

1 S.292

2 Introduced by Senator Hartwell

3 Referred to Committee on

4 Date:

5 Subject: Energy; natural resources; land use; public service; electric generation

6 and transmission; natural gas facilities; greenhouse gas emissions;

7 transmission capacity; land subject to Act 250

8 Statement of purpose of bill as introduced: This bill proposes to amend the  
9 Public Service Board's siting review process to require that energy facilities  
10 demonstrate that they will not result in a net increase in greenhouse gas  
11 emissions and that electric generation facilities demonstrate that they are  
12 designed to minimize curtailment of their expected generation and include  
13 sufficient transmission facilities for that generation. It also proposes to require  
14 that an energy facility to be sited on land subject to an Act 250 permit must  
15 comply with the terms of that permit or obtain an amendment to it.

16 An act relating to siting of energy facilities

17 It is hereby enacted by the General Assembly of the State of Vermont:

1 Sec. 1. 30 V.S.A. § 248 is amended to read:

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

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

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

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

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

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

17 (B) invest in an electric generation or transmission facility located  
18 outside this ~~state~~ State 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 (2) In-state electric generation and transmission facilities. Except for  
21 the replacement of existing facilities with equivalent facilities in the usual

1 course of business, and except for electric generation facilities that are  
2 operated solely for on-site electricity consumption by the owner of those  
3 facilities:

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

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

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

20 (A) ~~For the purposes of~~ In this section, the term “natural gas facility”  
21 shall mean any natural gas transmission line, storage facility, manufactured-gas

1 facility, or other structure incident to any of the above. ~~For purposes of~~ In this  
2 section, a “natural gas transmission line” shall include any feeder main or any  
3 pipeline facility constructed to deliver natural gas in Vermont directly from a  
4 natural gas pipeline facility that has been certified pursuant to the Natural Gas  
5 Act, 15 U.S.C. § 717 et seq.

6 (B) ~~For the purposes of~~ In this section, the term “company” shall not  
7 include a “natural gas company” (including a “person which will be a natural  
8 gas company upon completion of any proposed construction or extension of  
9 facilities”), within the meaning of the Natural Gas Act, 15 U.S.C. § 717 et seq.;

10 provided, however, that the term “company” shall include any “natural gas  
11 company” to the extent it proposes to construct in Vermont a natural gas  
12 facility that is not solely subject to federal jurisdiction under the Natural  
13 Gas Act.

14 \* \* \*

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

18 \* \* \*

19 (5) with respect to an in-state facility;

20 (A) will not result in a net increase in greenhouse gas emissions;





1 business, if the withdrawal requires a permit under section 1418 of this title or  
2 is by a bottled water facility regulated under chapter 56 of this title.

3 (xi) The construction of improvements for a facility located within  
4 the State for which a certificate of public good is required under 30 V.S.A.  
5 § 248, if the improvements will be located on a tract or tracts of land that are  
6 subject to a permit issued under this chapter and the improvements would  
7 constitute a material change to the permitted project under the rules of the  
8 Board.

9 \* \* \*

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

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

13 (ii) The construction of improvements for an electric generation or  
14 transmission facility that requires a certificate of public good under 30 V.S.A.  
15 § 248, or for a natural gas facility as defined in 30 V.S.A. § 248(a)(3), unless  
16 the provisions of subdivision (3)(C)(xi) of this section apply, or for a  
17 telecommunications facility issued a certificate of public good under 30 V.S.A.  
18 § 248a.

19 \* \* \*

1       Sec. 3. STATUTORY REVISION

2           In its statutory revision capacity under 2 V.S.A. § 424, the Office of  
3       Legislative Council shall insert an internal caption in each subsection of  
4       30 V.S.A. § 248 not amended by Sec. 1 of this act that reflects the subsection's  
5       subject matter.

6       Sec. 4. EFFECTIVE DATE

7           This act shall take effect on July 1, 2014.