

1 S.166

2 Introduced by Senators Galbraith and White

3 Referred to Committee on

4 Date:

5 Subject: Energy; public service; electric generation; certificate of public good;

6 municipal plan; Town of Windham

7 Statement of purpose of bill as introduced: This bill proposes to allow the
8 Public Service Board to issue a certificate of public good for a wind generation
9 plant located in the Town of Windham only if the Board finds that the plant
10 conforms to the municipal plan.

11 An act relating to wind generation in the Town of Windham

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

13 Sec. 1. FINDINGS

14 The General Assembly finds that:

15 (1) In a 2006 survey, 287 residents of the Town of Windham opposed
16 the siting of a wind generation plant, with 15 residents in favor.

17 (2) In 2008, the Town of Windham included the following statement in
18 Sec. B.1 of its municipal plan adopted under 24 V.S.A. chapter 117:

19 Commercial wind energy systems (wind farms) are defined as
20 those that are regulated under Section 248 of Title 30 of the

1 Vermont Statutes but not including net metering applications (as
2 per 30 V.S.A. §219a) or temporary meteorological towers. These
3 are generally large-scale projects with multiple turbines designed
4 to generate electricity. It is the policy of the Town of Windham
5 that commercial wind energy systems are prohibited throughout all
6 of town.

7 (3) On June 2, 2012, Gov. Peter Shumlin, speaking on Vermont Public
8 Television, stated:

9 I have always said and I will always say I believe that no energy
10 project should be built in a town in Vermont where the residents of
11 that community don't vote affirmatively to host it. We shouldn't
12 send them into towns that don't want them. So the answer is, I've
13 been clear on this right from the beginning. Lowell is a great
14 example. The people of Lowell voted, overwhelmingly, to have the
15 Lowell project built. I support the Lowell project. If the people of
16 any other project in Vermont in their community, in that town vote
17 no, I support it not going in that community. We shouldn't build
18 energy projects where they are not wanted.

19 (4) On October 9, 2012, the Department of Public Service filed a letter
20 with the Public Service Board in Docket No. 7905 that opposed granting a
21 certificate of public good (CPG) for wind meteorological stations to be sited in

1 Windham, stating that “the Board should defer to the clear mandate of the
2 Town Plan and not grant a CPG for the temporary siting of any MET towers in
3 Windham.”

4 Sec. 2. 30 V.S.A. § 248 is amended to read:

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

7 * * *

8 (q) Notwithstanding the Board’s assessment of the general good of the
9 State under subsection (a) of this section or the requirement of subdivision
10 (b)(1) of this section to give due consideration to the land conservation
11 measures in the plan of any affected municipality, the Board may issue a
12 certificate of public good for a wind generation plant to be located in the Town
13 of Windham only if it finds, in addition to all other criteria of this section, that
14 the plant is in conformance with the duly adopted municipal plan under
15 24 V.S.A. chapter 117. For the purpose of this subsection, “plant” shall have
16 the same meaning as under section 8002 of this title.

17 Sec. 3. EFFECTIVE DATE

18 This act shall take effect on passage.