

1 TO THE HONORABLE SENATE:

2 The Committee on Finance to which was referred House Bill No. 133
3 entitled “An act relating to miscellaneous energy subjects” respectfully reports
4 that it has considered the same and recommends that the Senate propose to the
5 House that the bill be amended by striking out all after the enacting clause and
6 inserting in lieu thereof the following:

7 * * * Report Consolidation * * *

8 Sec. 1. 30 V.S.A. § 203a is amended to read:

9 § 203a. FUEL EFFICIENCY FUND

10 * * *

11 ~~(c) Report. On or before January 15, 2010, and annually thereafter, the~~
12 ~~Department of Public Service shall report to the General Assembly on the~~
13 ~~expenditure of funds from the Fuel Efficiency Fund to meet the public’s needs~~
14 ~~for energy efficiency services. The provisions of 2 V.S.A. § 20(d) (expiration~~
15 ~~of required reports) shall not apply to the report to be made under this~~
16 ~~subsection. [Repealed.]~~

17 * * *

18 Sec. 2. 2012 Act and Resolves No. 165, Sec. 2 is amended to read:

19 Sec. 2. MEMORANDUM OF UNDERSTANDING; SMALL

20 HYDROELECTRIC PROJECTS

21 * * *

1 (e) ~~No later than January 15, 2014 and annually by each second January 15~~
2 ~~thereafter, the commissioner shall submit a written report to the general~~
3 ~~assembly detailing the progress of the MOU program, including an~~
4 ~~identification of each hydroelectric project participating in the program. After~~
5 ~~five hydroelectric projects participating in the program are approved and~~
6 ~~commence operation, reports filed under this subsection shall evaluate and~~
7 ~~provide lessons learned from the program, including recommendations, if any,~~
8 ~~on how to improve procedures for obtaining approval of micro hydroelectric~~
9 ~~projects (100 kilowatts capacity or less). The provisions of 2 V.S.A. § 20(d)~~
10 ~~(expiration of required reports) shall not apply to the report to be submitted~~
11 ~~under this subsection. [Repealed.]~~

12 * * *

13 Sec. 3. 30 V.S.A. § 8105 is amended to read:

14 § 8105. **REPORTING**

15 (a) ~~A host community for which a Vermont village green renewable project~~
16 ~~has been certified under this chapter shall file a report to the Commission and~~
17 ~~the Commissioner of Public Service by December 31 of each year following~~
18 ~~certification. The report shall contain such information as is required by the~~
19 ~~Commission and the Commissioner. The report shall include at a minimum~~
20 ~~sufficient information for the Commissioner of Public Service to submit the~~
21 ~~report required by subsection (b) of this section.~~

1 ~~(b) Beginning on March 1, 2010, and annually thereafter, the~~
2 ~~Commissioner of Public Service shall submit a report to the Senate~~
3 ~~Committees on Economic Development, Housing and General Affairs, on~~
4 ~~Finance, and on Natural Resources and Energy, and the House Committees on~~
5 ~~Ways and Means, on Commerce and Economic Development, and on Energy~~
6 ~~and Technology, and the Governor, which shall include an update on progress~~
7 ~~made in the development of the Vermont village green renewable projects~~
8 ~~authorized under this chapter. The report also shall include an analysis of the~~
9 ~~costs and benefits of the projects as well as any recommendations consistent~~
10 ~~with the purposes of this chapter. The provisions of 2 V.S.A. § 20(d)~~
11 ~~(expiration of required reports) shall not apply to the report to be made under~~
12 ~~this subsection. [Repealed.]~~

13 Sec. 4. 30 V.S.A. § 202b is amended to read:

14 § 202b. STATE COMPREHENSIVE ENERGY PLAN

15 * * *

16 (e) The Commissioner of Public Service (Commissioner) shall file an
17 annual report on progress in meeting the goals of the Plan. The report shall
18 address each of the following sectors of energy consumption in the State:
19 electricity, nonelectric fuels for thermal purposes, and transportation. In
20 preparing the report, the Commissioner shall consult with the Secretaries of

1 Administration, of Agriculture, Food and Markets, of Natural Resources, and
2 of Transportation and the Commissioner of Buildings and General Services.

3 * * *

4 (7) The report shall include any activity that occurs under the Vermont
5 Small Hydropower Assistance Program, the Vermont Village Green Program,
6 and the Fuel Efficiency Fund.

7 Sec. 5. 30 V.S.A. § 8005b is amended to read:

8 § 8005b. RENEWABLE ENERGY PROGRAMS; REPORTS

9 (a) The Department shall file reports with the General Assembly in
10 accordance with this section.

11 * * *

12 (2) The Department shall ~~file the report under~~ include the components of
13 subsection (b) of this section ~~annually each January 15 in its Annual Energy~~
14 Report required under subsection 202b(e) of this title commencing in 2018
15 2020 through 2033.

16 (3) The Department shall ~~file the report under~~ include the components of
17 subsection (c) of this section ~~biennially each March 1 in its Annual Energy~~
18 Report required under subsection 202b(e) of this title biennially commencing
19 in 2017 2020 through 2033.

20 * * *

1 (c) The biennial report under this section shall include at least each of the
2 following:

3 * * *

4 (2) Commencing with the report to be filed in 2019, each retail
5 electricity provider's required amount of renewable energy during the two
6 preceding ~~calendar~~ years using the most recent available data for each category
7 of the RES as set forth in section 8005 of this title.

8 * * *

9 Sec. 6. 30 V.S.A. § 8010 is amended to read:

10 § 8010. SELF-GENERATION AND NET METERING

11 * * *

12 (d) ~~On or before January 15, 2020 and every third January 15 thereafter~~
13 Commencing in 2021 and biennially thereafter, the Department shall submit to
14 the Commission ~~a report that evaluates~~ its evaluation of the current state of net
15 metering in Vermont, which shall be included within the Department's Annual
16 Energy Report required under subsection 202b(e) of this title and shall also be
17 submitted to the Committees listed under subdivision 202b(e)(2) of this title.
18 ~~The Department shall make this report publicly available. The report~~
19 evaluation shall:

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* * * Connectivity Fund * * *

Sec. 7. 30 V.S.A. § 202f is amended to read:

§ 202f. TELECOMMUNICATIONS AND CONNECTIVITY ADVISORY
BOARD

(a) There is created the Telecommunications and Connectivity Advisory Board for the purpose of making recommendations to the Commissioner of Public Service regarding his or her telecommunications responsibilities and duties as provided in this section. The Connectivity Advisory Board shall consist of eight members, ~~seven voting and one nonvoting~~, selected as follows:

(1) the State Treasurer or designee;

(2) the Secretary of Commerce and Community Development or designee;

(3) five at-large members appointed by the Governor, who shall not be employees or officers of the State at the time of appointment; and

(4) the Secretary of Transportation or designee, ~~who shall be a nonvoting member.~~

* * *

(h) On ~~September 15, 2015~~ November 15, 2019, and annually thereafter, the Commissioner shall submit to the Connectivity Advisory Board an accounting of monies in the Connectivity Fund and anticipated revenue for the next year. ~~On or before January 1 of each year, the Commissioner, after~~

1 ~~consulting with the Connectivity Advisory Board, shall recommend to the~~
2 ~~relevant legislative committees of jurisdiction a plan for apportioning such~~
3 ~~funds to the High-Cost Program and the Connectivity Initiative.~~

4 * * *

5 Sec. 8. 30 V.S.A. § 7516 is amended to read:

6 § 7516. CONNECTIVITY FUND

7 There is created a Connectivity Fund for the purpose of providing support
8 to the High-Cost Program established under section 7515 of this chapter and
9 the Connectivity Initiative established under section 7515b of this chapter.

10 The fiscal agent shall determine annually, on or before ~~September~~
11 November 1, the amount of monies available to the Connectivity Fund. Such
12 funds shall be apportioned as follows: 45 percent to the High-Cost Program
13 and 55 percent to the Connectivity Initiative.

14 * * * Dig Safe * * *

15 Sec. 9. 30 V.S.A. § 7001 is amended to read:

16 § 7001. DEFINITIONS

17 In this chapter:

18 (1) “Commission” means the Public Utility Commission under section 3
19 of this title.

20 (2) “Company” means any public utility ~~company which,~~ municipality,
21 or person that supplies gas, electricity, hot water, steam, or

1 telecommunications service and ~~which~~ that maintains underground utility
2 facilities, and any cable television company operating a cable television system
3 as defined in section 501 of this title ~~and which~~ that maintains underground
4 utility facilities.

5 (3) “Damage” includes the substantial weakening of structural or lateral
6 support of an underground utility facility; ~~;~~ penetration or destruction of any
7 underground utility facility’s protective coating, housing, or device; ~~;~~ or the
8 partial or complete severance of any underground utility facility.

9 (4) “Excavation activities” means any activities involving that will
10 disturb the subsurface of the earth or could damage underground utility
11 facilities and that may involve the removal of earth, rock, or other materials in
12 the ground, ~~disturbing the subsurface of the earth,~~ or the demolition of any
13 structure, by the discharge of explosives or the use of powered or mechanized
14 equipment, including digging, trenching, blasting, boring, drilling, hammering,
15 post driving, wrecking, razing, ~~or~~ tunneling, or pavement or concrete slab
16 removal within 100 feet of an underground utility facility. Excavation
17 activities shall not include the tilling of the soil for agricultural purposes,
18 routine home gardening with hand tools outside easement areas and public
19 rights-of-way, activities relating to routine public highway maintenance, or the
20 use of hand tools by a company, or the company’s agent or a contractor

1 working under the agent’s direction, to locate or service the company’s
2 facilities, provided the company has a written damage prevention program.

3 (5) “Person” means any individual, trust, firm, joint stock company,
4 corporation including a government corporation, partnership, association, state,
5 municipality, commission, political subdivision of the ~~state~~ State, or any
6 interstate body.

7 (6) “Public agency” means the State or any political subdivision thereof,
8 including any governmental agency.

9 (7) “Approximate location of underground utility facilities” means a
10 strip of land extending not more than 18 inches on either side of the
11 underground utility facilities.

12 (8) “System” means the public utility underground facility damage
13 prevention system referred to in section 7002 of this title.

14 (9) “Underground utility facility” or “facility” means any pipe, conduit,
15 wire, or cable located beneath the surface of the earth and maintained by a
16 company, including the protective covering of the pipe, conduit, wire, or cable,
17 as well as any manhole, vault, ~~or~~ pedestal, or component maintained by a
18 company.

19 (10) “Premark” means to identify the general scope of excavation
20 activities using white paint, stakes, or other suitable white markings, in a

1 manner that will enable the operators of the underground utility facilities to
2 know the boundaries of the proposed excavation activities.

3 (11) “Powered or mechanized equipment” means equipment that is
4 powered or energized by any motor, engine, or hydraulic or pneumatic device
5 and that is used for excavation or demolition work.

6 (12) “Hand tools” means tools powered solely by human energy.

7 (13) “Verified” means the location and depth have been ~~physically~~
8 determined by hand digging visually determined using careful and prudent
9 excavating techniques such as hand digging, water excavation, or other safe
10 means.

11 (14) “Damage prevention program” means a program established to
12 ensure employees involved in excavation activities are aware of and utilize
13 appropriate and safe excavating practices.

14 Sec. 10. 30 V.S.A. § 7003 is amended to read:

15 § 7003. RULEMAKING

16 The Commission shall adopt rules, pursuant to 3 V.S.A. chapter 25
17 relative to:

18 (1) minimum requirements for the operation of the System, including
19 notification procedures and the reporting of underground utility facility

20 locations;

21 (2) procedures for the investigation of complaints;

1 (3) emergency situations ~~for which notice of excavation activities is not~~
2 ~~required~~;

3 (4) uniform standards for the marking of the approximate location of
4 underground utility facilities;

5 (5) uniform standards for the future installation of underground utility
6 facilities, including the following:

7 (A) color coding of facilities;

8 (B) depth requirements for the laying of facilities;

9 (C) subsurface marking of facilities;

10 (D) surface marking of facilities;

11 (E) the filing of as-built plans of facilities with municipalities; and

12 (F) capability for location of facilities by sensors;

13 (6) standards for the granting of exemptions under section 7002 of this
14 title; and

15 (7) situations where the premarks cannot be found.

16 Sec. 11. 30 V.S.A. § 7004 is amended to read:

17 § 7004. NOTICE OF EXCAVATION ACTIVITIES

18 (a) No person or company shall engage in excavation activities, except in
19 an emergency situation as defined by the Commission, without premarking the
20 proposed area of excavation activities and giving notice as required by this
21 section.

1 (b) Prior to notifying the System, the person shall premark the area of
2 proposed excavation activities in a manner that will enable operators of
3 underground facilities to identify the boundaries of the proposed excavation
4 activities.

5 (c) At least 48 hours, excluding Saturdays, Sundays, and legal holidays, but
6 not more than 30 days before commencing excavation activities, each person
7 required to give notice of excavation activities shall notify the System referred
8 to in section 7002 of this title. Such notice shall set forth a reasonably accurate
9 and readily identifiable description of the geographical location of the
10 proposed excavation activities and the premarks.

11 ~~(e)~~(d) Notice to the System may be in writing or by telephone. For
12 purposes of this section, the System shall provide a toll-free telephone number.

13 ~~(d) Prior to notifying the System, the person must premark the area of~~
14 ~~proposed excavation activities in a manner that will enable operators of~~
15 ~~underground facilities to identify the boundaries of the proposed excavation~~
16 ~~activities. Premarking is not required if the actual excavation will be~~
17 ~~continuous and will exceed 500 feet in length.~~

18 (e) Notice of excavation activities shall be valid for an excavation site until
19 one of the following occurs:

- 20 (1) the excavation is not completed within 30 days of the notification;
- 21 (2) the markings become faded, illegible, or destroyed; or

1 (3) the company installs new underground facilities in a marked area
2 still under excavation.

3 Sec. 12. 30 V.S.A. § 7006b is amended to read:

4 § 7006b. EXCAVATION AREA PRECAUTIONS

5 Any person engaged in excavating activities in the approximate location of
6 underground utility facilities marked pursuant to section 7006 of this title shall
7 take reasonable precautions to avoid damage to underground utility facilities,
8 including any substantial weakening of the structural or lateral support of such
9 facilities or penetration, severance, or destruction of such facilities. ~~When~~
10 ~~excavation activities involve horizontal or directional boring, the~~ The person
11 engaged in excavation activities shall expose underground facilities to verify
12 their location and depth, in a safe manner, at each location where the work will
13 cross a facility and at reasonable intervals when paralleling an underground
14 facility. Powered or mechanized equipment may only be used within the
15 approximate location where the facilities have been verified.

16 Sec. 13. 30 V.S.A. § 7007 is amended to read:

17 § 7007. NOTICE OF DAMAGE

18 When any underground utility facility is damaged during excavation
19 activities, the excavator shall immediately notify the affected company. Under
20 no circumstances shall the excavator backfill or conceal the damaged area until
21 the company inspects and repairs the damage, provided that the excavator shall

1 take reasonable and prudent actions to protect the public from serious injury
2 from the damaged facilities until the company or emergency response
3 personnel arrive at the damaged area. An excavator who causes damage to a
4 pipeline that results in a release of natural or other gas or hazardous liquid shall
5 promptly report the release to emergency responders by calling 911.

6 * * * Thermal Energy Funds * * *

7 Sec. 14. 30 V.S.A. § 209(e) is amended to read:

8 (e) Thermal energy and process fuel efficiency funding.

9 (1) Each of the following shall be used to deliver thermal energy and
10 process fuel energy efficiency services in accordance with this section for
11 unregulated fuels to Vermont consumers of such fuels. In addition, the
12 Commission may authorize an entity appointed to deliver such services under
13 subdivision (d)(2)(B) of this section to use monies subject to this subsection
14 for the engineering, design, and construction of facilities for the conversion of
15 thermal energy customers using fossil fuels to district heat if the majority of
16 the district's energy is from biomass sources, the district's distribution system
17 is highly energy efficient, and such conversion is cost effective.

18 * * *

1 * * * Standard Offer Program Small Hydroelectric Power * * *

2 Sec. 15. 30 V.S.A. § 8005a(p) is amended to read:

3 (p) Existing hydroelectric plants. Notwithstanding any contrary
4 requirement of this section, no later than January 15, 2013, the Commission
5 shall make a standard offer contract available to existing hydroelectric plants in
6 accordance with this subsection.

7 (1) In this subsection:

8 (A) “Existing hydroelectric plant” means a hydroelectric plant of
9 five MW plant capacity or less that is located in the State, that was in service
10 as of January 1, 2009, that is a qualifying small power production facility
11 under 16 U.S.C. § 796(17)(C) and 18 C.F.R. part 292, and that does not have
12 an agreement with the Commission’s purchasing agent for the purchase of its
13 power pursuant to subdivision 209(a)(8) of this title and Commission rules
14 adopted under subdivision (8). The term includes hydroelectric plants that
15 have never had such an agreement and hydroelectric plants for which such an
16 agreement has expired, ~~provided that the expiration date is prior to December~~
17 ~~31, 2015.~~

18 (B) “LIHI” means the Low-Impact Hydropower Institute.

19 (2) The term of a standard offer contract under this subsection shall be
20 10 or 20 years, at the election of the plant owner.

1 (3) Unless inconsistent with applicable federal law, the price of a
2 standard offer contract shall be ~~the lesser of the following~~ the sum of the
3 following elements:

4 (A) ~~\$0.08 per kWh, adjusted for inflation annually commencing~~
5 ~~January 15, 2013 using the CPI; or~~

6 (B) ~~The sum of the following elements:~~

7 (i) ~~(A)~~ a two-year rolling average of the ISO New England Inc.
8 (ISO-NE) Vermont zone hourly locational marginal price for energy;

9 (ii) ~~(B)~~ a two-year rolling average of the value of the plant's
10 capacity in the ISO-NE forward capacity market;

11 (iii) ~~(C)~~ the value of avoided line losses due to the plant as a fixed
12 increment of the energy and capacity values;

13 (iv) ~~(D)~~ a two-year rolling average of the market value of
14 environmental attributes, including renewable energy credits; and

15 (v) ~~(E)~~ the value of a 10- or 20-year contract.

16 (4) The Commission shall determine the price to be paid under this
17 subsection (p) ~~no~~ not later than January 15, 2013.

18 (A)(i) Annually by January 15 commencing in 2014, the Commission
19 shall recalculate and adjust the energy, ~~and~~ capacity, and environmental
20 attribute elements of the price under ~~subdivisions (3)(B)(i) and (ii)~~ subdivision
21 (3) of this subsection (p). The recalculated and adjusted energy, ~~and~~ capacity,

1 and environmental attribute elements shall apply to all contracts executed
2 under this subdivision, whether or not the contracts were executed prior to the
3 adjustments.

4 (ii) the Commission may periodically adjust the value of
5 environmental attributes that are applicable to an executed contract based upon
6 whether the plant becomes certified by LIHI or loses such certification.

7 (B) With respect to the price elements specified in subdivisions
8 ~~(3)(B)(iii)(3)(C)~~ (avoided line losses), ~~(iv) (environmental attributes)~~, and
9 ~~(v)(E)~~ (value of long-term contract) of this subsection (p):

10 (i) These elements shall remain fixed at their values at the time a
11 contract is signed for the duration of the contract, ~~except that the Commission~~
12 ~~may periodically adjust the value of environmental attributes that are~~
13 ~~applicable to an executed contract based upon whether the plant becomes~~
14 ~~certified by LIHI or loses such certification.~~

15 (ii) The Commission annually may adjust these elements for
16 inclusion in contracts that are executed after the date any such adjustments are
17 made.

18 (5) ~~In addition to the limits specified in subdivision (3) of this~~
19 ~~subsection (p), in no event shall an existing hydroelectric plant receive a price~~
20 ~~in one year higher than its price in the previous year, adjusted for inflation~~
21 ~~using the CPI, except that if a plant becomes certified by LIHI, the~~

1 ~~Commission may add to the price any incremental increase in the value of the~~
2 ~~plant's environmental attributes resulting from such certification.~~

3 (6) Once a plant owner has executed a contract for a standard offer
4 under this subsection (p), the plant owner shall continue to receive the pricing
5 terms agreed on in that contract regardless of whether the Commission
6 subsequently changes any pricing terms under this subsection.

7 (7)(6) Capacity of existing hydroelectric plants executing a standard
8 offer contract under this subsection shall not count toward the cumulative
9 capacity amount of subsection (c) of this section.

10 * * * Public Records Exemption * * *

11 Sec. 16. 1 V.S.A. § 317 is amended to read:

12 § 317. DEFINITIONS; PUBLIC AGENCY; PUBLIC RECORDS AND
13 DOCUMENTS

14 * * *

15 (c) The following public records are exempt from public inspection and
16 copying:

17 * * *

18 (27) Information and records provided to the Department of Public
19 Service or the Public Utility Commission by an individual for the purposes of
20 having the Department or Commission assist that individual in resolving a

1 dispute with a utility regulated by the Department or Commission, or by the
2 utility or any other person in connection with the individual's dispute.

3 * * *

4 * * * Certificate of Public Good Hearings * * *

5 Sec. 17. 30 V.S.A. § 248 is amended to read:

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

8 * * *

9 (4)(A) With respect to a facility located in the State, in response to a
10 request from one or more members of the public or a party, the Public Utility
11 Commission shall hold a ~~nontechnical~~ nonevidentiary public hearing on each a
12 petition for such finding and certificate in at least one county in which any
13 portion of the construction of the facility is proposed to be located. The
14 Commission in its discretion may hold a nonevidentiary public hearing in the
15 absence of any request from a member of the public or a party. From the
16 comments made at ~~the a~~ public hearing, the Commission shall derive areas of
17 inquiry that are relevant to the findings to be made under this section and shall
18 address each such area in its decision. Prior to making findings, if the record
19 does not contain evidence on such an area, the Commission shall direct the
20 parties to provide evidence on the area. This subdivision does not require the
21 Commission to respond to each individual comment.

1 (B) The Public Utility Commission shall hold ~~technical~~ evidentiary
2 hearings at locations that it selects in any case conducted under this section in
3 which contested issues remain or when any party to a case requests that an
4 evidentiary hearing be held. In the event a case is fully resolved and no party
5 requests a hearing, the Commission may exercise its discretion and determine
6 that an evidentiary hearing is not necessary to protect the interests of the
7 parties or the public, or for the Commission to reach its decision on the matter.

* * *

9 (i)(1) No company, as defined in sections 201 and 203 of this title, without
10 approval by the Commission, after giving notice of such investment, or filing
11 a copy of that contract, with the Commission and the Department at least
12 30 days prior to the proposed effective date of that contract or investment:

* * *

14 (3) The Commission, upon its own motion, or upon the recommendation
15 of the Department, may determine to initiate an investigation. If the
16 Commission does not initiate an investigation within such 30-day period, the
17 contract or investment shall be deemed to be approved. If the Commission
18 determines to initiate an investigation, it shall give notice of that decision to
19 the company proposing the investment or contract, the Department, and such
20 other persons as the Commission determines are appropriate. The Commission
21 shall conclude its investigation within 120 days of issuance of its notice of
22 investigation, or within such shorter period as it deems appropriate. If the

1 Commission fails to issue a decision within that 120-day period, the contract or
2 investment shall be deemed to be approved. The Commission may hold
3 informal, public, or ~~technical~~ evidentiary hearings on the proposed investment
4 or contract.

5 * * *

6 * * * Rate Change Hearings * * *

7 Sec. 18. 30 V.S.A. § 225 is amended to read:

8 § 225. RATE SCHEDULES

9 * * *

10 (b) Immediately upon receipt of notice of a change in a rate schedule filed
11 by a company, the Department shall investigate the justness and
12 reasonableness of that change. ~~At least 15 days prior to the date on which the~~
13 ~~change is to become effective~~ Within 30 days of receipt of this notice, the
14 Department shall either report to the Commission the results of its
15 investigations together with its recommendation for acceptance of the change,
16 or it shall notify the Commission and other parties that it opposes the change.
17 If the Department of Public Service reports its acceptance of the change in
18 rates, the Commission may accept the change, or it may on its own motion
19 conduct an investigation into the justness and reasonableness of the change, or
20 it may order the Department to appear before it to justify its recommendation
21 to accept the change. In no event shall a change go into effect without the

1 approval of the Commission, except when a rate change is suspended and
2 temporary or permanent rates are allowed to go into effect pursuant to
3 subsection 226(a) or 227(a) of this title. The Commission shall consider the
4 Department's recommendation and take action pursuant to sections 226 and
5 227 of this title ~~before the date on which the changed rate is to become~~
6 effective within 45 days of receipt of notice of a change in a rate schedule. In
7 the event that the Department opposes the change, the Commission shall hear
8 evidence on the matter and make such orders as justice and law require. In any
9 hearing on a change in rates, whether or not opposed by the Department, the
10 Commission may request the appearance of the Attorney General or appoint a
11 member of the Vermont bar to represent the public or the State.

12 Sec. 19. 30 V.S.A. § 226 is amended to read:

13 § 226. RATES, HEARINGS, BOND

14 * * *

15 (c) If the Department does not oppose the change as provided in section
16 225 of this title, five persons adversely affected by the change, or, if the change
17 adversely affects ~~less~~ fewer than five persons, any one person so affected may
18 apply at their own expense to the Commission by petition alleging why the
19 change is unreasonable and unjust and asking that the Commission investigate
20 the matter and make such orders as justice and law require. The petition shall
21 be filed ~~at least seven days before the date the rates become effective~~ within

1 38 days of the date of the notice of rate change that was filed pursuant to
2 section 225 of this title. The Commission may suspend the rates as a result of
3 the petition. The Commission may hold a hearing on the petition. Whether or
4 not a hearing is held, the Commission shall make such orders as justice and
5 law require.

6 Sec. 20. 30 V.S.A. § 227 is amended to read:

7 § 227. SUSPENSION, REFUND

8 (a) If the Commission orders that a change shall not go into effect until
9 final determination of the proceedings, it shall proceed to hear the matter as
10 promptly as possible and shall make its determination within seven months
11 from the date that ~~the change otherwise would have gone into effect~~ it orders
12 the investigation. If a company files for a change in rate design among classes
13 of ratepayers, and the company has a rate case pending before the
14 Commission, the Commission shall make its determination on the rate design
15 change within seven months after the rate case is decided by the Commission.
16 If the Commission fails to make its determination within the time periods set
17 by this subsection, the changed rate schedules filed by the company shall
18 become effective and final.

19 * * *

1 Sec. 21. 30 V.S.A. § 11 is amended to read:

2 § 11. PLEADINGS; RULES OF PRACTICE; HEARINGS; FINDINGS OF
3 FACT

4 (a) The forms, pleadings, and rules of practice and procedure before the
5 Commission shall be prescribed by it. The Commission shall adopt rules
6 ~~which~~ that include, among other things, provisions that:

7 * * *

8 (2) A ~~prehearing~~ scheduling conference shall be ordered in every
9 contested rate case. At such conference the Commission may require the State
10 or any person opposing such rate increase to specify what items shown by the
11 filed exhibits are conceded. Further proof of conceded items shall not be
12 required.

13 * * *

14 Sec. 22. 30 V.S.A. § 10 is amended to read:

15 § 10. SERVICE OF PROCESS; NOTICE OF HEARINGS; TEMPORARY
16 RESTRAINING ORDERS

17 * * *

18 (c) A ~~prehearing~~ scheduling or procedural conference may be held upon
19 any reasonable notice.

20 * * *

1 Sec. 23. POSITION TITLE CHANGE

2 Notwithstanding any provision to the contrary, the General Assembly
3 authorizes the conversion of the permanent exempt position of Executive
4 Assistant (#377021) within the Public Utility Commission to the permanent
5 exempt position of “Deputy Clerk.”

6 Sec. 24. EFFECTIVE DATE

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

8

9

10

11 (Committee vote: _____)

12

13

Senator _____

14

FOR THE COMMITTEE