

State Corporation Commission
****REVISED** 2007 Fiscal Impact Statement**

1. Bill Number SB1351

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron Wagner

3. Committee Commerce and Labor

4. Title Public utility facilities; approval procedures.

5. Summary/Purpose: Public utility facilities; approval procedures. Provides that an appeal from a decision of the State Corporation Commission approving or denying the construction and operation of an electrical generating facility not larger than 50 megawatts may proceed by a petition for appeal to the Supreme Court. Currently, parties in interest or aggrieved parties may appeal the Commission's decision as a matter of right. The measure also clarifies that a local governing body may authorize the construction or establishment of a public utility facility or public service corporation facility, and certain other public improvements, prior to the planning commission's determination that the facility is in accord with the comprehensive plan, if the governing body conditions its approval on a finding by the planning commission that it is in substantial accord with the comprehensive plan.

6. No Fiscal Impact on the State Corporation Commission

7. Budget amendment necessary: No.

8. Fiscal implications: None.

9. Specific agency or political subdivisions affected: Virginia State Corporation Commission.

10. Technical amendment necessary: See Item 11.

11. Other comments: This legislation appears to conflict with the express language of Article IX, § 4 of the Constitution of Virginia declaring an appeal "of right" to the Supreme Court for persons aggrieved by a State Corporation Commission order or judgment.

Date: 01/29/07 / CW/AB

cc: Secretary of Commerce and Trade