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S.236

Introduced by Senators Watson, Gulick, Vyhovsky and White

Referred to Committee on

Date:

Subject: Public service; energy; energy generation

Statement of purpose of bill as introduced: This bill proposes to limit adjoining landowner participation in 30 V.S.A. § 248 cases to public health and safety and traffic and to remove the aesthetics criteria from 30 V.S.A. § 248 application review.

An act relating to amending the criteria of 30 V.S.A. § 248

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

(a)(1) No company, as defined in section 201 of this title, may:

\* \* \*

(4)(A) With respect to a facility located in the State, in response to a request from one or more members of the public or a party, the Public Utility Commission shall hold a nonevidentiary public hearing on a petition for such finding and certificate. The public hearing shall either be remotely accessible

1 or held in at least one county in which any portion of the construction of the  
2 facility is proposed to be located, or both. The Commission in its discretion  
3 may hold a nonevidentiary public hearing in the absence of any request from a  
4 member of the public or a party. From the comments made at a public hearing,  
5 the Commission shall derive areas of inquiry that are relevant to the findings to  
6 be made under this section and shall address each such area in its decision.  
7 Prior to making findings, if the record does not contain evidence on such an  
8 area, the Commission shall direct the parties to provide evidence on the area.  
9 This subdivision does not require the Commission to respond to each  
10 individual comment.

11 \* \* \*

12 (K) If an adjoining landowner or other person who claims an interest  
13 in any proceeding held under this section as a result of owning or occupying  
14 property in proximity to the facility under review seek permission to intervene  
15 as a party in any proceedings held under this section, their participation is  
16 limited to whether the facility will have an undue adverse impact on public  
17 health and safety or traffic under subdivision (b)(5) of this section, and they  
18 must prove that they have a particularized interest protected by this section that  
19 may be affected by an act or decision of the Public Utility Commission and  
20 that no other party adequately represents their interests.

21 \* \* \*

1 (b) Before the Public Utility Commission issues a certificate of public good  
2 as required under subsection (a) of this section, it shall find that the purchase,  
3 investment, or construction:

4 \* \* \*

5 (5) With respect to an in-state facility, will not have an undue adverse  
6 effect on ~~aesthetics~~, historic sites, air and water purity, the natural  
7 environment, the use of natural resources, and the public health and safety,  
8 with due consideration having been given to the criteria specified in 10 V.S.A.  
9 §§ 1424a(d) and 6086(a)(1) through (8) and (9)(K), impacts to primary  
10 agricultural soils as defined in 10 V.S.A. § 6001, and greenhouse gas impacts.

11 \* \* \*

12 Sec. 2. EFFECTIVE DATE

13 This act shall take effect on July 1, 2024.