

1 TO THE HONORABLE SENATE:

2 The Committee on Natural Resources and Energy to which was referred
3 Senate Bill No. 201 entitled “An act relating to siting review by the Public
4 Service Board” respectfully reports that it has considered the same and
5 recommends that the bill be amended by striking out all after the enacting
6 clause and inserting in lieu thereof the following:

7 Sec. 1. PURPOSE

8 The purposes of this act include:

9 (1) to encourage regional planning to meet statutory policies and goals
10 to reduce greenhouse gas emissions, increase energy efficiency, and develop
11 renewable electric generation in an orderly fashion and to allow each region to
12 support these policies and goals in a manner that suits the region and preserves
13 and promotes its natural resources;

14 (2) to strengthen the role of regional planning commissions and local
15 selectboards and planning commissions in the siting review process for energy
16 facilities by giving greater weight to their recommendations and plans;

17 (3) to provide an option under which a regional planning commission
18 may amend its plan to meet statutory energy policies and goals so that, in the
19 siting review process, electric generation facilities will be required to conform
20 to the regional plan;

1 (4) to direct that, if a regional planning commission elects this option,
2 the regional commission shall recommend the actions and measures that the
3 region should take to meet:

4 (A) the goals of 10 V.S.A. § 578 to reduce greenhouse gas emissions
5 from Vermont energy consumption from the 1990 baseline by 50 percent by
6 January 1, 2028 and by 75 percent by January 1, 2050;

7 (B) the goal of 10 V.S.A § 580 to produce 25 percent of the energy
8 consumed in the State through use of renewable energy resources, particularly
9 from Vermont’s farms and forests;

10 (C) the building efficiency goals of 10 V.S.A. § 581, including
11 improving the energy fitness of at least 20 percent of the State’s housing stock
12 by 2017 and 25 percent of the State’s housing stock by 2020 and reducing
13 Vermont’s fossil fuel energy consumption at a rate of six percent annually by
14 2017 and 10 percent annually by 2025;

15 (D) the State energy policy set forth at 30 V.S.A. § 202a, including
16 the promotion of energy efficiency and conservation, the wise use of
17 renewable resources, and environmentally sound energy supply;

18 (E) the goals of 30 V.S.A. § 8001, including supporting development
19 of renewable energy that uses natural resources efficiently, produces jobs and
20 economic benefits for the State, and displaces fossil fuels; and

1 (F) the goals and total renewables targets of 30 V.S.A. § 8005,
2 including assuring that 20 percent of the State’s total statewide electric retail
3 sales in 2017 be from new renewable energy and that, in that same year, 55
4 percent of each utility’s retail sales be from renewable energy, whether new or
5 existing, rising to 75 percent by 2032;

6 (5) to provide that, if a regional planning commission elects this option,
7 the regional commission in amending its plan shall consider the State Electrical
8 Energy and Comprehensive Energy Plans and use data, information, and
9 digital resources available from the State and other sources; and

10 (6) to encourage public engagement and participation in energy siting
11 before and during the siting review process and to reduce the barriers to and
12 burdens of public participation in that process.

13 Sec. 2. 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 (a) Certificate of public good; obligation and procedure.

17 (1) Electricity; out-of-state purchases and investments. No company, as
18 defined in section 201 of this title, may:

19 (A) in any way purchase electric capacity or energy from outside the
20 State:

1 (i) for a period exceeding five years, that represents more than
2 three percent of its historic peak demand, unless the purchase is from a plant as
3 defined in subdivision 8002(14) of this title that produces electricity from
4 renewable energy as defined under subdivision 8002(17); or

5 (ii) for a period exceeding ten years, that represents more than ten
6 percent of its historic peak demand, if the purchase is from a plant as defined
7 in subdivision 8002(14) of this title that produces electricity from renewable
8 energy as defined under subdivision 8002(17); or

9 (B) invest in an electric generation or transmission facility located
10 outside this ~~state~~ State unless the Public Service Board first finds that the same
11 will promote the general good of the State and issues a certificate to that effect.

12 (2) In-state electric generation and transmission facilities. Except for
13 the replacement of existing facilities with equivalent facilities in the usual
14 course of business, and except for electric generation facilities that are
15 operated solely for on-site electricity consumption by the owner of those
16 facilities:

17 (A) no company, as defined in section 201 of this title, and no person,
18 as defined in 10 V.S.A. § 6001(14), may begin site preparation for or
19 construction of an electric generation facility or electric transmission facility
20 within the ~~state~~ State which is designed for immediate or eventual operation at
21 any voltage; and

1 (B) no such company may exercise the right of eminent domain in
2 connection with site preparation for or construction of any such transmission or
3 generation facility, unless the Public Service Board first finds that the same
4 will promote the general good of the State and issues a certificate to that effect.

5 (3) Natural gas facilities. No company, as defined in section 201 of this
6 title, and no person, as defined in 10 V.S.A. § 6001(14), may in any way begin
7 site preparation for or commence construction of any natural gas facility,
8 except for the replacement of existing facilities with equivalent facilities in the
9 usual course of business, unless the Public Service Board first finds that the
10 same will promote the general good of the State and issues a certificate to that
11 effect pursuant to this section.

12 (A) ~~For the purposes of~~ In this section, the term “natural gas facility”
13 shall mean any natural gas transmission line, storage facility, manufactured-gas
14 facility, or other structure incident to any of the above. ~~For purposes of~~ In this
15 section, a “natural gas transmission line” shall include any feeder main or any
16 pipeline facility constructed to deliver natural gas in Vermont directly from a
17 natural gas pipeline facility that has been certified pursuant to the Natural Gas
18 Act, 15 U.S.C. § 717 et seq.

19 (B) ~~For the purposes of~~ In this section, the term “company” shall not
20 include a “natural gas company” (including a “person which will be a natural
21 gas company upon completion of any proposed construction or extension of

1 facilities”), within the meaning of the Natural Gas Act, 15 U.S.C. § 717 et seq.;

2 provided, however, that the term “company” shall include any “natural gas

3 company” to the extent it proposes to construct in Vermont a natural gas

4 facility that is not solely subject to federal jurisdiction under the Natural

5 Gas Act.

6 (C) The Public Service Board shall have the authority to, and may in

7 its discretion, conduct a proceeding, as set forth in subsection (h) of this

8 section, with respect to a natural gas facility proposed to be constructed in

9 Vermont by a “natural gas company” for the purpose of developing an opinion

10 in connection with federal certification or other federal approval proceedings.

11 (4) Procedure and participation.

12 (A) Hearings. With respect to a facility located in the State, the

13 Public Service Board shall hold a nontechnical public hearing on each petition

14 for such finding and certificate in at least one county in which any portion of

15 the construction of the facility is proposed to be located.

16 ~~(B)~~ The ~~Public Service~~ Board shall hold technical hearings at

17 locations which it selects.

18 ~~(C)~~(B) Notice.

19 (i) At the time of filing its application with the Board, copies shall

20 be given by the petitioner to the Attorney General and the Department of

21 Public Service, and, with respect to facilities within the State, the Department

1 of Health, Agency of Natural Resources, ~~historic preservation division~~
2 Division for Historic Preservation, Agency of Transportation, ~~the~~ and Agency
3 of Agriculture, Food and Markets and to the chairperson or director of the
4 municipal and regional planning commissions and the municipal legislative
5 body for each town and city in which the proposed facility will be located. At
6 the time of filing its application with the Board, the petitioner shall give the
7 Byways Advisory Council notice of the filing.

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

14 ~~(E)~~(C) Participation. In proceedings under this section:

15 (i) Each person identified in subdivision (B)(i) of this subdivision
16 (a)(4) as being entitled to receive a copy or notice of the application at the time
17 of filing shall have the right to appear as a party to the proceeding on the
18 application.

19 (ii) The Agency of Natural Resources shall appear as a party in
20 any proceedings held under this ~~subsection~~ section regarding an in-state
21 facility, shall provide evidence and recommendations concerning any findings

1 to be made under subdivision (b)(5) of this section, and may provide evidence
2 and recommendations concerning any other matters to be determined by the
3 Board in such a proceeding.

4 (iii) With respect to an application under this section for an
5 in-state facility, the Board shall allow as a party any adjoining property owner
6 or other person who demonstrates that the person has a particularized interest
7 protected under this section and there is a reasonable possibility that the
8 interest may be affected by an act or decision of the Board on the application.

9 (iv) The Board may allow any other person as a party as its rules
10 may provide.

11 (v) The Board may allow a person to participate as a friend of the
12 Board without being accorded party status. Participation may be limited to one
13 or more of the following: providing testimony or other evidence; engaging in
14 cross-examination; or the filing of legal memoranda, proposed findings of fact
15 and conclusions of law, or argument on legal issues. A motion to participate as
16 a friend of the Board shall identify the interest of the requestor and the desired
17 scope of participation and shall state the reasons why the participation of the
18 requestor will be beneficial to the Board. The Board may allow a person to
19 participate as a friend of the Board on its own motion. Unless the Board orders
20 otherwise, all friends of the Board shall submit their filings within the times
21 allowed the parties. A friend of the Board shall not be subject to discovery

1 except to the extent that the friend of the Board provides testimony or other
2 evidence.

3 (vi) The Board shall adopt and make publicly available one or
4 more forms that a person may complete in order to move to participate as a
5 party or friend of the Board.

6 (vii) The Board shall limit discovery to that which is necessary for
7 a full and fair determination of the proceeding. In determining the allowed
8 discovery, the Board shall consider the relative resources of the parties and
9 friends of the Board and the need for disclosure by the applicant of relevant
10 information.

11 (D) Postcertification review. The Board may employ
12 postcertification review for an in-state electric transmission or natural gas
13 facility and shall not employ postcertification review for an in-state electric
14 generation facility. In this subdivision (D), “postcertification review” means a
15 procedure under which a certificate of public good is conditioned on
16 subsequent submission and consideration of other approvals issued for a
17 facility or of specific details or designs of a facility prior to its construction,
18 and does not include an application for an amendment to a certificate of public
19 good that is a new application under this section.

20 (E) “Person.” In this subdivision (4), “person” shall have the same
21 meaning as in 1 V.S.A. § 128.

1 (5) Application fee. On filing an application under this section, an
2 applicant for an in-state facility shall pay a fee for the purpose of compensating
3 the State of Vermont for the direct and indirect costs incurred with respect to
4 the review of the application and the administration of the State programs
5 involved in this review and for the Board’s posting a copy of each transcript of
6 the proceeding online, available for download.

7 (A) The fee shall be \$5.40 for each \$1,000.00 of the first
8 \$15,000,000.00 of construction costs and \$2.50 for each \$1,000.00 of
9 construction costs above \$15,000,000.00. In no event shall the fee exceed
10 \$750,000.00. The Board shall adjust the amounts contained in this subdivision

11 (A) annually commencing in 2015 for inflation since January 1, 2014 using the
12 Consumer Price Index for all urban consumers, designated as “CPI-U,” in the
13 northeast region, as published by the U.S. Department of Labor, Bureau of
14 Labor Statistics.

15 (B) Eighty percent of the fee shall be deposited into the special fund
16 described in section 22 of this title and allocated between the Board and the
17 Department of Public Service in accordance with that section. Twenty percent
18 of the fee shall be deposited into the Environmental Permit Fund under
19 3 V.S.A. § 2805.

20 (C) The Board shall not require a fee for an application under this
21 section for a net metering system, a facility that will pay expenses allocated

1 pursuant to subsection 8005a(1) of this title, or a facility to be undertaken and
2 owned by an agency of the State or a political subdivision of the State.

3 (D) Nothing in this subdivision (5) shall affect the authority of the
4 Board, the Department of Public Service, or the Agency of Natural Resources
5 to retain personnel and allocate costs under sections 20 and 21 of this title,
6 except that, if the costs of regular employees are allocated under section 21 of
7 this title to an applicant paying a fee under this subdivision, the allocated
8 amount shall be offset by the portion of the fee available to the allocating
9 agency.

10 (b) Criteria. Before the Public Service Board issues a certificate of public
11 good as required under subsection (a) of this section, it shall find that the
12 purchase, investment, or construction:

13 (1) with respect to an in-state facility, will not unduly interfere with the
14 orderly development of the region with ~~due consideration~~ substantial deference
15 having been given to the recommendations of the municipal and regional
16 planning commissions, the recommendations of the municipal legislative
17 bodies, and the land conservation measures contained in the plan of any
18 affected municipality. In this subdivision (1), “substantial deference” means
19 that a recommendation or land conservation measure shall be applied in
20 accordance with its terms unless there is a clear and convincing demonstration
21 that other factors affecting the general good of the State outweigh application

1 of the recommendation or measure. However, if a recommendation of a
2 municipal legislative body and a recommendation of the planning commission
3 of the same municipality conflict, the Board shall apply its independent
4 judgment to resolve the conflict. In addition:

5 (A) with respect to a natural gas transmission line subject to Board
6 review, the line shall be in conformance with any applicable provisions
7 concerning such lines contained in the duly adopted regional plan; and, in
8 addition, upon application of any party, the Board shall condition any
9 certificate of public good for a natural gas transmission line issued under this
10 section so as to prohibit service connections that would not be in conformance
11 with the adopted municipal plan in any municipality in which the line is
12 located; and

13 (B) with respect to an electric generation facility subject to Board
14 review, the facility shall conform with any provisions of the regional plan that
15 are specific to electric generation facilities if the regional plan meets the
16 requirements of this subdivision (B).

17 (i) The conformance requirement of this subdivision (B) shall
18 apply only to a regional plan that is amended under 24 V.S.A. § 4348 after the
19 effective date of this subdivision to:

20 (I) state the basis for each provision that is specific to electric
21 generation facilities;

1 (II) identify the areas within the region that are suitable and are
2 not suitable for siting electric generation facilities; and

3 (III) analyze the options available to the region and recommend
4 the actions and measures that the region should undertake in order to
5 contribute to meeting the goals of 10 V.S.A. §§ 578 (greenhouse gas
6 reduction), 580 (25 by 25), and 581 (building efficiency) and the goals and
7 policies of sections 202a (state energy policy), 8001 (renewable energy), and
8 8005 (SPEED; total renewables targets) of this title.

9 (ii) In amending a regional plan under this subdivision (B), the
10 regional planning commission shall consider the State Electrical Energy and
11 Comprehensive Energy Plans issued under sections 202 and 202b of this title
12 and use data, information, and digital resources available from the State and
13 other sources, including resources that may assist the regional planning
14 commission to identify areas that are likely candidates to site particular
15 categories of generation technologies.

16 (iii) This subdivision (B) shall not require a region to establish a
17 numerical amount or capacity of electric generation facilities to be sited within
18 the region.

19 (iv) In any proceeding involving the application of a regional plan
20 that has been amended under this subdivision (B), the Board shall presume that
21 the regional plan complies with the requirements of subdivision (b)(1)(B)(i) of

1 this section unless there is a clear and convincing demonstration that the
2 regional plan does not meet one or more of those requirements or that there is
3 no rational basis for a challenged provision of the regional plan;

4 * * *

5 (5) with respect to an in-state facility, will not have an undue adverse
6 effect on esthetics, historic sites, air and water purity, the natural environment,
7 the use of natural resources, and the public health and safety, with due
8 consideration having been given to greenhouse gas impacts and to the criteria
9 specified in 10 V.S.A. §§ § 1424a(d) and substantial deference having been
10 given to the criteria specified in 10 V.S.A. § 6086(a)(1) through (8) and (9)(K)
11 and greenhouse gas impacts. In this subdivision (5), “substantial deference” to
12 a criterion of 10 V.S.A. § 6086 means that the Board shall:

13 (A) apply the criterion to the facts in the same manner that the
14 criterion is applied under 10 V.S.A. chapter 151; and

15 (B) if the outcome under the criterion is negative, deny the
16 application unless there is a clear and convincing demonstration that other
17 factors affecting the general good of the State outweigh denial;

18 * * *

19 (10) except as to a natural gas facility that is not part of or incidental to
20 an electric generating facility;:

1 section. The Board shall specify by rule the content of such a notice of intent,
2 which shall be designed to provide a reasonable description of the facility to be
3 built, its size and location, and related infrastructure to be constructed. A
4 notice of intent under this subdivision (2) shall not be required for a facility
5 that the Board determines to be eligible for treatment under subsection (j)
6 (facilities of limited size and scope) of this section.

7 (3) The petitioner shall submit plans for the construction of such a
8 facility within the ~~state must be submitted by the petitioner~~ State to the
9 municipal and regional planning commissions no less than 45 days prior to
10 application for a certificate of public good under this section, unless the
11 municipal and regional planning commissions shall waive such requirement.
12 Such municipal or regional planning commission may hold a public hearing on
13 the proposed plans. Such commissions ~~shall~~ may make recommendations, ~~if~~
14 ~~any,~~ to the ~~public service board~~ Public Service Board and to the petitioner at
15 ~~least seven days prior to filing of the petition~~ within 21 days after the date the
16 petition is filed with the ~~public service board~~ Board.

17 (g) Preapplication plans; transmission line relocation. ~~However,~~
18 ~~notwithstanding the above~~ Notwithstanding subdivision (f)(3) of this section,
19 plans involving the relocation of an existing transmission line within the State
20 ~~must~~ shall be submitted to the municipal and regional planning commissions

1 no less than 21 days prior to application for a certificate of public good under
2 this section.

3 * * *

4 (j) Facilities of limited size and scope.

5 (1) The Board may, subject to such conditions as it may otherwise
6 lawfully impose, issue a certificate of public good in accordance with the
7 provisions of this subsection and without the notice and hearings otherwise
8 required by this chapter if the Board finds that:

9 (A) approval is sought for construction of facilities described in
10 subdivision (a)(2) or (3) of this section;

11 (B) such facilities will be of limited size and scope;

12 (C) the petition does not raise a significant issue with respect to the
13 substantive criteria of this section; and

14 (D) the public interest is satisfied by the procedures authorized by
15 this subsection.

16 (2) Any party seeking to proceed under the procedures authorized by
17 this subsection shall file a proposed certificate of public good and proposed
18 findings of fact with its petition. The Board shall give written notice of the
19 proposed certificate to the parties specified in subdivision (a)(4)~~(C)~~(B)(i) of
20 this section, to any public interest organization that has in writing requested
21 notice of applications to proceed under this subsection and to any other person

1 found by the Board to have a substantial interest in the matter. Such notice
2 shall be published on the Board’s website and shall request comment within
3 the Board’s website and shall request comment within 28 days of the initial
4 publication on the question of whether the petition raises a significant issue
5 with respect to the substantive criteria of this section. If the Board finds that
6 the petition raises a significant issue with respect to the substantive criteria of
7 this section, the Board shall hear evidence on any such issue.

8 * * *

9 (k) Waiver.

10 (1) Notwithstanding any other provisions of this section, the Board may
11 waive, for a specified and limited time, the prohibitions contained in this
12 section upon site preparation for or construction of an electric transmission
13 facility or a generation facility necessary to assure the stability or reliability of
14 the electric system or a natural gas facility, pending full review under this
15 section.

16 (2) A person seeking a waiver under this subsection shall file a petition
17 with the Board and shall provide copies to the Department of Public Service
18 and the Agency of Natural Resources. Upon receiving the petition, the Board
19 shall conduct an expedited preliminary hearing, upon such notice to the
20 governmental bodies listed in subdivision (a)(4)(~~C~~)(B)(i) of this section as the
21 ~~board~~ Board may require.

1 * * *

2 (r) When evaluating the need for a purchase, investment, or facility subject
3 to this section and when giving due consideration under this section to the
4 greenhouse gas impacts of an in-state facility, the Board shall consider all
5 greenhouse gas emissions avoided by and related to the facility during its life
6 cycle. The Board shall require a petitioner seeking a certificate of public good
7 under this section for an in-state facility to provide a full accounting of the
8 emissions avoided by and related to the facility.

9 (s) The Board shall not issue a certificate of public good under this section
10 for an in-state facility to be sited on land subject to a permit issued under
11 10 V.S.A. chapter 151 unless one of the following applies:

12 (1) The facility is for the purpose of system reliability.

13 (2) The facility is allowed by and will comply with the terms and
14 conditions of that permit or the applicant has obtained a permit amendment
15 under that chapter authorizing the facility.

16 Sec. 3. 3 V.S.A. § 2805 is amended to read:

17 § 2805. ENVIRONMENTAL PERMIT FUND

18 (a) There is hereby established a special fund to be known as the
19 Environmental Permit Fund. Within the ~~fund~~ Fund, there shall be two
20 accounts: the Environmental Permit Account and the Air Pollution Control
21 Account. Unless otherwise specified, fees collected in accordance with

1 subsections 2822(i) and (j) of this title, and 10 V.S.A. § 2625 and gifts and
2 appropriations shall be deposited in the Environmental Permit Account. Fees
3 transferred in accordance with 30 V.S.A. § 248(a) shall be deposited in the
4 Environmental Permit Account. Fees collected in accordance with subsections
5 2822(j)(1), (k), (l), and (m) of this title shall be deposited in the ~~air pollution~~
6 ~~control account~~ Air Pollution Control Account. The Environmental Permit
7 Fund shall be used to implement the programs specified under section 2822 of
8 this title. The Secretary of Natural Resources shall be responsible for the Fund
9 and shall account for the revenues and expenditures of the Agency of ~~Natural~~
10 ~~Resources.~~ The Environmental Permit Fund shall be subject to the provisions
11 of 32 V.S.A. chapter 7, subchapter 5. The Environmental Permit Fund shall be
12 used to cover a portion of the costs of administering the Environmental
13 Division established under 4 V.S.A. chapter 27. The amount of \$143,000.00
14 per fiscal year shall be disbursed for this purpose. Fees transferred in
15 accordance with 30 V.S.A. § 248(a) shall be used first to support the Agency's
16 participation in proceedings under 30 V.S.A. § 248 and next for the other
17 purposes authorized in this section.

18 * * *

19 Sec. 4. 10 V.S.A. § 6001 is amended to read:

20 § 6001. DEFINITIONS

21 In this chapter:

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(3)(A) “Development” means each of the following:

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(xi) The construction of improvements for a facility located within the State for which a certificate of public good is required under 30 V.S.A. § 248, if the improvements are for a purpose other than system reliability and will be located on a tract or tracts of land that are subject to a permit issued under this chapter and the improvements would constitute a material change to the permitted project under the rules of the Board.

* * *

(D) The word “development” does not include:

(i) The construction of improvements for farming, logging, or forestry purposes below the elevation of 2,500 feet.

(ii) The construction of improvements for an electric generation or transmission facility that requires a certificate of public good under 30 V.S.A. § 248; or for a natural gas facility as defined in 30 V.S.A. § 248(a)(3), unless the provisions of subdivision (3)(C)(xi) of this section apply, or for a telecommunications facility issued a certificate of public good under 30 V.S.A. § 248a.

* * *

Sec. 5. 24 V.S.A. § 4348a is amended to read:

1 § 4348a. ELEMENTS OF A REGIONAL PLAN

2 (a) A regional plan shall be consistent with the goals established in section
3 4302 of this title and shall include ~~but need not be limited to~~ the following:

4 (1) A statement of basic policies of the region to guide the future growth
5 and development of land and of public services and facilities, and to protect the
6 environment;

7 (2) A land use element, which shall consist of a map and statement of
8 present and prospective land uses:

9 (A) indicating those areas proposed for forests, recreation, agriculture
10 (using the agricultural lands identification process established in 6 V.S.A. § 8),
11 residence, commerce, industry, public, and semi-public uses, open spaces, and
12 areas identified by the State, regional planning commissions or municipalities,
13 ~~which~~ that require special consideration for aquifer protection, wetland
14 protection, or for other conservation purposes;

15 (B) indicating locations proposed for developments with a potential
16 for regional impact, as determined by the regional planning commission,
17 including flood control projects, surface water supply projects, industrial parks,
18 office parks, shopping centers and shopping malls, airports, tourist attractions,
19 recreational facilities, private schools, public or private colleges, and
20 residential developments or subdivisions;

1 (C) setting forth the present and prospective location, amount,
2 intensity, and character of such land uses and the appropriate timing or
3 sequence of land development activities in relation to the provision of
4 necessary community facilities and services;

5 (D) indicating those areas that have the potential to sustain
6 agriculture and recommendations for maintaining them which may include
7 transfer of development rights, acquisition of development rights, or farmer
8 assistance programs;

9 (E) indicating those areas that are suitable and are not suitable for the
10 siting of electric generation facilities;

11 (3) An energy element, which may include an analysis of energy
12 resources, needs, scarcities, costs, and problems within the region; a statement
13 of policy on the conservation of energy and the development of renewable
14 energy resources, ~~and~~; a statement of policy on patterns and densities of land
15 use and control devices likely to result in conservation of energy; and an
16 analysis of the options available to the region and recommendations of the
17 actions and measures that the region should undertake in order to contribute to
18 meeting the goals of 10 V.S.A. §§ 578 (greenhouse gas reduction), 580 (25 by
19 25), and 581 (building efficiency) and the goals and policies of 30 V.S.A.
20 §§ 202a (State energy policy), 8001 (renewable energy), and 8005 (SPEED;
21 total renewables targets);

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(5) A utility and facility element, consisting of a map and statement of present and prospective local and regional community facilities and public utilities, whether publicly or privately owned, showing existing and proposed educational, recreational and other public sites, buildings, and facilities, including public schools, ~~state~~ State office buildings, hospitals, libraries, power generating plants and transmission lines, wireless telecommunications facilities and ancillary improvements, water supply, sewage disposal, refuse disposal, storm drainage, and other similar facilities and activities, and recommendations to meet future needs for those facilities, with indications of priority of need;

* * *

(b) The various elements and statements shall be correlated with the land use element and with each other. The maps called for by this section may be incorporated on one or more maps, and may be referred to in each separate statement called for by this section.

Sec. 6. 30 V.S.A. § 246 is amended to read:

§ 246. TEMPORARY SITING OF METEOROLOGICAL STATIONS

(a) As used in this section, a “meteorological station” consists of one temporary tower, which may include guy wires, and attached instrumentation to collect and record wind speed, wind direction, and atmospheric conditions.

1 (b) The Public Service Board shall establish by rule or order standards and
2 procedures governing application for, and issuance or revocation of, a
3 certificate of public good for the temporary installation of one or more
4 meteorological stations under the provisions of section 248 of this title. A
5 meteorological station shall be deemed to promote the public good of the State
6 if it is in compliance with the criteria of this section and the Board rules or
7 orders. An applicant for a certificate of public good for a meteorological
8 station shall be exempt from the requirements of subsection 202(f) of this title.
9 Subdivision 248(a)(4)(C) (participation) of this title shall govern participation
10 in proceedings under this section.

11 (c) In developing rules or orders, the Board:

12 (1) Shall develop a simple application form and shall require that
13 completed applications be filed with the Board, ~~the Department of Public~~
14 ~~Service, the Agency of Natural Resources, the Agency of Transportation, and~~
15 ~~the municipality in which the meteorological station is proposed to be located~~
16 and the same State, regional, and municipal entities entitled to receive notice of
17 an application under subsection 248(a) of this title.

18 (2) Shall require that if no objections are filed within 30 days of the
19 Board's receipt of a complete application and the Board determines that the
20 applicant has met all of the requirements of section 248 of this title, the
21 certificate of public good shall be issued for a period that the Board finds

1 reasonable, but in no event for more than five years. Upon request of an
2 applicant, the Board may renew a certificate of public good. Upon expiration
3 of the certificate, the meteorological station and all associated structures and
4 material shall be removed, and the site shall be restored substantially to its
5 preconstruction condition.

6 (3) May waive the requirements of section 248 of this title that are not
7 applicable to meteorological stations, including criteria that are generally
8 applicable to public service companies as defined in this title. The Board shall
9 not waive review regarding whether construction will have an undue adverse
10 effect on esthetics, historic sites, air and water purity, the natural environment,
11 and the public health and safety.

12 (4) Shall seek to simplify the application and review process, as
13 appropriate, in conformance with this section.

14 (5) Shall require an applicant for a certificate of public good for a
15 meteorological station to pay an application fee for the purpose of
16 compensating the State of Vermont for the direct and indirect costs incurred
17 with respect to the review of the application and the administration of the State
18 programs involved in this review. This fee shall be \$20,000.00 or the amount
19 calculated in accordance with the requirements for an application fee under
20 subsection 248(a) of this title, whichever is greater. The fee shall be deposited

1 and allocated in the same manner as the application fee under subsection
2 248(a) of this title.

3 (d) A proposal for decision shall be issued within five months of when the
4 Board receives a completed application for a certificate of public good for the
5 temporary installation of one or more meteorological stations under the
6 provisions of section 248 of this title.

7 Sec. 7. 30 V.S.A. § 20 is amended to read:

8 § 20. PARTICULAR PROCEEDINGS; PERSONNEL

9 (a)(1) The Board or Department may authorize or retain legal counsel,
10 official stenographers, expert witnesses, advisors, temporary employees, and
11 other research services:

12 (i) to assist the Board or Department in any proceeding listed in
13 subsection (b) of this section;

14 (ii) to monitor compliance with any formal opinion or order of the
15 Board;

16 (iii) in proceedings under section 246 or 248 of this title, to assist
17 other State agencies that are named parties to the proceeding where the Board
18 or Department determines that they are essential to a full consideration of the
19 petition, or for the purpose of monitoring compliance with an order resulting
20 from such a petition;

21 * * *

1 Sec. 9. EFFECTIVE DATE; ADOPTION OF FORMS

2 (a) This act shall take effect on June 1, 2014.

3 (b) On or before September 1, 2014, the Board shall adopt the forms
4 required by Sec. 2, 30 V.S.A. § 248(a)(4)(C) (participation).

5

6

7 (Committee vote: _____)

8

9

Senator [surname]

10

FOR THE COMMITTEE