

PRIOR LEGISLATION:

VERMONT RENEWABLE POWER SUPPLY ACQUISITION AUTHORITY

EXCERPT FROM 2003 ACTS AND RESOLVES NO. 63

Sec. 38. VERMONT RENEWABLE POWER SUPPLY ACQUISITION

AUTHORITY

(a) A Vermont Renewable Power Supply Acquisition Authority shall be created to prepare due diligence and feasibility studies regarding the purchase of hydroelectric dams and related assets on the Connecticut and Deerfield Rivers and, with the consent of the governor, to enter into negotiations necessary to prepare a proposal for the purchase of the dams, to be submitted to the general assembly for its consideration.

(b) The Authority shall be composed of eight members. The members shall be the Secretary of Administration, or designee, to serve as chair; the State Treasurer, or designee; the Commissioner of Public Service, or designee; a person chosen by the Public Service Board; two Representatives chosen by the Speaker of the House, and two Senators chosen by the Senate Committee on Committees.

(c) The Authority shall prepare two studies as follows:

(1) A study of the financial and technical issues involved in a purchase of the hydroelectric dams on the Connecticut and Deerfield Rivers; and

(2) A study of the principal policy issues implicated by such a purchase, if it were authorized, including:

(A) administrative and structural options for the ownership of the facilities and the sale and distribution of their power output, which might include ownership through the creation of a

limited purpose state public power authority; by the Vermont Public Power Supply Authority; by one or more Vermont utilities; or by a public-private partnership.

(B) alternatives for disposition of the power output of the facilities, including wholesale and retail sales within and outside the state and use of the power within a portfolio to support advanced and renewable energy technologies, and the impacts of these alternatives on the credit-worthiness of the state and the ability of Vermont utilities to access investment capital on reasonable commercial terms.

(d) The Authority may consult with other state, municipal, or private entities, including representatives of the State Treasurer; the Vermont Agency of Natural Resources; the Vermont Municipal Bond Bank; representatives of existing municipal, cooperative, and investor-owned utilities; the Vermont Department of Public Service, and, where appropriate, the Public Service Board. Reasonable administrative support for the Authority shall be provided upon request by the Department of Public Service and the legislative council. Legislative members of the Authority shall receive per diem and expenses pursuant to 2 V.S.A. § 406; members of the Authority who are not state employees may be compensated by their appointing authorities.

(e) The Authority may obtain, use, and develop commercial and financial information of a proprietary nature whose public release could jeopardize the position of the State of Vermont and its agents in negotiations or other efforts to present recommendations for the Legislature to purchase the facilities on advantageous terms. The Authority may also obtain, use, and develop information for the same purposes that is entitled to proprietary treatment to protect the commercial or trade secret interests of others. All information not exempt from public inspection under 3 V.S.A. § 317 shall be available to the public, including any reports and

recommendations received by the Authority, which may be redacted as necessary to accomplish the purpose of this subsection.

(f) The members of the Authority shall be appointed not later than 29 days following passage of this act and the Secretary of Administration shall convene the Authority not later than 30 days after the effective date of this act to initiate the studies required in this section. The Authority may retain professional assistance to undertake the duties required herein, and may use the appropriation contained in House Bill H.464 to accomplish these objectives. Notwithstanding any provision of law to the contrary, the Authority may contract with one or more qualified entities to undertake the duties required by this section without the need to competitively bid such contracts. The Authority shall complete the studies no later than December 1, 2003, and present its recommendations to the senate committee on finance, the house committee on commerce, and the house and senate committees on natural resources and energy. The recommendations shall include best case, middle range, and worst case scenarios.

(g) If at any time prior to December 1, 2003, the Authority determines that the purchase of the hydroelectric facilities and related assets available for sale will promote the general good of the state and that action by the general assembly is necessary before the 2004 session to effectuate the purchase, then the Authority shall request that the Governor convene a special session of the general assembly for the purpose of considering and acting in response to the recommendations of the Authority. The Authority may use funds appropriated in any manner it determines necessary to accomplish the purpose of this section, including the use of contractual services. If the Authority determines that additional expenditures are necessary to preserve options on behalf of the state, the Authority is authorized to seek further funding from the Emergency Board.