

STATE OF VERMONT
EXECUTIVE DEPARTMENT
EXECUTIVE ORDER NO. 10-12

[Governor's Energy Generation Siting Policy Commission]

WHEREAS, as set forth in the 2011 Comprehensive Energy Plan and statute, Vermont has recognized the need to increase its energy independence and resilience through the greater use of renewable energy in all sectors; and

WHEREAS, in the electricity sector, there has been broad support for local renewable energy generation; and

WHEREAS, the number and diversity of renewable electric generation installations – of all sizes and generation types – proposed to be sited in Vermont has grown substantially over the last decade and a half, and previously such installations were infrequent; and

WHEREAS, state-level review and approval of all electric generation project siting continues to be of utmost importance due to the interconnected electric grid, electric reliability requirements, and statewide infrastructure and planning needs, among other reasons; and

WHEREAS, based on requests and input from legislators and stakeholders, the Commissioner of the Department of Public Service has recommended that a commission be appointed to address concerns regarding electric generation siting processes and to address related recommendations set forth in the 2011 Comprehensive Energy Plan; and

WHEREAS, a group of independent individuals willing to engage with state agencies, legislators, stakeholders, and the broader public will inform the discussion regarding whether and how current statewide electric generation siting processes should be modified.

NOW, THEREFORE, BE IT RESOLVED that I, Peter Shumlin, by virtue of the authority vested in me as Governor of the State of Vermont, do hereby create the Governor's Energy Generation Siting Policy Commission as set forth below.

I. Composition, Appointments, and Process

The Commissioner of Public Service shall select and appoint five members of the public to the Commission.

The Commissioner of Public Service or his or her designee and the Secretary of the Agency of Natural Resources or his or her designee shall be additional, *ex officio* members of the Commission. The five members appointed by the Commissioner of Public Service may elect a chair and deputy chair. The Department of Public Service and Agency of Natural Resources shall provide administrative support to the Commission as requested. The Commission shall meet initially at the call of the Commissioner of Public Service, and thereafter at the call of its chair or deputy chair. The Commission also may request the assistance or advice of any stakeholder or expert individuals with interests in electric generation siting, and shall seek input and comment from the public at large.

II. Charge

The Commission shall provide the Governor and the chairs of the legislative committees House Natural Resources and Energy, Senate Natural Resources, House Commerce, and Senate Finance a written report by April 30, 2013 regarding best practices for the siting approval of electric generation projects and for public participation and representation in the siting process. The term “electric generation project” shall mean all electric generation facilities other than net metered and group net metered facilities.

The report shall provide recommendations regarding modifications or improvements that Commission believes should be made in Vermont, through legislation, Public Service Board rule, or otherwise, and shall specifically:

1. Compare the procedures (including timeline for review, substantive criteria and standards applied, and procedural mechanisms employed) used in Vermont for approval of siting for electric generation projects with state-level procedures used elsewhere, particularly in other states within New England’s regional electric market;
2. Compare the role of and/or opportunity for public participation, public advocacy, and municipal, town, or regional planning body participation in Vermont’s approval process for electric generation projects with state-level procedures used elsewhere, particularly in other states within New England’s regional electric market;
3. Review alternative dispute resolution processes for electric generation project siting used elsewhere, particularly in other states within New England’s regional electric market;
4. Review the coordination and timing of state-level permit issuance in Vermont for electric generation projects, and compare with state-level permit coordination and timing in place elsewhere, particularly in other states within New England’s regional electric market;
5. Analyze whether Vermont’s criteria for electric generation project siting approval adequately protects Vermont’s lands, environmental resources, and cultural resources, both with respect to individual projects and with respect to cumulative impacts of multiple projects;
6. Analyze best practices for monitoring environmental impacts of approved and built facilities going forward, to allow for an iterative process over time based upon lessons learned; and
7. Consider whether the state should develop generic siting guidelines for developers of electric generation projects by technology, to aid permit process uniformity and provide guidance on environmental impacts, location, aesthetics and other common issues.

III. Effective Date

This Executive Order shall take effect upon signing and shall continue in full force and effect until further order by the Governor.

Dated October 2, 2012.

Peter Shumlin
Governor