

1 S.242

2 Introduced by Senator MacDonald

3 Referred to Committee on

4 Date:

5 Subject: Public service; Public Service Board; powers; solid waste;
6 recycling facilities

7 Statement of purpose of bill as introduced: This bill proposes to authorize the
8 Public Service Board to regulate materials recovery recycling facilities in the
9 State until there is sufficient competition among materials recovery recycling
10 facilities in the State for recycling services.

11 An act relating to authorizing the Public Service Board to regulate materials
12 recovery recycling facilities

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

14 Sec. 1. 30 V.S.A. § 203 is amended to read:

15 § 203. JURISDICTION OF CERTAIN PUBLIC UTILITIES

16 The ~~public service board~~ Public Service Board and the ~~department of public~~
17 ~~service~~ Department of Public Service shall have jurisdiction over the following
18 described companies within the ~~state~~ State, their directors, receivers, trustees,
19 lessees, or other persons or companies owning or operating such companies
20 and of all plants, lines, exchanges, and equipment of such companies used in or

1 about the business carried on by them in this ~~state~~ State as covered and
2 included herein. Such jurisdiction shall be exercised by the ~~board~~ Board and
3 the ~~department~~ Department so far as may be necessary to enable them to
4 perform the duties and exercise the powers conferred upon them by law. The
5 ~~board~~ Board and the ~~department~~ Department may, when they deem the public
6 good requires, examine the plants, equipment, lines, exchanges, stations, and
7 property of the companies subject to their jurisdiction under this chapter.

8 (1) A company engaged in the manufacture, transmission, distribution,
9 or sale of gas or electricity directly to the public, or to be used ultimately by
10 the public, for lighting, heating, or power and so far as relates to their use or
11 occupancy of the public highways;

12 (2) That part of the business of a company which consists of the
13 manufacture, transmission, distribution, or sale of gas, or electricity directly to
14 the public, or to be used ultimately by the public, for lighting, heating, or
15 power and so far as relates to their use or occupancy of the public highways;

16 (3) A company other than a municipality or a water system exempted
17 under the provisions of ~~section 10~~ V.S.A. § 1675a of ~~Title 10~~ engaged in the
18 collecting, sale, and distribution of water for domestic, industrial, business, or
19 fire protection purposes;

20 (4) A company engaged in the construction and maintenance of dams
21 and storage reservoirs whether for the purpose of prevention of damage by

1 flood, or for the purpose of power to be developed, or for the benefit of
2 waterpower, developed or undeveloped, so situated as to be affected by such
3 reservoirs and dams;

4 (5) A person or company offering telecommunications service to the
5 public on a common carrier basis. “Telecommunications service” means the
6 transmission of any interactive two-way electromagnetic communications,
7 including voice, image, data, and information. Transmission of
8 electromagnetic communications includes the use of any media such as wires,
9 cables, television cables, microwaves, radio waves, light waves, or any
10 combination of those or similar media. Telecommunications service does not
11 include ~~value-added~~ value-added nonvoice services in which computer
12 processing applications are used to act on the form, content, code, and protocol
13 of the information to be transmitted unless those services are provided under
14 tariff approved by the ~~public service board~~; Public Service Board.

15 (6) A company or that part of a company, other than a municipality,
16 ~~which that~~ has obtained a direct or indirect discharge permit issued by the
17 ~~agency of natural resources~~ Agency of Natural Resources and is engaged in the
18 collection or disposal of wastewater or domestic sewage or any combination of
19 these activities, except companies solely involved in the hauling of septage or
20 sludge. This subdivision shall only apply to companies ~~which that~~, together
21 with any affiliates, service 750 or more household or dwelling units.

1 (7) Beginning July 1, 2014, a company or that part of a company, other
2 than a municipality, that operates a materials recovery recycling facility, which
3 is permitted by the Agency of Natural Resources. This subdivision shall apply
4 until there is sufficient competition among materials recovery recycling
5 facilities in the State for recycling services that eliminates any unfair
6 competition for prices or access to services. The operation of more than four
7 materials recovery facilities in the State by more than one company shall
8 constitute sufficient competition among materials recovery recycling facilities.

9 Sec. 2. AUTHORITY OF PUBLIC SERVICE BOARD OVER MATERIALS
10 RECOVERY FACILITIES

11 It is the intent of the General Assembly that materials recovery facilities
12 regulated by the Public Service Board under 30 V.S.A. § 203(7) shall be
13 “companies,” as that term is defined under 30 V.S.A. § 201, for the purposes of
14 the exercise of Public Service Board authority under 30 V.S.A. chapter 5. As
15 companies subject to the requirements of 30 V.S.A. chapter 5, the rates and
16 rate schedules of materials recovery facilities shall be regulated by the Public
17 Service Board under 30 V.S.A. §§ 218 and 225.

18 Sec. 3. EFFECTIVE DATE

19 This act shall take effect on passage.