

H.297 (Act No. 190)
Report of Committee of Conference
Section by Section Summary
Legislative Council – May 9, 2014 5:15 PM

Sec. and Topic	Summary
Sec. 1. Purpose and Findings	<ul style="list-style-type: none"> • To promote broadband and cell deployment through greater coordination and consolidation of telecom functions • More equitable application of USF surcharge • New revenue invested in telecom build out
Sec. 2. Universal Service Fund (USF) Definitions	<ul style="list-style-type: none"> • New definitions added which relate to new High-Cost program, described below
Sec. 3. USF Distribution	<ul style="list-style-type: none"> • In addition to existing programs (relay service; Lifeline; E-911), funds go to new Connectivity Fund
Secs. 4 – 6. Connectivity Fund	<p>Of the Money in the Connectivity Fund</p> <ul style="list-style-type: none"> • Half to Connectivity Initiative (similar to Senate language; includes definitions of unserved and underserved; deletes references to Division for Connectivity) • Half to High-Cost Program based on number of rural access lines
Sec. 7. Rate of USF Charge	<ul style="list-style-type: none"> • Set at flat 2 % • Beginning June 1, 2014 • Will raise estimated \$650,000 annually • Fee bill has language regarding prepaid wireless telecommunications (will raise \$450,000, annually)
Sec. 8. State Telecom Policy	<ul style="list-style-type: none"> • Adds new State objective: support measures designed to ensure 100Mbps (symmetrical) to every E-911

	location in VT by end of year 2024
Sec. 9. State Telecom Plan	<ul style="list-style-type: none"> • Remains the responsibility of DPS • Plan period extended from 7 to 10 years • DPS receives input and assistance from new Division for Connectivity • Minimum technical service objectives revised at least every 3 years
Sec. 10. Telecom Coordination and Planning	<ul style="list-style-type: none"> • Amends existing law regarding Secretary of Administration's telecom planning and coordination functions • Establishes new deadlines (e.g., December 15, 2014 for action plan)
Sec. 11. Administration Deployment Reports	<ul style="list-style-type: none"> • Amends existing law regarding Secretary of Administration's responsibility to produce deployment reports (sets new deadline of December 15, 2014)
Sec. 12. Division for Connectivity	<ul style="list-style-type: none"> • New Division created within Agency of Administration – <u>Beginning July 1, 2015</u> • Successor in interest to and continuation of Vermont Telecommunications Authority (VTA) • Similar goals and duties as the VTA, but no bonding authority • Takes over telecom planning, coordination, and reporting functions presently assigned to the Secretary of Administration (as well as responsibility for leasing State lands) • Promotes only minimum technical service characteristics in State Telecom Plan • Annual report on served and unserved areas, based on speed, and cost estimates for providing service to unserved areas
Sec. 13. Repeals	<ul style="list-style-type: none"> • Repeals Secretary of Admin telecom duties transferred to Division for Connectivity by this Act • Repeals minimum technical service characteristic objectives incorporated in State Telecom Plan by this act • Repeals broadband infrastructure investment program, which will be completed by end of year 2015

Sec. 14. Creation of Positions for Division for Connectivity	<ul style="list-style-type: none"> • One full-time Director and up to 6 additional FTEs, as deemed necessary by the Secretary of Administration • Filled to extent there are vacancies in Executive Branch • VTA employees not employed in new Division acquire same recall (reemployment rights) as non-management State employees under existing collective bargaining agreement
Sec. 15. Transitional Provisions	<ul style="list-style-type: none"> • Secretary of Administration determines where offices of new Division are housed • Secretary develops plan for transferring all assets, liabilities, and legal and contractual obligations of VTA transferred to Agency of Administration
Sec. 16. Public Highways and Conduit Standards	<ul style="list-style-type: none"> • Intent is to have developers install telecom conduit within public highways and rights-of-way during construction projects to prevent need for future excavations for telecom deployment • Secretary of Administration, in consultation with Secretary of Transportation, Commissioner of DPS, and VLCT, does report on a “Dig Once” program
Sec. 17-23. Repeal of 248a Sunset	<p><i>(Language from S.220, as passed the House)</i></p> <ul style="list-style-type: none"> • Extends the sunset for another three years, until July 2017. • Clarifies that municipal legislative bodies and planning commissions have the right to appear and participate and may hold a meeting on the application to be attended by the applicant and the Department of Public Service (DPS) on the municipality’s request. • Requires the PSB to make a detailed written ruling on each recommendation of a municipal legislative body and planning commission. • Clarifies that the DPS may retain experts and allocate costs to the applicant. A municipality may request that the DPS retain an expert. If the request is granted, the DPS and the expert are not required to agree with the municipality’s position. • Requires the DPS to create a citizen’s guide to the telecommunications facility permitting process. • After an opportunity for public comment, requires the PSB to amend its telecommunications facility permitting procedures define the terms “substantial deference” and “good cause” as used in § 248a. • Requires the DPS to submit to House Commerce and Senate Finance a report assessing the telecommunications facility review process under § 248a, including the number of applications made and granted during the year ending 8/31/15. DPS to file the report by 10/1/15.

	<ul style="list-style-type: none"> • Extends the sunset of PSB authority to hear appeals of Agency of Natural Resources (ANR) permits for telecommunications facilities to 7/1/17. • Repeals the sunset of provisions that exempt the following from municipal land use regulations, making the exemptions permanent: <ul style="list-style-type: none"> ○ ancillary improvements to telecommunications facilities, if the improvements do not exceed a footprint of 300 square feet and a height of 10 feet ○ the attachment of a new or replacement communications cable or wire to an existing utility pole ○ the replacement of a utility pole for the purpose of a installing a communications line if the new pole is not more than 10 feet taller than the pole it replaces <ul style="list-style-type: none"> • Extends to 7/1/17 the sunset of a limit to \$10,000.00 on the amount that ANR can bill back to a telecommunications facility for the costs of reviewing a stormwater discharge permit.
<p>Secs. 24 – 26. Administration Reports and Presentation</p>	<p>Two Administration Reports</p> <ul style="list-style-type: none"> • <u>First</u>: Report to GA by December 15, 2014 • Plan for transferring E-911 to Division for Connectivity, Department of Public Service, or Department of Public Safety • Goals: better coordination and efficiency; reduction in redundancy; and operational savings of at least \$300K • Include recommendation on whether it would be cost effective to select an existing State agency to serve as fiscal agent of VUSF • Include report on status of Vermont Communications Board and Vermont Public Safety Broadband Network Commission (Vermont FirstNet) • Propose draft legislation creating a 15-member advisory board (within Division for Connectivity or Department of Public Safety) merging functions of E-911 Board, Vermont Communications Board, and Vermont FirstNet • <u>Second</u>: Report by Secretary of Administration regarding new Division for Connectivity and whether it should be amended or repealed • If new division or entity, other than VTA, recommended, Secretary make recommendation regarding a new telecommunications advisory board

	Secretary of Administration required to give a presentation of above two reports to the relevant committees of the General Assembly in January 2015
Sec. 27. DPS Deployment Report	<ul style="list-style-type: none"> • DPS submits report to General Assembly on July 15, 2015 • Report includes maps indicating service type and average speed of available broadband and mobile telecommunications services within VT by census block as of December 31, 2014
Sec. 28. VTA Dormancy	<ul style="list-style-type: none"> • On July 1, 2015, Division for Connectivity becomes successor in interest to and continuation of VTA • VTA ceases operations and does not resume duties unless directed to do so by enactment of the General Assembly; or by order of the JFC, if circumstances change during interim, and bonding or acceptance of grants determined to be the most effective means of telecom deployment
Sec. 29. Disclosure of Retransmission Fees	<ul style="list-style-type: none"> • Purpose is to provide the Attorney General with information necessary to investigate certain conduct within the cable and broadcast network industries to determine whether unfair methods of competition or unfair or deceptive acts or practices are occurring in violation of the Consumer Protection Act (Antitrust laws) • Fees reported to Attorney General only and disclosed to the public in a time and manner determined by the AG to be consistent with the Public Records Act and relevant provisions of federal law
Sec. 30. State Rev and Leg. Intent	<ul style="list-style-type: none"> • Delete references to “by the end of the year 2013” in 30 V.S.A. chapter 91 (VTA statutes) • Replace Secretary of Administration with Director for Connectivity with respect to leasing of State land for telecom infrastructure (process remains the same) • Clarify that duties of new Division are not operable until the Division is established
Sec. 31. Effective Dates	<ul style="list-style-type: none"> • Effective on passage, except Division for Connectivity pieces which are effective July 1, 2015