1	H.762
2	Introduced by Representatives Gamache of Swanton, Batchelor of Derby,
3	Beyor of Highgate, Branagan of Georgia, Brennan of
4	Colchester, Browning of Arlington, Burditt of West Rutland,
5	Christie of Hartford, Cupoli of Rutland City, Dickinson of
6	St. Albans Town, Forguites of Springfield, Hebert of Vernon,
7	Higley of Lowell, Hubert of Milton, Lawrence of Lyndon,
8	Lucke of Hartford, Martel of Waterford, Myers of Essex, Pearce
9	of Richford, Purvis of Colchester, Quimby of Concord, Savage
10	of Swanton, Scheuermann of Stowe, Tate of Mendon, Terenzini
11	of Rutland Town, Van Wyck of Ferrisburgh, and Willhoit of
12	St. Johnsbury
13	Referred to Committee on
14	Date:
15	Subject: Conservation and development; energy; public service; land use;
16	natural resources; Act 250; siting; electric generation
17	Statement of purpose of bill as introduced: This bill proposes to allow siting
18	jurisdiction over electric generation under Act 250 (10 V.S.A. chapter 151)
19	instead of the Public Service Board (PSB) where the generation is not for
20	reliability or will not be used to meet the Renewable Energy Standard (RES).
21	Specifically, it would limit the electric generation exemption from Act 250 to

1	generation that: (1) is needed for reliability; (2) will be used to satisfy the
2	RES; or (3) will be renewable generation of 15 kilowatts or less. It would
3	similarly amend the exemption from local land use regulation to exempt only
4	these three categories of electric generation, which would remain subject to
5	PSB siting approval under 30 V.S.A. § 248.

6 7	An act relating to allocating siting approval of electric generation between the District Commissions and the Public Service Board
8	It is hereby enacted by the General Assembly of the State of Vermont:
9	Sec. 1. 10 V.S.A. § 6001 is amended to read:
10	§ 6001. DEFINITIONS
11	In this chapter:
12	(3)(A) "Development" means each of the following:
13	(i) The construction of improvements on a tract or tracts of land,
14	owned or controlled by a person, involving more than 10 acres of land within a
15	radius of five miles of any point on any involved land, for commercial or
16	industrial purposes in a municipality that has adopted permanent zoning and
17	subdivision bylaws.
18	(ii) The construction of improvements for commercial or
19	industrial purposes on more than one acre of land within a municipality that
20	has not adopted permanent zoning and subdivision bylaws.

(iii) The construction of improvements for commercial or
industrial purposes on a tract or tracts of land, owned or controlled by a person,
involving more than one acre of land within a municipality that has adopted
permanent zoning and subdivision bylaws, if the municipality in which the
proposed project is located has elected by ordinance, adopted under 24 V.S.A.
chapter 59, to have this jurisdiction apply.
* * *
(vi) The construction of improvements for commercial, industrial,
or residential use above the elevation of 2,500 feet.
(vii) Exploration for fissionable source materials beyond the
reconnaissance phase or the extraction or processing of fissionable source
material.
(viii) The drilling of an oil and gas well.
* * *
(D) The word "development" does not include:
(i) The construction of improvements for farming, logging, or
forestry purposes below the elevation of 2,500 feet.
(ii) The construction of improvements for:
(I) an electric generation or <u>facility if:</u>

1	(aa) the facility's primary purpose is to address a reliability
2	deficiency identified in a least cost integrated plan or a transmission system
3	plan approved under 30 V.S.A. § 218c;
4	(bb) the facility's environmental attributes and tradeable
5	renewable energy credits, as defined in 30 V.S.A. § 8002, will be applied
6	toward the Renewable Energy Standard under 30 V.S.A. §§ 8004 and 8005; or
7	(cc) the facility's plant capacity, as defined in 30 V.S.A.
8	§ 8002, will be 15 kilowatts or less;
9	(II) an electric transmission facility that requires a certificate of
10	public good under 30 V.S.A. § 248 ;;
11	(III) a natural gas facility as defined in 30 V.S.A.
12	§ 248(a)(3); or
13	(IV) a telecommunications facility issued a certificate of public
14	good under 30 V.S.A. § 248a.
15	* * *
16	Sec. 2. 24 V.S.A. § 4413(b) is amended to read:
17	(b) A bylaw under this chapter shall not regulate:
18	(1) a public utility power generating plants and plant if:
19	(A) the plant's primary purpose is to address a reliability deficiency
20	identified in a least cost integrated plan or a transmission system plan approved
21	<u>under 30 V.S.A. § 218c;</u>

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1	(B) the plant's environmental attributes and tradeable renewable
2	energy credits, as defined in 30 V.S.A. § 8002, will be applied toward the
3	Renewable Energy Standard under 30 V.S.A. §§ 8004 and 8005; or
4	(C) its plant capacity, as defined in 30 V.S.A. § 8002, will be
5	15 kilowatts or less; or
6	(2) public utility transmission facilities regulated under 30 V.S.A. § 248.
7	Sec. 3. 30 V.S.A. § 248 is amended to read:
8	§ 248. NEW GAS AND ELECTRIC PURCHASES, INVESTMENTS, AND
9	FACILITIES; CERTIFICATE OF PUBLIC GOOD
10	(a)(1) No company, as defined in section 201 of this title, may:
11	(A) in any way purchase electric capacity or energy from outside
12	the State:
13	(i) for a period exceeding five years, that represents more than
14	three percent of its historic peak demand, unless the purchase is from a plant as
15	defined in subdivision 8002(14) of this title that produces electricity from
16	renewable energy as defined under subdivision 8002(17); or
17	(ii) for a period exceeding ten years, that represents more than ten
18	percent of its historic peak demand, if the purchase is from a plant as defined
19	in subdivision 8002(14) of this title that produces electricity from renewable
20	energy as defined under subdivision 8002(17); or

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1	(B) invest in an electric generation or transmission facility located
2	outside this State unless the Public Service Board first finds that the same will
3	promote the general good of the State and issues a certificate to that effect.
4	(2) Except for the replacement of existing facilities with equivalent
5	facilities in the usual course of business, and except for electric generation
6	facilities that are operated solely for on-site electricity consumption by the
7	owner of those facilities:
8	(A) no company, as defined in section 201 of this title, and no person,
9	as defined in 10 V.S.A. § 6001(14), may begin site preparation for or
10	construction of an electric generation facility that is exempt from 10 V.S.A.
11	chapter 151 or electric transmission facility within the State which is designed
12	for immediate or eventual operation at any voltage; and
13	(B) no such company may exercise the right of eminent domain in
14	connection with site preparation for or construction of any such transmission or
15	generation facility, unless the Public Service Board first finds that the same
16	will promote the general good of the State and issues a certificate to that effect.
17	* * *
18	Sec. 4. INTERCONNECTION
19	Secs. 1 through 3 of this act, concerning siting of electric generation
20	facilities, shall not affect the authority of the Public Service Board to require a

- 1 <u>facility to comply with its rules governing interconnection procedures for</u>
- 2 generating resources.
- 3 Sec. 5. EFFECTIVE DATE
- 4 <u>This act shall take effect on July 1, 2016.</u>