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S.52

Senators Champion, Cummings, Degree, Lyons, MacDonald, Pollina, and Sirotkin move that the Senate concur in the House proposal of amendment with a further proposal of amendment as follows:

First: By striking out Sec. 5 in its entirety and inserting in lieu thereof a new Sec. 5 to read:

Sec. 5. 30 V.S.A. § 248a is amended to read:

§ 248a. CERTIFICATE OF PUBLIC GOOD FOR COMMUNICATIONS
FACILITIES

* * *

(j) Telecommunications facilities of limited size and scope.

* * *

(2)(A) Any ~~party~~ person seeking to proceed under the procedures authorized by this subsection shall file a proposed certificate of public good and proposed findings of fact with its application, ~~and provide~~. Within two business days of notification from the Board that the filing is complete, the applicant shall serve notice and a copy of the application, proposed certificate of public good, and proposed findings of fact ~~to~~ on the Commissioner of Public Service and its Director for Public Advocacy, the Secretary of Natural Resources, the Division for Historic Preservation, the Natural Resources Board if the application concerns a telecommunications facility for which a permit

1 previously has been issued under 10 V.S.A. chapter 151, and each of the
2 legislative bodies and municipal and regional planning commissions in the
3 communities in which the applicant proposes to construct or install facilities.
4 ~~At the same time the applicant files the documents specified in this subdivision~~
5 ~~with the Board~~ Within two business days of notification from the Board that
6 the filing is complete, the applicant also shall ~~give~~ serve written notice of the
7 proposed certificate ~~to~~ on the landowners of record of property adjoining the
8 project site or sites unless the Board has previously determined on request of
9 the applicant that good cause exists to waive or modify the notice requirement
10 with respect to such landowners. Such notice shall request comment to the
11 Board within ~~21~~ 30 days of the ~~notice~~ date of service on the question of
12 whether the application raises a significant issue with respect to the substantive
13 criteria of this section. If the Board finds that an application raises a
14 significant issue with respect to the substantive criteria of this section, the
15 Board shall hear evidence on any such issue.

16 * * *

17 (C) If the Board accepts a request to consider an application under
18 the procedures of this subsection, then unless the Public Service Board
19 subsequently determines that an application raises a significant issue, the
20 Board shall issue a final determination on an application ~~filed pursuant to this~~
21 ~~subsection within 45 days of its filing or, if the original filing did not~~

1 ~~substantially comply with the Public Service Board's rules,~~ within ~~45~~ 60 days
2 of the date on which the Clerk of the Board notifies the applicant that the filing
3 is complete. If, subsequent to acceptance of an application under this
4 subsection, the Board rules that an application raises a significant issue, it shall
5 issue a final determination on an application filed pursuant to this subsection
6 ~~within 90 days of its filing or, if the original filing did not substantially comply~~
7 ~~with the Public Service Board's rules,~~ within 90 days of the date on which the
8 Clerk of the Board notifies the applicant that the filing is complete.

9 * * *

10 (k) De minimis modifications. An applicant intending to make a de
11 minimis modification of a telecommunications facility shall provide written
12 notice of its intent, including a description of the de minimis modification, its
13 plans for the de minimis modification, and its certification that the project
14 constitutes a de minimis modification under this section, to the following: the
15 landowner of record of the property on which the facility is located; the
16 legislative body of the municipality in which the applicant proposes to
17 undertake such limited modifications to the facility; and the Commissioner of
18 Public Service and his or her Director for Public Advocacy. Unless an
19 objection to the classification of a proposed project as a de minimis
20 modification is filed with the Board within ~~24~~ 30 days of this notice, a
21 certificate of public good shall be issued. Objections may be filed only by

1 persons entitled to notice of this proposed project pursuant to this subsection.

2 If an objection of the classification of the proposed project as a de minimis
3 modification is timely filed with the Board, the Board may determine whether
4 the intended project meets the definition of de minimis modification
5 established in subdivision (b)(2) of this section.

6 * * *

7 (o) Retention; experts. The Department of Public Service may retain
8 experts and other personnel as identified in section 20 of this title to provide
9 information essential to a full consideration of an application for a certificate
10 of public good under this section. The Department may allocate the expenses
11 incurred in retaining these personnel to the applicant in accordance with
12 section 21 of this title. The Department may commence retention of these
13 personnel once the applicant has filed the ~~45-day~~ 60-day notice under
14 subsection (e) of this section. A municipal legislative body or planning
15 commission may request that the Department retain these personnel. Granting
16 such a request shall not oblige the Department or the personnel it retains to
17 agree with the position of the municipality.

18 * * *

19 Second: After Sec. 15, by striking out Secs. 16 through 21 in their entirety
20 and the reader assistance thereto and inserting in lieu thereof: Secs. 16-21.

21 [Deleted.]

1 Third: After Sec. 23, by striking out Sec. 24 in its entirety and the reader
2 assistance thereto and inserting in lieu thereof: Sec. 24. [Deleted.]

3 Fourth: In Sec. 25a, Report; Open Meeting Law; Public Service Board, by
4 striking out subsection (a) in its entirety and inserting in lieu thereof a new
5 subsection (a) to read:

6 (a) On or before December 15, 2017, the Secretary of State shall submit a
7 report on the exemption of the Public Service Board from the Vermont Open
8 Meeting Law, 1 V.S.A. § 312(e). The report shall evaluate whether the Board
9 should continue to have a complete exemption from the Open Meeting Law or
10 whether its exemption should be limited, as with other administrative boards,
11 to the Board’s deliberations in connection with quasi-judicial proceedings.
12 The report shall set out the reasons favoring and disfavoring each of these
13 outcomes and provide the Secretary of State’s recommendation. In preparing
14 the report, the Secretary of State shall consult with the Attorney General and
15 the Public Service Board.

16 Fifth: In Sec. 26, effective dates, in the first sentence, by striking out “Secs.
17 14 through 25a” and inserting in lieu thereof Secs. 14, 15, 22, 23, 25, and 25a