

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 are:

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
15 local selectboards and planning commissions in the siting review process
16 for energy facilities by giving greater weight to their recommendations
17 and plans;

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

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

6 (5) to encourage public engagement and participation in energy siting
7 before and during the siting review process and to reduce the barriers to and
8 burdens of public participation in that process.

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

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

12 (a) Certificate of public good; obligation and procedure.

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

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

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

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

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

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

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

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

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

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

15 (B) ~~For the purposes of~~ In this section, the term “company” shall not
16 include a “natural gas company” (including a “person which will be a natural
17 gas company upon completion of any proposed construction or extension of
18 facilities”), within the meaning of the Natural Gas Act, 15 U.S.C. § 717 et seq.;
19 provided, however, that the term “company” shall include any “natural gas
20 company” to the extent it proposes to construct in Vermont a natural gas

1 facility that is not solely subject to federal jurisdiction under the Natural
2 Gas Act.

3 (C) The Public Service Board shall have the authority to, and may in
4 its discretion, conduct a proceeding, as set forth in subsection (h) of this
5 section, with respect to a natural gas facility proposed to be constructed in
6 Vermont by a “natural gas company” for the purpose of developing an opinion
7 in connection with federal certification or other federal approval proceedings.

8 (4) Procedure and participation.

9 (A) Hearings. With respect to a facility located in the State, the
10 Public Service Board shall hold a nontechnical public hearing on each petition
11 for such finding and certificate in at least one county in which any portion of
12 the construction of the facility is proposed to be located.

13 ~~(B)~~ The ~~Public Service~~ Board shall hold technical hearings at
14 locations which it selects.

15 ~~(C)~~(B) Notice.

16 (i) At the time of filing its application with the Board, copies shall
17 be given by the petitioner to the Attorney General and the Department of
18 Public Service, and, with respect to facilities within the State, the Department
19 of Health, Agency of Natural Resources, ~~historic preservation division~~
20 Division for Historic Preservation, Agency of Transportation, ~~the~~ and Agency
21 of Agriculture, Food and Markets and to the chairperson or director of the

1 municipal and regional planning commissions and the municipal legislative
2 body for each town and city in which the proposed facility will be located. At
3 the time of filing its application with the Board, the petitioner shall give the
4 Byways Advisory Council notice of the filing.

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

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

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

16 (ii) The Agency of Natural Resources shall appear as a party in
17 any proceedings held under this ~~subsection~~ section regarding an in-state
18 facility, shall provide evidence and recommendations concerning any findings
19 to be made under subdivision (b)(5) of this section, and may provide evidence
20 and recommendations concerning any other matters to be determined by the
21 Board in such a proceeding.

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

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

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

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

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

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

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

20 (5) Application fee. On filing an application under this section, an
21 applicant for an in-state facility shall pay a fee for the purpose of compensating

1 the State of Vermont for the direct and indirect costs incurred with respect to
2 the review of the application and the administration of the State programs
3 involved in this review and for the Board’s posting a copy of each transcript of
4 the proceeding online, available for download.

5 (A) The fee shall be \$5.40 for each \$1,000.00 of the first
6 \$15,000,000.00 of construction costs and \$2.50 for each \$1,000.00 of
7 construction costs above \$15,000,000.00. In no event shall the fee exceed
8 \$750,000.00. The Board shall adjust the amounts contained in this subdivision

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

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

18 (C) The Board shall not require a fee for an application under this
19 section for a net metering system, a facility that will pay expenses allocated
20 pursuant to subsection 8005a(l) of this title, or a facility to be undertaken and
21 owned by an agency of the State or a political subdivision of the State.

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

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

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

1 of the same municipality conflict, the Board shall apply its independent
2 judgment to resolve the conflict. In addition:

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

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

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

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

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

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

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

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

17 (iv) In any proceeding involving the application of a regional plan
18 that has been amended under this subdivision (B), the Board shall presume that
19 the regional plan complies with the requirements of subdivision (b)(1)(B)(i) of
20 this section unless there is a clear and convincing demonstration that the

1 regional plan does not meet one or more of those requirements or that there is
2 no rational basis for a challenged provision of the regional plan;

3 * * *

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

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

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

17 * * *

18 (f) ~~However, the:~~ Public engagement plan; notice of intent; preapplication
19 plans.

20 (1) With respect to a proposed in-state electric generation facility with a
21 capacity exceeding 15 MW, at least eight months before filing an application

1 under this section, the petitioner shall submit a public engagement plan to the
2 Public Service Board. The Department of Public Service shall develop and
3 publish guidelines that shall be the basis for each public engagement plan
4 submitted under this subdivision (1). The petitioner shall implement the public
5 engagement plan and its petition to the Board shall identify and respond to the
6 issues raised during the public engagement process conducted under the plan.

7 (2) The petitioner shall submit a notice of intent to construct ~~such a~~
8 ~~facility within the State~~ an in-state facility requiring a certificate of public good
9 under this section to the municipal and regional planning commissions at least
10 six months prior to an application for a certificate of public good under this
11 section. The Board shall specify by rule the content of such a notice of intent,
12 which shall be designed to provide a reasonable description of the facility to be
13 built, its size and location, and related infrastructure to be constructed. A
14 notice of intent under this subdivision (2) shall not be required for a facility
15 that the Board determines to be eligible for treatment under subsection (j)
16 (facilities of limited size and scope) of this section.

17 (3) The petitioner shall submit plans for the construction of such a
18 facility within the state ~~must be submitted by the petitioner~~ State to the
19 municipal and regional planning commissions no less than 45 days prior to
20 application for a certificate of public good under this section, unless the
21 municipal and regional planning commissions shall waive such requirement.

1 Such municipal or regional planning commission may hold a public hearing on
2 the proposed plans. Such commissions ~~shall~~ may make recommendations, ~~if~~
3 ~~any,~~ to the ~~public service board~~ Public Service Board and to the petitioner ~~at~~
4 ~~least seven days prior to filing of the petition~~ within 21 days after the date the
5 petition is filed with the ~~public service board~~ Board.

6 (g) Preapplication plans; transmission line relocation. ~~However,~~
7 ~~notwithstanding the above~~ Notwithstanding subdivision (f)(3) of this section,
8 plans involving the relocation of an existing transmission line within the State
9 ~~must~~ shall be submitted to the municipal and regional planning commissions
10 no less than 21 days prior to application for a certificate of public good under
11 this section.

12 * * *

13 (j) Facilities of limited size and scope.

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

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

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

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

3 (D) the public interest is satisfied by the procedures authorized by
4 this subsection.

5 (2) Any party seeking to proceed under the procedures authorized by
6 this subsection shall file a proposed certificate of public good and proposed
7 findings of fact with its petition. The Board shall give written notice of the
8 proposed certificate to the parties specified in subdivision (a)(4)~~(C)~~(B)(i) of
9 this section, to any public interest organization that has in writing requested
10 notice of applications to proceed under this subsection and to any other person
11 found by the Board to have a substantial interest in the matter. Such notice
12 shall be published on the Board’s website and shall request comment within
13 the Board’s website and shall request comment within 28 days of the initial
14 publication on the question of whether the petition raises a significant issue
15 with respect to the substantive criteria of this section. If the Board finds that
16 the petition raises a significant issue with respect to the substantive criteria of
17 this section, the Board shall hear evidence on any such issue.

18 * * *

19 (k) Waiver.

20 (1) Notwithstanding any other provisions of this section, the Board may
21 waive, for a specified and limited time, the prohibitions contained in this

1 section upon site preparation for or construction of an electric transmission
2 facility or a generation facility necessary to assure the stability or reliability of
3 the electric system or a natural gas facility, pending full review under this
4 section.

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

11 * * *

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

13 § 2805. ENVIRONMENTAL PERMIT FUND

14 (a) There is ~~hereby~~ established a special fund to be known as the
15 Environmental Permit Fund. Within the ~~fund~~ Fund, there shall be two
16 accounts: the Environmental Permit Account and the Air Pollution Control
17 Account. Unless otherwise specified, fees collected in accordance with
18 subsections 2822(i) and (j) of this title, and 10 V.S.A. § 2625 and gifts and
19 appropriations shall be deposited in the Environmental Permit Account. Fees
20 transferred in accordance with 30 V.S.A. § 248(a) shall be deposited in the
21 Environmental Permit Account. Fees collected in accordance with subsections

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

14 * * *

15 Sec. 4. 24 V.S.A. § 4348a is amended to read:

16 § 4348a. ELEMENTS OF A REGIONAL PLAN

17 (a) A regional plan shall be consistent with the goals established in section
18 4302 of this title and shall include ~~but need not be limited to~~ the following:

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

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

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

9 (B) indicating locations proposed for developments with a potential
10 for regional impact, as determined by the regional planning commission,
11 including flood control projects, surface water supply projects, industrial parks,
12 office parks, shopping centers and shopping malls, airports, tourist attractions,
13 recreational facilities, private schools, public or private colleges, and
14 residential developments or subdivisions;

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

19 (D) indicating those areas that have the potential to sustain
20 agriculture and recommendations for maintaining them which may include

1 transfer of development rights, acquisition of development rights, or farmer
2 assistance programs;

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

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

16 * * *

17 (5) A utility and facility element, consisting of a map and statement of
18 present and prospective local and regional community facilities and public
19 utilities, whether publicly or privately owned, showing existing and proposed
20 educational, recreational and other public sites, buildings, and facilities,
21 including public schools, ~~state~~ State office buildings, hospitals, libraries, power

1 generating plants and transmission lines, wireless telecommunications facilities
2 and ancillary improvements, water supply, sewage disposal, refuse disposal,
3 storm drainage, and other similar facilities and activities, and recommendations
4 to meet future needs for those facilities, with indications of priority of need;

5 * * *

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

10 Sec. 5. 30 V.S.A. § 246 is amended to read:

11 § 246. TEMPORARY SITING OF METEOROLOGICAL STATIONS

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

15 (b) The Public Service Board shall establish by rule or order standards and
16 procedures governing application for, and issuance or revocation of, a
17 certificate of public good for the temporary installation of one or more
18 meteorological stations under the provisions of section 248 of this title. A
19 meteorological station shall be deemed to promote the public good of the State
20 if it is in compliance with the criteria of this section and the Board rules or
21 orders. An applicant for a certificate of public good for a meteorological

1 station shall be exempt from the requirements of subsection 202(f) of this title.

2 Subdivision 248(a)(4)(C) (participation) of this title shall govern participation
3 in proceedings under this section.

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

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

11 (2) Shall require that if no objections are filed within 30 days of the
12 Board's receipt of a complete application and the Board determines that the
13 applicant has met all of the requirements of section 248 of this title, the
14 certificate of public good shall be issued for a period that the Board finds
15 reasonable, but in no event for more than five years. Upon request of an
16 applicant, the Board may renew a certificate of public good. Upon expiration
17 of the certificate, the meteorological station and all associated structures and
18 material shall be removed, and the site shall be restored substantially to its
19 preconstruction condition.

20 (3) May waive the requirements of section 248 of this title that are not
21 applicable to meteorological stations, including criteria that are generally

1 applicable to public service companies as defined in this title. The Board shall
2 not waive review regarding whether construction will have an undue adverse
3 effect on esthetics, historic sites, air and water purity, the natural environment,
4 and the public health and safety.

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

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

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

20 Sec. 6. 30 V.S.A. § 20 is amended to read:

21 § 20. PARTICULAR PROCEEDINGS; PERSONNEL

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

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

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

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

13 * * *

14 (2) The Agency of Natural Resources may authorize or retain legal
15 counsel, official stenographers, expert witnesses, advisors, temporary
16 employees, other research, scientific, or engineering services to:

17 (A) assist the Agency of Natural Resources in any proceeding under
18 section 246 or 248 of this title;

19 (B) monitor compliance with an order issued under section 246 or
20 248 of this title;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

* * *

(b) Proceedings, including appeals therefrom, for which additional personnel may be retained are:

* * *

(4) hearings resulting from a petition for a certificate of public good;

* * *

Sec. 7. STATUTORY REVISION

In its statutory revision capacity under 2 V.S.A. § 424, the Office of Legislative Council shall:

(1) insert an internal caption in each subsection of 30 V.S.A. § 248 not amended by Sec. 1 of this act that reflects the subsection’s subject matter; and

(2) replace the phrase “the effective date of this subdivision” where it appears in Sec. 2, 30 V.S.A. § 248(b)(1)(B)(i), with the actual effective date of Sec. 2.

Sec. 8. EFFECTIVE DATE; ADOPTION OF FORMS

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

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

1

2 (Committee vote: _____)

3

4

Senator [surname]

5

FOR THE COMMITTEE