

1 H.414

2 Introduced by Representatives Ralston of Middlebury, Browning of Arlington,

3 Komline of Dorset, and Pearson of Burlington

4 Referred to Committee on

5 Date:

6 Subject: Utilities; Department of Public Service; consumer advocate

7 Statement of purpose of bill as introduced: This bill proposes to establish a

8 Director for Consumer Advocacy within the Department of Public Service to

9 represent consumers in proceedings before the Public Service Board.

10 An act relating to a Director for Consumer Advocacy within the Department
11 of Public Service

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

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

14 § 1. COMPOSITION OF DEPARTMENT

15 (a) ~~The department of public service~~ Department of Public Service shall
16 consist of the ~~commissioner of public service~~ Commissioner of Public Service,
17 a ~~director for regulated utility planning~~ Director for Regulated Utility Planning,
18 a ~~director for public advocacy~~ Director for Public Advocacy, a ~~director for~~
19 ~~energy efficiency~~ Director for Energy Efficiency, a Director for Consumer

1 ~~Advocacy~~, and such other persons as the ~~commissioner~~ Commissioner
2 considers necessary to conduct the business of the ~~department~~ Department.

3 (b) The ~~commissioner of public service~~ Commissioner of Public Service
4 shall be appointed by the ~~governor~~ Governor with the advice and consent of
5 the ~~senate~~ Senate. The ~~commissioner of public service~~ Commissioner of
6 Public Service shall serve for a term of two years beginning February 1 of the
7 year in which the appointment is made. The ~~commissioner~~ Commissioner
8 shall serve at the pleasure of the ~~governor~~ Governor. The ~~directors for~~
9 ~~regulated utility planning, for energy efficiency and for public advocacy~~
10 Directors for Regulated Utility Planning, for Energy Efficiency, for Public
11 Advocacy, and for Consumer Advocacy shall be appointed by the
12 ~~commissioner~~ Commissioner.

13 (c) The ~~director for public advocacy~~ Director for Public Advocacy and the
14 Director for Consumer Advocacy may employ, with the approval of the
15 ~~commissioner~~ Commissioner, legal counsel and other experts, and clerical
16 assistance, and the ~~directors of regulated utility planning and energy efficiency~~
17 Directors for Regulated Utility Planning and for Energy Efficiency may
18 employ with the approval of the ~~commissioner~~ Commissioner experts and
19 clerical assistance.

1 Sec. 2. 30 V.S.A. § 2 is amended to read:

2 § 2. DEPARTMENT OF PUBLIC SERVICE; POWERS

3 (a) The ~~department of public service~~ Department of Public Service shall
4 supervise and direct the execution of all laws relating to public service
5 corporations and firms and individuals engaged in such business, including the:

6 (1) ~~Formation~~ formation, organization, ownership, and acquisition of
7 facilities of public service corporations under chapter 3 of this title;

8 (2) ~~Participation~~ participation in planning for proper utility service as
9 provided in section 202 of this title through the ~~director for regulated utility~~
10 planning Director for Regulated Utility Planning;

11 (3) ~~Supervision~~ supervision and evaluation under chapters 5 and 77 of
12 this title of the quality of service of public utility companies;

13 (4) ~~Interconnection~~ interconnection and interchange of facilities of
14 electric companies under sections 210, 213, and 214 of this title;

15 (5) ~~Representation~~ representation of the ~~state~~ State in the negotiations
16 and proceedings for the procurement of electric energy from any source
17 outside of this ~~state~~ State and from any generation facility inside the ~~state~~ State
18 under sections 211 and 212 of this title;

19 (6) ~~Review~~ review of proposed changes in rate schedules and petition to
20 the ~~public service board~~ Public Service Board, and representation of the

1 interests of the consuming public in proceedings to change rate schedules of
2 public service companies under chapter 5 of this title;

3 (7) ~~Siting~~ siting of electric generation and transmission facilities under
4 section 248 of this title;

5 (8) ~~Consolidations~~ consolidations and mergers of public service
6 corporations under chapter 7 of this title;

7 (9) ~~Supervision~~ supervision and regulation of cable television systems
8 under chapter 13 of this title;

9 (10) ~~Supervision~~ supervision and regulation of telegraph and telephone
10 companies under chapters 71, 73, and 75 of this title;

11 (11) ~~Supervision~~ supervision and regulation of the organization and
12 operation of municipal plants under chapter 79 of this title;

13 (12) ~~Supervision~~ supervision and regulation of the organization and
14 operation of electric cooperatives under chapter 81 of this title.

15 (b) In cases requiring hearings by the ~~board~~ Board, the ~~department~~
16 Department, through the ~~director for public advocacy~~ Director for Public
17 Advocacy, shall represent the ~~interests of the people of the state~~ general good
18 of the State and through the Director for Consumer Advocacy shall represent
19 consumers, unless otherwise specified by law. In any hearing, the ~~board~~ Board
20 may, if it determines that the public interest or the interests of consumers
21 would be served, request the ~~attorney general~~ Attorney General or a member of

1 the Vermont ~~bar~~ Bar to represent the ~~public or the state~~ general good of the
2 State or consumers. For purposes of this subsection, “consumers” means both
3 residential and commercial consumers whose interests are likely to be directly
4 affected by the outcome of the hearing and who may not have the financial
5 resources or expertise to participate fully in and advance their interests in the
6 proceeding.

7 (c) The ~~department~~ Department may bring proceedings on its own motion
8 before the ~~public service board~~ Public Service Board, with respect to any
9 matter within the jurisdiction of the ~~public service board~~ Board, and may
10 initiate rule-making proceedings before ~~that board~~ the Board. The ~~public~~
11 ~~service board~~ Public Service Board, with respect to any matter within its
12 jurisdiction, may issue orders on its own motion and may initiate rule-making
13 proceedings.

14 (d) In any proceeding ~~where~~ in which the decommissioning fund for the
15 Vermont Yankee nuclear facility is involved, the ~~department~~ Department shall
16 represent the consuming public in a manner that acknowledges that the general
17 public interest requires that the consuming public, rather than either the ~~state’s~~
18 State’s future consumers who never obtain benefits from the facility or the
19 ~~state’s~~ State’s taxpayers, ought to provide for all costs of decommissioning.
20 The ~~department~~ Department shall seek to have the decommissioning fund be
21 based on all reasonably expected costs.

- 1 Sec. 3. EFFECTIVE DATE
- 2 This act shall take effect on passage.