

1 Introduced by Committee on Natural Resources and Energy

2 Date:

3 Subject: public service

4 Statement of purpose of bill as introduced: This bill proposes to make multiple
5 changes related to subjects within the Public Utility Commission’s jurisdiction.

6 An act relating to the miscellaneous utility subjects

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

8 Sec. 1. 10 V.S.A. § 1081 is amended to read:

9 § 1081. JURISDICTION OF DEPARTMENT AND PUBLIC UTILITY

10 COMMISSION

11 (a) Powers and duties. Unless otherwise provided, the powers and duties
12 authorized by this chapter shall be exercised by the Department, except that the
13 Public Utility Commission shall exercise those powers and duties over
14 nonfederal dams and projects that relate to or are incident to the generation of
15 electric energy for public use or as a part of a public utility system. Nonfederal
16 dams at which the generation of electric energy is subject to licensing
17 jurisdiction under the Federal Power Act, 16 U.S.C. chapter 12, subchapter 1,
18 shall not be under the jurisdiction of the Public Utility Commission.

19 * * *

1 Commission or the Department of Public Service access to the books,
2 accounts, or papers of such person, company, or corporation within this State,
3 so far as may be necessary under the provisions of this title, or who fails, other
4 than through negligence, to furnish any returns, reports, or information
5 lawfully required by it, or who willfully hinders, delays, or obstructs it in the
6 discharge of the duties imposed upon it, or who fails within a reasonable time
7 to obey a final order or decree of the Commission, or who violates a provision
8 of chapter 2, 7, 75, or 89 of this title, or a provision of section 231 or 248 of
9 this title, or a rule of the Commission, shall be required to pay a civil penalty
10 as provided in subsection (b) of this section after notice and opportunity for
11 hearing.

12 (2) A person who violates a provision of chapter 3 or 5 of this title,
13 except for the provisions of section 231 or 248 of this title, shall be required to
14 pay a civil penalty after notice and opportunity for hearing. If the Commission
15 determines that the violation substantially harmed or might have substantially
16 harmed the public health, safety, or welfare, the interests of utility customers,
17 the environment, the reliability of utility service, or the financial stability of the
18 company, the Commission may impose a civil penalty as provided in
19 subsection (b) of this section. If the Commission determines that the violation
20 did not cause or was not likely to cause such harm, the Commission may

1 impose a civil penalty of not more than ~~\$10,000.00~~ \$42,500.00, in addition to
2 any financial benefit resulting from the violation.

3 (b) The Commission may impose a civil penalty under subsection (a) of
4 this section of not more than ~~\$40,000.00~~ \$85,000.00, in addition to any
5 financial benefit resulting from the violation. In the case of a continuing
6 violation, an additional fine of not more than ~~\$10,000.00~~ \$42,500.00 per day
7 may be imposed. In no event shall the total fine exceed the larger of:

8 (1) ~~\$100,000.00~~ \$170,000.00, in addition to any financial benefit
9 resulting from a violation; or

10 (2) in the case of a company that pays gross receipt taxes under
11 section 22 of this title, one-tenth of one percent of the gross Vermont revenues
12 from regulated activity of the person, company, or corporation in the preceding
13 year, in addition to any financial benefit resulting from a violation.

14 * * *

15 (d) After notice and an opportunity to be heard, the Commission may order
16 any person, company, or corporation subject to the supervision of the
17 Commission or the Department of Public Service who negligently fails to
18 furnish any returns, reports, or information lawfully required by it to pay a civil
19 penalty of not more than ~~\$10,000.00~~ \$42,500.00, in addition to any financial
20 benefit resulting from a violation.

21 * * *

1 (h) In accordance with the process set forth in this subsection, the
2 Department may issue an administrative citation to a person the Department
3 believes after investigation violated section 246, 248, 248a, or 8010 of this
4 title, any rule adopted pursuant to those sections, or any certificate of public
5 good issued pursuant to those sections.

6 * * *

7 (8) Penalties assessed under this subsection shall be deposited in the
8 General Fund except for any amounts the Commission directs to be used for
9 the benefit of ratepayers generally.

10 Sec. 6. 30 V.S.A. § 218 is amended to read:

11 § 218. JURISDICTION OVER CHARGES AND RATES

12 * * *

13 (e) Notwithstanding any other provisions of this section, the Commission,
14 on its own motion or upon petition of any person, may issue an order
15 approving a rate schedule, tariff, agreement, contract, or settlement that
16 provides reduced rates for low-income electric utility consumers better to
17 assure affordability. ~~For the purposes of~~ As used in this subsection, “low-
18 income electric utility consumer” means a customer who has a household
19 income at or below ~~150~~ 185 percent of the current federal poverty level. When
20 considering whether to approve a rate schedule, tariff, agreement, contract, or
21 settlement for low-income electric utility consumers, the Commission shall

1 take into account the potential impact on, and cost-shifting to, other utility
2 customers.

3 * * *

4 Sec. 7. 30 V.S.A. § 248 is amended to read:

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

7 * * *

8 (j)(1) The Commission may, subject to such conditions as it may otherwise
9 lawfully impose, issue a certificate of public good in accordance with the
10 provisions of this subsection and without the notice and hearings otherwise
11 required by this chapter if the Commission finds that:

12 * * *

13 (2) Any party seeking to proceed under the procedures authorized by
14 this subsection shall file a proposed certificate of public good and proposed
15 findings of fact with its petition. Within two business days of notification by
16 the Commission that the filing is complete, the party shall serve copies of the
17 complete filing on the parties specified in subdivision (a)(4)(C) of this section
18 and the ~~Commission~~ party shall give written notice of the proposed certificate
19 and ~~its~~ of the Commission's determination that the filing is complete to those
20 parties, to any public interest organization that has in writing requested notice
21 of applications to proceed under this subsection, and to any other person found

1 by the Commission to have a substantial interest in the matter. ~~Such~~ The
2 notice ~~also shall be published on the Commission's website within two days of~~
3 ~~issuing the determination that the filing is complete and~~ shall request comment
4 within 30 days of the date of service of the complete filing on the question of
5 whether the petition raises a significant issue with respect to the substantive
6 criteria of this section. If the Commission finds that the petition raises a
7 significant issue with respect to the substantive criteria of this section, the
8 Commission shall hear evidence on any such issue.

9 * * *

10 Sec. 8. 30 V.S.A. § 249 is amended to read:

11 § 249. SERVICE TERRITORIES; COMMISSION JURISDICTION

12 * * *

13 (b) The Commission shall have power to exercise the jurisdiction conferred
14 in this section only after due notice to all interested parties and an opportunity
15 for hearing, and after making findings that the service territories established or
16 altered are consistent with the general good of Vermont. If a hearing is
17 requested by a party or by any customer who is potentially affected by the
18 proposed change, the Commission shall hold a hearing.

19 * * *

