

1 H.439

2 Introduced by Committee on Commerce and Economic Development

3 Date:

4 Subject: Department of public service; public service board; bill-back  
5 authority; compact membership

6 Statement of purpose: This bill proposes to amend the bill-back authority of  
7 the public service board and the department of public service; to clarify the  
8 existing bill-back authority relative to utility bankruptcies; and to authorize the  
9 governor to appoint more than one member to the Texas Low-Level  
10 Radioactive Waste Disposal Compact Commission.

11 An act relating to the bill-back authority of the department of public service  
12 and the public service board

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

14 Sec. 1. 30 V.S.A. § 20 is amended to read:

15 § 20. PARTICULAR PROCEEDINGS; PERSONNEL

16 (a)(1) The board or department may authorize or retain legal counsel,  
17 official stenographers, expert witnesses, advisors, temporary employees, and  
18 other research services:

19 (i) to assist the board or department in any proceeding listed in  
20 subsection (b) of this section; ~~and~~

1                   (ii) to monitor compliance with any formal opinion or order of the  
2 board; ~~and~~

3                   (iii) in proceedings under section 248 of this title, to assist other  
4 state agencies that are named parties to the proceeding where the board or  
5 department determines that they are essential to a full consideration of the  
6 petition, or for the purpose of monitoring compliance with an order resulting  
7 from such a petition; ~~and~~

8                   (iv) in addition to the above, in proceedings under subsection  
9 248(h) of this title, by contract with the regional planning commission of the  
10 region or regions affected by a proposed facility, to assist in determining  
11 conformance with local and regional plans and to obtain the commissions data,  
12 analysis and recommendations on the economic, environmental, historic, or  
13 other impact of the proposed facility in the region; and

14                   (v) to assist in monitoring the ongoing and future reliability, the  
15 impacts of operation and nonoperation, and the postclosure activities of any  
16 nuclear generating plant within the state. For the purpose of this subdivision,  
17 “postclosure activities” includes planning for and implementation of any action  
18 that shall or will occur when the plant permanently ceases generating  
19 electricity, and includes decommissioning, site restoration, and management of  
20 spent fuel.

21                   \* \* \*

1 (b) Proceedings, including appeals therefrom, for which additional  
2 personnel may be retained are:

3 \* \* \*

4 (12) proceedings at the United States Bankruptcy Court which involve  
5 Vermont utilities or which may affect the interests of the state of Vermont.  
6 Costs under this subdivision shall be charged to the involved ~~electric~~  
7 ~~companies~~ utilities pursuant to subsection 21(a) of this title. In cases where the  
8 proceeding is generic in nature, the costs shall be allocated to ~~electric~~  
9 ~~companies~~ utilities in proportion to the benefits sought for the customers of  
10 such companies from such advocacy;

11 \* \* \*

12 Sec. 2. 30 V.S.A. § 21 is amended to read:

13 § 21. PARTICULAR PROCEEDINGS; ASSESSMENT OF COSTS

14 (a) The board, the department, or the agency of natural resources may  
15 allocate the portion of the expense incurred or authorized by it in retaining  
16 additional personnel for the particular proceedings authorized in section 20 of  
17 this title to the applicant or the public service company or companies involved  
18 in those proceedings. The board shall upon petition of an applicant or public  
19 service company to which costs are proposed to be allocated, review and  
20 determine, after opportunity for hearing, having due regard for the size and  
21 complexity of the project, the necessity and reasonableness of such costs, and

1 may amend or revise such allocations. Nothing in this section shall confer  
2 authority on the board to select or decide the personnel, the expenses of whom  
3 are being allocated, unless such personnel are retained by the board. Prior to  
4 allocating costs, the board shall make a determination of the purpose and use  
5 of the funds to be raised hereunder, identify the recipient of the funds, provide  
6 for allocation of costs among companies to be assessed, indicate an estimated  
7 duration of the proceedings, and estimate the total costs to be imposed. With  
8 the approval of the board, such estimates may be revised as necessary. From  
9 time to time during the progress of the work of such additional personnel, the  
10 board, the department, or the agency of natural resources shall render to the  
11 company detailed statements showing the amount of money expended or  
12 contracted for in the work of such personnel, which statements shall be paid by  
13 the applicant or the public service company into the state treasury at such time  
14 and in such manner as the board, the department, or the agency of natural  
15 resources may reasonably direct.

16 \* \* \*

17 (f) With the approval of the governor, the department of public service may  
18 allocate the expense incurred under 10 V.S.A. § 7063 in compensating  
19 members and alternate members of the commission among the generators of  
20 low-level radioactive waste in the state. Any such allocation shall be in  
21 proportion to the volume of waste generated by each such generator.

1        (g) The board, or the department with the approval of the governor, may  
2        allocate such portion of expense incurred or authorized by it in compensating  
3        persons retained pursuant to subdivision 20(a)(1)(v) of this title to the nuclear  
4        generating plant whose activities are being monitored.

5        (h) Under subsections (f) and (g) of this section, the manner of assessment  
6        and making payments shall be as provided in subsection (a) of this section. A  
7        generator or plant to which expense is allocated under subsection (f) or (g) of  
8        this section may petition the board in accordance with the procedures of  
9        subsection (a) of this section.

10       Sec. 3. 10 V.S.A. § 7062 is amended to read:

11       § 7062. ~~MEMBER OF THE COMMISSION~~ MEMBERSHIP

12       The governor shall appoint ~~a person~~ one or more persons with relevant  
13       knowledge and experience to represent the state on the commission established  
14       by Article III of the compact. The governor may appoint an alternate for ~~the~~  
15       each commission member appointed under this section. ~~The~~ Each commission  
16       member and alternate, if appointed, shall serve at the pleasure of the governor.

17       Sec. 4. 10 V.S.A. § 7063 is amended to read:

18       § 7063. COMPENSATION OF ~~THE COMMISSION MEMBER~~ MEMBERS;

19                    REPORT

20       ~~The~~ Each commission member and alternate ~~are~~ is entitled to compensation  
21       at ~~the~~ a rate established ~~under 32 V.S.A. § 1010~~ by the governor, and for

1 reimbursement for actual and necessary expenses incurred in the performance  
2 of their duties. If a state employee is appointed as a commission member or an  
3 alternate, that state employee is not entitled to ~~per diem~~ compensation in  
4 addition to such employee's regular pay. At least annually by December 31,  
5 commission members and alternates appointed under this section shall report  
6 to the governor and the commissioner of public service on their activities  
7 conducted in representing the state on the commission. The report shall  
8 include an itemization of compensation paid and expenses incurred.  
9 Compensation and expenses of commission members and alternates shall be  
10 included in the annual budget of the department of public service and shall be  
11 specifically identified in the budget report filed pursuant to 32 V.S.A. §§ 306  
12 and 307.

13 Sec. 5. EFFECTIVE DATE

14 This act shall take effect on passage.