

**RESOLUTION CONTINUING SENATE JOINT RESOLUTION 467  
STUDY OF PROCEDURES APPLICABLE TO THE CONSTRUCTION OF NEW  
ELECTRICITY GENERATING FACILITIES**

Continuing the study by the Legislative Transition Task Force of Procedures Applicable to the Construction of New Electricity Generating Facilities.

WHEREAS, Senate Joint Resolution No. 467 (2001) directed the Legislative Transition Task Force to study procedures applicable to the construction of new electricity generation facilities in the Commonwealth; and

WHEREAS, the Legislative Transition Task Force is established pursuant to § 56-595 of the Virginia Electric Utility Restructuring Act to work collaboratively with the State Corporation Commission in conjunction with the phase-in of retail competition within the Commonwealth; and

WHEREAS, Senate Joint Resolution No. 467 specifically directed the Legislative Transition Task Force to recommend amendments to the Commonwealth's administrative and regulatory procedures as are appropriate to facilitate the approval of construction of sufficient electricity generation capacity to provide a competitive market for electricity in the Commonwealth as soon as practical, without lessening necessary environmental considerations including siting and air quality impacts; and

WHEREAS, on June 12, 2001, the State Corporation Commission commenced Case No. PUE010313 to establish new filing requirements for entities seeking authority to construct and operate electric generating facilities; and

WHEREAS, on August 3, 2001, the State Corporation Commission entered a preliminary order holding that § 56-580 D of the Virginia Electric Utility Restructuring Act supplant the applicability of §§ 56-234.3 and 56-265.2 of the Code of Virginia with regard to the construction and operation of electric generating facilities after January 1, 2002; and

WHEREAS, on December 14, 2001, the State Corporation Commission entered an order adopting regulations amending the filing requirements for applications to construct and operate electric generating facilities; and

WHEREAS, in its December 14, 2001, order the State Corporation Commission also docketed a new proceeding (Case No. PUE010665) in which the Commission will consider (i) additional rules addressing the cumulative environmental impacts of new electric generating facilities, (ii) filing requirements related to market power, and (iii) expedited permitting processes for small generation facilities of fifty megawatts or less; and

WHEREAS, the Legislative Transition Task Force has received briefings from the State Corporation Commission, the Department of Environmental Quality, the Piedmont Environmental Council and other groups regarding the procedures applicable to the construction of new electricity generation facilities in the Commonwealth; and

WHEREAS, during the course of its work the Legislative Transition Task Force has become aware of an issue regarding the effect of the ability of operators of generation facilities within the Commonwealth to exceed the statewide cap on nitrous oxide emissions through the acquisition of air emissions credits from operators of facilities located in other states; and

WHEREAS, the State Corporation Commission's ongoing review of applicable permitting procedures makes it appropriate for the Legislative

Transition Task Force to continue its study of electricity generation facility permitting procedures; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the study by the Legislative Transition Task Force of procedures applicable to the construction of new electricity generating facilities be continued. In conducting the study, the Legislative Transition Task Force shall examine the effects of emissions credit trading on the statewide cap on nitrous oxide emissions.

All agencies of the Commonwealth shall provide assistance to the Legislative Transition Task Force in its conduct of this study, upon request.

The Legislative Transition Task Force shall complete its work by November 30, 2002, and shall submit its written findings and recommendations to the Governor and the 2003 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the study.

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