

1 S.252

2 Introduced by Senator Rodgers

3 Referred to Committee on

4 Date:

5 Subject: Energy; public service; electric generation facilities; siting; municipal  
6 and regional planning

7 Statement of purpose of bill as introduced: In order to allow time for the  
8 completion by regional and municipal planning commissions of enhanced  
9 energy planning under 24 V.S.A. § 4352, this bill proposes to establish a five-  
10 year period under which, in electric generation siting proceedings, the Public  
11 Utility Commission would give substantial deference to existing regional and  
12 municipal plans.

13 An act relating to municipal and regional land use planning and electric  
14 generation siting

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

16 Sec. 1. 30 V.S.A. § 248 is amended to read:

17 § 248. NEW GAS AND ELECTRIC PURCHASES, INVESTMENTS, AND  
18 FACILITIES; CERTIFICATE OF PUBLIC GOOD

19 \* \* \*

1 (b) Before the Public Utility Commission issues a certificate of public good  
2 as required under subsection (a) of this section, it shall find that the purchase,  
3 investment, or construction:

4 (1) With respect to an in-state facility, will not unduly interfere with the  
5 orderly development of the region with due consideration having been given to  
6 the recommendations of the municipal and regional planning commissions, the  
7 recommendations of the municipal legislative bodies, and the land  
8 conservation measures contained in the plan of any affected municipality.

9 However:

10 \* \* \*

11 (C) With respect to an in-state electric generation facility, the  
12 Commission shall give substantial deference to the land conservation measures  
13 and specific policies contained in a duly adopted regional and municipal plan  
14 that has received an affirmative determination of energy compliance under  
15 24 V.S.A. § 4352. In this subdivision (C), “substantial deference” means that a  
16 land conservation measure or specific policy shall be applied in accordance  
17 with its terms unless there is a clear and convincing demonstration that other  
18 factors affecting the general good of the State outweigh the application of the  
19 measure or policy. The term shall not include consideration of whether the  
20 determination of energy compliance should or should not have been  
21 affirmative under 24 V.S.A. § 4352.

