

1           \* \* \* Department of Public Service and Public Utility Commission Proposed  
2   New Language \* \* \*

3                                 \* \* \* Adds §§ 248c and 248d to Title 30 \* \* \*

4           § 248c. FEES; DEPARTMENT OF PUBLIC SERVICE AND PUBLIC  
5                                 UTILITY COMMISSION; PARTICIPATION IN CERTIFICATION  
6                                 AND SITING PROCEEDINGS

7           (a) Establishment. This section establishes fees for the purpose of  
8           supporting the role of the Department of Public Service (the Department) and  
9           the Public Utility Commission (the Commission) in reviewing applications for  
10           in-state facilities under section 248 of this title. Companies that pay the gross  
11           receipts tax as provided in section 22 of this title shall not be subject to the fees  
12           established in this section.

13           (b) Payment. The applicant shall pay the fee into the State Treasury at the  
14           time the application for a certificate of public good is filed with the  
15           Commission in an amount calculated in accordance with this section. The fee  
16           shall be deposited into the gross revenue fund and allocated to the Department  
17           and Commission as provided in subsection 22(c) of this title.

18           (c) Definitions. As used in this section, “kW” and “plant capacity” have  
19           the same meaning as in section 8002 of this title.

20           (d) Electric and natural gas facilities. This subsection sets fees for  
21           applications under section 248 of this title.

22                         (1) There shall be a registration fee of \$100 for each electric generation  
23           facility less than or equal to 50 kW in plant capacity, or for a rooftop project,

1 or for a hydroelectric project filing a net-metering registration, or for an  
2 application filed under subsection 248(n) of this title.

3 (2) There shall be a fee of \$25 for modifications for each electric  
4 generation facility less than or equal to 50 kW in plant capacity, or for a  
5 rooftop project, or for a hydroelectric project filing a net-metering registration,  
6 or for an application filed under subsection 248(n) of this title.

7 (3) There shall be a fee for electric generation facilities that do not  
8 qualify for the lower fees in subdivisions (1) and (2) of this subsection,  
9 calculated as follows:

10 (A) \$5.00 per kW; and

11 (B) \$100 for modifications.

12 (e) Report. On or before the third Tuesday of each annual legislative  
13 session, the Department and Commission shall jointly submit a report to the  
14 General Assembly by electronic submission. The provisions of 2 V.S.A. §  
15 20(d) (expiration of required reports) shall not apply to this report. The report  
16 shall list the fees collected and refunds approved, if any, under this section  
17 during the preceding fiscal year.

18 § 248d. FEE REFUND

19 If an applicant withdraws an application and seeks a fee refund, then a  
20 written request for an application fee refund shall be submitted to the Public  
21 Utility Commission (the Commission) within 90 days of the withdrawal of the  
22 application.

1           (1) As used in this section, “agency” means the Agency of Natural  
2           Resources, the Department of Public Service, or the Commission.

3           (2) In the event that an application is withdrawn before any agency has  
4           filed comments expressing a position on any part of the application, filed  
5           testimony, or filed a stipulated agreement with the Commission in the context  
6           of a certificate of public good proceeding, the Commission shall, upon request  
7           of the applicant, refund 50 percent of the fee paid to each agency above the  
8           first \$100.00; however, in no instance shall the agency retain more than  
9           \$20,000.00.

10           (3) In the event that an application is withdrawn after any agency has  
11           filed comments expressing a position on any part of the application, filed  
12           testimony, or filed a stipulated agreement with the Commission in the context  
13           of a certificate of public good proceeding, the Commission shall, upon request  
14           of the applicant, refund 25 percent of the fee paid to each agency above the  
15           first \$100.00.

16           (4) Commission decisions regarding application fee refunds may be  
17           appealed to the Vermont Supreme Court.

18           (5) In no event may an application fee or a portion thereof be refunded  
19           after the Commission has issued a final decision on the merits of an  
20           application, whether the decision is to grant or deny the application in whole or  
21           in part.

22           (6) No interest will be due or payable on any money refunded under this  
23           section.