

1 **bold = modified since drafts of S.201/S.292 last reviewed with committee**

2 **highlight = copied in from S.292 as requested by Sen. Hartwell**

3 TO THE HONORABLE SENATE:

4 The Committee on Natural Resources and Energy to which was referred  
5 Senate Bill No. 201 entitled “An act relating to siting review by the Public  
6 Service Board” respectfully reports that it has considered the same and  
7 recommends that the bill be amended by striking out all after the enacting  
8 clause and inserting in lieu thereof the following:

9 Sec. 1. PURPOSE

10 The purposes of this act **are include:**

11 (1) to encourage regional planning to meet statutory policies and goals  
12 to reduce greenhouse gas emissions, increase energy efficiency, and develop  
13 renewable electric generation in an orderly fashion and to allow each region to  
14 support these policies and goals in a manner that suits the region and preserves  
15 and promotes its natural resources;

16 (2) to strengthen the role of regional planning commissions and  
17 local selectboards and planning commissions in the siting review process  
18 for energy facilities by giving greater weight to their recommendations  
19 and plans;

20 (3) to provide an option under which a regional planning  
21 commission may amend its plan to meet statutory energy policies and

1 **goals so that, in the siting review process, electric generation facilities will**  
2 **be required to conform to the regional plan;**

3 **(4) to direct that, if a regional planning commission elects this**  
4 **option, the regional commission shall recommend the actions and**  
5 **measures that the region should take to meet:**

6 **(A) the goals of 10 V.S.A. § 578 to reduce greenhouse gas**  
7 **emissions from Vermont energy consumption from the 1990 baseline by**  
8 **50 percent by January 1, 2028 and by 75 percent by January 1, 2050;**

9 **(B) the goal of 10 V.S.A § 580 to produce 25 percent of the energy**  
10 **consumed in the State through use of renewable energy resources,**  
11 **particularly from Vermont’s farms and forests;**

12 **(C) the building efficiency goals of 10 V.S.A. § 581, including**  
13 **improving the energy fitness of at least 20 percent of the State’s housing**  
14 **stock by 2017 and 25 percent of the State’s housing stock by 2020 and**  
15 **reducing Vermont’s fossil fuel energy consumption at a rate of six percent**  
16 **annually by 2017 and 10 percent annually by 2025;**

17 **(D) the State energy policy set forth at 30 V.S.A. § 202a,**  
18 **including the promotion of energy efficiency and conservation, the wise**  
19 **use of renewable resources, and environmentally sound energy supply;**

20 **(E) the goals of 30 V.S.A. § 8001, including supporting**  
21 **development of renewable energy that uses natural resources efficiently,**

1 **produces jobs and economic benefits for the State, and displaces fossil**  
2 **fuels; and**

3 **(F) the goals and total renewables targets of 30 V.S.A. § 8005,**  
4 **including assuring that 20 percent of the State’s total statewide electric**  
5 **retail sales in 2017 be from new renewable energy and that, in that same**  
6 **year, 55 percent of each utility’s retail sales be from renewable energy,**  
7 **whether new or existing, rising to 75 percent by 2032;**

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

13 **(6) to encourage public engagement and participation in energy siting**  
14 **before and during the siting review process and to reduce the barriers to and**  
15 **burdens of public participation in that process.**

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

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

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

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

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

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

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

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

14 (2) In-state electric generation and transmission facilities. Except for  
15 the replacement of existing facilities with equivalent facilities in the usual  
16 course of business, and except for electric generation facilities that are  
17 operated solely for on-site electricity consumption by the owner of those  
18 facilities:

19 (A) no company, as defined in section 201 of this title, and no person,  
20 as defined in 10 V.S.A. § 6001(14), may begin site preparation for or  
21 construction of an electric generation facility or electric transmission facility

1 within the ~~state~~ State which is designed for immediate or eventual operation at  
2 any voltage; and

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

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

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

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

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

14           (4) Procedure and participation.

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

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

1           ~~(E)~~(B) Notice.

2           (i) At the time of filing its application with the Board, copies shall  
3 be given by the petitioner to the Attorney General and the Department of  
4 Public Service, and, with respect to facilities within the State, the Department  
5 of Health, Agency of Natural Resources, ~~historic preservation division~~  
6 Division for Historic Preservation, Agency of Transportation, ~~the~~ and Agency  
7 of Agriculture, Food and Markets and to the chairperson or director of the  
8 municipal and regional planning commissions and the municipal legislative  
9 body for each town and city in which the proposed facility will be located. At  
10 the time of filing its application with the Board, the petitioner shall give the  
11 Byways Advisory Council notice of the filing.

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

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

19           (i) Each person identified in subdivision (B)(i) of this subdivision  
20 (a)(4) as being entitled to receive a copy or notice of the application at the time

1 of filing shall have the right to appear as a party to the proceeding on the  
2 application.

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

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

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

16 (v) The Board may allow a person to participate as a friend of the  
17 Board without being accorded party status. Participation may be limited to one  
18 or more of the following: providing testimony or other evidence; engaging in  
19 cross-examination; or the filing of legal memoranda, proposed findings of fact  
20 and conclusions of law, or argument on legal issues. A motion to participate as  
21 a friend of the Board shall identify the interest of the requestor and the desired



1 scope of participation and shall state the reasons why the participation of the  
2 requestor will be beneficial to the Board. The Board may allow a person to  
3 participate as a friend of the Board on its own motion. Unless the Board orders  
4 otherwise, all friends of the Board shall submit their filings within the times  
5 allowed the parties. A friend of the Board shall not be subject to discovery  
6 except to the extent that the friend of the Board provides testimony or other  
7 evidence.

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

11 (vii) The Board shall limit discovery to that which is necessary for  
12 a full and fair determination of the proceeding. In determining the allowed  
13 discovery, the Board shall consider the relative resources of the parties and  
14 friends of the Board and the need for disclosure by the applicant of relevant  
15 information.

16 (D) Postcertification review. The Board may employ  
17 postcertification review for an in-state electric transmission or natural gas  
18 facility and shall not employ postcertification review for an in-state electric  
19 generation facility. In this subdivision (D), “postcertification review” means a  
20 procedure under which a certificate of public good is conditioned on  
21 subsequent submission and consideration of other approvals issued for a

1 facility or of specific details or designs of a facility prior to its construction,  
2 and does not include an application for an amendment to a certificate of public  
3 good that is a new application under this section.

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

6 (5) Application fee. On filing an application under this section, an  
7 applicant for an in-state facility shall pay a fee for the purpose of compensating  
8 the State of Vermont for the direct and indirect costs incurred with respect to  
9 the review of the application and the administration of the State programs  
10 involved in this review and for the Board’s posting a copy of each transcript of  
11 the proceeding online, available for download.

12 (A) The fee shall be \$5.40 for each \$1,000.00 of the first  
13 \$15,000,000.00 of construction costs and \$2.50 for each \$1,000.00 of  
14 construction costs above \$15,000,000.00. In no event shall the fee exceed  
15 \$750,000.00. The Board shall adjust the amounts contained in this subdivision

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

20 (B) Eighty percent of the fee shall be deposited into the special fund  
21 described in section 22 of this title and allocated between the Board and the

1 Department of Public Service in accordance with that section. Twenty percent  
2 of the fee shall be deposited into the Environmental Permit Fund under  
3 3 V.S.A. § 2805.

4 (C) The Board shall not require a fee for an application under this  
5 section for a net metering system, a facility that will pay expenses allocated  
6 pursuant to subsection 8005a(1) of this title, or a facility to be undertaken and  
7 owned by an agency of the State or a political subdivision of the State.

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

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 (1) with respect to an in-state facility, will not unduly interfere with the  
19 orderly development of the region with ~~due consideration~~ substantial deference  
20 having been given to the recommendations of the municipal and regional  
21 planning commissions, the recommendations of the municipal legislative

1 bodies, and the land conservation measures contained in the plan of any  
2 affected municipality. In this subdivision (1), “substantial deference” means  
3 that a recommendation or land conservation measure shall be applied in  
4 accordance with its terms unless there is a clear and convincing demonstration  
5 that other factors affecting the general good of the State outweigh application  
6 of the recommendation or measure. However, if a recommendation of a  
7 municipal legislative body and a recommendation of the planning commission  
8 of the same municipality conflict, the Board shall apply its independent  
9 judgment to resolve the conflict. In addition:

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

18 (B) with respect to an electric generation facility subject to Board  
19 review, the facility shall conform with any provisions of the regional plan that  
20 are specific to electric generation facilities if the regional plan meets the  
21 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) state the basis for each provision that is specific to electric  
5                               generation facilities;

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

8                               (III) analyze the options available to the region and recommend  
9                               the actions and measures that the region should undertake in order to  
10                              contribute to meeting the goals of 10 V.S.A. §§ 578 (greenhouse gas  
11                              reduction), 580 (25 by 25), and 581 (building efficiency) and the goals and  
12                              policies of sections 202a (state energy policy), 8001 (renewable energy), and  
13                              8005 (SPEED; total renewables targets) of this title.

14                              (ii) In amending a regional plan under this subdivision (B), the  
15                              regional planning commission shall consider the State Electrical Energy and  
16                              Comprehensive Energy Plans issued under sections 202 and 202b of this title  
17                              and use data, information, and digital resources available from the State and  
18                              other sources, including resources that may assist the regional planning  
19                              commission to identify areas that are likely candidates to site particular  
20                              categories of generation technologies.

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

4                   (iv) In any proceeding involving the application of a regional plan  
5                   that has been amended under this subdivision (B), the Board shall presume that  
6                   the regional plan complies with the requirements of subdivision (b)(1)(B)(i) of  
7                   this section unless there is a clear and convincing demonstration that the  
8                   regional plan does not meet one or more of those requirements or that there is  
9                   no rational basis for a challenged provision of the regional plan;

10                                 \* \* \*

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

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

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

4                    \* \* \*

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

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

9                    (B) as to an in-state electric generation facility, is designed to  
10                    minimize curtailment of the facility's expected generation and includes any  
11                    transmission facilities needed to place the facility's expected generation on the  
12                    regional transmission system without causing congestion;

13                    \* \* \*

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

16                    (1) With respect to a proposed in-state electric generation facility with a  
17                    capacity exceeding 15 MW, at least eight months before filing an application  
18                    under this section, the petitioner shall submit a public engagement plan to the  
19                    Public Service Board. The Department of Public Service shall develop and  
20                    publish guidelines that shall be the basis for each public engagement plan  
21                    submitted under this subdivision (1). The petitioner shall implement the public

1 engagement plan and its petition to the Board shall identify and respond to the  
2 issues raised during the public engagement process conducted under the plan.

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

13 (3) The petitioner shall submit plans for the construction of such a  
14 facility within the state ~~must be submitted by the petitioner~~ State to the  
15 municipal and regional planning commissions no less than 45 days prior to  
16 application for a certificate of public good under this section, unless the  
17 municipal and regional planning commissions shall waive such requirement.  
18 Such municipal or regional planning commission may hold a public hearing on  
19 the proposed plans. Such commissions ~~shall~~ may make recommendations, ~~if~~  
20 ~~any,~~ to the ~~public service board~~ Public Service Board and to the petitioner ~~at~~



1 ~~least seven days prior to filing of the petition~~ within 21 days after the date the  
2 petition is filed with the ~~public service board~~ Board.

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

9 \* \* \*

10 (j) Facilities of limited size and scope.

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

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

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

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

20 (D) the public interest is satisfied by the procedures authorized by  
21 this subsection.

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

14   \* \* \*

15           (k) Waiver.

16           (1) Notwithstanding any other provisions of this section, the Board may  
17 waive, for a specified and limited time, the prohibitions contained in this  
18 section upon site preparation for or construction of an electric transmission  
19 facility or a generation facility necessary to assure the stability or reliability of  
20 the electric system or a natural gas facility, pending full review under this  
21 section.



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

2 § 2805. ENVIRONMENTAL PERMIT FUND

3 (a) There is ~~hereby~~ established a special fund to be known as the  
4 Environmental Permit Fund. Within the ~~fund~~ Fund, there shall be two  
5 accounts: the Environmental Permit Account and the Air Pollution Control  
6 Account. Unless otherwise specified, fees collected in accordance with  
7 subsections 2822(i) and (j) of this title, and 10 V.S.A. § 2625 and gifts and  
8 appropriations shall be deposited in the Environmental Permit Account. Fees  
9 transferred in accordance with 30 V.S.A. § 248(a) shall be deposited in the  
10 Environmental Permit Account. Fees collected in accordance with subsections  
11 2822(j)(1), (k), (l), and (m) of this title shall be deposited in the ~~air pollution~~  
12 ~~control account~~ Air Pollution Control Account. The Environmental Permit  
13 Fund shall be used to implement the programs specified under section 2822 of  
14 this title. The Secretary of Natural Resources shall be responsible for the Fund  
15 and shall account for the revenues and expenditures of the Agency ~~of Natural~~  
16 ~~Resources~~. The Environmental Permit Fund shall be subject to the provisions  
17 of 32 V.S.A. chapter 7, subchapter 5. The Environmental Permit Fund shall be  
18 used to cover a portion of the costs of administering the Environmental  
19 Division established under 4 V.S.A. chapter 27. The amount of \$143,000.00  
20 per fiscal year shall be disbursed for this purpose. Fees transferred in  
21 accordance with 30 V.S.A. § 248(a) shall be used first to support the Agency's

1 participation in proceedings under 30 V.S.A. § 248 and next for the other  
2 purposes authorized in this section.

3 \* \* \*

4 Sec. 4. 10 V.S.A. § 6001 is amended to read:

5 § 6001. DEFINITIONS

6 In this chapter:

7 \* \* \*

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

9 \* \* \*

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

16 \* \* \*

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

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

20 (ii) The construction of improvements for an electric generation or  
21 transmission facility that requires a certificate of public good under 30 V.S.A.

1 § 248; or for a natural gas facility as defined in 30 V.S.A. § 248(a)(3), unless  
2 the provisions of subdivision (3)(C)(xi) of this section apply, or for a  
3 telecommunications facility issued a certificate of public good under 30 V.S.A.  
4 § 248a.

5 \* \* \*

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

7 § 4348a. ELEMENTS OF A REGIONAL PLAN

8 (a) A regional plan shall be consistent with the goals established in section  
9 4302 of this title and shall include ~~but need not be limited to~~ the following:

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

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

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

1 (B) indicating locations proposed for developments with a potential  
2 for regional impact, as determined by the regional planning commission,  
3 including flood control projects, surface water supply projects, industrial parks,  
4 office parks, shopping centers and shopping malls, airports, tourist attractions,  
5 recreational facilities, private schools, public or private colleges, and  
6 residential developments or subdivisions;

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

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

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

17 (3) An energy element, which may include an analysis of energy  
18 resources, needs, scarcities, costs, and problems within the region; a statement  
19 of policy on the conservation of energy and the development of renewable  
20 energy resources, ~~and~~; a statement of policy on patterns and densities of land  
21 use and control devices likely to result in conservation of energy; and an

1 analysis of the options available to the region and recommendations of the  
2 actions and measures that the region should undertake in order to contribute to  
3 meeting the goals of 10 V.S.A. §§ 578 (greenhouse gas reduction), 580 (25 by  
4 25), and 581 (building efficiency) and the goals and policies of 30 V.S.A.  
5 §§ 202a (State energy policy), 8001 (renewable energy), and 8005 (SPEED;  
6 total renewables targets);

7 \* \* \*

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

17 \* \* \*

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



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

2 § 246. TEMPORARY SITING OF METEOROLOGICAL STATIONS

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

6 (b) The Public Service Board shall establish by rule or order standards and  
7 procedures governing application for, and issuance or revocation of, a  
8 certificate of public good for the temporary installation of one or more  
9 meteorological stations under the provisions of section 248 of this title. A  
10 meteorological station shall be deemed to promote the public good of the State  
11 if it is in compliance with the criteria of this section and the Board rules or  
12 orders. An applicant for a certificate of public good for a meteorological  
13 station shall be exempt from the requirements of subsection 202(f) of this title.  
14 Subdivision 248(a)(4)(C) (participation) of this title shall govern participation  
15 in proceedings under this section.

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

17 (1) Shall develop a simple application form and shall require that  
18 completed applications be filed with the Board, ~~the Department of Public~~  
19 ~~Service, the Agency of Natural Resources, the Agency of Transportation, and~~  
20 ~~the municipality in which the meteorological station is proposed to be located~~

1 and the same State, regional, and municipal entities entitled to receive notice of  
2 an application under subsection 248(a) of this title.

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

12 (3) May waive the requirements of section 248 of this title that are not  
13 applicable to meteorological stations, including criteria that are generally  
14 applicable to public service companies as defined in this title. The Board shall  
15 not waive review regarding whether construction will have an undue adverse  
16 effect on esthetics, historic sites, air and water purity, the natural environment,  
17 and the public health and safety.

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

20 (5) Shall require an applicant for a certificate of public good for a  
21 meteorological station to pay an application fee for the purpose of

1 compensating the State of Vermont for the direct and indirect costs incurred  
2 with respect to the review of the application and the administration of the State  
3 programs involved in this review. This fee shall be \$20,000.00 or the amount  
4 calculated in accordance with the requirements for an application fee under  
5 subsection 248(a) of this title, whichever is greater. The fee shall be deposited  
6 and allocated in the same manner as the application fee under subsection  
7 248(a) of this title.

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

12 Sec. 7. 30 V.S.A. § 20 is amended to read:

13 § 20. PARTICULAR PROCEEDINGS; PERSONNEL

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

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

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

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

6 \* \* \*

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

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

12 (B) monitor compliance with an order issued under section 246 or  
13 248 of this title;

14 \* \* \*

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

17 \* \* \*

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

19 \* \* \*

1       Sec. 8. 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. 2 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. 2, 30 V.S.A. § 248(b)(1)(B)(i), with the actual effective date  
8       of Sec. 2.

9       Sec. 9. 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. 2, 30 V.S.A. § 248(a)(4)(C) (participation).

13

14

15       (Committee vote: \_\_\_\_\_)

16

\_\_\_\_\_

17

Senator [surname]

18

FOR THE COMMITTEE