

1 H.693

2 Introduced by Representatives Young of Glover, Botzow of Pownal, Marcotte
3 of Coventry, and Kitzmiller of Montpelier

4 Referred to Committee on

5 Date:

6 Subject: Public service; telecommunications; repeal of sunset provisions

7 Statement of purpose of bill as introduced: This bill proposes to repeal the
8 sunset provisions of 30 V.S.A. § 248a and allow the Public Service Board to
9 continue to consider applications for certificates of public good to construct or
10 install telecommunications facilities.

11 An act relating to the repeal of sunset provisions applicable to the
12 permitting of telecommunications facilities

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

14 Sec. 1. 30 V.S.A. § 248a is amended to read:

15 § 248a. CERTIFICATE OF PUBLIC GOOD FOR COMMUNICATIONS
16 FACILITIES

17 (a) Certificate. Notwithstanding any other provision of law, if the applicant
18 seeks approval for the construction or installation of telecommunications
19 facilities that are to be interconnected with other telecommunications facilities
20 proposed or already in existence, the applicant may obtain a certificate of

1 public good issued by the Public Service Board under this section, which the
2 Board may grant if it finds that the facilities will promote the general good of
3 the State consistent with subsection 202c(b) of this title. A single application
4 may seek approval of one or more telecommunications facilities. An
5 application under this section shall include a copy of each other State and local
6 permit, certificate, or approval that has been issued for the facility under a
7 statute, ordinance, or bylaw pertaining to the environment or land use.

8 * * *

9 (i) ~~Sunset of Board authority. Effective July 1, 2014, no new applications~~
10 ~~for certificates of public good under this section may be considered by the~~
11 ~~Board.~~ [Repealed.]

12 * * *

13 Sec. 2. 10 V.S.A. § 1264(j) is amended to read:

14 (j) Notwithstanding any other provision of law, if an application to
15 discharge stormwater runoff pertains to a telecommunications facility as
16 defined in 30 V.S.A. § 248a ~~and is filed before July 1, 2014~~ and the discharge
17 will be to a water that is not principally impaired by stormwater runoff:

18 (1) The Secretary shall issue a decision on the application within 40
19 days of the date the Secretary determines the application to be complete, if the
20 application seeks authorization under a general permit.

1 Sec. 4. REPEAL

2 2011 Acts and Resolves No. 53, Sec. 14d (repeal of limitations on
3 municipal bylaws; municipal ordinances; wireless telecommunications
4 facilities) is repealed.

5 Sec. 5. 3 V.S.A. § 2809 is amended to read:

6 § 2809. REIMBURSEMENT OF AGENCY COSTS

7 (a)(1) The Secretary may require an applicant for a permit, license,
8 certification, or order issued under a program that the Secretary enforces under
9 10 V.S.A. § 8003(a) to pay for the cost of research, scientific, programmatic,
10 or engineering expertise provided by the Agency of Natural Resources,
11 provided:

12 (A) ~~the~~ The Secretary does not have such expertise or services and
13 such expertise is required for the processing of the application for the permit,
14 license, certification, or order; ~~or~~.

15 (B) ~~the~~ The Secretary does have such expertise but has made a
16 determination that it is beyond the ~~agency's~~ Agency's internal capacity to
17 effectively utilize that expertise to process the application for the permit,
18 license, certification, or order. In addition, the Secretary shall determine that
19 such expertise is required for the processing of the application for the permit,
20 license, certification, or order.

- 1 Sec. 6. EFFECTIVE DATE
- 2 This act shall take effect on passage.