

1 H.194

2 Introduced by Representatives Weston of Burlington, Cheney of Norwich,

3 Edwards of Brattleboro, Mitchell of Barnard and Young of St.

4 Albans City

5 Referred to Committee on

6 Date:

7 Subject: Public service; jurisdiction over charges and rates; recovery of

8 permitting costs; wind generation

9 Statement of purpose: This bill proposes to require that permitting costs of  
10 wind generation project sites in the state are recoverable in rates if the project  
11 is to supply Vermont consumers.

12 An act relating to cost recovery of permitting costs for wind generation  
13 projects

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 Sec. 1. 30 V.S.A. § 218 is amended to read:

16 § 218. JURISDICTION OVER CHARGES AND RATES

17 \* \* \*

18 (f)(1) The board shall permit and require a utility that distributes electricity  
19 to the public within the state to recover, in rates, those costs incurred by the  
20 developer of a wind generation project that a reasonably prudent person would

1 incur in attempting to obtain necessary permits, certificates, or other approvals,  
2 regardless of whether those permits, certificates, or other approvals are or were  
3 granted, provided that all of the following apply:

4 (A) The wind generation project is or was proposed to be sited  
5 within the state.

6 (B) The wind generation project is or was intended to supply  
7 electric power to the utility.

8 (C) In cases in which the wind generation project is or was  
9 intended to supply more than one utility, the costs described in this subsection  
10 are allocated to the utility according to the percentage of the project's  
11 production to be supplied to the utility.

12 (2) The developer of a wind generation project or a utility that  
13 distributes electricity to the public may petition the board for an order granting  
14 cost recovery under this subsection.

15 (3) The board shall make its determination on a petition under this  
16 subsection within seven months or the petition will be deemed granted.

17 (4) The board may grant an order under this subsection without  
18 engaging in a full rate investigation of the utility.

19 (5) Within 30 days of a grant of cost recovery under this subsection,  
20 the utility shall pay the full amount of the costs recovered under this subsection  
21 to the developer of the wind generation project, unless the developer and the

- 1 utility reach an alternative agreement on the timing of the utility payment to
- 2 the developer.