

1 S.25

2 Introduced by Senator Hartwell

3 Referred to Committee on

4 Date:

5 Subject: Utilities; Department of Public Service; public advocacy

6 Statement of purpose: This bill proposes to ensure adequate representation of
7 Vermont consumers by the Department of Public Service in utility matters
8 before the Public Service Board.

9 An act relating to public advocacy in utility matters

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

11 ~~Sec. 1. 30 V.S.A. § 2 is amended to read:~~

12 § 2. DEPARTMENT OF PUBLIC SERVICE; POWERS

13 (a) ~~The department of public service~~ Department of Public Service shall
14 supervise and direct the execution of all laws relating to public service
15 corporations and firms and individuals engaged in such business, including the:

16 (1) ~~Formation~~ formation, organization, ownership, and acquisition of
17 facilities of public service corporations under chapter 3 of this title;

18 (2) ~~Participation~~ participation in planning for proper utility service as
19 provided in section 202 of this title through the ~~director for regulated utility~~
20 planning Director for Regulated Utility Planning;

- 1 ~~(3) Supervision supervision and evaluation under chapters 5 and 77 of~~
2 this title of the quality of service of public utility companies;
- 3 (4) ~~Interconnection~~ interconnection and interchange of facilities of
4 electric companies under sections 210, 213, and 214 of this title;
- 5 (5) ~~Representation~~ representation of the ~~state~~ State in the negotiations
6 and proceedings for the procurement of electric energy from any source
7 outside of this ~~state~~ State and from any generation facility inside the ~~state~~ State
8 under sections 211 and 212 of this title;
- 9 (6) ~~Review~~ review of proposed changes in rate schedules and petition to
10 the ~~public service board~~ Public Service Board, and representation of the
11 interests of the consuming public in proceedings to change rate schedules of
12 public service companies under chapter 5 of this title;
- 13 (7) ~~Siting~~ siting of electric generation and transmission facilities under
14 section 248 of this title;
- 15 (8) ~~Consolidations~~ consolidations and mergers of public service
16 corporations under chapter 7 of this title;
- 17 (9) ~~Supervision~~ supervision and regulation of cable television systems
18 under chapter 13 of this title;
- 19 (10) ~~Supervision~~ supervision and regulation of telegraph and telephone
20 companies under chapters 71, 73, and 75 of this title;

1 ~~(11) Supervision supervision and regulation of the organization and~~
2 ~~operation of municipal plants under chapter 79 of this title;~~

3 ~~(12) Supervision supervision and regulation of the organization and~~
4 ~~operation of electric cooperatives under chapter 81 of this title.~~

5 ~~(b) In cases requiring hearings by the ~~board~~ Board, the ~~department~~~~
6 ~~Department, through the ~~director for public advocacy~~ Director for Public~~
7 ~~Advocacy shall represent the interests of the people of the ~~state~~ State, unless~~
8 ~~otherwise specified by law. In any hearing, the ~~board~~ Board may, if it~~
9 ~~determines that the public interest would be served, request the ~~attorney~~~~
10 ~~general Attorney General or a member of the Vermont ~~bar~~ Bar to represent the~~
11 ~~public or the ~~state~~ State.~~

12 ~~(c) The ~~department~~ Department may bring proceedings on its own motion~~
13 ~~before the ~~public service board~~ Public Service Board, with respect to any~~
14 ~~matter within the jurisdiction of the ~~public service board~~ Board, and may~~
15 ~~initiate rule-making proceedings before ~~that board~~ the Board. The ~~public~~~~
16 ~~~~service board~~ Public Service Board, with respect to any matter within its~~
17 ~~jurisdiction, may issue orders on its own motion and may initiate rule-making~~
18 ~~proceedings.~~

19 ~~(d) In any proceeding where the ~~decommissioning fund~~ Decommissioning~~
20 ~~Fund for the Vermont Yankee nuclear facility is involved, the ~~department~~~~
21 ~~Department shall represent the consuming public in a manner that~~

1 ~~acknowledges that the general public interest requires that the consuming~~
2 ~~public, rather than either the state's State's future consumers who never obtain~~
3 ~~benefits from the facility or the state's State's taxpayers, ought to provide for~~
4 ~~all costs of decommissioning. The department Department shall seek to have~~
5 ~~the decommissioning fund Decommissioning Fund be based on all reasonably~~
6 ~~expected costs.~~

7 (e) In performing its duties under this section, the Department shall ensure
8 adequate representation of the interests of those consumers whose interests
9 would otherwise be inadequately represented in matters before the Board,
10 including residential, low-income, and small business consumers. When the
11 interests of sectors within the consuming public differ, the Department shall
12 give priority to representing the interests of residential, low income, and small
13 business consumers.

14 Sec. 2. EFFECTIVE DATE

15 ~~This act shall take effect on passage~~

Sec. 1. 30 V.S.A. § 2 is amended to read:

§ 2. DEPARTMENT OF PUBLIC SERVICE; POWERS

(a) The ~~department of public service~~ Department of Public Service shall supervise and direct the execution of all laws relating to public service corporations and firms and individuals engaged in such business, including the:

(1) ~~Formation~~ formation, organization, ownership, and acquisition of facilities of public service corporations under chapter 3 of this title;

(2) ~~Participation~~ participation in planning for proper utility service as provided in section 202 of this title through the ~~director for regulated utility planning~~ Director for Regulated Utility Planning;

(3) ~~Supervision~~ supervision and evaluation under chapters 5 and 77 of this title of the quality of service of public utility companies;

(4) ~~Interconnection~~ interconnection and interchange of facilities of electric companies under sections 210, 213, and 214 of this title;

(5) ~~Representation~~ representation of the ~~state~~ State in the negotiations and proceedings for the procurement of electric energy from any source outside of this ~~state~~ State and from any generation facility inside the ~~state~~ State under sections 211 and 212 of this title;

(6) ~~Review~~ review of proposed changes in rate schedules and petition to the ~~public service board~~ Public Service Board, and representation of the interests of the consuming public in proceedings to change rate schedules of public service companies under chapter 5 of this title;

(7) ~~Siting~~ siting of electric generation and transmission facilities under section 248 of this title;

(8) ~~Consolidations~~ consolidations and mergers of public service corporations under chapter 7 of this title;

(9) ~~Supervision~~ supervision and regulation of cable television systems under chapter 13 of this title;

(10) ~~Supervision~~ supervision and regulation of telegraph and telephone companies under chapters 71, 73, and 75 of this title;

(11) ~~Supervision~~ supervision and regulation of the organization and operation of municipal plants under chapter 79 of this title;

(12) ~~Supervision~~ supervision and regulation of the organization and operation of electric cooperatives under chapter 81 of this title.

(b) In cases requiring hearings by the ~~board~~ Board, the ~~department~~ Department, through the ~~director for public advocacy~~ Director for Public Advocacy shall represent the interests of the people of the ~~state~~ State, unless otherwise specified by law. In any hearing, the ~~board~~ Board may, if it determines that the public interest would be served, request the ~~attorney general~~ Attorney General or a member of the Vermont ~~bar~~ Bar to represent the public or the ~~state~~ State.

(c) The ~~department~~ Department may bring proceedings on its own motion before the ~~public service board~~ Public Service Board, with respect to any matter within the jurisdiction of the ~~public service board~~ Board, and may initiate rule-making proceedings before ~~that board~~ the Board. The ~~public service board~~ Public Service Board, with respect to any matter within its jurisdiction, may issue orders on its own motion and may initiate rule-making proceedings.

(d) In any proceeding where the ~~decommissioning fund~~ Decommissioning Fund for the Vermont Yankee nuclear facility is involved, the ~~department~~ Department shall represent the consuming public in a manner that acknowledges that the general public interest requires that the consuming public, rather than either the ~~state's~~ State's future consumers who never obtain benefits from the facility or the ~~state's~~ State's taxpayers, ought to provide for all costs of decommissioning. The ~~department~~ Department shall seek to have the ~~decommissioning fund~~ Decommissioning Fund be based on all reasonably expected costs.

(e) In performing its duties under this section, the Department shall affirmatively represent the interests of ratepayer classes who are not independently represented parties in proceedings before the Board, including residential, low-income, and small business consumers.

Sec. 2. DEPARTMENT OF PUBLIC SERVICE; REPORT ON CONSUMER REPRESENTATION

On or before July 1, 2014, the Commissioner shall submit a report to the General Assembly which includes an analysis of how the Department, in performing its duties under 30 V.S.A. § 2, determines the interests of the consuming public and of the State and ensures adequate representation of the interests of those consumers whose interests might not otherwise be adequately represented in matters before the Board, including residential, low income, and small business consumers. The report shall include a description of how the Department assesses whether the interests of different ratepayer classes – such as residential, low income, and small business – are in conflict and, if so, how such conflicts are resolved. In addition, the Commissioner shall evaluate how representation of the interests of residential, low income, and small business consumers has occurred in past proceedings and describe ways in which the Department might more effectively represent those interests in future proceedings. The report also shall describe improvements in the Department's processes related to the integration of the roles and responsibilities of the Director for Public Advocacy and the Director for Consumer Protection and Education, particularly with respect to representation of the consuming public and the interests of the State. In conducting this analysis, the Commissioner shall consult with residential and small business ratepayers, advocacy groups for low income, residential, and small business ratepayers, and any other person or entity as determined by the Commissioner.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.