

1 H.135

2 Introduced by Representatives Cheney of Norwich, Dickinson of St. Albans

3 Town, Edwards of Brattleboro and Young of St. Albans City

4 Referred to Committee on

5 Date:

6 Subject: Public service; municipal and cooperative utilities; wireless

7 communications; member approval

8 Statement of purpose: This bill proposes to exempt system control and data  
9 acquisition (SCADA) equipment used by utilities for intra- and interutility  
10 communications from the requirement that wireless communications facilities  
11 obtain a certificate of public good before they may be placed on an electric  
12 transmission or generation facility. The bill further proposes to exempt  
13 small-scale municipal or cooperative utility projects that would not affect the  
14 Section 248 criteria from the general requirement that the project receive majority  
15 approval from the voters of the municipality or the members of the cooperative  
16 utility.

17 An act relating to wireless communication facilities and project approvals  
18 for municipal and cooperative utilities

19 It is hereby enacted by the General Assembly of the State of Vermont:

1 Sec. 1. 30 V.S.A. § 248(n)(2) is amended to read:

2 (2) Notwithstanding subdivision (1)(B) of this subsection, if the board  
3 finds that a petition filed pursuant to this subsection does not raise a significant  
4 issue with respect to the criteria enumerated in subdivisions (b)(1), (3), (4), (5),  
5 and (8) of this section, the board shall issue a certificate of public good without  
6 a hearing. If the board fails to issue a final decision or identify a significant  
7 issue with regard to a completed petition made under this section within 60  
8 days of its filing with the clerk of the board and service to the director of  
9 public advocacy for the department of public service, the petition is deemed  
10 approved by operation of law. The rules required by this subsection shall be  
11 adopted within six months of the effective date of this section, and rules under  
12 this section may be adopted on an emergency basis to comply with the dates  
13 required by this section. For purposes of this subsection, “wireless  
14 communication facilities” include antennae, related equipment, and equipment  
15 shelter, but do not include system control and data acquisition equipment used  
16 by utilities for intra- and interutility communications.

17 Sec. 2. 30 V.S.A. § 248(c) is amended to read:

18 (c) ~~In~~ Except as otherwise provided in subdivision (j)(3) of this section, in  
19 the case of a municipal plant or department formed under local charter or  
20 chapter 79 of this title or a cooperative formed under chapter 81 of this title,  
21 any proposed investment, construction or contract which is subject to this

1 section shall be approved by a majority of the voters of a municipality or the  
2 members of a cooperative voting upon the question at a duly warned annual or  
3 special meeting to be held for that purpose. The municipal department or  
4 cooperative shall provide to the voters or members, as the case may be, written  
5 assessment of the risks and benefits of the proposed investment, construction,  
6 or contract which were identified by the public service board in the certificate  
7 issued under this section. The municipal department or cooperative also may  
8 provide to the voters an assessment of any other risks and benefits.

9 Sec. 3. 30 V.S.A. § 248(j)(3) is added to read:

10 (3) The construction of facilities authorized by a certificate issued under  
11 this subsection shall not require the approval of voters of a municipality or the  
12 members of a cooperative, as would otherwise be required under subsection (c)  
13 of this section.

14 Sec. 4. EFFECTIVE DATE

15 This act shall take effect upon passage.