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H.598

Introduced by Representatives Gamache of Swanton, Savage of Swanton,  
Batchelor of Derby, Branagan of Georgia, Browning of  
Arlington, Burditt of West Rutland, Christie of Hartford, Cupoli  
of Rutland City, Devereux of Mount Holly, Dickinson of St.  
Albans Town, Eastman of Orwell, Fiske of Enosburgh,  
Forguites of Springfield, Gage of Rutland City, Graham of  
Williamstown, Hebert of Vernon, Helm of Fair Haven, Hubert  
of Milton, Keenan of St. Albans City, LaClair of Barre Town,  
Lefebvre of Newark, Martel of Waterford, Myers of Essex,  
Parent of St. Albans Town, Partridge of Windham, Quimby of  
Concord, Shaw of Pittsford, Shaw of Derby, Strong of Albany,  
Tate of Mendon, Terenzini of Rutland Town, Trieber of  
Rockingham, Van Wyck of Ferrisburgh, Viens of Newport  
City, Willhoit of St. Johnsbury, and Yantachka of Charlotte

Referred to Committee on

Date:

Subject: Energy; public service; siting; party status; adjoining municipalities;  
adjoining property owners

1 Statement of purpose of bill as introduced: This bill proposes to give adjoining  
2 municipalities and property owners the right to be a party to energy siting  
3 proceedings before the Public Service Board and to require 15 days' notice of  
4 hearings in those proceedings.

5 An act relating to the right to participate in Public Service Board siting  
6 proceedings

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

8 Sec. 1. 30 V.S.A. § 248(a)(4) is amended to read:

9 (4)(A) With respect to a facility located in the State, the Public Service  
10 Board shall hold a nontechnical public hearing on each petition for such  
11 finding and certificate in at least one county in which any portion of the  
12 construction of the facility is proposed to be located.

13 (B) The Public Service Board shall hold technical hearings at  
14 locations which it selects.

15 (C) At the time of filing its application with the Board, copies shall  
16 be given by the petitioner to the Attorney General and the Department of  
17 Public Service, and, with respect to facilities within the State, the Department  
18 of Health, Agency of Natural Resources, Historic Preservation Division,  
19 Agency of Transportation, Agency of Agriculture, Food and Markets, ~~and~~ to  
20 the chairperson or director of the municipal and regional planning

1 commissions and the municipal legislative body for each ~~town and city~~  
2 municipality in which the proposed facility will be located and for each  
3 adjoining municipality, and to each adjoining property owner as defined in  
4 10 V.S.A. § 6001.

5 (D) ~~Notice of the public hearing shall be published and maintained~~  
6 ~~on the Board's website for at~~ (i) Notwithstanding any contrary provision of  
7 section 10 of this title, in a proceeding on an application for an in-state facility,  
8 the Board shall give 15 days' notice of the first prehearing or procedural  
9 conference and of the first technical hearing to all persons required under this  
10 subdivision (4) to receive a copy of the application.

11 (ii) At least ~~12~~ 15 days before the day appointed for the public  
12 hearing, the Board shall provide notice of the hearing to all parties required to  
13 receive a copy of the application under this subdivision (a)(4) and shall publish  
14 notice of the hearing on its website, which it shall maintain on the website  
15 through the day of the hearing. ~~Notice-~~The Board also shall publish notice of  
16 the public hearing ~~shall be published once~~ twice in a newspaper of general  
17 circulation in the county or counties in which the proposed facility will be  
18 located, and the notice shall include an Internet address where more  
19 information regarding the proposed facility may be viewed.

20 (iii) The Board shall allocate the cost of notice to the applicant.

1           (E) The Agency of Natural Resources shall appear as a party in any  
2 proceedings held under this subsection, shall provide evidence and  
3 recommendations concerning any findings to be made under subdivision (b)(5)  
4 of this section, and may provide evidence and recommendations concerning  
5 any other matters to be determined by the Board in such a proceeding.

6           (F) The legislative body and the planning commission for the  
7 municipality in which a facility is located and for each adjoining municipality  
8 shall have the right to appear as a party in any proceedings held under this  
9 subsection.

10           (G) An adjoining property owner, as defined under 10 V.S.A. § 6001,  
11 shall have the right to appear and participate in any proceedings held under this  
12 subsection.

13       Sec. 2. EFFECTIVE DATE

14           This act shall take effect on passage.