

1 TO THE HONORABLE SENATE:

2 The Committee on Finance to which was referred Senate Bill No. 201  
3 entitled “An act relating to siting review by the Public Service Board”  
4 respectfully reports that it has considered the same and recommends that the  
5 report of the Committee on Natural Resources and Energy be amended as  
6 follows:

7 First: In Sec. 2, 30 V.S.A. § 248, in subsection (a) (certificate of public  
8 good; obligation and procedure), by striking out subdivision (5) (application  
9 fees) in its entirety and inserting in lieu thereof a new subdivision (5) to read:

10 (5) Application fee. On filing an application under this section, an  
11 applicant for an in-state facility shall pay a fee for the purpose of compensating  
12 the State of Vermont for the direct and indirect costs incurred with respect to  
13 the review of the application and the administration of the State programs  
14 involved in this review.

15 (A) The fee shall be \$5.40 for each \$1,000.00 of the first  
16 \$15,000,000.00 of construction costs and \$2.50 for each \$1,000.00 of  
17 construction costs above \$15,000,000.00. In no event shall the fee exceed  
18 \$150,000.00. The Board shall adjust the amounts contained in this subdivision  
19 (A) annually commencing in 2015 for inflation since January 1, 2014 using the  
20 Consumer Price Index for all urban consumers, designated as “CPI-U,” in the

1 northeast region, as published by the U.S. Department of Labor, Bureau of  
2 Labor Statistics.

3 (B) Thirty percent of the fee shall be deposited into the special fund  
4 described in section 22 of this title and allocated between the Board and the  
5 Department of Public Service in accordance with that section. Seventy percent  
6 of the fee shall be deposited into the Environmental Permit Fund under  
7 3 V.S.A. § 2805.

8 (C) The Board shall not require a fee for an application under this  
9 section for a net metering system or a facility to be undertaken and owned by  
10 an agency of the State or a political subdivision of the State.

11 (D) The fee for an application under this section for a facility to be  
12 undertaken by an entity subject to the gross receipts tax under section 22 of  
13 this title shall be 70 percent of the fee calculated in accordance with  
14 subdivision (1)(A) of this subsection (a). Notwithstanding subdivision (5)(B)  
15 of this subsection, the entirety of the fee for such a facility shall be deposited  
16 into the Environmental Permit Fund under 3 V.S.A. § 2805.

17 (E) Nothing in this subdivision (5) shall affect the authority of the  
18 Board, the Department of Public Service, or the Agency of Natural Resources  
19 to retain personnel and allocate costs under sections 20 and 21 of this title,  
20 except that, if the costs of regular employees are allocated under section 21 of  
21 this title to an applicant paying a fee under this subdivision, the allocated

1 amount shall be offset by the portion of the fee available to the allocating  
2 agency.

3 Second: In Sec. 2, 30 V.S.A. § 248, in subsection (f) (public engagement  
4 plan; notice of intent; preapplication plans), in subdivision (2), by striking out  
5 the first full sentence and inserting in lieu thereof:

6 The petitioner shall submit a notice of intent to construct an in-state facility  
7 requiring a certificate of public good under this section to the municipal and  
8 regional planning commissions at least six months prior to an application for a  
9 certificate of public good under this section.

10 Third: In Sec. 6, 30 V.S.A. § 246, in subsection (c) (rules or orders), in  
11 subdivision (5), by striking out the second sentence and inserting in lieu  
12 thereof: This fee shall be calculated in accordance with the requirements for  
13 an application fee under subsection 248(a) of this title.

14 Fourth: After Sec. 8, by inserting a Sec. 8a to read:

15 Sec. 8a. ENERGY POSITIONS; AGENCY OF NATURAL RESOURCES;

16 PUBLIC SERVICE

17 (a) To fulfill the obligations of the Agency of Natural Resources, the  
18 Department of Public Service, and the Public Service Board under 30 V.S.A.  
19 § 248, the establishment of the following limited service positions is  
20 authorized in fiscal year 2015:

21 (1) In the Agency of Natural Resources;

1           (A) one (1) classified position – project manager.

2           (B) one (1) exempt position – staff attorney.

3           (2) In the Department of Fish and Wildlife, one (1) classified  
4 position – wildlife biologist (Fish and Wildlife Scientist III).

5           (3) In the Department of Public Service, one (1) exempt position – staff  
6 attorney.

7           (4) In the Public Service Board, one (1) exempt position – a staff  
8 attorney or utility analyst to serve as a hearing officer.

9           (b) These positions shall be supported by the application fee established  
10 under 30 V.S.A. § 248(a)(5).

11           (c) These positions shall focus primarily on the review of applications  
12 under 30 V.S.A. § 248. The positions assigned to the Agency of Natural  
13 Resources and the Department of Public Service also shall provide outreach  
14 and technical assistance with respect to the appropriate siting of electric  
15 generation and transmission facilities and natural gas facilities to be sited in  
16 Vermont.

17           Fifth: In Sec. 9 (effective date; adoption of forms), in subsection (a), after  
18 “2014”, by inserting except that Sec. 8a (energy positions) shall take effect on  
19 July 1, 2014

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1 (Committee vote: \_\_\_\_\_)

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Senator \_\_\_\_\_

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FOR THE COMMITTEE

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