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H.458

Introduced by Representatives Keenan of St. Albans City, Fagan of Rutland
City, and Hooper of Montpelier

Referred to Committee on

Date:

Subject: Utilities; Office of the Attorney General; Ratepayer Advocate

Statement of purpose of bill as introduced: This bill proposes to require the
Attorney General to appoint a Ratepayer Advocate to represent the interests of
ratepayers before the Public Service Board.

An act relating to appointment of a Ratepayer Advocate within the Office of
the Attorney General

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 3 V.S.A. § 165a is added to read:

§ 165a. RATEPAYER ADVOCATE

(a) The Attorney General shall appoint a Ratepayer Advocate to represent
the interests of ratepayers in proceedings before the Public Service Board. The
Advocate, with the approval of the Attorney General, may retain such other
persons as he or she deems necessary to fulfill the duties specified in this
section.

1 (b) The Advocate shall have the powers necessary to carry out his or her
2 duties, including the following specific powers:

3 (1) to recommend to the Board by petition the commencement of any
4 proceeding or action or to appear, in the name of ratepayers, in any proceeding
5 or action before the Board and urge therein any position which he or she deems
6 to be in the interest of ratepayers and use therein all forms of discovery
7 available to attorneys in civil actions generally;

8 (2) to have access to and use of all files, records, and data of the Board
9 and the Department of Public Service available to any other attorney
10 representing a party in a proceeding before the Board;

11 (3) in any proceeding in which he or she has participated as a party, to
12 seek review of any determination, finding, or order of the Board or of any
13 hearing examiner designated by the Board, in the name of ratepayers;

14 (4) to prepare and issue reports, recommendations, and proposed orders
15 to the Board, the Governor, and the General Assembly on any matter or subject
16 within the jurisdiction of the Board and to make recommendations as he or she
17 deems appropriate for legislation relative to Board or Department procedures,
18 rules, jurisdiction, personnel, and functions;

1 (5) to appear in the name of Vermont ratepayers before other state
2 agencies, federal agencies, and state and federal courts in connection with
3 matters under the jurisdiction of the Board or otherwise involving Vermont
4 utilities and which may affect the interests of Vermont ratepayers;

5 (6) subject to the Attorney General’s approval, to establish eligibility
6 criteria and resource allocation for parties seeking independent representation;

7 (7) subject to the criteria and requirements established under 30 V.S.A.
8 §§ 20 and 21, to retain additional personnel in particular proceedings and, with
9 Board approval, allocate expenses incurred to the public service company or
10 companies involved in those proceedings; and

11 (8) to establish a mechanism for receiving, tracking, and, if possible,
12 resolving ratepayer complaints and disputes with public service companies.

13 (c) The Public Service Board shall furnish the Advocate with copies of the
14 initial pleadings in all proceedings before the Board.

15 (d) Compensation, expenses, and support for the Ratepayer Advocate shall
16 be assessed as costs to the Department of Public Service and paid from the
17 revenues received from the tax to finance the Department and the Board levied
18 under 30 V.S.A. § 22.

19 (e) As used in this section:

20 (1) “Public service company” or “company” means a company subject
21 to regulation by the Public Service Board under 30 V.S.A. § 203.

1 (2) “Ratepayer” means a person who purchases or contracts for the
2 purchase of a service provided by a public service company.

3 Sec. 2. EFFECTIVE DATE

4 This act shall take effect on passage.