

1 TO THE HONORABLE SENATE:

2 The Committee on Natural Resources and Energy to which was referred
3 Senate Bill No. 292 entitled “An act relating to siting of energy facilities”
4 respectfully reports that it has considered the same and recommends that the
5 bill be amended by striking out all after the enacting clause and inserting in
6 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.

21 * * *

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

4 * * *

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

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

7 ~~(B) if the facility is to be sited on land subject to a permit issued~~
8 ~~under 10 V.S.A. chapter 151, is allowed by and will comply with the terms~~
9 ~~and conditions of that permit or has obtained a permit amendment under~~
10 ~~that chapter authorizing the facility; and~~

11 ~~(C) will not have an undue adverse effect on esthetics, historic~~
12 ~~sites, air and water purity, the natural environment, the use of natural~~
13 ~~resources, and the public health and safety, with due consideration having~~
14 ~~been given to the criteria specified in 10 V.S.A. §§ 1424a(d) and 6086(a)(1)~~
15 ~~through (8) and (9)(K) and greenhouse gas impacts;~~

16 *[Amendments to subdivision (b)(5) to be removed; substance addressed below]*

17 (10) except as to a natural gas facility that is not part of or incidental to
18 an electric generating facility;

19 (A) can be served economically by existing or planned transmission
20 facilities without undue adverse effect on Vermont utilities or customers; and

1 **public good under this section for an in-state facility to provide a full**
2 **accounting of the emissions avoided by and related to the facility.** *[Based*
3 *on committee discussion and a request from VCE.]*

4 **(s) The Board shall not issue a certificate of public good under this**
5 **section for an in-state facility to be sited on land subject to a permit issued**
6 **under 10 V.S.A. chapter 151 unless one of the following applies:**

7 **(1) The facility is for the purpose of system reliability.**

8 **(2) The facility is allowed by and will comply with the terms and**
9 **conditions of that permit or the applicant has obtained a permit**
10 **amendment under that chapter authorizing the facility.** *[Based on*
11 *committee discussion.]*

12 Sec. 2. 10 V.S.A. § 6001 is amended to read:

13 § 6001. DEFINITIONS

14 In this chapter:

15 * * *

16 (3)(A) “Development” means each of the following:

17 * * *

18 (ix) ~~any~~ Any support structure proposed for construction, which is
19 primarily for communication or broadcast purposes and which will extend
20 vertically 20 feet or more above the highest point of an attached existing
21 structure or 50 feet or more above ground level in the case of a proposed new

1 support structure, in order to transmit or receive communication signals for
2 commercial, industrial, municipal, county, or state purposes, independently of
3 the acreage involved.

4 * * *

5 (II) The criteria and procedures for obtaining a permit for a
6 development under this subdivision (ix) shall be the same as for any other
7 development;

8 (x) ~~any~~ Any withdrawal of more than 340,000 gallons of
9 groundwater per day from any well or spring on a single tract of land or at a
10 place of business, independently of the acreage of the tract of land or place of
11 business, if the withdrawal requires a permit under section 1418 of this title or
12 is by a bottled water facility regulated under chapter 56 of this title.

13 (xi) The construction of improvements for a facility located within the
14 State for which a certificate of public good is required under 30 V.S.A. § 248,
15 if the improvements are for a purpose other than system reliability and will
16 be located on a tract or tracts of land that are subject to a permit issued under
17 this chapter and the improvements would constitute a material change to the
18 permitted project under the rules of the Board. [Based on committee
19 discussion.]

20 * * *

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

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

4 (ii) The construction of improvements for an electric generation or
5 transmission facility that requires a certificate of public good under 30 V.S.A.
6 § 248; or for a natural gas facility as defined in 30 V.S.A. § 248(a)(3), unless
7 the provisions of subdivision (3)(C)(xi) of this section apply, or for a
8 telecommunications facility issued a certificate of public good under 30 V.S.A.
9 § 248a.

10 * * *

11 Sec. 3. STATUTORY REVISION

12 In its statutory revision capacity under 2 V.S.A. § 424, the Office of
13 Legislative Council shall insert an internal caption in each subsection of
14 30 V.S.A. § 248 not amended by Sec. 1 of this act that reflects the subsection’s
15 subject matter.

16 Sec. 4. EFFECTIVE DATE

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

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1

2 (Committee vote: _____)

3

4

Senator [surname]

5

FOR THE COMMITTEE