

## **S.201, An Act Relating to Siting Review by the Public Service Board**

Overview, Senate Committee on Natural Resources and Energy

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### **Three broad areas on PSB siting review**

- Participation in the siting review process
- Fees for applications
- Greater weight to local and regional plans and to the criteria under 10 V.S.A. chapter 151 (Act 250)

### **Participation**

- Clarifies statutory party status
- Aligns the “interest” category of parties with Act 250
- Establishes “Friend of the Board”
- Forms for citizens to complete to file motions to be a party or friend of the Board
- Discovery issues
- Postcertification review for electric generation prohibited

### **Fees**

- Fees for § 248 applications
- Support costs of PSB, DPS, and ANR
- Modeled on Act 250 – construction cost basis
- Capped at \$750,000
- Exemptions: Net metering systems, standard offer projects, governmental and distribution utility projects

### **Local and Regional Recommendations and Act 250 Criteria**

- “Substantial deference” to local plans and the recommendations of local and regional planning commissions and the local legislative body and to the criteria of Act 250
- Based on Supreme Court case law, “substantial deference” defined to require a clear and convincing demonstration that factors affecting the general good of the state outweigh the application of the plan provision, recommendation, or criterion
- Conformance with regional plan required for electric generation facilities if plan amended to identify appropriate areas for electric generation and options for region to meet statutory energy goals