

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 (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 (12) with respect to an in-state facility, will not have a detrimental effect  
15 on the value of properties not used for the facility, or the property owner will  
16 be compensated for the amount of any reduction in **the property's fair market**  
17 value **due to the construction of the facility.** The Board shall have authority  
18 to condition a certificate of public good to require such compensation.

19 (A) After construction of an in-state facility subject to a certificate of  
20 public good issued under this section, the owner of property not used for the  
21 facility shall have the right to petition the Board for a determination that the

1 facility reduces the **fair market** value of the property, notwithstanding any  
2 finding by the Board to the contrary in issuing the certificate, and the Board  
3 shall have authority to require the certificate holder to compensate the owner  
4 for the amount of the reduced property value, if any.

5 **(B) The Board shall base its determinations under this**  
6 **subdivision (12) on evidence supplied by qualified witnesses and in**  
7 **accordance with such rules and procedures as it may adopt. In making**  
8 **these determinations, the Board shall consider but not be bound by**  
9 **determinations of fair market value made in accordance with a**  
10 **methodology allowed under 32 V.S.A. part 2 (property taxation).**

11 \* \* \*

12 (r) When giving due consideration under this section to the greenhouse gas  
13 impacts of an in-state facility, the Board shall consider all greenhouse gas  
14 emissions avoided by and related to the facility during its life cycle. The  
15 Board shall require a petitioner seeking a certificate of public good under this  
16 section for an in-state facility to provide a full accounting of the emissions  
17 avoided by and related to the facility.

18 (s) The Board shall not issue a certificate of public good under this section  
19 for an in-state facility to be sited on land subject to a permit issued under  
20 10 V.S.A. chapter 151 unless one of the following applies:

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



