

## Separate Statement of Commissioner McCarren

This separate statement addresses my disagreement with the portion of the Majority Report titled “Increase Emphasis on Planning” (section 4.3).<sup>1</sup> Section 4.3 proposes to vest extraordinary power in a state agency, the Public Service Department (PSD) to choose locations for electric generation, enshrines the PSD’s Vermont Comprehensive Energy Plan (CEP) as the controlling document for siting, and creates obligations on municipalities to “proactively contribute to state goals.” Rather than strengthen the role of municipalities with respect to land use decisions, this proposal diminishes their role.<sup>2</sup>

The report proposes that the PSD, applying siting criteria not yet established, will review all plans of the Regional Planning Commissions (RPCs) for consistency with PSD siting guidelines to ensure that each region and municipality has “done their part” in meeting state energy goals. The PSD will review regional plans “to determine both individual plan consistency and-in the aggregate- overall consistency with ....the CEP.” Similarly the RPC’s will evaluate the plans of municipalities for “compatibility” with the regional plan. If the PSD approves an RPC plan, the plan will be “dispositive” in a Public Service Board (PSB) siting proceeding. Municipal plans can receive the status “substantial consideration” if approved by an RPC. However, a municipal plan even after RPC and indirect DPS approval can only be afforded “substantial consideration” by the PSB

A fair interpretation of the proposal is that the PSD will have the authority, if it determines that in aggregate there has been insufficient land designated for the siting of electric generation, to specify regional and municipal land use obligations and locations for generation siting. This appears to be a comingling of the PSD’s roles as planner, advocate, and decision maker, a distinction the legislature made in the separation of the PSD from the PSB in 1980.

This centralization of decision making regarding electric generation site selection reduces the role of municipalities, may relieve developers from working closely with municipalities, and enshrines the non-

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<sup>1</sup> I support other sections of the Majority Report that address proposed improvements to the process of siting generation to increase opportunities for public participation through improved availability of information from all relevant agencies, clarity on the role of PSB Hearing Examiners, and the creation of a “Case Manger” position at the PSB.

<sup>2</sup> As noted in the Majority Report, the siting of electric generating plants in Vermont has changed from a central station “is the power needed” determination to distributed locations driven in significant part by the “Standard Offer” program. Though the Board must retain the “Public Good” authority the bar for using such authority should be raised to provide significantly more weight to properly adopted municipal plans

statutory CEP as the controlling land use document. As the Majority Report indicates, current electric generation siting and land use law would need to be amended to transfer local authority to the PSD.

A simpler solution, and one that preserves the Public Service Board's role in determining the overall State "public good" but increases the weight to be given to duly adopted municipal plans, is to amend 30 VSA Section 248 to delete "due consideration" and replace it with "substantial consideration" for municipal and regional plans.

Therefore, with great respect for my colleagues on the Commission I do not agree with and cannot support Section 4.3 of the Majority Report.