

1 H.421

2 Introduced by Representatives Shaw of Pittsford and Jerome of Brandon

3 Referred to Committee on

4 Date:

5 Subject: Public service; planning; certificate of public good; energy facilities;
6 siting

7 Statement of purpose of bill as introduced: This bill proposes to allow the
8 transfer of a certificate of public good for the construction of an in-state
9 generation facility to an alternative site if, among other conditions, the
10 originally approved site and the alternative site are located within the same
11 municipality.

12 An act relating to in-state generation facility certificate of public good
13 transferability

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

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

16 § 248. NEW GAS AND ELECTRIC PURCHASES, INVESTMENTS, AND
17 FACILITIES; CERTIFICATE OF PUBLIC GOOD

18 * * *

19 (u)(1) Transferability. Notwithstanding any contrary provision of this
20 chapter, a certificate of public good issued under this subsection for the

1 construction of an in-state generation facility shall not be transferable to an
2 alternative site, unless:

3 (A) a municipal authority exercising jurisdiction over the project has
4 issued a final decision to deny required construction permits for the proposed
5 project;

6 (B) the proposed alternative site and the originally proposed site are
7 located within the same municipality;

8 (C) the project will remain substantially the same in size and scope
9 and will be without any significant modifications, amendments, or alterations
10 to the original plan;

11 (D) the alternative site is substantially the same as the original site in
12 consideration of the criteria listed under (b)(5) and (8) of this section; and

13 (E) the municipality has approved of the alternative site and its
14 conformance with municipal land use bylaws, applicable regional plan, and
15 other requirements pursuant to 24 V.S.A. chapter 117.

16 (2) An applicant seeking to transfer a certificate of public good issued
17 under this section to an alternative site shall provide written notice of its intent,
18 including a description of the alternative site, plans for the transfer, and
19 certification that the alternative site satisfies the requirements of this
20 subsection to the following: the landowner of record of the property on which
21 the alternative site is located, the legislative body of the municipality in which

1 the alternative site is located, and the Commissioner of Public Service and his
2 or her Director for Public Advocacy. Unless an objection to the transfer of a
3 certificate of public good to the alternative site is filed with the Commission
4 within 30 days of this notice, the certificate of public good shall be transferred.
5 If an objection of the transfer is timely filed with the Commission, the
6 Commission may determine whether the alternative site meets the
7 requirements of this subsection.

8 Sec. 2. EFFECTIVE DATE

9 This act shall take effect on July 1, 2019.