

**S.52; As Passed the Senate; the Public Service Board and its proceedings**  
Office of Legislative Council April 4, 2017

§	DESCRIPTION
<i>Preapplication Submittals; Energy Facilities</i>	
1	<p>30 V.S.A. § 248(f). 45-day pre-application submittal</p> <p>Amends an existing statute that requires applicants for electric generation and transmission facilities and natural gas facilities (collectively, energy facilities) to make a submittal to the local and regional planning commissions 45 days before filing with the Public Service Board (PSB). The statute also allows the commissions to hold a public hearing. The changes would:</p> <ul style="list-style-type: none"> <li>• State that the applicant and the Dept. of Public Service (DPS) must attend the commission’s public hearing if requested. This is similar to the existing telecommunications siting law.</li> <li>• Enable the planning commission to request, during this 45-day preapplication period, the DPS to retain experts to review the proposed facility and allocate the costs to the applicant in the same manner as DPS may retain experts under current law. It would state that neither the DPS nor the retained experts are required to agree with the planning commission’s position. This is similar to the telecommunications siting law.</li> <li>• Amend the deadline by which planning commissions may make recommendations to the PSB so that it occurs after the application is filed and is the same as the one set forth for all parties under the applicable provisions of statute, rule, or PSB order.</li> </ul>
<i>Energy and Telecommunication Facilities; Service of Application When Determined Complete</i>	
2-5	<p>Secs. 2-5 apply to the various PSB statutes on certificates of public good (CPG) for meteorological stations, energy facilities, and telecommunications facilities. They would standardize the start date and length for the periods for commenting or requesting a hearing.</p> <ul style="list-style-type: none"> <li>• The PSB would first determine whether the application is complete.</li> <li>• The applicant would then serve all required parties within two days of notice from the PSB that the application is complete.</li> <li>• The period for submitting a comment or requesting a hearing would start from the date of service.</li> <li>• This period would be standardized at 30 days. Currently it is 30, 28, or 21 days depending on the statute.</li> </ul> <p>The affected statutes are:</p> <p>Sec. 2: 30 V.S.A. § 246. Temporary Siting of Meteorological Stations</p> <p>Sec. 3: 30 V.S.A. § 248(a)(4). Electric Generation and Transmission and Natural Gas Facilities; procedures for in-state facility siting</p> <ul style="list-style-type: none"> <li>• This section also requires the PSB to derive areas inquiry from comments made at the</li> </ul>

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	<p>public hearing and address each area in its decision.</p> <p>Sec. 4. 30 V.S.A. § 248(j)(2). Electric Generation and Transmission and Natural Gas Facilities; facilities of limited size and scope</p> <p>Sec. 5. 30 V.S.A. § 248a. Certificate of Public Good for Communication Facilities</p> <ul style="list-style-type: none"> <li>• For telecommunications facilities of limited size and scope, this section also increases the period for issuing a decision from 45 to 60 days in order to accommodate the standardized 30-day comment period.</li> </ul>
<i>Notice of Petitions for a CPG to Do Business</i>	
6	<p>30 V.S.A. § 231. Certificate of Public Good; Abandonment of Service; Hearing</p> <p>This section would amend a statute under which the PSB may issue a CPG for the conduct of a business subject to its jurisdiction, such as the ownership or operation of an electric distribution utility.</p> <ul style="list-style-type: none"> <li>• Instead of requiring notice of the hearing in the newspaper two weeks successively, the PSB would, 12 days before the hearing, publish notice on its website and once in the newspaper.</li> <li>• The same change was made in 2010 to the notice requirements under 30 V.S.A. § 248, the energy facility siting statute.</li> </ul>
<i>Enforcement</i>	
7	<p>30 V.S.A. § 2(h). Department Powers</p> <p>Requires the Department of Public Service (DPS) to investigate when it receives a complaint that there has been noncompliance with the energy and telecommunications facility siting statutes or a CPG issued under those statutes.</p>
8	<p>30 V.S.A. § 30(h). Penalties; Affidavit of Compliance – administrative citations</p> <p>Amends an existing statute under which the PSB may impose civil penalties for violations. Specifically, the amendment would add a subsection that authorizes the DPS to issue administrative citations for violations of the energy and telecommunications facility siting statutes or a CPG issued under those statutes.</p> <ul style="list-style-type: none"> <li>• The administrative citation would state the violation and the underlying facts and request that the alleged violator take remedial action or pay a civil penalty of not more than \$5,000, or both.</li> <li>• The DPS would first issue a draft administrative citation subject to a 30-day comment period. The citation would be submitted to the PSB and sent to the alleged violator, the complainant if any, and other potentially affected parties.</li> <li>• At the close of the comment period, the DPS would provide the PSB with the public</li> </ul>

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	<p>comments. The PSB would have a 15-day opportunity to open its own investigation should it wish to do so.</p> <ul style="list-style-type: none"> <li>• If the PSB does not open an investigation, the DPS would then be able to issue a final administrative citation. The alleged violator would have a 30-day opportunity to request a hearing before the PSB on the final citation, contesting one or more of the following: whether a violation exists, the proposed remedial action, or the proposed penalty.</li> <li>• If the alleged violator does not request a hearing, the final administrative citation would become enforceable in the same manner as a PSB order and the alleged violator would be required to undertake the remedial action and pay the civil penalty in the citation.</li> </ul>
<i>Name Change to Public Utility Commission</i>	
9	<p>30 V.S.A. § 3. <del>Public Service Board</del> <u>Utility Commission</u>.</p> <p>Amends the statute creating the PSB to change the name to the Vermont Public Utility Commission.</p>
10	<p>30 V.S.A. 7001(1). Definition of “Board”</p> <p>Amends the definitions statute within the chapter on preventing damage to underground utilities to replace the definition of the Public Service Board with Public Utility Commission.</p>
11	<p>30 V.S.A. 8002(1). Definition of “Board”</p> <p>Amends the definitions statute within the chapter on renewable energy to replace the definition of the Public Service Board with Public Utility Commission.</p>
12	<p>Session Law: Revision Authority.</p> <p>Directs the Office of Legislative Council, when preparing the Vermont Statutes Annotated for publication, to replace “Public Service Board” with “Public Utility Commission” and to replace “Board” with “Commission” when the existing term “Board” refers to the PSB.</p>
13	<p>Session Law: Rules; Name Change</p> <p>States that the current rules of the PSB shall become rules of the Public Utility Commission and authorizes the Commission to change rule references to the PSB so that they refer to the Commission. Allows the Commission to do so without going through the rulemaking process under the Administrative Procedure Act if this change is the only change.</p>
<i>Remote Location Access by Citizens to PSB Hearings</i>	
14	<p>Session Law: Plan; Citizens’ Access to PSB Hearings from Remote Locations</p> <p>Directs the Division for Telecommunications and Connectivity within the DPS to submit to the standing committees, by Dec. 15, 2017, a plan to achieve citizen access to hearings and workshops of the PSB from remote locations across the State. Directs DPS to consult with</p>

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	relevant organizations such as the Vermont Access Network. Allows DPS to expend not more than \$10,000 from its approved budget for this purpose.
<i>Citizen Access to Public Service Board; Implementation</i>	
15	<p>Session Law: Report; Implementation of Working Group Recommendations</p> <p>Directs the PSB to file with the standing committees, by Dec. 15, 2017, a report on the progress made in implementing the recommendations of the Access to Public Service Board Working Group created by 2016 Acts and Resolves No. 174, Sec. 15, including recommendations not requiring statutory change.</p>
<i>Effective Dates</i>	
16	<p>Session Law: Effective Dates.</p> <p>Secs. 14-16 take effect on passage. The remaining secs. take effect on July 1, 2017.</p>