

1 S.209

2 Introduced by Senator Sirotkin

3 Referred to Committee on

4 Date:

5 Subject: Utilities; Attorney General; ratepayer advocacy

6 Statement of purpose of bill as introduced: This bill proposes to require the
7 Office of the Attorney General to provide ratepayer advocacy in proceedings
8 before the Public Service Board, upon petition and satisfaction of specified
9 statutory criteria.

10 An act relating to the Attorney General and ratepayer advocacy

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

12 * * * Attorney General; Ratepayer Advocacy * * *

13 Sec. 1. 3 V.S.A. § 168 is added to read:

14 § 168. RATEPAYER ADVOCACY

15 (a) Upon petition of 100 or more residential ratepayers, the Attorney
16 General shall provide legal representation for ratepayers, or one or more
17 classes of ratepayers, in proceedings to change rate schedules of public service
18 companies under 30 V.S.A. chapter 5, provided he or she determines such
19 petition satisfies the criteria established in subsection (c) of this section.

20 (b) As used in this section:

1 (1) “Board” means the Public Service Board established under
2 30 V.S.A. § 3.

3 (2) “Department” means the Department of Public Service established
4 under section 212 of this title.

5 (3) “Ratepayer” means a person who purchases or contracts for the
6 purchase of a service provided by a public service company subject to
7 regulation by the Public Service Board under 30 V.S.A. § 203.

8 (c) The Attorney General shall accept a ratepayer petition filed pursuant to
9 this section if he or she determines legal representation and participation in a
10 rate proceeding:

11 (1) is necessary to provide an adequate presentation of a significant
12 position on issues affecting the petitioning ratepayers, and adequate
13 presentation of that position would not otherwise be possible; and

14 (2) would provide a significant contribution to the resolution of issues
15 significant to petitioning ratepayers.

16 (d) If the Attorney General denies a petition filed pursuant to this section,
17 the denial shall be in writing and shall include findings and an explanation for
18 the denial.

19 (e) The Attorney General shall have the powers necessary to carry out the
20 duties of this section, including the following specific powers:

1 (1) to recommend to the Board by petition the commencement of any
2 proceeding or action or to appear, in the name of ratepayers, in any proceeding
3 or action before the Board and urge therein any position which he or she deems
4 to be in the interest of ratepayers, and use therein all forms of discovery
5 available to attorneys in civil actions generally;

6 (2) to have access to and use of all files, records, and data of the Board
7 and the Department available to any other attorney representing a party in a
8 proceeding before the Board;

9 (3) in any proceeding in which he or she has participated as a party, to
10 seek review of any determination, finding, or order of the Board, or of any
11 hearing examiner designated by the Board, in the name of ratepayers;

12 (4) to prepare and issue reports, recommendations, and proposed orders
13 to the Board, the Governor, and the General Assembly on any matter or subject
14 within the jurisdiction of the Board, and to make recommendations as he or she
15 deems appropriate for legislation relative to Board or Department procedures,
16 rules, jurisdiction, personnel, and functions;

17 (5) to appear in the name of Vermont ratepayers before other state
18 agencies, federal agencies, and state and federal courts in connection with
19 matters under the jurisdiction of the Board or otherwise involving Vermont
20 utilities and which may affect the interests of Vermont ratepayers; and

1 (6) to establish eligibility criteria and resource allocation for parties
2 seeking representation under this section.

3 (f) The Board shall furnish the Attorney General with copies of the initial
4 pleadings in all rate proceedings before the Board.

5 (g) The Board shall allocate expenses incurred by the Attorney General in
6 particular proceedings to the public service company or companies involved in
7 the proceedings as provided in 30 V.S.A. §§ 20 and 21.

8 Sec. 2. EFFECTIVE DATE

9 This act shall take effect on July 1, 2016.