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H.87

Introduced by Representatives Sullivan of Dorset, Browning of Arlington,
Frenier of Chelsea, and Murphy of Fairfax

Referred to Committee on

Date:

Subject: Energy; public service; siting; municipal and regional plans

Statement of purpose of bill as introduced: This bill proposes to require, in energy siting cases, that the Public Service Board presume that municipal and regional plans and recommendations are valid and reasonable and to place the burden of persuasion on the party asking the Board to decide the case differently from those plans and recommendations.

An act relating to strengthening the role of municipal and regional recommendations in energy siting

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

Sec. 1. 30 V.S.A. § 248(b) is amended to read:

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

(1) With respect to an in-state facility, will not unduly interfere with the orderly development of the region with due consideration having been given to

1 the recommendations of the municipal and regional planning commissions, the
2 recommendations of the municipal legislative bodies, and the land
3 conservation measures contained in the plan of any affected municipality.

4 ~~However~~ In this subdivision (1), “due consideration” requires that the Board
5 presume that any such recommendation or measure is correct, valid, and
6 reasonable and the burden of persuasion shall be on a party asking the Board to
7 decide the matter differently from the recommendation or measure. In
8 addition:

9 (A) With respect to a natural gas transmission line subject to Board
10 review, the line shall be in conformance with any applicable provisions
11 concerning such lines contained in the duly adopted regional plan; and, in
12 addition, upon application of any party, the Board shall condition any
13 certificate of public good for a natural gas transmission line issued under this
14 section so as to prohibit service connections that would not be in conformance
15 with the adopted municipal plan in any municipality in which the line is
16 located.

17 (B) With respect to a ground-mounted solar electric generation
18 facility, the facility shall comply with the screening requirements of a
19 municipal bylaw adopted under 24 V.S.A. § 4414(15) or a municipal ordinance
20 adopted under 24 V.S.A. § 2291(28), and the recommendation of a
21 municipality applying such a bylaw or ordinance, unless the Board finds that

1 requiring such compliance would prohibit or have the effect of prohibiting the
2 installation of such a facility or have the effect of interfering with the facility's
3 intended functional use.

4 (C) With respect to an in-state electric generation facility, the Board
5 shall give substantial deference to the land conservation measures and specific
6 policies contained in a duly adopted regional and municipal plan that has
7 received an affirmative determination of energy compliance under 24 V.S.A.
8 § 4352. In this subdivision (C), "substantial deference" means that a land
9 conservation measure or specific policy shall be applied in accordance with its
10 terms unless there is a clear and convincing demonstration that other factors
11 affecting the general good of the State outweigh the application of the measure
12 or policy. The term shall not include consideration of whether the
13 determination of energy compliance should or should not have been
14 affirmative under 24 V.S.A. § 4352.

15 * * *

16 Sec. 2. EFFECTIVE DATE

17 This act shall take effect on July 1, 2017.