

Definitions of “**Substantial Deference**” and “**Good Cause**”
 Prepared by Legislative Council, March 10, 2016

Public Service Board ¹	Department of Public Service ²	H. 605 as Introduced (2016)
<p>Substantial deference means <i>to give significant and meaningful weight</i> to the land conservation measures in the plans of the affected municipalities and the recommendations of the municipal legislative bodies and the municipal and regional planning commissions regarding the municipal and regional plans, respectively.</p>	<p>Substantial deference means the land conservation measures in the plans of the affected municipality and the recommendations of the affected municipality’s local legislative bodies and local or regional planning commission regarding their respective plans are <i>presumed correct, valid, and reasonable unless there is good cause to find otherwise.</i></p>	<p>Deference means <i>yielding to the opinion, wishes, or judgment of another.</i></p>
<p>Good cause means a <i>showing</i> that deferring to the land conservation measures in the plans of the affected municipalities and the recommendations of the municipal legislative bodies and the municipal and regional planning commissions regarding the municipal and regional plans, respectively, <i>would be detrimental to the public good or the State’s interests articulated in 30 V.S.A. § 202c.</i></p>	<p>Good cause means a <i>showing of evidence that deferring</i> to the land conservation measures in the plans of the affected municipalities and the recommendations of the municipal legislative bodies and the municipal and regional planning commissions regarding the municipal and regional plans, respectively, <i>would create a substantial shortcoming detrimental to the public good or State’s interests in 30 V.S.A. § 202c.</i></p>	<p>The Board may decline to give deference to a measure, policy, or recommendation . . . <i>if the evidence demonstrates that the applicant cannot, through building facilities that comply with the measure, policy, or recommendation, achieve service objectives that promote the general good of the State.</i></p> <p>(The applicant or other party asking the Board to decline to give such deference shall have the burden of proof.)</p>
<p>30 V.S.A. § 202c (State Telecommunications; Policy and Planning)</p>		

¹ Third amended Order implementing standards and procedures for issuance of a certificate of public good for communications facilities pursuant to 30 V.S.A. § 248a, Order Issued August 19, 2015.

² Department of Public Service Comments and Recommendations to Revise Section 249a Procedures Order, dated August 4, 2014.