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H.762

Introduced by Representatives Gamache of Swanton, Batchelor of Derby,  
Beyor of Highgate, Branagan of Georgia, Brennan of  
Colchester, Browning of Arlington, Burditt of West Rutland,  
Christie of Hartford, Cupoli of Rutland City, Dickinson of  
St. Albans Town, Forguites of Springfield, Hebert of Vernon,  
Higley of Lowell, Hubert of Milton, Lawrence of Lyndon,  
Lucke of Hartford, Martel of Waterford, Myers of Essex, Pearce  
of Richford, Purvis of Colchester, Quimby of Concord, Savage  
of Swanton, Scheuermann of Stowe, Tate of Mendon, Terenzini  
of Rutland Town, Van Wyck of Ferrisburgh, and Willhoit of  
St. Johnsbury

Referred to Committee on

Date:

Subject: Conservation and development; energy; public service; land use;

natural resources; Act 250; siting; electric generation

Statement of purpose of bill as introduced: This bill proposes to allow siting  
jurisdiction over electric generation under Act 250 (10 V.S.A. chapter 151)  
instead of the Public Service Board (PSB) where the generation is not for  
reliability or will not be used to meet the Renewable Energy Standard (RES).  
Specifically, it would limit the electric generation exemption from Act 250 to

1 generation that: (1) is needed for reliability; (2) will be used to satisfy the  
2 RES; or (3) will be renewable generation of 15 kilowatts or less. It would  
3 similarly amend the exemption from local land use regulation to exempt only  
4 these three categories of electric generation, which would remain subject to  
5 PSB siting approval under 30 V.S.A. § 248.

6 An act relating to allocating siting approval of electric generation between  
7 the District Commissions and the Public Service Board

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

9 Sec. 1. 10 V.S.A. § 6001 is amended to read:

10 § 6001. DEFINITIONS

11 In this chapter:

12 (3)(A) “Development” means each of the following:

13 (i) The construction of improvements on a tract or tracts of land,  
14 owned or controlled by a person, involving more than 10 acres of land within a  
15 radius of five miles of any point on any involved land, for commercial or  
16 industrial purposes in a municipality that has adopted permanent zoning and  
17 subdivision bylaws.

18 (ii) The construction of improvements for commercial or  
19 industrial purposes on more than one acre of land within a municipality that  
20 has not adopted permanent zoning and subdivision bylaws.



1                    (aa) the facility's primary purpose is to address a reliability  
2                    deficiency identified in a least cost integrated plan or a transmission system  
3                    plan approved under 30 V.S.A. § 218c;

4                    (bb) the facility's environmental attributes and tradeable  
5                    renewable energy credits, as defined in 30 V.S.A. § 8002, will be applied  
6                    toward the Renewable Energy Standard under 30 V.S.A. §§ 8004 and 8005; or

7                    (cc) the facility's plant capacity, as defined in 30 V.S.A.  
8                    § 8002, will be 15 kilowatts or less;

9                    (II) an electric transmission facility that requires a certificate of  
10                    public good under 30 V.S.A. § 248;

11                    (III) a natural gas facility as defined in 30 V.S.A.  
12                    § 248(a)(3); or

13                    (IV) a telecommunications facility issued a certificate of public  
14                    good under 30 V.S.A. § 248a.

15                    \* \* \*

16                    Sec. 2. 24 V.S.A. § 4413(b) is amended to read:

17                    (b) A bylaw under this chapter shall not regulate:

18                    (1) a public utility power generating ~~plants and~~ plant if:

19                    (A) the plant's primary purpose is to address a reliability deficiency  
20                    identified in a least cost integrated plan or a transmission system plan approved  
21                    under 30 V.S.A. § 218c;

1           (B) the plant's environmental attributes and tradeable renewable  
2           energy credits, as defined in 30 V.S.A. § 8002, will be applied toward the  
3           Renewable Energy Standard under 30 V.S.A. §§ 8004 and 8005; or

4           (C) its plant capacity, as defined in 30 V.S.A. § 8002, will be  
5           15 kilowatts or less; or

6           (2) public utility transmission facilities regulated under 30 V.S.A. § 248.

7           Sec. 3. 30 V.S.A. § 248 is amended to read:

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

10          (a)(1) No company, as defined in section 201 of this title, may:

11               (A) in any way purchase electric capacity or energy from outside  
12               the State:

13                       (i) for a period exceeding five years, that represents more than  
14                       three percent of its historic peak demand, unless the purchase is from a plant as  
15                       defined in subdivision 8002(14) of this title that produces electricity from  
16                       renewable energy as defined under subdivision 8002(17); or

17                       (ii) for a period exceeding ten years, that represents more than ten  
18                       percent of its historic peak demand, if the purchase is from a plant as defined  
19                       in subdivision 8002(14) of this title that produces electricity from renewable  
20                       energy as defined under subdivision 8002(17); or



1 facility to comply with its rules governing interconnection procedures for  
2 generating resources.

3 Sec. 5. EFFECTIVE DATE

4 This act shall take effect on July 1, 2016.