the department of environmental management.

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

18 (4) "Infrastructure bank" means the Rhode Island infrastructure bank.

1 (5) “Interconnection costs” means charges from the electric distribution company to a
2 renewable energy customer or developer as described in § 39-26.3-4.1.

3 (6) “Interconnection study” means either a feasibility study or impact study as described in
4 § 39-26.3-2.

5 (7) “Office” means the office of energy resources.

6 **42-140.5-3. Identification of eligible sites.**

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

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

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

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

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

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

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

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

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

21 (e) The list shall also include a reasonable estimate of any utility interconnection costs that
22 would be required to connect the project to the existing electricity transmission and distribution
23 system; provided that:

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

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

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

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

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

33 **42-140.5-4. Establishment of the renewable ready fund.**

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

1 (b) The purpose of the fund is to reduce the site preparation and interconnection costs for
2 renewable energy development projects on current or formerly contaminated sites to support and
3 encourage the development of these locations.

4 (c) The infrastructure bank is hereby authorized and directed to seek all available federal
5 resources, in consultation with the office and any electric distribution company, to fulfill the
6 purpose of the fund and relevant activities, including, but not limited to, installation of transformers
7 and substations, transmission facilitation, grid flexibility, and electrification planning for sites and
8 facilities. In pursuing federal funding sources, efforts shall include, but not be limited to, funding
9 programs and other financing mechanisms established through the federal Infrastructure
10 Investment and Jobs Act, the Inflation Reduction Act, and any applicable federal statute.

11 (d) The fund shall consist of:

12 (1) Money appropriated in the state budget to the fund;

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

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

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

17 (5) Application or other fees paid to the fund to process requests for financial assistance;

18 and

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

20 **42-140.5-5. Powers of the infrastructure bank.**

21 (a) The infrastructure bank shall approve awards of money from the fund, subject to the
22 availability of funds, upon the approval of a complete application from eligible entities to receive
23 funds for a purpose consistent with this chapter.

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

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

29 (d) The infrastructure bank, in the event that there are insufficient funds to cover the costs
30 of all projects that meet the criteria to be approved, shall give priority to projects where there is
31 existing infrastructure over those that would require more investment in new infrastructure.

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

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

3 **42-140.5-6. Use of funds.**

4 (a) Funds shall only be used to cover the costs of connecting a renewable energy generation
5 project to the electric distribution system on sites identified by the office and department and
6 published on the list of eligible sites.

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

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

11 (1) The application is approved by the infrastructure bank;

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

13 (3) Certification is provided demonstrating that funds are available in the fund; and

14 (4) The applicant's project is approved by the public utilities commission.

15 (d) Should an application be approved but funds are not disbursed within twelve (12)
16 months from the application's approval, then the application shall be considered void and funds
17 allocated to project shall be made available for other applications.

18 **42-140.5-7. Property owned by the electric or gas distribution company.**

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

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

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

25 **42-140.5-8. Adoption of rules and regulations.**

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

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
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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