

Title 30 V.S.A. § 248b. Fees; Agency of Natural Resources; participation in siting proceedings

(a) Establishment. This section establishes fees for the purpose of supporting the role of the Agency of Natural Resources (the Agency) in reviewing applications for in-state facilities under sections 248 and 248a of this title.

(b) Payment. The applicant shall pay the fee into the State Treasury at the time the application for a certificate of public good is filed with the Public Service Board in an amount calculated in accordance with this section. The fee shall be deposited into the Natural Resources Management Fund and allocated to the Agency.

(c) Definitions. In this section:

(1) "kW," "MW," and "plant capacity" shall have the same meaning as in section 8002 of this title.

(2) "Natural gas facility" shall have the same meaning as in section 248 of this title.

(3) "Telecommunications facility" shall have the same meaning as in section 248a of this title.

(d) Electric and natural gas facilities. This subsection sets fees for applications under section 248 of this title.

(1) There shall be no fee for an electric generation facility less than or equal to ~~139~~ 50 kW in plant capacity, roof-mounted photovoltaic net-metering systems of any capacity up to and including 500kW, or for an application filed under subsection 248(k), (l), or (n) of this title.

(2) The fee for electric generation facilities greater than ~~139~~ 50 kW through five MW in plant capacity shall be calculated as follows, except that in no event shall the fee exceed \$15,000.00:

(A) An electric generation facility from 51kW through 139 kW in plant capacity, \$2.00 per kW.

(B) An electric generation facility from 140 kW through 450 kW in plant capacity, \$3.00 per kW.

(~~B~~C) An electric generation facility from 451 kW through 2.2 MW in plant capacity, \$4.00 per kW.

(~~C~~D) An electric generation facility from 2.201 MW through five MW in plant capacity, \$5.00 per kW.

(3) The fee shall be equal to \$2.50 for each \$1,000.00 of construction costs, but in no event greater than \$100,000.00 per application, for a new electric generation facility greater than five MW in capacity, and for a new electric transmission facility or new natural gas facility not eligible for treatment under subsection 248(j) of this title.

(4) The fee shall be \$2,500.00 for an application under subsection 248(j) of this title for a facility that is not electric generation and for an application or that portion of an application under section 248 of this title that consists of upgrading an existing facility within its existing development footprint, reconductoring of an electric transmission line on an existing structure, or the addition of an electric transmission line to an existing structure.

(e) Telecommunications facilities. For an application under section 248a of this title proposing a wireless telecommunications facility that includes a new support structure, the fee shall be equal to \$2.50 for each \$1,000.00 of construction costs, but in no event greater than \$15,000.00.

(f) Exercise of duties. The Agency of Natural Resources shall exercise its duties under this title in a manner consistent with implementation of State policy and goals under sections 202a and 202c and chapter 89 of this title. In exercising its duties, the Agency shall establish procedures and work flow goals for the timely review of applications under sections 248 and 248a of this title. On or before the third Tuesday of each annual legislative session, the Agency shall submit a report to the General Assembly by electronic submission. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to this report. The report shall: list the fees collected under this section during the preceding fiscal year; discuss the Agency's performance in exercising its duties under this title during that year; identify areas that hinder the Agency's effective performance of these duties and summarize changes made to improve such performance; and, with respect to the Agency's exercise of these duties, discuss the Agency's staffing needs during the coming fiscal year and the future goals and objectives of the Agency. (Added 2015, No. 57, § 17.)