

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Energy and Technology to which was referred Senate Bill  
3 No. 52 entitled “An act relating to the Public Service Board and its  
4 proceedings” respectfully reports that it has considered the same and  
5 recommends that the House propose to the Senate that the bill be amended by  
6 striking out all after the enacting clause and inserting in lieu thereof the  
7 following:

8 \* \* \* Preapplication Submittals; Energy Facilities \* \* \*

9 Sec. 1. 30 V.S.A. § 248(f) is amended to read:

10 (f) However, plans for the construction of such a facility within the State  
11 must be submitted by the petitioner to the municipal and regional planning  
12 commissions no less than 45 days prior to application for a certificate of public  
13 good under this section, unless the municipal and regional planning  
14 commissions shall waive such requirement.

15 (1) ~~Such~~ The municipal or regional planning commission may take one  
16 or more of the following actions:

17 (A) ~~hold~~ Hold a public hearing on the proposed plans. The planning  
18 commission may request that the petitioner or the Department of Public  
19 Service, or both, attend the hearing. The petitioner and the Department each  
20 shall have an obligation to comply with such a request. The Department shall  
21 consider the comments made and information obtained at the hearing in

1 making recommendations to the Board on the application and in determining  
2 whether to retain additional personnel under subdivision (1)(B) of this  
3 subsection.

4 (B) Request that the Department of Public Service exercise its  
5 authority under section 20 of this title to retain experts and other personnel to  
6 review the proposed facility. The Department may commence retention of  
7 these personnel once the petitioner has submitted proposed plans under this  
8 subsection. The Department may allocate the expenses incurred in retaining  
9 these personnel to the petitioner in accordance with section 21 of this title.

10 Granting a request by a planning commission pursuant to this subdivision shall  
11 not oblige the Department or the personnel it retains to agree with the position  
12 of the commission.

13 (C) ~~Such commissions shall make~~ Make recommendations, if any, to  
14 ~~the Public Service Board and to the petitioner at least seven days prior to filing~~  
15 ~~of the petition with the Public Service Board~~ within 40 days of the petitioner's  
16 submittal to the planning commission under this subsection.

17 (D) Once the petition is filed with the Public Service Board, make  
18 recommendations to the Board by the deadline for submitting comments or  
19 testimony set forth in the applicable provision of this section, Board rule, or  
20 scheduling order issued by the Board.

1           (2) The petitioner’s application shall address the substantive written  
2           comments related to the criteria of subsection (b) of this section received by  
3           the petitioner within 45 days of the submittal made under this subsection and  
4           the substantive oral comments related to those criteria made at a public hearing  
5           under subdivision (1) of this subsection.

6           \* \* \* Facility Siting; Service of Application When Determined Complete;

7                       Extension of Telecommunications Siting Authority \* \* \*

8           Sec. 2. 30 V.S.A. § 246 is amended to read:

9           § 246. TEMPORARY SITING OF METEOROLOGICAL STATIONS

10           (a) As used in this section, a “meteorological station” consists of one  
11           temporary tower, which may include guy wires, and attached instrumentation  
12           to collect and record wind speed, wind direction, and atmospheric conditions.

13           (b) The Public Service Board shall establish by rule or order standards and  
14           procedures governing application for, and issuance or revocation of, a  
15           certificate of public good for the temporary installation of one or more  
16           meteorological stations under the provisions of section 248 of this title. A  
17           meteorological station shall be deemed to promote the public good of the State  
18           if it is in compliance with the criteria of this section and the Board rules or  
19           orders. An applicant for a certificate of public good for a meteorological  
20           station shall be exempt from the requirements of subsection 202(f) of this title.

21           (c) In developing rules or orders, the Board:

1           (1) Shall develop a simple application form and shall require that  
2 ~~completed applications be filed~~ the applicant first file the application with the  
3 Board, and that, within two business days of notification from the Board that  
4 the application is complete, the applicant serve copies of the complete  
5 application on the Department of Public Service, the Agency of Natural  
6 Resources, the Agency of Transportation, and the municipality in which the  
7 meteorological station is proposed to be located.

8           (2) Shall require that if no objections are filed within 30 days of the  
9 ~~Board's receipt of a complete application~~ date of service of the complete  
10 application under subdivision (1) of this subsection, and the Board determines  
11 that the applicant has met all of the requirements of section 248 of this title, the  
12 certificate of public good shall be issued for a period that the Board finds  
13 reasonable, but in no event for more than five years. Upon request of an  
14 applicant, the Board may renew a certificate of public good. Upon expiration  
15 of the certificate, the meteorological station and all associated structures and  
16 material shall be removed, and the site shall be restored substantially to its  
17 preconstruction condition.

18           (3) May waive the requirements of section 248 of this title that are not  
19 applicable to meteorological stations, including criteria that are generally  
20 applicable to public service companies as defined in this title. The Board shall  
21 not waive review regarding whether construction will have an undue adverse

1 effect on aesthetics, historic sites, air and water purity, the natural  
2 environment, and the public health and safety.

3 (4) Shall seek to simplify the application and review process, as  
4 appropriate, in conformance with this section.

5 \* \* \*

6 Sec. 3. 30 V.S.A. § 248(a)(4) is amended to read:

7 (4)(A) With respect to a facility located in the State, the Public Service  
8 Board shall hold a nontechnical public hearing on each petition for such  
9 finding and certificate in at least one county in which any portion of the  
10 construction of the facility is proposed to be located. From the comments  
11 made at the public hearing, the Board shall derive areas of inquiry that are  
12 relevant to the findings to be made under this section and shall address each  
13 such area in its decision. Prior to making findings, if the record does not  
14 contain evidence on such an area, the Board shall direct the parties to provide  
15 evidence on the area. This subdivision does not require the Board to respond  
16 to each individual comment.

17 (B) The Public Service Board shall hold technical hearings at  
18 locations which it selects.

19 (C) ~~At the time of filing its application with the Board, copies shall~~  
20 ~~be given by the petitioner to~~ Within two business days of notification from the  
21 Board that the petition is complete, the petitioner shall serve copies of the

1 complete petition on the Attorney General and the Department of Public  
2 Service, and, with respect to facilities within the State, the Department of  
3 Health, Agency of Natural Resources, Historic Preservation Division, Agency  
4 of Transportation, Agency of Agriculture, Food and Markets, and to the chair  
5 or director of the municipal and regional planning commissions and the  
6 municipal legislative body for each town and city in which the proposed  
7 facility will be located.

8 (D) Notice of the public hearing shall be published and maintained  
9 on the Board's website for at least 12 days before the day appointed for the  
10 hearing. Notice of the public hearing shall be published once in a newspaper  
11 of general circulation in the county or counties in which the proposed facility  
12 will be located, and the notice shall include an Internet address where more  
13 information regarding the proposed facility may be viewed.

14 \* \* \*

15 Sec. 4. 30 V.S.A. § 248(j)(2) is amended to read:

16 (2) Any party seeking to proceed under the procedures authorized by  
17 this subsection shall file a proposed certificate of public good and proposed  
18 findings of fact with its petition. The Within two business days of notification  
19 by the Board that the filing is complete, the party shall serve copies of the  
20 complete filing on the parties specified in subdivision (a)(4)(C) of this section  
21 and the Board shall give written notice of the proposed certificate and its

1 determination that the filing is complete to the those parties specified in  
2 subdivision (a)(4)(C) of this section, to any public interest organization that  
3 has in writing requested notice of applications to proceed under this  
4 subsection, and to any other person found by the Board to have a substantial  
5 interest in the matter. Such notice also shall be published on the Board's  
6 website within two days of issuing the determination that the filing is complete  
7 and shall request comment within ~~28~~ 30 days of the ~~initial publication date of~~  
8 service of the complete filing on the question of whether the petition raises a  
9 significant issue with respect to the substantive criteria of this section. If the  
10 Board finds that the petition raises a significant issue with respect to the  
11 substantive criteria of this section, the Board shall hear evidence on any such  
12 issue.

13 Sec. 5. 30 V.S.A. § 248a is amended to read:

14 § 248a. CERTIFICATE OF PUBLIC GOOD FOR COMMUNICATIONS  
15 FACILITIES

16 \* \* \*

17 (e) Notice. No less than 60 days prior to filing an application for a  
18 certificate of public good under this section, the applicant shall serve written  
19 notice of an application to be filed with the Board pursuant to this section to  
20 the legislative bodies and municipal and regional planning commissions in the  
21 communities in which the applicant proposes to construct or install facilities;

1 the Secretary of Natural Resources; the Secretary of Transportation; the  
2 Division for Historic Preservation; the Commissioner of Public Service and its  
3 Director for Public Advocacy; the Natural Resources Board if the application  
4 concerns a telecommunications facility for which a permit previously has been  
5 issued under 10 V.S.A. chapter 151; and the landowners of record of property  
6 adjoining the project sites. In addition, at least one copy of each application  
7 shall be filed with each of these municipal and regional planning commissions.  
8 The notices to the legislative body and planning commission of the  
9 municipality shall attach a statement that itemizes the rights and opportunities  
10 available to those bodies under subdivisions (c)(2) and (e)(2) of this section  
11 and under subsections (m), (n), and (o) of this section and informs them of the  
12 guide published under subsection (p) of this section and how to obtain a copy  
13 of that guide.

14 \* \* \*

15 (i) Sunset of Board authority. Effective on July 1, ~~2017~~ 2020, no new  
16 applications for certificates of public good under this section may be  
17 considered by the Board.

18 (j) Telecommunications facilities of limited size and scope.

19 \* \* \*

20 (2)(A) Any ~~party~~ person seeking to proceed under the procedures  
21 authorized by this subsection shall file a proposed certificate of public good



1 and proposed findings of fact with its application, ~~and provide.~~ Within two  
2 business days of notification from the Board that the filing is complete, the  
3 applicant shall serve notice and a copy of the application, proposed certificate  
4 of public good, and proposed findings of fact ~~to~~ on the Commissioner of Public  
5 Service and its Director for Public Advocacy, the Secretary of Natural  
6 Resources, the Division for Historic Preservation, the Natural Resources Board  
7 if the application concerns a telecommunications facility for which a permit  
8 previously has been issued under 10 V.S.A. chapter 151, and each of the  
9 legislative bodies and municipal and regional planning commissions in the  
10 communities in which the applicant proposes to construct or install facilities.  
11 ~~At the same time the applicant files the documents specified in this subdivision~~  
12 ~~with the Board~~ Within two business days of notification from the Board that  
13 the filing is complete, the applicant also shall ~~give~~ serve written notice of the  
14 proposed certificate ~~to~~ on the landowners of record of property adjoining the  
15 project site or sites unless the Board has previously determined on request of  
16 the applicant that good cause exists to waive or modify the notice requirement  
17 with respect to such landowners. Such notice shall request comment to the  
18 Board within ~~21~~ 30 days of the ~~notice~~ date of service on the question of  
19 whether the application raises a significant issue with respect to the substantive  
20 criteria of this section. If the Board finds that an application raises a

1 significant issue with respect to the substantive criteria of this section, the  
2 Board shall hear evidence on any such issue.

3 \* \* \*

4 (C) If the Board accepts a request to consider an application under  
5 the procedures of this subsection, then unless the Public Service Board  
6 subsequently determines that an application raises a significant issue, the  
7 Board shall issue a final determination on an application ~~filed pursuant to this~~  
8 ~~subsection within 45 days of its filing or, if the original filing did not~~  
9 ~~substantially comply with the Public Service Board's rules, within 45 60 days~~  
10 of the date on which the Clerk of the Board notifies the applicant that the filing  
11 is complete. If, subsequent to acceptance of an application under this  
12 subsection, the Board rules that an application raises a significant issue, it shall  
13 issue a final determination on an application filed pursuant to this subsection  
14 ~~within 90 days of its filing or, if the original filing did not substantially comply~~  
15 ~~with the Public Service Board's rules, within 90 days of the date on which the~~  
16 Clerk of the Board notifies the applicant that the filing is complete.

17 \* \* \*

18 (k) De minimis modifications. An applicant intending to make a de  
19 minimis modification of a telecommunications facility shall provide written  
20 notice of its intent, including a description of the de minimis modification, its  
21 plans for the de minimis modification, and its certification that the project

1 constitutes a de minimis modification under this section, to the following: the  
2 landowner of record of the property on which the facility is located; the  
3 legislative body of the municipality in which the applicant proposes to  
4 undertake such limited modifications to the facility; and the Commissioner of  
5 Public Service and his or her Director for Public Advocacy. Unless an  
6 objection to the classification of a proposed project as a de minimis  
7 modification is filed with the Board within ~~21~~ 30 days of this notice, a  
8 certificate of public good shall be issued. Objections may be filed only by  
9 persons entitled to notice of this proposed project pursuant to this subsection.  
10 If an objection of the classification of the proposed project as a de minimis  
11 modification is timely filed with the Board, the Board may determine whether  
12 the intended project meets the definition of de minimis modification  
13 established in subdivision (b)(2) of this section.

14 \* \* \*

15 (o) Retention; experts. The Department of Public Service may retain  
16 experts and other personnel as identified in section 20 of this title to provide  
17 information essential to a full consideration of an application for a certificate  
18 of public good under this section. The Department may allocate the expenses  
19 incurred in retaining these personnel to the applicant in accordance with  
20 section 21 of this title. The Department may commence retention of these  
21 personnel once the applicant has filed the ~~45-day~~ 60-day notice under

1 subsection (e) of this section. A municipal legislative body or planning  
2 commission may request that the Department retain these personnel. Granting  
3 such a request shall not oblige the Department or the personnel it retains to  
4 agree with the position of the municipality.

5 \* \* \*

6 \* \* \* Notice of Petitions for a CPG to Do Business \* \* \*

7 Sec. 6. 30 V.S.A. § 231 is amended to read:

8 § 231. CERTIFICATE OF PUBLIC GOOD; ABANDONMENT OF  
9 SERVICE; HEARING

10 (a) A person, partnership, unincorporated association, or previously  
11 incorporated association, ~~which~~ that desires to own or operate a business over  
12 which the Public Service Board has jurisdiction under the provisions of this  
13 chapter shall first petition the Board to determine whether the operation of  
14 such business will promote the general good of the State, and shall at that time  
15 file a copy of any such petition with the Department. The Department, within  
16 12 days, shall review the petition and file a recommendation regarding the  
17 petition in the same manner as is set forth in subsection 225(b) of this title.  
18 Such recommendation shall set forth reasons why the petition shall be accepted  
19 without hearing or shall request that a hearing on the petition be scheduled. If  
20 the Department requests a hearing on the petition, or, if the Board deems a  
21 hearing necessary, it shall appoint a time and place in the county where the

1 proposed corporation is to have its principal office for hearing the petition, ~~and~~  
2 ~~shall make an order for the publication of the substance thereof and the time~~  
3 ~~and place of hearing two weeks successively in a newspaper of general~~  
4 ~~circulation in the county to be served by the petitioner, the last publication to~~  
5 ~~be at least seven days before the day appointed for the hearing. At least~~  
6 12 days before this hearing, notice of the hearing shall be published on the  
7 Board's website and once in a newspaper of general circulation in the county  
8 in which the hearing will occur. The website notice shall be maintained  
9 through the date of the hearing. The newspaper notice shall include an Internet  
10 address where more information regarding the petition may be viewed. The  
11 Director for Public Advocacy shall represent the public at ~~such~~ the hearing. If  
12 the Board finds that the operation of such business will promote the general  
13 good of the State, it shall give such person, partnership, unincorporated  
14 association, or previously incorporated association a certificate of public good  
15 specifying the business and territory to be served by such petitioners. For good  
16 cause, after opportunity for hearing, the Board may amend or revoke any  
17 certificate awarded under the provisions of this section. If any such certificate  
18 is revoked, the person, partnership, unincorporated association, or previously  
19 incorporated association shall no longer have authority to conduct any business  
20 which is subject to the jurisdiction of the Board whether or not regulation

1 thereunder has been reduced or suspended, under section 226a or 227a of this  
2 title.

3 \* \* \*

4 \* \* \* Enforcement \* \* \*

5 Sec. 7. 30 V.S.A. § 2 is amended to read:

6 § 2. DEPARTMENT POWERS

7 \* \* \*

8 (h) The Department shall investigate when it receives a complaint that there  
9 has been noncompliance with section 246, 248, 248a, or 8010 of this title, any  
10 rule adopted pursuant to those sections, or any certificate of public good issued  
11 pursuant to those sections, including a complaint of such noncompliance  
12 received pursuant to section 208 of this title or the complaint protocol  
13 established under 2016 Acts and Resolves No. 130, Sec. 5c.

14 Sec. 8. 30 V.S.A. § 30 is amended to read:

15 § 30. PENALTIES; AFFIDAVIT OF COMPLIANCE

16 \* \* \*

17 (h) In accordance with the process set forth in this subsection, the  
18 Department may issue an administrative citation to a person the Department  
19 believes after investigation violated section 246, 248, 248a, or 8010 of this  
20 title, any rule adopted pursuant to those sections, or any certificate of public  
21 good issued pursuant to those sections.

1           (1) An administrative citation, whether draft or final, shall:

2                   (A) state each provision of statute and rule and each condition of a  
3           certificate of public good alleged to have been violated;

4                   (B) include a concise statement of the facts giving rise to the alleged  
5           violation and the evidence supporting the existence of those facts;

6                   (C) request that the person take the remedial action specified in the  
7           notice or pay a civil penalty of not more than \$5,000.00 for the violation, or  
8           both; and

9                   (D) if remedial action is requested, state the reasons for seeking the  
10          action.

11           (2) The Department shall initiate the process by issuing a draft  
12          administrative citation to the person and sending a copy to each municipality in  
13          which the person’s facility is located, each adjoining property owner to the  
14          facility, the complainant if any, and, for alleged violations of the facility’s  
15          certificate of public good, each party to the proceeding in which the certificate  
16          was issued.

17                   (A) At the time the draft citation is issued, the Department shall file a  
18          copy with the Board and post the draft citation on its website.

19                   (B) Commencing with the date of issuance, the Department shall  
20          provide an opportunity of 30 days for public comment on the draft citation.

1 The Department shall include information on this opportunity in the draft  
2 citation.

3 (C) Once the public comment period closes, the Department:

4 (i) Shall provide the person and the Board with a copy of each  
5 comment received.

6 (ii) Within 15 days of the close of the comment period, may file a  
7 revised draft citation with the Board. The revised draft citation may be  
8 accompanied by a stipulation or agreed settlement between the person and the  
9 Department with a request for Board approval.

10 (D) The Board may on its own initiative open a proceeding to  
11 investigate the violation alleged in the draft citation. The Board shall take any  
12 such action within 25 days of the close of the public comment period, or the  
13 filing of a revised draft citation, whichever is later. Such a Board proceeding  
14 shall supersede the draft citation.

15 (3) If the Board has not opened a proceeding pursuant to subdivision  
16 (2)(D) of this subsection, the Department may issue a final administrative  
17 citation to the person. Within 30 days of receipt of a final administrative  
18 citation, the person shall respond in one of the following ways:

19 (A) Request a hearing before the Board on the existence of the  
20 alleged violation, the proposed penalty, and the proposed remedial action.



1           (B) Pay any civil penalty set forth in the notice and agree to  
2           undertake such remedial action as is set forth in the notice and submit to the  
3           Department for its approval a plan for compliance. In such a case, the final  
4           administrative citation shall be enforceable in the same manner as an order of  
5           the Board.

6           (C) Decline to contest the existence of the alleged violation and  
7           request a hearing on either the proposed penalty or remedial action, or both.  
8           When exercising this option, a person may agree to either the proposed penalty  
9           or remedial action and seek a hearing only on the penalty or action with which  
10          the person disagrees.

11          (4) When a person requests a hearing under subdivision (3) of this  
12          subsection, the Board shall open a proceeding and conduct a hearing in  
13          accordance with the provisions of this section on the alleged violation and such  
14          remedial action and penalty as are set forth in the notice. Notwithstanding any  
15          contrary provision of this section, a penalty under this subdivision (4) shall not  
16          exceed \$5,000.00.

17          (5) If a person pays the civil penalty set forth in a final administrative  
18          citation, then the Department shall be precluded from seeking and the Board  
19          from imposing additional civil penalties for the same alleged violation unless  
20          the violation is continuing or is repeated.

1           (6) If a person agrees to undertake the remedial action set forth in a final  
2           administrative citation, failure to undertake the action or comply with a  
3           compliance plan approved by the Department shall constitute a separate  
4           violation.

5           (7) The Board may approve disposition of a final administrative citation  
6           by stipulation or agreed settlement submitted before entry of a final order.

7           (8) Penalties assessed under this subsection shall be deposited in the  
8           General Fund.

9                   \* \* \* Name Change to Public Utility Commission \* \* \*

10          Sec. 9. 30 V.S.A. § 3 is amended to read:

11          § 3. ~~PUBLIC SERVICE BOARD~~ UTILITY COMMISSION

12          (a) The Vermont Public Service Board Utility Commission shall consist of  
13          a Chair and two members. The Chair and each member shall not be required  
14          to be admitted to the practice of law in this State.

15          (b) The Chair shall be nominated, appointed, and confirmed in the manner  
16          of a Superior judge.

17          (c) Members of the ~~Board~~ Commission other than the Chair shall be  
18          appointed in accordance with this subsection. Whenever a vacancy occurs,  
19          public announcement of the vacancy shall be made. The Governor shall  
20          submit at least five names of potential nominees to the Judicial Nominating  
21          Board for review. The Judicial Nominating Board shall review the candidates

1 in respect to judicial criteria and standards only and shall recommend to the  
2 Governor those candidates the Board considers qualified. The Governor shall  
3 make the appointment from the list of qualified candidates. The appointment  
4 shall be subject to the consent of the Senate.

5 (d) The term of each member shall be six years. Any appointment to fill a  
6 vacancy shall be for the unexpired portion of the term vacated. A member  
7 wishing to succeed himself or herself in office may seek reappointment under  
8 the terms of this section.

9 (e) Notwithstanding 3 V.S.A. § 2004, or any other provision of law,  
10 members of the ~~Board~~ Commission may be removed only for cause. When a  
11 ~~Board~~ Commission member who hears all or a substantial part of a case retires  
12 from office before such case is completed, he or she shall remain a member of  
13 the ~~Board~~ Commission for the purpose of concluding and deciding such case,  
14 and signing the findings, orders, decrees, and judgments therein. A retiring  
15 Chair shall also remain a member for the purpose of certifying questions of law  
16 if appeal is taken. For such service, he or she shall receive a reasonable  
17 compensation to be fixed by the remaining members of the ~~Board~~ Commission  
18 and necessary expenses while on official business.

19 (f) A case shall be deemed completed when the ~~Board~~ Commission enters a  
20 final order therein even though such order is appealed to the Supreme Court  
21 and the case remanded by that court to the ~~Board~~ Commission. Upon remand

1 the ~~Board~~ Commission then in office may in its discretion consider relevant  
2 evidence including any part of the transcript of testimony in the proceedings  
3 prior to appeal.

4 (g) The Chair shall have general charge of the offices and employees of the  
5 ~~Board~~ Commission.

6 Sec. 10. 30 V.S.A. § 7001(1) is amended to read:

7 (1) ~~“Board”~~ “Commission” means the Public ~~Service Board~~ Utility  
8 Commission under section 3 of this title.

9 Sec. 11. 30 V.S.A. § 8002(1) is amended to read:

10 (1) ~~“Board”~~ “Commission” means the Public ~~Service Board~~ Utility  
11 Commission under section 3 of this title, except when used to refer to the  
12 Clean Energy Development Board.

13 Sec. 12. REVISION AUTHORITY

14 When preparing the Vermont Statutes Annotated for publication, the Office  
15 of Legislative Council shall make the following revisions throughout the  
16 statutes as needed for consistency with Secs. 9–11 of this act, as long as the  
17 revisions have no other effect on the meaning of the affected statutes:

18 (1) replace “Public Service Board” with “Public Utility  
19 Commission”; and

20 (2) replace “Board” with “Commission” when the existing term “Board”  
21 refers to the Public Service Board.

1       Sec. 13. RULES; NAME CHANGE

2           (a) The rules of the Public Service Board in effect on July 1, 2017 shall  
3       become rules of the Vermont Public Utility Commission (the Commission).

4           (b) In those rules, the Commission is authorized to change all references to  
5       the Public Service Board so that they refer to the Commission. Unless  
6       accompanied by one or more other revisions to the rules, such a change need  
7       not be made through the rulemaking process under the Administrative  
8       Procedure Act.

9           \* \* \* Remote Location Access by Citizens to PSB Hearings \* \* \*

10       Sec. 14. PLAN; CITIZENS' ACCESS TO PSB HEARINGS FROM  
11                REMOTE LOCATIONS

12           (a) On or before December 15, 2017, the Division for Telecommunications  
13       and Connectivity within the Department of Public Service, in consultation with  
14       relevant organizations such as the Vermont Access Network and Vermont  
15       access management organizations, shall submit to the House Committee on  
16       Energy and Technology and the Senate Committees on Finance and on Natural  
17       Resources and Energy a plan to achieve citizen access to hearings and  
18       workshops of the Public Service Board from remote locations across the State.  
19       The access shall include interactive capability and the ability to use multiple  
20       remote locations simultaneously. The plan may build on the Department's  
21       Vermont Video Connect proposal described in the Report to the General

1 Assembly by the Vermont Interactive Technologies Working Group dated  
2 Dec. 9, 2015, submitted pursuant to 2015 Acts and Resolves No. 58,  
3 Sec. E.602.1.

4 (b) The plan shall include each of the following:

5 (1) assessment of cost-effective interactive video technologies;

6 (2) identification of at least five locations across Vermont that are  
7 willing and able to host the access described in subsection (a) of this section;

8 (3) the estimated capital costs of providing such access; and

9 (4) the estimated operating costs for hosting and connecting.

10 \* \* \* Citizen Access to Public Service Board; Implementation Report \* \* \*

11 Sec. 15. REPORT; IMPLEMENTATION OF WORKING GROUP

12 RECOMMENDATIONS

13 On or before December 15, 2017, the Public Service Board shall submit to  
14 the House Committee on Energy and Technology and the Senate Committees  
15 on Finance and on Natural Resources and Energy a report on the progress  
16 made in implementing the recommendations of the Access to Public Service  
17 Board Working Group created by 2016 Acts and Resolves No. 174, Sec. 15,  
18 including those recommendations that the Group identified as not requiring  
19 statutory change.

20 \* \* \* Appliance Efficiency \* \* \*

21 Sec. 16. PURPOSE

1       In light of the findings set forth at 9 V.S.A. § 2792, Secs. 17 through 21 of  
2       this act adopt federal appliance and lighting efficiency standards in effect on  
3       January 19, 2017 so that the same standards will be in place in Vermont should  
4       the federal standards be repealed or voided. The act also adopts federal  
5       standards for general service lighting that have been adopted by the U.S.  
6       Department of Energy and are scheduled to come into effect on January 20,  
7       2020, again so that the same standards will be in place in Vermont. The act  
8       does not adopt standards for other products or standards for a product that are  
9       different from the federal standards.

10       Sec. 17. 9 V.S.A. § 2793 is amended to read:

11       § 2793. DEFINITIONS

12             As used in this chapter:

13                             \* \* \*

14             (15) “General service lamp” has the same meaning as set forth in the  
15             action published at 82 Fed. Reg. 7276, 7321-22 (January 19, 2017) and  
16             modified by the action published at 82 Fed. Reg. 7322, 7333  
17             (January 19, 2017).

18       Sec. 18. 9 V.S.A. § 2794 is amended to read:

19       § 2794. SCOPE

20             (a) The provisions of this chapter apply to the following types of new  
21       products sold, offered for sale, or installed in the State:

- 1 (1) Medium voltage dry-type distribution transformers.
- 2 (2) Metal halide lamp fixtures.
- 3 (3) Residential furnaces and residential boilers.
- 4 (4) Single-voltage external AC to DC power supplies.
- 5 (5) State-regulated incandescent reflector lamps.
- 6 (6) General service lamps.
- 7 (7) Each other product for which the Commissioner is required to adopt
- 8 an efficiency or water conservation standard by rule pursuant to section 2795
- 9 of this title.
- 10 (8) Any other product that may be designated by the Commissioner in
- 11 accordance with section 2797 of this title.
- 12 (b) The provisions of this chapter do not apply to:
- 13 (1) New products manufactured in the State and sold outside the State
- 14 and the equipment used in manufacturing those products.
- 15 (2) New products manufactured outside the State and sold at wholesale
- 16 inside the State for final retail sale and installation outside the State.
- 17 (3) Products installed in mobile manufactured homes at the time of
- 18 construction.
- 19 (4) Products designed expressly for installation and use in recreational
- 20 vehicles.
- 21 Sec. 19. 9 V.S.A. § 2795 is amended to read:



1 § 2795. EFFICIENCY AND WATER CONSERVATION STANDARDS

2 ~~Not later than June 1, 2007, the~~ The Commissioner shall adopt rules in  
3 accordance with the provisions of 3 V.S.A. chapter 25 establishing minimum  
4 efficiency standards for the types of new products set forth in section 2794 of  
5 this title. The rules shall provide for the following minimum efficiency  
6 standards for products sold or installed in this State:

7 \* \* \*

8 (6) In the rules, the Commissioner shall adopt minimum efficiency and  
9 water conservation standards for each product that is subject to a standard  
10 under 10 C.F.R. §§ 430 and 431 as those provisions existed on January 19,  
11 2017. The minimum standard and the testing protocol for each product shall  
12 be the same as adopted in those sections of the Code of Federal Regulations.

13 (7) In the rules, the Commissioner shall adopt a minimum efficacy  
14 standard for general service lamps of 45 lumens per watt, when tested in  
15 accordance with 10 C.F.R. § 430.23(gg) as that provision existed on  
16 January 19, 2017.

17 Sec. 20. 9 V.S.A. § 2796 is amended to read:

18 § 2796. IMPLEMENTATION

19 \* \* \*

1       (f)(1) When federal preemption under 42 U.S.C. § 6297 applies to a  
2       standard adopted pursuant to this chapter for a product, the standard shall  
3       become enforceable on the occurrence of the earliest of the following:

4               (A) The federal energy or water conservation standard for the product  
5       under 42 U.S.C. chapter 77 is withdrawn, repealed, or otherwise voided.

6       However, this subdivision (A) shall not apply to any federal energy or water  
7       conservation standard set aside by a court of competent jurisdiction upon the  
8       petition of a person who will be adversely affected, as provided in 42 U.S.C.  
9       § 6306(b).

10              (B) A waiver of federal preemption is issued pursuant to 42 U.S.C.  
11       § 6297.

12              (2) The federal standard for general service lamps shall be considered to  
13       be withdrawn, repealed, or otherwise voided within the meaning of this  
14       subsection if it does not come into effect on January 20, 2020 pursuant to the  
15       actions published at 82 Fed. Reg. 7276 and 7333 (January 19, 2017).

16              (3) When a standard adopted pursuant to this chapter becomes  
17       enforceable under this subsection, a person shall not sell or offer for sale in the  
18       State a new product subject to the standard unless the efficiency or water  
19       conservation of the new product meets or exceeds the requirements set forth in  
20       the standard.

21       Sec. 21. RULE ADOPTION; SCHEDULE; REPORT

1 (a) Rule adoption; schedule.

2 (1) On or before August 1, 2017, the Commissioner of Public Service  
3 shall file with the Secretary of State proposed rules to effect Sec. 19 of this act.

4 (2) On or before April 1, 2018, the Commissioner shall finally adopt  
5 these rules, unless the Legislative Committee on Administrative Rules extends  
6 this date pursuant to 3 V.S.A. § 843(c).

7 (b) Reports.

8 (1) On or before December 15, 2017, the Commissioner of Public  
9 Service shall file a progress report on the rulemaking required by this act. The  
10 report shall attach the proposed rules as filed with the Secretary of State.

11 (2) On or before December 15, 2018, the Commissioner of Public  
12 Service shall file a further progress report on the rulemaking required by this  
13 act. The report shall attach the rules as finally adopted by the Commissioner.

14 \* \* \* Energy Storage \* \* \*

15 Sec. 22. ENERGY STORAGE; REPORT

16 (a) Definitions. As used in this section, “energy storage” means a system  
17 that uses mechanical, chemical, or thermal processes to store energy for later  
18 use.

19 (b) Report. On or before November 15, 2017, the Commissioner of Public  
20 Service shall submit a report on the issue of deploying energy storage on the  
21 Vermont electric transmission and distribution system.

1           (1) The Commissioner shall submit the report to the House Committee  
2           on Energy and Technology and the Senate Committees on Finance and on  
3           Natural Resources and Energy.

4           (2) The Commissioner shall provide an opportunity for the public and  
5           Vermont electric transmission and distribution companies to submit  
6           information relevant to the preparation of the report.

7           (3) The report shall:

8                   (A) summarize existing state, regional, and national actions or  
9                   initiatives affecting deployment of energy storage;

10                   (B) identify and summarize federal and state jurisdictional issues  
11                   regarding deployment of energy storage;

12                   (C) identify the opportunities for, the benefits of, and the barriers to  
13                   deploying energy storage;

14                   (D) identify and evaluate regulatory options and structures available  
15                   to foster energy storage, including potential cost impacts to ratepayers; and

16                   (E) assess the potential methods for fostering the development of  
17                   cost-effective solutions for energy storage in Vermont and the potential  
18                   benefits and cost impacts of each method for ratepayers.

19           (4) The report shall identify the challenges and opportunities for  
20           fostering energy storage in Vermont.

21           Sec. 23. 30 V.S.A. § 8015 is amended to read:

1 § 8015. VERMONT CLEAN ENERGY DEVELOPMENT FUND

2 \* \* \*

3 (b) Definitions. ~~For purposes of~~ As used in this section, the following  
4 definitions shall apply:

5 \* \* \*

6 (6) “Energy storage” means a system that uses mechanical, chemical, or  
7 thermal processes to store energy for later use.

8 \* \* \*

9 (d) Expenditures authorized.

10 (1) Projects for funding may include the following:

11 (A) projects that will sell power in commercial quantities;

12 (B) among those projects that will sell power in commercial  
13 quantities, funding priority will be given to those projects that commit to sell  
14 power to Vermont utilities on favorable terms;

15 (C) projects to benefit publicly owned or leased buildings;

16 (D) renewable energy projects on farms, which may include any or  
17 all costs incurred to upgrade to a three-phase line to serve a system on a farm;

18 (E) ~~small-scale~~ small-scale renewable energy in Vermont residences,  
19 institutions, and businesses:

20 (i) generally; and

21 (ii) through the Small-scale Renewable Energy Incentive Program;

1 (F) projects under the agricultural economic development special  
2 account established under 6 V.S.A. § 4710(g) to harvest biomass, convert  
3 biomass to energy, or produce biofuel;

4 (G) until December 31, 2008 only, super-efficient buildings;

5 (H) projects to develop and use thermal or geothermal energy,  
6 regardless of whether they also involve the generation of electricity;

7 (I) emerging energy-efficient technologies;

8 (J) effective projects that are not likely to be established in the  
9 absence of funding under the program;

10 (K) natural gas vehicles and associated fueling infrastructure if each  
11 such vehicle is dedicated only to natural gas fuel and, on a life cycle basis, the  
12 vehicle's emissions will be lower than those of commercially available  
13 vehicles using other fossil fuel, and any such infrastructure will deliver gas  
14 without interruption of flow;

15 (L) electric vehicles and associated charging stations;

16 (M) energy storage projects that facilitate utilization of renewable  
17 energy resources.

18 \* \* \*

19 \* \* \* Telecommunications Plan \* \* \*

20 Sec. 24. 30 V.S.A. § 202d is amended to read:

21 § 202d. TELECOMMUNICATIONS PLAN

1 (a) The Department of Public Service shall constitute the responsible  
2 planning agency of the State for the purpose of obtaining for all consumers in  
3 the State stable and predictable rates and a technologically advanced  
4 telecommunications network serving all service areas in the State. The  
5 Department shall be responsible for the provision of plans for meeting  
6 emerging trends related to telecommunications technology, markets, financing,  
7 and competition.

8 (b) The Department shall prepare a Telecommunications Plan for the State.  
9 The Department of Innovation and Information, the Agency of Commerce and  
10 Community Development, and the Agency of Transportation shall assist the  
11 Department in preparing the Plan. The Plan shall be for a 10-year period and  
12 shall serve as a basis for State telecommunications policy. Prior to preparing  
13 the Plan, the Department shall prepare:

14 (1) ~~an~~ An overview, looking 10 years ahead, of future requirements for  
15 telecommunications services, considering services needed for economic  
16 development, technological advances, and other trends and factors which, as  
17 determined by the Department of Public Service, will significantly affect State  
18 telecommunications policy and programs;

19 (2) ~~a survey~~ One or more surveys of Vermont residents and businesses,  
20 conducted in cooperation with the Agency of Commerce and Community  
21 Development to determine what telecommunications services are needed now

1 and in the succeeding ~~ten~~ 10 years, generally, and with respect to the following  
2 specific sectors in Vermont;

3 (A) the educational sector, with input from the Secretary of  
4 Education;

5 (B) the health care and human services sectors, with input from the  
6 Commissioner of Health and the Secretary of Human Services;

7 (C) the public safety sector, with input from the Commissioner of  
8 Public Safety and the Executive Director of the Enhanced 911 Board; and

9 (D) the workforce training and development sectors, with input from  
10 the Commissioner of Labor.

11 (3) ~~an~~ An assessment of the current state of telecommunications  
12 infrastructure;

13 (4) ~~an~~ An assessment, conducted in cooperation with the Department of  
14 Innovation and Information and the Agency of Transportation, of the current  
15 State telecommunications system and evaluation of alternative proposals for  
16 upgrading the system to provide the best available and affordable technology  
17 for use by government; ~~and~~.

18 (5) ~~an~~ An assessment of the state of telecommunications networks and  
19 services in Vermont relative to other states, including price comparisons for  
20 key services and comparisons of the state of technology deployment.



1 (c) In developing the Plan, the Department shall take into account the State  
2 telecommunications policies and goals of section 202c of this title.

3 (d) In establishing plans, public hearings shall be held and the Department  
4 shall consult with members of the public, representatives of  
5 telecommunications utilities with a certificate of public good, other providers,  
6 including the Vermont Electric Power Co., Inc. (VELCO), and other interested  
7 State agencies, particularly the Agency of Commerce and Community  
8 Development, the Agency of Transportation, and the Department of Innovation  
9 and Information, whose views shall be considered in preparation of the Plan.

10 To the extent necessary, the Department shall include in the Plan surveys to  
11 determine existing, needed, and desirable plant improvements and extensions,  
12 access and coordination between telecommunications providers, methods of  
13 operations, and any change that will produce better service or reduce costs. To  
14 this end, the Department may require the submission of data by each company  
15 subject to supervision by the Public Service Board.

16 (e) Before adopting a Plan, the Department shall conduct public hearings  
17 on a final draft and shall consider the testimony presented at such hearings in  
18 preparing the final Plan. At least one hearing shall be held jointly with  
19 Committees of the General Assembly designated by the General Assembly for  
20 this purpose. The Plan shall be adopted by September 1, 2014, and then  
21 reviewed and updated as provided in subsection (f) of this section.

1 (f) The Department, from time to time, but in no event less than every three  
2 years, shall institute proceedings to review the Plan and make revisions, where  
3 necessary. The three-year major review shall be made according to the  
4 procedures established in this section for initial adoption of the Plan. For good  
5 cause or upon request by a joint resolution passed by the General Assembly, an  
6 interim review and revision of any section of the Plan may be made after  
7 conducting public hearings on the interim revision. At least one hearing shall  
8 be held jointly with Committees of the General Assembly designated by the  
9 General Assembly for this purpose.

10 (g) The Department shall review and update the minimum technical service  
11 characteristic objectives not less than every three years beginning in 2017. In  
12 the event such review is conducted separately from an update of the Plan, the  
13 Department shall issue revised minimum technical service characteristic  
14 objectives as an amendment to the Plan.

15 \* \* \* Standard Offer Program; Exemption \* \* \*

16 Sec. 25. STANDARD OFFER PROGRAM; EXEMPTION; REPORT

17 (a) On or before December 15, 2018, the Public Service Board (Board)  
18 shall submit a written report providing its recommendations related to the  
19 exemption set forth at 30 V.S.A. § 8005a(k)(2)(B) and any issues arising from  
20 that exemption, including the effect of the exemption on the State's  
21 achievement of the renewable energy goals set forth in 30 V.S.A. § 8001. In

1 developing its recommendations under this section, the Board shall conduct a  
2 proceeding to solicit input from potentially affected parties and the public.

3 (b) Notwithstanding any contrary provision of the exemption at 30 V.S.A.  
4 § 8005a(k)(2)(B), a retail electricity provider shall not qualify to be exempt  
5 under subdivision 8005a(k)(2)(B) during calendar year 2018 or calendar year  
6 2019 unless that provider previously qualified for an exemption under that  
7 subdivision.

8 (c) In this section, “retail electricity provider” has the same meaning as in  
9 30 V.S.A. § 8002.

10 \* \* \* Effective Dates \* \* \*

11 Sec. 26. EFFECTIVE DATES

12 This section and Secs. 14 through 25 shall take effect on passage. The  
13 remainder of this act shall take effect on July 1, 2017.

14 and that after passage the title of the bill be amended to read: “An act relating  
15 to the Public Service Board, energy, and telecommunications”

16  
17 (Committee vote: \_\_\_\_\_)

18 \_\_\_\_\_

19 Representative \_\_\_\_\_

20 FOR THE COMMITTEE