

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

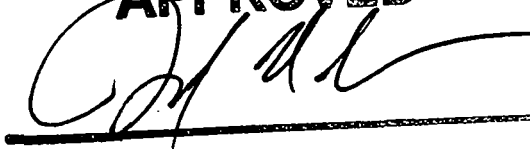
No. 198

Approved May 17, 2004

RESOLVED, That the Members of the Providence City Council
hereby Endorse and Urge Passage by the General Assembly of House Bill 2004-H
8130 and Senate Bill 2004-S 2869, Relative to State Affairs and Government –
Energy Facility Siting.

IN CITY COUNCIL
MAY 6 2004
READ AND PASSED
PRES.
Michael B. Clement
CLERK

APPROVED

 5/17/04

MAYOR

2004-05-17
CITY OF PROVIDENCE
CITY COUNCIL
CLERK
MICHAEL B. CLEMENT
CLERK

IN CITY COUNCIL
APR 1 2004
FIRST READING
REFERRED TO COMMITTEE ON
STATE LEGISLATION

Michael J. West
CLERK

THE COMMITTEE ON
STATE LEGISLATION
Recommends Approval

Craig B. Butler
April 21, 2004
CLERK

Curran Max Legal

2004 -- H 8130

LC02428

STATE OF RHODE ISLAND**IN GENERAL ASSEMBLY****JANUARY SESSION, A.D. 2004****A N A C T****RELATING TO STATE AFFAIRS AND GOVERNMENT -- ENERGY FACILITY SITING****Introduced By:** Representatives Moura, Rose, Dennigan, Ajello, and Savage**Date Introduced:** February 24, 2004**Referred To:** House Environment and Natural Resources

It is enacted by the General Assembly as follows:

- 1-1 SECTION 1. Section 42-98-11 of the General Laws in Chapter 42-98 entitled "Energy
1-2 Facility Siting Act" is hereby amended to read as follows:
- 1-3 **42-98-11. Final hearing -- Standards -- Decisions.** -- (a) Within forty-five (45) days
1-4 after the final date for submission of advisory opinions pursuant to section 42-98-10, the board
1-5 shall convene the final hearing on the application. The purpose of this hearing shall not be to
1-6 rehear the evidence which was presented previously in hearings before agencies designated under
1-7 section 42-98-9, but rather to provide the applicant, intervenors, the public, and all other parties in
1-8 the proceeding, the opportunity to address in a single forum, and from a consolidated, statewide
1-9 perspective, the issues reviewed, and the recommendations made in the proceedings before the
1-10 agencies designated under section 42-98-9. The board at this hearing may, at its discretion, allow
1-11 the presentation of new evidence by any party as to the issues considered by the agencies
1-12 designated under section 42-98-9. The board may limit the presentation of repetitive or
1-13 cumulative evidence. The hearing shall proceed on not less than thirty (30) days' notice to the
1-14 parties and the public, shall be concluded not more than sixty (60) days following its initiation,
1-15 and shall be conducted expeditiously.
- 1-16 (b) The board shall issue a decision granting a license only upon finding that the

1-17 applicant has shown that:

1-18 (1) Construction of the proposed facility is necessary to meet the needs of the state
1-19 and/or region for energy of the type to be produced by the proposed facility.

2-1 (2) The proposed facility is cost-justified, and can be expected to produce energy at the
2-2 lowest reasonable cost to the consumer consistent with the objective of ensuring that the
2-3 construction and operation of the proposed facility will be accomplished in compliance with all of
2-4 the requirements of the laws, rules, regulations, and ordinances, under which, absent this chapter,
2-5 a permit, license, variance, or assent would be required, or that consideration of the public health,
2-6 safety, welfare, security and need for the proposed facility justifies a waiver of some part of the
2-7 requirements when compliance cannot be assured.

2-8 (3) The proposed facility will not cause unacceptable harm to the environment and will
2-9 enhance the socio-economic fabric of the state; provided, however, that in the event a proposed
2-10 transmission line, including any upgrade, relocated facility or "replacement-in-kind," crosses
2-11 directly over a significant natural resource or public asset of the state, including any rivers, parks,
2-12 or recreational area, or areas with significant economic development potential, the board shall
2-13 only grant a license for the facility upon ordering burial of the transmission line through the
2-14 affected resource or asset.

2-15 (c) Within sixty (60) days of the conclusion of the final hearing the board shall issue its
2-16 final decision on the application. A decision in favor of the application shall constitute a granting
2-17 of all permits, licenses, variances, or assents which under any law, rule, regulation, or ordinance
2-18 of the state or of a political subdivision thereof which would, absent this chapter, be required for
2-19 the proposed facility. The decision may be issued requiring any modification or alteration of the
2-20 proposed facility, and may be issued on any condition the board deems warranted by the record,
2-21 and may be issued conditional upon the applicant's receipt of permits required by federal law. The
2-22 board's decision shall explicitly address each of the advisory opinions received from agencies,
2-23 and the board's reasons for accepting, rejecting, or modifying, in whole or in part, any of those
2-24 advisory opinions. The board shall, within ten (10) days of granting a license, with or without
2-25 conditions, deliver the decision to the speaker of the Rhode Island house of representatives, and
2-26 the president of the Rhode Island senate.

2-27 SECTION 2. This act shall take effect upon passage and shall apply retroactively to any
2-28 siting board proceeding that was pending at the time of passage.

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LC02428
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**EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF**

**A N A C T
RELATING TO STATE AFFAIRS AND GOVERNMENT -- ENERGY FACILITY SITING**

3-1 This act would require that any proposed transmission line for an energy facility which
3-2 crosses over a significant natural resource or public asset of the state, be buried through the
3-3 affected resource or asset.

3-4 This act would take effect upon passage and would apply retroactively to any siting board
3-5 proceeding that was pending at the time of passage

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LC02428
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2004 -- S 2869

LC02548

STATE OF RHODE ISLAND**IN GENERAL ASSEMBLY****JANUARY SESSION, A.D. 2004****A N A C T****RELATING TO STATE AFFAIRS AND GOVERNMENT -- ENERGY FACILITY SITING****Introduced By:** Senators DaPonte, Damiani, and Perry**Date Introduced:** February 11, 2004**Referred To:** Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

- 1-1 SECTION 1. Section 42-98-11 of the General Laws in Chapter 42-98 entitled "Energy
1-2 Facility Siting Act" is hereby amended to read as follows:
- 1-3 **42-98-11. Final hearing -- Standards -- Decisions.** -- (a) Within forty-five (45) days
1-4 after the final date for submission of advisory opinions pursuant to section 42-98-10, the board
1-5 shall convene the final hearing on the application. The purpose of this hearing shall not be to
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1-8 the proceeding, the opportunity to address in a single forum, and from a consolidated, statewide
1-9 perspective, the issues reviewed, and the recommendations made in the proceedings before the
1-10 agencies designated under section 42-98-9. The board at this hearing may, at its discretion, allow
1-11 the presentation of new evidence by any party as to the issues considered by the agencies
1-12 designated under section 42-98-9. The board may limit the presentation of repetitive or
1-13 cumulative evidence. The hearing shall proceed on not less than thirty (30) days' notice to the
1-14 parties and the public, shall be concluded not more than sixty (60) days following its initiation,
1-15 and shall be conducted expeditiously.
- 1-16 (b) The board shall issue a decision granting a license only upon finding that the

1-17 applicant has shown that:

1-18 (1) Construction of the proposed facility is necessary to meet the needs of the state
1-19 and/or region for energy of the type to be produced by the proposed facility.

2-1 (2) The proposed facility is cost-justified, and can be expected to produce energy at the
2-2 lowest reasonable cost to the consumer consistent with the objective of ensuring that the
2-3 construction and operation of the proposed facility will be accomplished in compliance with all of
2-4 the requirements of the laws, rules, regulations, and ordinances, under which, absent this chapter,
2-5 a permit, license, variance, or assent would be required, or that consideration of the public health,
2-6 safety, welfare, security and need for the proposed facility justifies a waiver of some part of the
2-7 requirements when compliance cannot be assured.

2-8 (3) The proposed facility will not cause unacceptable harm to the environment and will
2-9 enhance the socio-economic fabric of the state; provided, however, that in the event a proposed
2-10 transmission line, including any upgrade, relocated facility or "replacement-in-kind," crosses
2-11 directly over a significant natural resource or public asset of the state, including any rivers, parks,
2-12 or recreational area, or areas with significant economic development potential, the board shall
2-13 only grant a license for the facility upon ordering burial of the transmission line through the
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2-18 of the state or of a political subdivision thereof which would, absent this chapter, be required for
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2-20 proposed facility, and may be issued on any condition the board deems warranted by the record,
2-21 and may be issued conditional upon the applicant's receipt of permits required by federal law. The
2-22 board's decision shall explicitly address each of the advisory opinions received from agencies,
2-23 and the board's reasons for accepting, rejecting, or modifying, in whole or in part, any of those
2-24 advisory opinions. The board shall, within ten (10) days of granting a license, with or without
2-25 conditions, deliver the decision to the speaker of the Rhode Island house of representatives, and
2-26 the president of the Rhode Island senate.

2-27 SECTION 2. This act shall take effect upon passage and shall apply retroactively to any
2-28 siting board proceeding that was pending at the time of passage.

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LC02548
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**EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF**

**A N A C T
RELATING TO STATE AFFAIRS AND GOVERNMENT -- ENERGY FACILITY SITING**

- 3-1 This act would require that any proposed transmission line for an energy facility which
3-2 crosses over a significant natural resource or public asset of the state, be buried through the
3-3 affected resource or asset.
- 3-4 This act would take effect upon passage and would apply retroactively to any siting board
3-5 proceeding that was pending at the time of passage

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LC02548
=====

Claire Bestwick

From: david@votesegal.com
Sent: Tuesday, March 30, 2004 4:27 PM
To: Claire Bestwick; Anna Stetson
Subject: Fwd: Re: bill info for city council rez



unnamed

Hi-

I'm going to talk to the leadership about taking these off-the-docket on Thursday. If that doesn't work, I'd like to introduce them for the meeting on the 15th.

Thanks.

David

----- Forwarded message from Davidpriley@aol.com -----

Date: Mon, 29 Mar 2004 16:20:52 EST
From: Davidpriley@aol.com
Reply-To: Davidpriley@aol.com
Subject: Re: bill info for city council rez
To: david@votesegal.com

David,

Great idea! Here's the info. It'd be great if you can get it done before the hearing. Thanks, David

SUMMARY OF FOUR BILLS ON BURIAL OF POWER LINES

H 8012 & S 2884 -- require the Siting Bd to seek regional funding before approving project that affect the regional grid

H 8054 & S 2870 -- allow municipalities to sue for damages if the utility's delay of a proposal precludes considering other alternative such as burial. Damages will include legal fees & must be pd by the utility itself, not by ratepayers.

H 8105 & S 2919 -- bury all new power lines (identical to bill that passed both houses in '94 relating to E. Greenwich line, but vetoed by Gov. Sundlun as part of a deal to move that line away from upscale homes)

H 8130 & S 2869 -- require burial for any line that would cross 1) significant natural resources, 2) public assets like rivers, parks & recreational areas, or 3) areas w/ significant economic development potential.

In a message dated 3/29/2004 3:47:35 PM Eastern Standard Time, david@votesegal.com writes:
get me the bill numbers, senate and house sides, and we'll introduce resolutions in support.

----- End forwarded message -----

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 199

Approved May 17, 2004

RESOLUTION
IN COMMITTEE ON
GENERAL BUDGET
CITY COUNCIL

RESOLVED, That the Members of the Providence City Council
hereby Endorse and Urge Passage by the General Assembly of House Bill 2004-H
8012 and Senate Bill 2004-S 2884, Relative to State Affairs and Government –
Energy Facility Siting Act.

IN CITY COUNCIL
MAY 6 2004
READ AND PASSED
PRES.
Michael B. Cleary
CLERK (ab)

APPROVED
5/17/04

MAYOR

IN CITY COUNCIL
APR 1 2004
FIRST READING
REFERRED TO COMMITTEE ON
STATE LEGISLATION

Michael A. Clement
CLERK

Councilman Segal

THE COMMITTEE ON
STATE LEGISLATION
Recommends Approval

Craig E. Bestwick
CLERK
April 21, 2004

2004 -- H 8012

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LC02415
=====**STATE OF RHODE ISLAND****IN GENERAL ASSEMBLY****JANUARY SESSION, A.D. 2004**

A N A C T
RELATING TO STATE AFFAIRS AND GOVERNMENT -- ENERGY FACILITY SITING
ACT**Introduced By:** Representatives Moura, Dennigan, Rose, Savage, and Ajello**Date Introduced:** February 24, 2004**Referred To:** House Corporations

It is enacted by the General Assembly as follows:

- 1-1 SECTION 1. Chapter 42-98 of the General Laws entitled "Energy Facility Siting Act" is
1-2 hereby amended by adding thereto the following section:
- 1-3 **42-98-21. Easements required -- Regional cost recovery. -- Whenever easements are**
1-4 **required for any new, modified, upgraded or relocated transmission facility or structure (including**
1-5 **any "replacement-in-kind"), the board shall, have a prerequisite to granting any license under**
1-6 **section 42-98-11, determine whether the facility qualifies as a "pooled transmission facility"**
1-7 **which is defined as a facility which will serve to meet the energy needs or reliability of any**
1-8 **geographical area beyond the limits of the state of Rhode Island. If the board determines that the**
1-9 **facility meets the definition of a "pooled transmission facility," the board shall not issue a license**
1-10 **unless it receives evidence that the cost of servicing the necessary easement or other essential**
1-11 **land rights will be paid for by the regional network service customers.**
- 1-12 SECTION 2. This act shall take effect upon passage and have retroactive application to
1-13 any siting board proceeding that was pending at the time of passage.

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LC02415
=====**EXPLANATION**

**BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO STATE AFFAIRS AND GOVERNMENT -- ENERGY FACILITY SITING
ACT**

- 2-1 This act would require that the cost of any pool transmission facility which meets the
2-2 energy needs of others outside of Rhode Island shall be shared by regional network service
2-3 customers.
2-4 This act would take effect upon passage and would have retroactive application to any
2-5 siting board proceeding that was pending at the time of passage.

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LC02415
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2004 -- S 2884

LC02579**STATE OF RHODE ISLAND****IN GENERAL ASSEMBLY****JANUARY SESSION, A.D. 2004****A N A C T****RELATING TO STATE AFFAIRS AND GOVERNMENT -- ENERGY FACILITY SITING ACT****Introduced By:** Senators DaPonte, Perry, Ciccone, Damiani, and Ruggerio**Date Introduced:** February 11, 2004**Referred To:** Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

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1-7 which is defined as a facility which will serve to meet the energy needs or reliability of any
1-8 geographical area beyond the limits of the state of Rhode Island. If the board determines that the
1-9 facility meets the definition of a "pooled transmission facility," the board shall not issue a license
1-10 unless it receives evidence that the cost of servicing the necessary easement or other essential
1-11 land rights will be paid for by the regional network service customers.
- 1-12 SECTION 2. This act shall take effect upon passage and shall have retroactive
1-13 application to any siting board proceeding that was pending at the time of passage.

LC02579**EXPLANATION**

**BY THE LEGISLATIVE COUNCIL
OF**

**A N A C T
RELATING TO STATE AFFAIRS AND GOVERNMENT -- ENERGY FACILITY SITING
ACT**

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2-2 energy needs of others outside of Rhode Island would be shared by regional network service
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LC02579
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