



**Senate Finance
VLCT Testimony
S. 201
March 11, 2014**

Thank you for the opportunity to testify on S. 201.

We strongly support S. 201 as it was voted out of the Senate Natural Resources Committee.

Over the last several years we have heard from local officials who are very concerned that their recommendations and determinations made at the local level are not addressed in the Public Service Board Certificate of Public Good process. Attached please find a list of towns that was submitted to the House Natural Resources Committee last January.

Land use planning and regulation is historically the purview of local governments and regional commissions. Chapter 117 of Title 24, the planning statutes, requires regional and municipal plans to include:

✦ ***“an energy [element/plan], which may include an analysis of energy resources, needs, scarcities, costs, and problems within the [region/municipality], a statement of policy on the conservation of energy and the development of renewable energy resources, and a statement of policy on patterns and densities of land use and control devices likely to result in conservation of energy.”*** (24 VSA§ 4348a (a)(3) for regions and 4382 (a)(9) for municipalities);

✦ ***“a utility and facility plan, consisting of a map and statement of present and prospective local and regional community facilities and public utilities, whether publicly or privately owned, showing existing and proposed educational, recreational and other public sites, buildings and facilities, including...power generating plants and transmission lines... and recommendations to meet future needs for those facilities, with indications of priority of need”*** (24 VSA § 4348a(a)5 for regions and 4382 (a) (4) for municipalities);

✦ ***“an economic development element that describes present economic conditions and the location, type, and scale of desired economic development, and identifies***

policies, projects, and programs necessary to foster economic growth”. (24 VSA § 4348a (a) (10) for regions and 4382 (a) (11) for municipalities).

The energy plan component of the municipal plan was added to statute in 1979 (24 VSA § 4382 (a) (9))

We support the proposed language of S. 201, which would amend 30 VSA § 248 (b) to require that “substantial deference” be given to the recommendations of the municipal and regional planning commissions, the recommendations of the municipal legislative bodies, and the land conservation measures contained in the plan of any affected municipality (page 11 of the bill as voted out of Senate Natural Resources). We likewise support the definition of substantial deference in the bill. This change would require the PSB to recognize and address the substantial work that regions and municipalities put into the development of their plans every five years to address changing circumstances.

The VLCT Municipal Policy adopted at our annual meeting in October, states,

4.06 D. In the Certificate of Public Good process, the PSB should give “substantial consideration” to municipal concerns and determinations by holding hearings in any municipality potentially affected by a proposed project. The PSB should include all local decisions concerning the project within the PSB docket, formulate areas of inquiry based on concerns raised in the local hearing process, and require any decision to address local concerns raised in local determinations and adopted municipal plans.

We also support the language providing for “friends of the Board” and language that requires the Board to admit as parties the chairs of municipal planning commissions and municipal legislative bodies as well as directors or chairs of regional commissions.

We were surprised to discover that application fees are not required for Certificates of Public Good. We cannot assess whether or not the fees in the bill are appropriate. We do believe that if funds were made available to municipalities from this revenue source for developing the energy component of a municipal plan, those funds would be put to very good use.

Thank you for the opportunity to testify.

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