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S.305

Introduced by Committee on Natural Resources and Energy

Date:

Subject: Public service; utilities; Public Utility Commission

Statement of purpose of bill as introduced: This bill proposes to make multiple changes to statutes related to the Public Utility Commission, including notice requirements and energy storage facilities.

An act relating to miscellaneous changes related to the Public Utility Commission

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

Sec. 1. 3 V.S.A. § 165(b) is amended to read:

(b) Public contract advocates shall be appointed or retained for such time as may be required to monitor, represent the public interest, and report on any contract for basic telecommunications service under 30 V.S.A. § 226a.

Compensation, expenses, and support of public contract advocates shall be assessed as costs to the Department of Public Service and paid from the revenues received from the tax to finance the Department and the ~~Board~~ Public Utility Commission levied under 30 V.S.A. § 22.

1 Sec. 2. 30 V.S.A. § 8(d) is amended to read:

2 (d) ~~At least 12 days prior to~~ Written notice of a hearing before ~~the~~
3 ~~Commission~~ a Commissioner or a hearing officer, ~~the Commission shall give~~
4 ~~written notice of the time and place of the hearing to all parties to the case and~~
5 ~~shall indicate the name and title of the person designated to conduct the~~
6 ~~hearing~~ shall be given in accordance with 30 V.S.A. § 10.

7 Sec. 3. 30 V.S.A. § 10(c) is amended to read:

8 (c) ~~A scheduling or procedural conference~~ As used in this section, the term
9 “hearings” refers to public hearings and evidentiary hearings. All other
10 proceedings before the Commission may be held upon any reasonable notice.

11 Sec. 4. 30 V.S.A. § 102(a) is amended to read:

12 (a) Before the articles of incorporation are transmitted to the Secretary of
13 State, the incorporators shall petition the Public Utility Commission to
14 determine whether the establishment and maintenance of the corporation will
15 promote the general good of the State and shall at that time file a copy of any
16 petition with the Department. The Department, within 12 days, shall review
17 the petition and file a recommendation regarding the petition in the same
18 manner as is set forth in subsection 225(b) of this title. The recommendation
19 shall set forth reasons why the petition shall be accepted without hearing or
20 shall request that a hearing on the petition be scheduled. If the Department
21 requests a hearing on the petition, or, if the Commission deems a hearing

1 necessary, it shall appoint a time and place either remotely accessible or in the
2 county where the proposed corporation is to have its principal office for
3 hearing the petition. ~~At least 12 days before this hearing, notice~~ Notice of the
4 hearing shall be given in accordance with section 10 of this title and shall be
5 published on the Commission's website and once in a newspaper of general
6 circulation in the county in which the proposed corporation is to have its
7 principal office. The website notice shall be maintained through the date of the
8 hearing. The newspaper notice shall include an ~~Internet~~ internet address where
9 more information regarding the petition may be viewed. The Department of
10 Public Service, through the Director for Public Advocacy, shall represent the
11 public at the hearing.

12 Sec. 5. 30 V.S.A. § 231(a) is amended to read:

13 (a) A person, partnership, unincorporated association, or previously
14 incorporated association that desires to own or operate a business over which
15 the Public Utility Commission has jurisdiction under the provisions of this
16 chapter shall first petition the Commission to determine whether the operation
17 of such business will promote the general good of the State, and shall at that
18 time file a copy of any such petition with the Department. The Department,
19 within 12 days, shall review the petition and file a recommendation regarding
20 the petition in the same manner as is set forth in subsection 225(b) of this title.
21 Such recommendation shall set forth reasons why the petition shall be accepted

1 without hearing or shall request that a hearing on the petition be scheduled. If
2 the Department requests a hearing on the petition, or, if the Commission deems
3 a hearing necessary, it shall appoint a time and place in the county where the
4 proposed corporation is to have its principal office for hearing the petition. ~~At~~
5 ~~least 12 days before this hearing, notice~~ Notice of the hearing shall be given in
6 accordance with section 10 of this title and shall be published on the
7 Commission's website and once in a newspaper of general circulation in the
8 county in which the hearing will occur. The website notice shall be maintained
9 through the date of the hearing. The newspaper notice shall include an ~~Internet~~
10 internet address where more information regarding the petition may be viewed.
11 The Director for Public Advocacy shall represent the public at the hearing. If
12 the Commission finds that the operation of such business will promote the
13 general good of the State, it shall give such person, partnership, unincorporated
14 association, or previously incorporated association a certificate of public good
15 specifying the business and territory to be served by such petitioners. For good
16 cause, after opportunity for hearing, the Commission may amend or revoke any
17 certificate awarded under the provisions of this section. If any such certificate
18 is revoked, the person, partnership, unincorporated association, or previously
19 incorporated association shall no longer have authority to conduct any business
20 ~~which~~ that is subject to the jurisdiction of the Commission whether or not

1 regulation thereunder has been reduced or suspended, under section 226a or
2 227a of this title.

3 Sec. 6. 30 V.S.A. § 248(u) is amended to read:

4 (u) ~~For an energy storage facility, a~~ A certificate under this section shall
5 only be required for ~~a stationary facility exporting to the grid~~ an energy storage
6 facility that has a capacity of 100 kW or greater, unless the Commission
7 establishes a larger threshold by rule. The Commission shall establish a
8 simplified application process for energy storage facilities subject to this
9 section with a capacity of up to 1 MW, unless it establishes a larger threshold
10 by rule. For facilities eligible for this simplified application process, a
11 certificate of public good will be issued by the Commission by the ~~forty-sixth~~
12 46th day following filing of a complete application, unless a substantive
13 objection is timely filed with the Commission or the Commission itself raises
14 an issue. The Commission may require facilities eligible for the simplified
15 application process to include a letter from the interconnecting utility
16 indicating the absence or resolution of interconnection issues as part of the
17 application.

18 Sec. 7. EFFECTIVE DATE

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