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STATE OF RHODE ISLAND

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: Senators Britto, McKenney, and Vargas

Date Introduced: March 21, 2025

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

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

3 **42-98-3. Definitions.**

4 As used in this chapter:

5 ~~(1)~~ (1) "Advanced conductor" means an electric conductor that has a direct current electrical  
6 resistance at least ten percent (10%) lower than existing conductors of a similar diameter on the  
7 system.

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

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

13 ~~(4)~~ (4) "Alteration" means a significant modification to a major energy facility, which, as  
14 determined by the board, will result in a significant impact on the environment, or the public health,  
15 safety, and welfare. Conversion from one type of fuel to another shall not be considered to be an  
16 "alteration."

17 ~~(5)~~ (5) "Board" for purposes of this chapter refers to the siting board.

18 ~~(6)~~ (6) "Clean coal technology" means one of the technologies developed in the clean coal

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

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

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

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

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

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

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

31 **42-98-8. Applications — Contents — Acceptance for filing.**

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

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

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

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

8 (3) A detailed description and analysis of the impact of the proposed facility on its physical  
9 and social environment together with a detailed description of all environmental characteristics of  
10 the proposed site, and a summary of all studies prepared and relied upon in connection therewith.

11 In considering and issuing a decision, the board shall consider the net-zero mandate of chapter 6.2  
12 of title 42 ("2021 act on climate"), and how the project may advance or delay the greenhouse gas  
13 emissions reductions set forth therein. The board may also consider other reasonably foreseeable  
14 climate change impacts, including other pollutant emissions known to have negative health  
15 impacts, predicted sea level rise, coastal and inland flooding, and other disproportionate adverse  
16 effects on a specific geographical area.

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

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

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

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

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

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

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

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

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

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

30 **39-1-64. Distribution or transmission company performance incentive and**  
31 **investigation.**

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

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

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

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

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

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

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

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

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

1 to implement such technologies.

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

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

5 (B) Acceleration of distributed energy resource interconnection;

6 (C) Reduced generator curtailment or congestion;

7 (D) Reduced environmental impacts;

8 (E) Maximization of the value of planned investments;

9 (F) Improved resilience; and

10 (G) Improved outage coordination and mitigation.

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

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

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

17 **39-25-3. Regulations on construction of high-voltage lines.**

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

22 SECTION 4. 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 -- ENERGY FACILITY SITING  
ACT

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

4           This act would take effect upon passage.

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