

1 S.52 POTENTIAL ADDITIONS

2 Requested by Sen. Lyons:

3 In Sec. 3, 30 V.S.A. § 248(a)(4)(A):

4 (4)(A) With respect to a facility located in the State, the Public Service
5 Board shall hold a nontechnical public hearing on each petition for such
6 finding and certificate in at least one county in which any portion of the
7 construction of the facility is proposed to be located. **Based on the comments**
8 **received at the public hearing, the Board shall form areas of inquiry**
9 **regarding the petition, shall require the parties to present evidence and**
10 **argument on each of those areas, and in its decision shall state its**
11 **determination on each such area.**

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13 Requested by Sen. Sirotkin

14 In Sec. 7, 30 V.S.A. § 30, in subdivision (h)(2):

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

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

3 (B) Commencing with the date of issuance, the Department shall
4 provide an opportunity of 30 days for public comment on the draft citation.
5 The Department shall include information on this opportunity in the draft
6 citation.

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

8 (i) Shall provide the Board with a copy of each comment
9 received.

10 (ii) May file a revised draft citation with the Board. The revised
11 draft citation may be accompanied by a stipulation or agreed settlement with a
12 request for Board approval.

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14 Requested by Sen. Sirotkin

15 In Sec. 7, 30 V.S.A. § 30, in subdivision (h)(4):

16 (4) When a person requests a hearing under subdivision (3) of this
17 subsection, the Board shall open a proceeding and conduct a hearing in
18 accordance with the provisions of this section on the alleged violation and such
19 remedial action and penalty as are set forth in the notice. **If the Board**
20 **determines that the alleged violation may merit a penalty under this**
21 **section greater than \$5,000.00, it shall so notify the alleged violator and**

- 1 **provide an additional opportunity to be heard before rendering a final**
- 2 **decision. Notwithstanding any contrary provision of this section, a**
- 3 **penalty under this subsection shall not exceed \$5,000.00.**