



Hon. Tony Klein, Chair
House Natural Resources and Energy Committee
Vermont State House
115 State Street
Montpelier, VT 05633

Dear Chairman Klein:

I am writing on behalf of the member municipalities of the Vermont League of Cities and Towns regarding the legislation on siting of electric generation facilities that your committee is currently drafting.

We applaud the proposal to give automatic party status to municipal legislative bodies and planning commissions in the Public Service Board (PSB) Section 248 Certificate of Public Good (CPG) process for permitting electric facilities and to accord them permission to provide evidence and recommendations concerning any matters before the board. But while that provision is helpful, the bill provides no additional standing for those recommendations or evidence, and the PSB would pay about as much attention to them as it does today, which is not much.

We believe that the requirement for decommissioning is likewise helpful, although if no evidence of funds is demonstrated by the developer for that purpose, the decommissioning would not likely be realized if necessary. The language that would require the PSB to consider aesthetics is helpful, however there is no obligation on the part of the PSB to address screening or setbacks or to take into consideration local bylaws that address those issues. And it would be helpful to define the “average person” for the board, since its members’ own interpretations of interested or average persons is quite convoluted and generally speaking would not match a lay person’s understanding of the term.

If the committee is interested in establishing a definition of “neighborhood solar facility,” that definition must include a requirement that it is consistent with a duly adopted municipal plan.

As we have testified, ten days’ notice is simply not adequate for a municipality to assess whether or not a facility is compliant with land conservation measures in the municipal plan. Many municipal boards and commissions, comprised of volunteers, do not even meet in a ten-day period. We recommend extending the waiting period to 30 days in order to give municipal boards and commissions time to make that assessment.

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Casualty Intermunicipal
Fund, Inc.

In summary, while the draft bill would be helpful in some respects, it falls far short of our hopes for standing and input to the PSB CPG process. We supported the provisions in H.377 and urge the committee to include those recommendations in your draft.

Sincerely,

Karen B. Horn, Director
Public Policy and Advocacy