

Fossil Fuel Pipelines & Infrastructure

Discussion of Bills in Committee
(H.51, H.175, H.214)

House Energy & Technology
March 19, 2019

Luke Martland, Director & Chief Counsel

Background & Road Map

Existing pipelines in VT

- Vermont Gas
- Portland Pipe Line Corporation (PPLC)

Road map for today

- Background on the existing law & regulatory framework
- Decision points & considerations
- Proposed bills

Regulatory Framework

Federal v. State

- Federal
 - ✓ FERC regulates interstate wholesale sale and transportation of electricity and natural gas; jurisdiction over construction of interstate natural gas pipelines and storage facilities
- State (natural gas v. other fuels)
 - ✓ PUC (natural gas)
 - ✓ Act 250 (other fossil fuels)

Regulatory Framework - Natural Gas

30 V.S.A. § 203: The PUC and DPS shall have jurisdiction over ...

(1) A company engaged in the manufacture, transmission, distribution, or sale of gas or electricity directly to the public ...

(2) That part of the business of a company which consists of the manufacture, transmission, distribution, or sale of gas or electricity directly to the public ...

Regulatory Framework - Natural Gas

30 V.S.A. § 248: (a)(3) No company or person may begin site preparation ... or commence construction of any natural gas facility, except for the replacement of existing facilities with equivalent facilities in the usual course of business, unless the Public Utility Commission first [issues a CPG].

(A) ... “natural gas facility” shall mean any natural gas transmission line, storage facility, manufactured-gas facility, or other structure incident to any such line or facility ...
“natural gas transmission line” shall include any feeder main or any pipeline facility constructed to deliver natural gas in Vermont directly from a natural gas pipeline facility ...

Regulatory Framework - Other Fossil Fuels

To fall within Act 250, a project must involve more than 10 acres of land or more than one acre of land within a municipality that has not adopted zoning and subdivision bylaws. 10 V.S.A. § 6001(3)(A).

- A pipeline may constitute such a project (PPLC decision)
- Carveout for natural gas facilities that require a CPG

Decision Points & Considerations

High-level options:

- Maintain status quo
- Absolutes
- Modify existing criteria to encourage or discourage construction

Other decision points:

- Facilities v. pipelines
- Natural gas v. other fossil fuels
- “Grandfather” clause or other carveouts

Review of Bills

Bills concerning fossil fuel pipelines:

- H.51; S.66
- H.175
- H.214
- S.150