

1 H.276

2 Introduced by Representative Klein of East Montpelier

3 Referred to Committee on

4 Date:

5 Subject: Energy; public service; land use; natural resources; electric generation
6 facilities; municipal and regional plans

7 Statement of purpose of bill as introduced: This bill proposes to give greater
8 weight to municipal and regional plans in the Public Service Board approval
9 process for electric generation facilities unless the facilities address reliability
10 deficiencies, consist of rooftop solar, or will be located on a brownfield, gravel
11 pit, landfill, or quarry.

12 An act relating to greater weight to municipal and regional plans in the
13 siting of electric generation facilities

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

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

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

19 (1) with respect to an in-state facility, will not unduly interfere with the
20 orderly development of the region with ~~due~~ the following consideration having

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

4 (A) due consideration, if the facility is an electric transmission
5 facility, or an electric generation facility:

6 (i) whose primary purpose is to address a reliability deficiency
7 identified in a least cost integrated plan or a transmission system plan approved
8 under section 218c of this title;

9 (ii) that will use solar energy as its fuel source and will be located
10 on the roof of a commercial or residential structure; or

11 (iii) that will be wholly located on a gravel pit, a quarry, a sanitary
12 landfill as defined in 10 V.S.A. § 6602, or a brownfield site as defined in
13 10 V.S.A. § 6642;

14 (B) deference, if the facility is an electric generation facility not
15 described in subdivision (1)(A) of this subsection and the municipal or regional
16 plan identifies locations within its area to receive a pro rata share of new
17 renewable energy, as defined in section 8002 of this title, from generation
18 facilities with a capacity of five megawatts or less. Calculation of this pro rata
19 share shall multiply, by 0.10, the total amount of renewable energy sought by
20 the year 2032 under section 8005 of this title, and then allocate the result to the
21 municipality or region according to its share of the State's electric energy

1 consumption. The Board may decline to defer to a recommendation or land
2 conservation measure if it concludes that the recommendation or land
3 conservation measure is clearly outweighed by another factor affecting the
4 general good of the State; and

5 (C) However, due consideration, if the facility is a natural gas
6 facility, except that, with respect to a natural gas transmission line subject to
7 Board review, the line shall be in conformance with any applicable provisions
8 concerning such lines contained in the duly adopted regional plan; and, in
9 addition, upon application of any party, the Board shall condition any
10 certificate of public good for a natural gas transmission line issued under this
11 section so as to prohibit service connections that would not be in conformance
12 with the adopted municipal plan in any municipality in which the line is
13 located;

14 * * *

15 Sec. 2. EFFECTIVE DATE

16 This act shall take effect on July 1, 2015.