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S T A T E O F R H O D E I S L A N D

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- ENERGY FACILITY SITING ACT

Introduced By: Representative Joseph J. Solomon

Date Introduced: February 26, 2025

Referred To: House Corporations

It is enacted by the General Assembly as follows:

SECTION 1. Sections 42-98-3 and 42-98-8 of the General Laws in Chapter 42-98 entitled "Energy Facility Siting Act" are hereby amended to read as follows:

42-98-3. Definitions.

As used in this chapter:

~~(a)~~(1) "Advanced conductor" means an electric conductor that has a direct current electrical resistance at least ten percent (10%) lower than existing conductors of a similar diameter on the system.

(2) "Advanced power flow control" means hardware and/or software used to reroute electricity from overloaded transmission lines to underutilized transmission or distribution corridors by adjusting circuit impedance.

(3) "Agency" means any agency, council, board, or commission of the state or political subdivision of the state.

~~(b)~~(4) "Alteration" means a significant modification to a major energy facility, which, as determined by the board, will result in a significant impact on the environment, or the public health, safety, and welfare. Conversion from one type of fuel to another shall not be considered to be an "alteration."

~~(c)~~(5) "Board" for purposes of this chapter refers to the siting board.

~~(d)~~(6) "Clean coal technology" means one of the technologies developed in the clean coal

technology program of the United States Department of Energy, and shown to produce emissions levels substantially equal to those of natural gas fired power plants.

(7) "Dynamic line rating" means hardware and/or software used to calculate the updated thermal limits of distribution or transmission lines using real-time and forecasted weather conditions.

(8) "Energy storage as a distribution or transmission asset" means a resource capable of receiving energy from the transmission or distribution system and storing it for later injection of energy back into the transmission or distribution system.

(9) "Grid-enhancing technology" means any hardware or software technology that enables enhanced or more efficient flow of electricity across the existing electric transmission and distribution system infrastructure and rights of way which includes, but is not limited to, dynamic line rating, advanced power flow control, reconductoring and rebuilding with advanced conductors, topology optimization and energy storage when used as a distribution or transmission asset.

~~(c)~~(10) "Major energy facility" means facilities for the extraction, production, conversion, and processing of coal; facilities for the generation of electricity designed or capable of operating at a gross capacity of forty megawatts (40 MW) or more; transmission lines of sixty-nine (69) Kv or over; facilities for the conversion, gasification, treatment, transfer, or storage of liquefied natural and liquefied petroleum gases; facilities for the processing, enrichment, storage, or disposal of nuclear fuels or nuclear byproducts; facilities for the refining of oil, gas, or other petroleum products; facilities of ten megawatts (10 MW) or greater capacity for the generation of electricity by water power, and facilities associated with the transfer of oil, gas, and coal via pipeline; any energy facility project of the Rhode Island commerce corporation; the board may promulgate regulations to further define "major energy facility" to the extent further definition is required to carry out the purpose of this chapter, provided that any waste to energy facility shall not be deemed a major energy facility for the purposes of this chapter.

(11) "Reconductoring" means the process of installing advanced conductors in place of the legacy conductors, including structure rehabilitation as needed.

(12) "Topology optimization" means software that identifies reconfigurations of the transmission grid to reroute electricity from overloaded or congested lines to underutilized corridors.

42-98-8. Applications — Contents — Acceptance for filing.

(a) The rules and regulations promulgated by the board pursuant to § 42-98-7(c) shall prescribe the form and contents of applications under this chapter. The applications shall contain at least the following, where applicable:

(1) Identification of the proposed owner(s) of the facility, including identification of all affiliates of the proposed owners, as the term is defined in § 39-3-27.

(2) Detailed description of the proposed facility, including its function and operating characteristics, and complete plans as to all structures, including underground construction and transmission facilities, underground or aerial, associated with the proposed facility.

The complete plans shall be the basis for determining jurisdiction under the energy facility siting act and shall be the plans submitted to all agencies whose permit is required under the law.

(3) A detailed description and analysis of the impact of the proposed facility on its physical and social environment together with a detailed description of all environmental characteristics of the proposed site, and a summary of all studies prepared and relied upon in connection therewith. In considering and issuing a decision, the board shall consider the net-zero mandate of chapter 6.2 of title 42 ("2021 act on climate"), and how the project may advance or delay the greenhouse gas emissions reductions set forth therein. The board may also consider other reasonably foreseeable climate change impacts, including other pollutant emissions known to have negative health impacts, predicted sea level rise, coastal and inland flooding, and other disproportionate adverse effects on a specific geographical area.

Where applicable these descriptions and analysis shall include a review of current independent, scientific research pertaining to electric and magnetic fields (EMF). The review shall provide data assessing potential health risks associated with EMF exposure. For the purposes of this chapter “prudent avoidance” shall refer to measures to be implemented in order to protect the public from EMF exposure.

(4) All studies and forecasts, complete with the information, data, methodology, and assumptions on which they are based, on which the applicant intends to rely in showing the need for the proposed facility under the statewide master construction plan submitted annually.

(5) Complete detail as to the estimated construction cost of the proposed facility, the projected maintenance and operation costs, estimated costs to the community such as safety and public health issues, storm damage and power outages, estimated costs to businesses and homeowners due to power outages, the estimated unit cost of energy to be produced by the proposed facility, and expected methods of financing the facility.

(6) A complete life-cycle management plan for the proposed facility, including measures for protecting the public health and safety and the environment during the facility’s operations, including plans for the handling and disposal of wastes from the facility, and plans for the decommissioning of the facility at the end of its useful life.

(7) A study of alternatives to the proposed facility, including alternatives as to energy

sources, methods of energy production, and sites for the facility, together with reasons for the applicant's rejection of these alternatives. The study shall include estimates of facility cost and unit energy costs of alternatives considered. In the case of electric transmission infrastructure facilities and natural gas pipelines, applicants shall give due consideration to advanced conductors, grid-enhancing technologies, and non-wires or non-pipeline alternatives in order to avoid or minimize expenditures and/or maximize cost-effectiveness.

(8) Applicants shall further indicate that for transmission line infrastructure, they have sufficiently considered routes that make use of existing rights of way in the state. The board may expedite the licensing process for transmission lines utilizing existing rights-of-way. If applicants do not intend to make use of existing rights-of-way, or did not consider them, they shall explain the reasoning of that decision.

(9) Applicants shall further describe, where applicable, the degree to which a transmission project(s) fulfills an identified need at a regional level, including any studies, forecasts, and other evidence demonstrating consistency and alignment with relevant regional grid planning processes, and including any "right-sizing" analyses done to confirm that the project could or could not be modified to meet a regional need. To the extent a project does not fulfill a regional need, applicants shall describe and justify the continued need for the project absent a regional need. The rules and regulations promulgated by the board pursuant to § 42-98-7 may identify how the fulfillment of any such regional needs are to be weighed alongside Rhode Island-specific needs.

(b) Within thirty (30) days of the filing of an applicant under this chapter, the board shall notify the applicant whether the application is in the form and addresses the matters that are required by this section and the rules and regulations as are promulgated pursuant to § 42-98-7. An application meeting these requirements shall then be docketed. Any application deemed to be deficient shall be returned to the applicant, together with a concise and explicit statement of the application's deficiencies. Within fifteen (15) days of the resubmission of an application following a rejection for deficiency, the board shall docket the application together with specification of continuing deficiencies noted by the board, if any.

SECTION 2. Chapter 39-1 of the General Laws entitled "Public Utilities Commission" is hereby amended by adding thereto the following section:

39-1-64. Distribution or transmission company performance incentive and investigation.

(a) To the extent authorized by federal law, for base rate proceedings and other proceedings in which a distribution or transmission company proposes capital improvements or additions to the distribution or transmission system, the distribution or transmission company shall conduct a cost-

effectiveness and timetable analysis of multiple strategies including, but not limited to, the deployment of advanced conductors, grid-enhancing technologies, or energy storage used as a distribution or transmission resource.

(b) Where advanced conductors, grid-enhancing technologies, or energy storage used as a distribution or transmission resource, whether in combination with or instead of capital investments, offer a more cost-effective strategy for achieving distribution or transmission goals including, but not limited to, distributed energy resource interconnection, grid reliability and enhanced cyber and physical security, the commission, to the extent permitted under federal law, shall approve the deployment of advanced conductors, grid-enhancing technologies or energy storage used as a distribution or transmission resource.

(c) As part of a base rate filing or other filing in which a distribution or transmission company proposes capital improvements or additions to the distribution or transmission system, the distribution or transmission company may propose a performance incentive mechanism that provides a financial mechanism for the cost-effective deployment of advanced reconductoring, grid-enhancing technologies or energy storage used as a distribution or transmission resource.

(d) Additionally, distribution companies filing infrastructure, safety, and reliability plans starting in fiscal year 2027 and thereafter shall investigate grid enhancing technology implementation in their plans as part of the solutions needed to achieve Rhode Island's greenhouse gas emissions reduction mandates as established in chapter 6.2 of title 41 ("2021 act on climate"), and in order to improve grid performance, reliability and security for the state.

(e)(1) The public utilities commission, in coordination with the office of energy resources, shall conduct an independent investigation that examines the use of advanced conductors and grid-enhancing technologies to enhance the performance of the state's transmission system in applications that are subject to federal jurisdiction. Such advanced conductors and grid-enhancing technologies shall include, but shall not be limited to, reconductoring of transmission and distribution lines and the use of dynamic line ratings, advanced power flow control and topology optimization software.

(2) In conducting its investigation, the commission shall:

(i) Review industry trends for the implementation and use of advanced conductors and grid-enhancing technologies to determine which technologies are cost-effective and in the public interest and under what conditions those technologies could be utilized for transmission and distribution infrastructure within the state; and

(ii) For any technologies determined to be cost effective and in the public interest, identify any jurisdictional and cost-sharing issues related to requiring a transmission and distribution utility

to implement such technologies.

(iii) Consider the costs of such technologies and consider their benefits including, but not limited to:

(A) Access to lower cost and zero carbon electricity;

(B) Acceleration of distributed energy resource interconnection;

(C) Reduced generator curtailment or congestion;

(D) Reduced environmental impacts;

(E) Maximization of the value of planned investments;

(F) Improved resilience; and

(G) Improved outage coordination and mitigation.

(3) The public utilities commission shall submit a report to the general assembly not later than September 1, 2026.

(f) The public utilities commission may promulgate rules and regulations to implement the provisions of subsection (e) of this section.

SECTION 3. Section 39-25-3 of the General Laws in Chapter 39-25 entitled "Electric Transmission Siting and Regulatory Act" is hereby amended to read as follows:

39-25-3. Regulations on construction of high-voltage lines.

The energy facility siting board established under § 42-98-5 is hereby authorized and directed to establish rules and regulations governing construction within the state of high-voltage transmission lines of sixty-nine (69) kV or greater, including the replacement, rebuild or expansion of existing transmission line infrastructure.

SECTION 4. This act shall take effect upon passage.

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EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

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This act would require applications for energy facilities to take into consideration the net-zero mandate contained in the 2021 act on climate and how the facility may advance or delay the greenhouse gas emissions reductions.

This act would take effect upon passage.

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