

1 H.219

2 Introduced by Representative Johnson of Canaan

3 Referred to Committee on

4 Date:

5 Subject: Energy; public service; certificate of public good; escrow account;
6 municipalities; proposed electric generation facilities

7 Statement of purpose of bill as introduced: This bill proposes to require a
8 petitioner before the Public Service Board seeking a certificate of public good
9 for an in-state electric generation facility to fund an escrow account that will
10 pay for the retention, by the legislative body of the municipality in which the
11 proposed facility will be located, of professional services to review the
12 petitioner's application and to assist the municipality in proceedings before the
13 Board.

14 An act relating to escrow accounts for municipalities to review applications
15 for proposed electric generation facilities

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

17 Sec. 1. 30 V.S.A. § 248 is amended to read:

18 § 248. NEW GAS AND ELECTRIC PURCHASES, INVESTMENTS, AND
19 FACILITIES; CERTIFICATE OF PUBLIC GOOD

20 (a)(1) No company, as defined in section 201 of this title, may:

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(4)(A) With respect to a facility located in the ~~state~~ State, the ~~public service board~~ Public Service Board shall hold a nontechnical public hearing on each petition for such finding and certificate in at least one county in which any portion of the construction of the facility is proposed to be located.

(B) The ~~public service board~~ Public Service Board shall hold technical hearings at locations which it selects.

(C) At the time of filing its application with the ~~board~~ Board, copies shall be given by the petitioner to the ~~attorney-general~~ Attorney General and the ~~department of public service~~ Department of Public Service, and, with respect to facilities within the ~~state, the department of health, agency of natural resources, historic preservation division, agency of transportation, the agency of agriculture, food and markets~~ State, the Department of Health, Agency of Natural Resources, Historic Preservation Division, Agency of Transportation, the Agency of Agriculture, Food and Markets and to the chairperson or director of the municipal and regional planning commissions and the municipal legislative body for each town and city in which the proposed facility will be located. At the time of filing its application with the ~~board~~ Board, the petitioner shall give the ~~byways advisory council~~ Byways Advisory Council notice of the filing.

1 (D) Notice of the public hearing shall be published and maintained
2 on the ~~board's~~ Board's website for at least 12 days before the day appointed
3 for the hearing. Notice of the public hearing shall be published once in a
4 newspaper of general circulation in the county or counties in which the
5 proposed facility will be located, and the notice shall include an Internet
6 address where more information regarding the proposed facility may be
7 viewed.

8 (E) The ~~agency of natural resources~~ Agency of Natural Resources
9 shall appear as a party in any proceedings held under this subsection, shall
10 provide evidence and recommendations concerning any findings to be made
11 under subdivision (b)(5) of this section, and may provide evidence and
12 recommendations concerning any other matters to be determined by the ~~board~~
13 Board in such a proceeding.

14 (F) With respect to an in-state electric generation facility, if the
15 legislative body for the municipality in which the proposed facility will be
16 located chooses to retain professional services, including an attorney or
17 consultant, to review the petitioner's application and to participate in
18 proceedings before the Board, the petitioner shall be responsible for paying for
19 such professional services unless the legislative body waives its rights to such
20 payment. Each professional retained shall estimate the reasonable cost of such
21 services and, if the legislative body has not waived its rights to payment under

1 this section, the legislative body shall inform the petitioner of the amount.
2 The petitioner shall deposit the full estimated cost of the services with the
3 legislative body and that body shall place the money in an escrow account.
4 The legislative body shall pay each retained professional from the escrow
5 account and refund the petitioner any funds that remain in the account after
6 each such professional has been paid in full. Any disputes that arise about the
7 reasonableness of the cost of the professional services shall be decided by the
8 Board and the burden shall be on the petitioner to show that the costs are not
9 reasonable.

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11 Sec. 2. EFFECTIVE DATE

12 This act shall take effect on July 1, 2013.