

Dear Bill Botzow, Chair  
and members of the Vermont House Committee on Commerce and  
Economic Development:

Good afternoon:

I am writing in opposition to **H. 693 - An act relating to the repeal of sunset provisions applicable to the permitting of telecommunications facilities.**

Currently the Vermont Public Service Board issues "Certificates of Public Good" regarding the installation of new cell towers in Vermont. Effective July 1, 2014 this authority to switch to the local towns. H. 693 proposes to retain the authority with the PSB.

This is bad for Vermont. Currently the PSB provides very little oversight for cell tower projects and simply serves as a "rubber stamp" for applications. This is seen by the PSB **NEVER REJECTING** a cell tower application. In an email dated 1/23/14 Susan Hudson, Clerk of the PSB states" there were 14 applications filed in 2010---42 in 2011---57 in 2012---and 136 in 2013. All of the applications received Certificates of Public Good, and no complete applications were rejected." In fact, most of these applications were approved within 6 weeks of filing, with no hearings ever conducted. This is hardly the level of oversight Vermonter's should be provided.

The Section 248a process unfairly gives the utilities the upper hand in these proceedings. Due to the quasi-judicial nature of the PSB proceedings, individual residents of Vermont are not able to make an effective presence before the board without hiring an attorney. The rules only provide notice to adjoining landowners, even though far more citizens will be affected by the proposal for years to come, they are provided no opportunity to participate in the process. In addition the 248a process favors the environment and wildlife over humans. The PSB looks at items including Air and Water Purity, Natural Environment, Outstanding Resource Waters, Headwaters, Water and Air Pollution, Waste Disposal, Floodways, Streams, Shorelines, Wetlands, Soil Erosion, and the list goes on and on. While the PSB is supposed to ensure the project will not have an undue adverse effect on aesthetics, they place very little weight on this, and rely entirely on the utilities high priced lawyers and engineers to state the project does not affect aesthetics.

The PSB currently places no credence on local zoning regulations when reviewing applications (PSB Docket 7508). And the utilities state in their applications that local zoning regulations, which are approved by the voters, do not provide a clearly written community standard. The applicants would rather refer to regional plans than town zoning regulations. I say you can't find a more clearly written community standard than an individual town's

zoning regulations. These were written locally, voted on and adopted locally, and enforced locally. Even if a conditional use permit were issued, this would be done through the local Development Review Board, with local community input.

The PSB has more important issues to deal with. This includes Vermont Yankee, net metering, solar and wind installations, as well as the natural gas pipelines. Cell tower projects are more of a distraction to the PSB and as I have shown above, do not get the review Vermonter's deserve.

I ask you to do the right thing and not approve H.693, and in fact I ask the Legislature to issue an immediate moratorium on the PSB granting any more Certificates of Public Good until the authority reverts to the towns.

I thank you for your time this afternoon. If you have any questions, please do not hesitate to contact me.

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(In the interest of transparency, I have filed comments in opposition to a Verizon Wireless proposed cell tower location that will be less than 400 feet from the residential neighborhood on Point Ridge Road in Berlin).