

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. 30 V.S.A. § 248 is amended to read:

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

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

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

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

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

19 (ii) for a period exceeding ten years, that represents more than ten  
20 percent of its historic peak demand, if the purchase is from a plant as defined

1 in subdivision 8002(14) of this title that produces electricity from renewable  
2 energy as defined under subdivision 8002(17); or

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

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

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

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

20 (3) Natural gas facilities. No company, as defined in section 201 of this  
21 title, and no person, as defined in 10 V.S.A. § 6001(14), may in any way begin

1 site preparation for or commence construction of any natural gas facility,  
2 except for the replacement of existing facilities with equivalent facilities in the  
3 usual course of business, unless the Public Service Board first finds that the  
4 same will promote the general good of the State and issues a certificate to that  
5 effect pursuant to this section.

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

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

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

6           (4) Procedure and participation.

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

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

13           ~~(C)~~(B) Notice.

14           (i) At the time of filing its application with the Board, copies shall  
15 be given by the petitioner to the Attorney General and the Department of  
16 Public Service, and, with respect to facilities within the State, the Department  
17 of Health, Agency of Natural Resources, ~~historic preservation division~~  
18 Division for Historic Preservation, Agency of Transportation, ~~the~~ and Agency  
19 of Agriculture, Food and Markets and to the chairperson or director of the  
20 municipal and regional planning commissions and the municipal legislative  
21 body for each town and city in which the proposed facility will be located. At

1 the time of filing its application with the Board, the petitioner shall give the  
2 Byways Advisory Council notice of the filing.

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

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

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

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

20 (iii) With respect to an application under this section for an  
21 in-state facility, the Board shall allow as a party any adjoining property owner

1 or other person who demonstrates that the person has a particularized interest  
2 protected under this section and there is a reasonable possibility that the  
3 interest may be affected by an act or decision of the Board on the application.

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

6 (v) The Board may allow a person to participate as a friend of the  
7 Board without being accorded party status. Participation may be limited to one  
8 or more of the following: providing testimony or other evidence; engaging in  
9 cross-examination; or the filing of legal memoranda, proposed findings of fact  
10 and conclusions of law, or argument on legal issues. **Legal memoranda and**

11 **proposed findings of fact and conclusions of law submitted by a friend of**  
12 **the Board shall be part of the record of the proceeding. [Requested by**

13 **VCE]** A motion to participate as a friend of the Board shall identify the  
14 interest of the requestor and the desired scope of participation and shall state  
15 the reasons why the participation of the requestor will be beneficial to the

16 Board. The Board may allow a person to participate as a friend of the Board  
17 on its own motion. Unless the Board orders otherwise, all friends of the Board

18 shall submit their filings within the times allowed the parties. **A friend of the**  
19 **Board shall not be subject to discovery except to the extent that the friend**

20 **of the Board provides testimony or other evidence. [Requested by VCE]**

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 making transcripts of the proceedings**  
4 **available to the public.** [Requested by VCE]

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~~ \$2,000,000.00. [Requested by VCE] The Board shall adjust the  
9 amounts contained in this subdivision (A) annually commencing in 2015 for  
10 inflation since January 1, 2014 using the Consumer Price Index for all urban  
11 consumers, designated as “CPI-U,” in the northeast region, as published by the  
12 U.S. Department of Labor, Bureau of 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(1) 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, ~~or a~~

1 ~~facility to be undertaken and owned by a Vermont retail electricity~~  
2 ~~provider as defined in section 8002 of this title or by a natural gas~~  
3 ~~distribution company subject to jurisdiction under section 203 of this title.~~

4 [Requested by VCE]

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

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

15 (1) with respect to an in-state facility, will not unduly interfere with the  
16 orderly development of the region with ~~due consideration~~ substantial deference  
17 having been given to the recommendations of the municipal and regional  
18 planning commissions, the recommendations of the municipal legislative  
19 bodies, and the land conservation measures contained in the plan of any  
20 affected municipality. In this subdivision (1), “substantial deference” means  
21 that a recommendation or land conservation measure shall be applied in

1 accordance with its terms unless there is a clear and convincing demonstration  
2 that other factors affecting the general good of the State outweigh application  
3 of the recommendation or measure. However, **if a recommendation of a**  
4 **municipal legislative body and a recommendation of the planning**  
5 **commission of the same municipality conflict, the Board shall apply its**  
6 **independent judgment to resolve the conflict.** *[Requested by Natural*

7 *Resources committee]* **In addition:**

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

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

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

4                   (I) identify the areas within the region that are suitable and are  
5                   not suitable for siting electric generation facilities;

6                   (II) analyze the options available to the region and recommend  
7                   the actions and measures that the region should undertake in order to  
8                   contribute to meeting the goals of 10 V.S.A. §§ 578 (greenhouse gas  
9                   reduction), 580 (25 by 25), and 581 (building efficiency) and the goals and  
10                  policies of sections 202a (state energy policy), 8001 (renewable energy), and  
11                  8005 (SPEED; total renewables targets) of this title; and

12                  (III) state the basis for each provision that is specific to electric  
13                  generation facilities.

14                  (ii) 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                  (iii) 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  
5 effect on esthetics, historic sites, air and water purity, the natural environment,  
6 the 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:~~ Notice of intent; preapplication plans.

19 (1) The petitioner shall submit a notice of intent to construct such a  
20 facility within the State to the municipal and regional planning  
21 commissions at least six months prior to an application for a certificate of

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

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

18 (g) Preapplication plans; transmission line relocation. However,  
19 ~~notwithstanding the above~~ Notwithstanding subdivision (f)(2) of this section,  
20 plans involving the relocation of an existing transmission line within the State  
21 ~~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.

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Sec. 2. 3 V.S.A. § 2805 is amended to read:

§ 2805. ENVIRONMENTAL PERMIT FUND

(a) There is ~~hereby~~ established a special fund to be known as the Environmental Permit Fund. Within the ~~fund~~ Fund, there shall be two accounts: the Environmental Permit Account and the Air Pollution Control Account. Unless otherwise specified, fees collected in accordance with subsections 2822(i) and (j) of this title, and 10 V.S.A. § 2625 and gifts and appropriations shall be deposited in the Environmental Permit Account. Fees transferred in accordance with 30 V.S.A. § 248(a) shall be deposited in the Environmental Permit Account. Fees collected in accordance with subsections 2822(j)(1), (k), (l), and (m) of this title shall be deposited in the ~~air pollution control account~~ Air Pollution Control Account. The Environmental Permit Fund shall be used to implement the programs specified under section 2822 of this title. The Secretary of Natural Resources shall be responsible for the Fund and shall account for the revenues and expenditures of the Agency of ~~Natural Resources~~. The Environmental Permit Fund shall be subject to the provisions of 32 V.S.A. chapter 7, subchapter 5. The Environmental Permit Fund shall be used to cover a portion of the costs of administering the Environmental Division established under 4 V.S.A. chapter 27. The amount of \$143,000.00 per fiscal year shall be disbursed for this purpose. Fees transferred in

1 accordance with 30 V.S.A. § 248(a) shall be used first to support the Agency's  
2 participation in proceedings under 30 V.S.A. § 248 and next for the other  
3 purposes authorized in this section.

4 \* \* \*

5 Sec. 3. 24 V.S.A. § 4348a is amended to read:

6 § 4348a. ELEMENTS OF A REGIONAL PLAN

7 (a) A regional plan shall be consistent with the goals established in section  
8 4302 of this title and shall include ~~but need not be limited to~~ the following:

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

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

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

20 (B) indicating locations proposed for developments with a potential  
21 for regional impact, as determined by the regional planning commission,

1 including flood control projects, surface water supply projects, industrial parks,  
2 office parks, shopping centers and shopping malls, airports, tourist attractions,  
3 recreational facilities, private schools, public or private colleges, and  
4 residential developments or subdivisions;

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

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

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

15 (3) An energy element, which may include an analysis of energy  
16 resources, needs, scarcities, costs, and problems within the region; a statement  
17 of policy on the conservation of energy and the development of renewable  
18 energy resources, ~~and~~; a statement of policy on patterns and densities of land  
19 use and control devices likely to result in conservation of energy; and an  
20 analysis of the options available to the region and recommendations of the  
21 actions and measures that the region should undertake in order to contribute to

1 meeting the goals of 10 V.S.A. §§ 578 (greenhouse gas reduction), 580 (25 by  
2 25), and 581 (building efficiency) and the goals and policies of 30 V.S.A.  
3 §§ 202a (State energy policy), 8001 (renewable energy), and 8005 (SPEED;  
4 total renewables targets);

5 \* \* \*

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

15 \* \* \*

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

1       **Sec. 4. REPEALS**

2               **30 V.S.A. §§ 202(f) (consistency with electrical energy plan) and**  
3       **248(b)(7) (consistency with electric energy plan) are repealed.** *[Related to*  
4       *request by Sen. Galbraith set out immediately below]*

5       **Sec. 5. 30 V.S.A. § 202b(e) is added to read:**

6               **(e) The Comprehensive Energy Plan shall not serve as a basis for**  
7       **decision-making unless and until it is approved by act of the General**  
8       **Assembly.** *[Requested by Sen. Galbraith]*

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

10       § 246. TEMPORARY SITING OF METEOROLOGICAL STATIONS

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

14           (b) The Public Service Board shall establish by rule or order standards and  
15       procedures governing application for, and issuance or revocation of, a  
16       certificate of public good for the temporary installation of one or more  
17       meteorological stations under the provisions of section 248 of this title. A  
18       meteorological station shall be deemed to promote the public good of the State  
19       if it is in compliance with the criteria of this section and the Board rules or  
20       orders. An applicant for a certificate of public good for a meteorological  
21       station shall be exempt from the requirements of subsection 202(f) of this title.

1 **Subdivision 248(a)(4)(C) (participation) of this title shall govern**  
2 **participation in proceedings under this section.** *[Requested by VCE]*

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

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

10 *[Related to above request by VCE]*

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**  
10 **incurred with respect to the review of the application and the**  
11 **administration of the State programs involved in this review. This fee**  
12 **shall be \$20,000.00 or the amount calculated in accordance with the**  
13 **requirements for an application fee under subsection 248(a) of this title,**  
14 **whichever is greater. The fee shall be deposited and allocated in the same**  
15 **manner as the application fee under subsection 248(a) of this title.**

16 **[Requested by Sen. Rodgers]**

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

1       Sec. 7. STATUTORY REVISION

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

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

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

9       Sec. 8. EFFECTIVE DATE; ADOPTION OF FORMS

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

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

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17       (Committee vote: \_\_\_\_\_)

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Senator [surname]

FOR THE COMMITTEE