

(e) Appeal. A The regional planning commission or municipality seeking an affidavit of energy compliance, or other entity with standing aggrieved by an act or decision of the Commissioner of Public Service **or of a regional planning commission under this section or a municipality aggrieved by an act or decision of a regional planning commission under this section** may petition to appeal the decision to a hearing panel within 30 days of the act or decision. One or more of the parties must have commented either orally or in writing at a public hearing or in public comment to have standing to appeal. The following have standing to request formal review or become parties to formal review conducted under this section:

(1) a municipality whose planning effort is the subject of a decision by the regional planning commission, any other municipality within the region, any municipality which adjoins the region, or a regional planning commission which adjoins the region;

(2) any agency, department or other governmental subdivision of the state owning property or an interest therein within a municipality listed in subdivision (2) of this subsection;

(3) any 20 persons who by signed petition allege that the decision, if confirmed, will not be in accord with the requirements of this chapter, and who own real property located within any combination of the following:

(A) any municipality whose planning effort is the subject of the decision by the regional planning commission; or

(B) any municipality which adjoins a municipality whose planning effort is subject of the decision by the regional planning commission;

(4) with respect to the sufficiency of an adopted or amended regional plan, any 20 persons who by signed petition allege that the plan or amendment is not in accord with the requirements of this chapter, and who own or occupy real property located within the area that includes the region and the municipalities that adjoin the region;

(5) the regional planning commission whose plan, amendment, or decision is the subject of the request for formal review.

The hearing panel shall consist of the following members and appointments that expire after two years:

(A) A member appointed by the Vermont Association of Planning and Development Agencies.

(B) A member appointed by the Vermont League of Cities and Towns.

(C) A member appointed by the Commissioner of Public Service

(D) A member appointed by the Speaker of the House with expertise in energy and land use planning.

(E) A member appointed by the Senate President Pro-Tempore with expertise in energy and land use planning.

A member of the hearing panel shall not be an employee of the the Vermont League of Cities and Towns, any regional planning commission or the Department of Public Service.

Provided that the aggrieved party raises substantial issues regarding consistency with the standards and requirements laid out in 24 V.S.A. § 4352 in its petition to the hearing panel, the panel shall conduct a de novo hearing on the affidavit/determination under appeal and shall proceed in accordance with the contested case requirements of the Vermont Administrative Procedure Act. The hearing panel shall issue a final decision within 90 days of the filing of the appeal.

The affidavit/determination shall remain in effect during an appeal.

The Legislature shall revisit the efficacy of this process with a report from each member appointed to the panel by January 15, 2018.