

1 H.246

2 Introduced by Representative Johnson of Canaan

3 Referred to Committee on

4 Date:

5 Subject: Energy; public service; certificate of public good; in-state generation  
6 facilities; revenue sharing; municipalities

7 Statement of purpose of bill as introduced: This bill proposes to require  
8 in-state electric generation facilities to share revenues with municipalities that  
9 are affected by such facilities.

10 An act relating to the sharing of revenues by in-state electric generation  
11 facilities with affected municipalities

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

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

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

16 \* \* \*

17 (b) Before the ~~public service board~~ Public Service Board issues a certificate  
18 of public good as required under subsection (a) of this section, it shall find that  
19 the purchase, investment, or construction:

1           (1) with respect to an in-state facility, will not unduly interfere with the  
2 orderly development of the region with due consideration having been given to  
3 the recommendations of the municipal and regional planning commissions, the  
4 recommendations of the municipal legislative bodies, and the land  
5 conservation measures contained in the plan of any affected municipality.  
6 However, with respect to a natural gas transmission line subject to ~~board~~ Board  
7 review, the line shall be in conformance with any applicable provisions  
8 concerning such lines contained in the duly adopted regional plan; and, in  
9 addition, upon application of any party, the ~~board~~ Board shall condition any  
10 certificate of public good for a natural gas transmission line issued under this  
11 section so as to prohibit service connections that would not be in conformance  
12 with the adopted municipal plan in any municipality in which the line is  
13 located;

14           (2) is required to meet the need for present and future demand for  
15 service which could not otherwise be provided in a more ~~cost-effective~~  
16 cost-effective manner through energy conservation programs and measures and  
17 energy-efficiency and load management measures, including ~~but not limited to~~  
18 those developed pursuant to the provisions of subsection 209(d), section 218c,  
19 and subsection 218(b) of this title. In determining whether this criterion is met,  
20 the ~~board~~ Board shall assess the environmental and economic costs of the  
21 purchase, investment, or construction in the manner set out under subdivision

1 218c(a)(1) (least cost integrated plan) of this title and, as to a generation  
2 facility, shall consider whether the facility will avoid, reduce, or defer  
3 transmission or distribution system investments;

4 (3) will not adversely affect system stability and reliability;

5 (4) will result in an economic benefit to the ~~state~~ State and its residents;

6 (5) with respect to an in-state facility, will not have an undue adverse  
7 effect on esthetics, historic sites, air and water purity, the natural environment,  
8 the use of natural resources, and the public health and safety, with due  
9 consideration having been given to the criteria specified in 10 V.S.A.

10 §§ 1424a(d) and 6086(a)(1) through (8) and (9)(K) and greenhouse gas  
11 impacts;

12 (6) with respect to purchases, investments, or construction by a  
13 company, is consistent with the principles for resource selection expressed in  
14 that company's approved least cost integrated plan;

15 (7) except as to a natural gas facility that is not part of or incidental to an  
16 electric generating facility, is in compliance with the electric energy plan  
17 approved by the ~~department~~ Department under section 202 of this title, or that  
18 there exists good cause to permit the proposed action;

19 (8) does not involve a facility affecting or located on any segment of the  
20 waters of the ~~state~~ State that has been designated as outstanding resource  
21 waters by the ~~secretary of natural resources~~ Secretary of Natural Resources,

1       except that with respect to a natural gas or electric transmission facility, the  
2       facility does not have an undue adverse effect on those outstanding resource  
3       waters;

4           (9) with respect to a ~~waste-to-energy~~ waste-to-energy facility, is  
5       included in a solid waste management plan adopted pursuant to 24 V.S.A.  
6       § 2202a, which is consistent with the state solid waste management plan;

7           (10) except as to a natural gas facility that is not part of or incidental to  
8       an electric generating facility, can be served economically by existing or  
9       planned transmission facilities without undue adverse effect on Vermont  
10      utilities or customers;

11          (11) with respect to an in-state generation facility that produces electric  
12      energy using woody biomass, will:

13           (A) comply with the applicable air pollution control requirements  
14      under the federal Clean Air Act, 42 U.S.C. § 7401 et seq.;

15           (B) incorporate commercially available and feasible designs to  
16      achieve a reasonable design system efficiency for the type and design of the  
17      proposed facility; and

18           (C) comply with harvesting guidelines and procurement standards  
19      that are consistent with the guidelines and standards developed by the ~~secretary~~  
20      of ~~natural resources~~ Secretary of Natural Resources pursuant to 10 V.S.A.  
21      § 2750 (harvesting guidelines and procurement standards);

