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H.214

Introduced by Representatives Masland of Thetford, Browning of Arlington,  
Burke of Brattleboro, Cina of Burlington, Colburn of  
Burlington, Cordes of Lincoln, McCullough of Williston,  
Sullivan of Burlington, and Yantachka of Charlotte

Referred to Committee on

Date:

Subject: Public service; energy; natural gas

Statement of purpose of bill as introduced: This bill proposes to require the  
Public Utility Commission to consider the effects of leakage of fossil fuel and  
groundwater contamination when determining whether to grant a certificate of  
public good for a natural gas facility.

An act relating to certificates of public good for natural gas facilities

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

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

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

\* \* \*

(3)(A) No company, as defined in section 201 of this title, and no  
person, as defined in 10 V.S.A. § 6001(14), may in any way begin site

1 preparation for or commence construction of any natural gas facility, except  
2 for the replacement of existing facilities with equivalent facilities in the usual  
3 course of business, unless the Public Utility Commission first:

4 (i) finds that the same will promote the general good of the State;

5 (ii) evaluates the percentage of greenhouse gas leakage that occurs  
6 from the extraction and transportation of the natural gas and determines that  
7 the adverse effects of that leakage on climate change are outweighed by the  
8 good to the State;

9 (iii) evaluates the impact of groundwater contamination caused by  
10 the extraction of the natural gas in the region where the extraction is conducted  
11 and determines those impacts are outweighed by the good to the State; and

12 (iv) issues a certificate to that effect pursuant to this section.

13 ~~(A)~~(B) For the purposes of this section, the term “natural gas facility”  
14 shall mean any natural gas transmission line, storage facility, manufactured-gas  
15 facility, or other structure incident to any such line or facility. For purposes of  
16 this section, a “natural gas transmission line” shall include any feeder main or  
17 any pipeline facility constructed to deliver natural gas in Vermont directly  
18 from a natural gas pipeline facility that has been certified pursuant to the  
19 Natural Gas Act, 15 U.S.C. § 717 et seq.

20 ~~(B)~~(C) For the purposes of this section, the term “company” shall not  
21 include a “natural gas company” (including a “person which will be a natural

1 gas company upon completion of any proposed construction or extension of  
2 facilities”), within the meaning of the Natural Gas Act, 15 U.S.C. § 717 et seq.;  
3 provided, however, that the term “company” shall include any “natural gas  
4 company” to the extent it proposes to construct in Vermont a natural gas  
5 facility that is not solely subject to federal jurisdiction under the Natural Gas  
6 Act.

7 ~~(D)~~ The Public Utility Commission shall have the authority to,  
8 and may in its discretion, conduct a proceeding, as set forth in subsection (h) of  
9 this section, with respect to a natural gas facility proposed to be constructed in  
10 Vermont by a “natural gas company” for the purpose of developing an opinion  
11 in connection with federal certification or other federal approval proceedings.

12 (E) The Public Utility Commission shall not allow companies to  
13 finance the construction of a pipeline through rates beyond the useful lifetime  
14 of the infrastructure and shall not allow construction costs to be securitized on  
15 other utilities beyond the pipeline infrastructure itself.

16 \* \* \*

17 Sec. 2. EFFECTIVE DATE

18 This act shall take effect on July 1, 2019.