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H.821

Introduced by Representatives Scheuermann of Stowe, Marcotte of Coventry,
Martin of Wolcott, Ralston of Middlebury, Woodward of
Johnson, and Young of Glover

Referred to Committee on

Date:

Subject: Energy; public service; gas and electric purchases, investments, and
facilities

Statement of purpose of bill as introduced: This bill proposes to require the
Public Service Board to provide the Department of Public Service with a
record of all public testimony and comments submitted to the Board during
proceedings conducted pursuant to 30 V.S.A § 248 and to schedule the
Department's submission of testimony to occur after any nontechnical public
hearing and the submission of testimony by all other parties. The bill also
proposes to require the Board to provide potential parties with more
comprehensive notice of the schedule for the proceedings.

An act relating to Public Service Board proceedings under 30 V.S.A. § 248

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

1 Sec. 1. 30 V.S.A. § 248(a)(4) is amended to read:

2 (4)(A) With respect to a facility located in the State, the Public Service
3 Board shall hold a nontechnical public hearing on each petition for such
4 finding and certificate in at least one county in which any portion of the
5 construction of the facility is proposed to be located. Following the
6 nontechnical public hearing, the Public Service Board shall provide a copy of
7 the transcript and all written comments to the Department of Public Service
8 before the Department submits its recommendations and testimony to the
9 Board.

10 (B) The Public Service Board shall hold technical hearings at
11 locations which it selects.

12 (C) At the time of filing its application with the Board, copies shall
13 be given by the petitioner to the Attorney General and the Department of
14 Public Service, and, with respect to facilities within the State, the Department
15 of Health, Agency of Natural Resources, Historic Preservation Division,
16 Agency of Transportation, and Agency of Agriculture, Food and Markets and
17 to the chairperson or director of the municipal and regional planning
18 commissions and the municipal legislative body for each town and city in
19 which the proposed facility will be located. At the time of filing its application
20 with the Board, the petitioner shall give the Byways Advisory Council notice
21 of the filing.

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

7 (2) When the Board issues an order setting a schedule for the
8 submission of motions to intervene or the submission of testimony, or both, the
9 Board shall send the order to all persons as defined under 1 V.S.A. § 128
10 entitled to receive notice from the applicant pursuant to this section and the
11 rules of the Board.

12 (E) The Agency of Natural Resources shall appear as a party in any
13 proceedings held under this subsection, shall provide evidence and
14 recommendations concerning any findings to be made under subdivision (b)(5)
15 of this section, and may provide evidence and recommendations concerning
16 any other matters to be determined by the Board in such a proceeding.

17 (F) The Public Service Board shall schedule the submission and
18 presentation of testimony as follows:

19 (1) if the Board requires prefiled testimony, the Department of
20 Public Service shall submit its prefiled testimony and recommendations after
21 all other parties have submitted their prefiled testimony; and

1 (2) in technical hearings, to allow the Department to testify after
2 all other parties have testified.

3 (G) In submitting and presenting testimony, the Department of Public
4 Service shall respond to the public comments received by the Board, including
5 those made at the nontechnical public hearing, and to the evidence presented
6 by other parties.

7 Sec. 2. EFFECTIVE DATE

8 This act shall take effect on passage.