

* * * Agency of Natural Resources/Natural Resource Board * * *

Sec. 17. 30 V.S.A. § 248 is amended to read:

§ 248. NEW GAS AND ELECTRIC PURCHASES, INVESTMENTS, AND FACILITIES; CERTIFICATE OF PUBLIC GOOD

(a)(1) No company, as defined in section 201 of this title, may:

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(4)(A) With respect to a facility located in the State, the Public Service Board shall hold a nontechnical public hearing on each petition for such finding and certificate in at least one county in which any portion of the construction of the facility is proposed to be located.

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(E) The Agency of Natural Resources shall appear as a party in any proceedings held under this subsection, shall provide evidence and recommendations concerning any findings to be made under subdivision (b)(5)

(5) For the purpose of supporting the role of the Agency of Natural Resources in reviewing applications for in-state facilities under sections 219a and 248 of this title, the applicant for a certificate of public good under sections 219a and 248 of this title shall pay a fee into the State Treasury that shall be deposited into the Natural Resources Management Fund and allocated to the Agency of Natural Resources. The fee is payable by the applicant at the time the application for a certificate of public good is filed with the Public Service Board and in an amount calculated in accordance with the requirements of this subsection.

(i) For electric generation facilities greater than 139 kW to 5MW in capacity, a fee based on a \$ per kilowatt (kW) of capacity as provided below, but in no event greater than \$15,000 per application. "Capacity" for purposes of this subsection means the nameplate capacity of the generator, and in the case of photovoltaic electric generation facilities, means the aggregate nameplate AC capacity of the inverters.

Systems 0-139 kW: exempt
Systems 140 kW-450 kW: \$3/kW
Systems 451 kW-2200 kW: \$4/kW
Systems 2201-5000 kW: \$5/kW

(ii) For new electric generation facilities greater than 5MW in capacity, electric transmission facilities and natural gas facilities, a fee equal to \$2.50 for each \$1,000 of construction costs, but in no event greater than \$100,000 per application.

(iii) For the upgrading of existing facilities within their existing development footprint, or the reconductoring of electric lines on existing structures, or the addition of a line or lines to existing structures, or for non-electric-generation facility applications filed pursuant to section 248(j) of this title, a fee of \$2,500.

(iv) For applications filed pursuant to section 248 (k), (l) or (n) of this title, no fee shall apply.

(v) In any proceeding under section 248 of this title the Agency of Natural Resources may, pursuant to sections 20 and 21 of this title, require an applicant to pay for the cost of research, scientific, programmatic, or engineering expertise provided by the Agency of Natural Resources, provided that the following apply:

(A) The Agency does not have such expertise and the retention of such expertise is required to fulfill the Agency's statutory obligations in the proceeding; and

(B) The Agency demonstrates to the applicant that any fee assessed under this section is insufficient to cover the costs set forth in this subdivision (5).

(vi) The Agency of Natural Resources shall exercise its statutory duties under sections 219a and 248 of this title in a manner that promotes the timely development of renewable energy and telecommunications facilities consistent with section 202c and chapter 89 of this title. In

exercising its duties, the Agency shall establish procedures and work flow goals for the review of each application. The Agency shall report no later than the third Tuesday of each annual legislative session to the General Assembly by electronic submission the Agency's performance in meeting the goals; identify areas which hinder effective Agency performance; list the fees collected under this subsection; summarize changes made by the Agency to improve performance; describe staffing needs for the coming year; and discuss the operation of the Agency during the preceding fiscal year and the future goals and objectives of the Agency. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 17a. 30 V.S.A. § 248a is amended to read:

§ 248a. CERTIFICATE OF PUBLIC GOOD FOR COMMUNICATIONS FACILITIES

(j) (2)(A) Any party seeking to proceed under the procedures authorized by this subsection shall file a proposed certificate of public good and proposed findings of fact with its application, and provide notice and a copy of the application, proposed certificate of public good, and proposed findings of fact to the Commissioner of Public Service and its Director for Public Advocacy, the Secretary of Natural Resources, the Division for Historic Preservation, the Natural Resources Board if the application concerns a telecommunications facility for which a permit previously has been issued under 10 V.S.A. chapter 151, and each of the legislative bodies and municipal and regional planning commissions in the communities in which the applicant proposes to construct or install facilities. At the same time the applicant files the documents specified in this subdivision with the Board, the applicant shall give written notice of the proposed certificate to the landowners of record of property adjoining the project site or sites unless the Board has previously determined on request of the applicant that good cause exists to waive or modify the notice requirement with respect to such landowners. Such notice shall

request comment to the Board within 21 days of the notice on the question of whether the application raises a significant issue with respect to the substantive criteria of this section. If the Board finds that an application raises a significant issue with respect to the substantive criteria of this section, the Board shall hear evidence on any such issue.

(E) For the purpose of supporting the role of the Agency of Natural Resources in reviewing applications for in-state facilities under this subsection, the applicant for a certificate of public good under section 248a of this title shall pay a fee into the State Treasury that shall be deposited into the Natural Resources Management Fund and allocated to the Agency of Natural Resources. The fee is payable by the applicant at the time the application for a certificate of public good is filed with the Public Service Board and in an amount calculated as such: For new wireless telecommunications support structures authorized by this subsection, a fee equal to \$2.50 for each \$1,000 of construction costs, but in no event greater than \$15,000 per application.