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H.92

Introduced by Representatives Sibilila of Dover and Haas of Rochester
Referred to Committee on
Date:
Subject: Telecommunications; 248a siting; net neutrality; sunset repeal
Statement of purpose of bill as introduced: This bill proposes to require applicants for a certificate of public good under 30 V.S.A. § 248a to obtain a certificate of net neutrality compliance from the Secretary of Administration if the proposed facility is intended to be used for the provision of broadband Internet access service. It also proposes to repeal the July 1, 2020 sunset of 30 V.S.A. § 248a.

An act relating to telecommunications facility siting and net neutrality

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

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

§ 248a. CERTIFICATE OF PUBLIC GOOD FOR COMMUNICATIONS
FACILITIES

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

1 public good issued by the Public Utility Commission under this section, which
2 the Commission may grant if it finds that the facilities will promote the general
3 good of the State consistent with subsection 202c(b) of this title.

4 (1) If the applicant intends to use the proposed facility for the provision
5 of broadband Internet access service, as defined in 3 V.S.A. § 348(d)(1), the
6 application shall include a copy of a certificate of net neutrality compliance
7 granted by the Secretary of Administration pursuant to 3 V.S.A. § 348.

8 (2) A single application may seek approval of one or more
9 telecommunications facilities.

10 (3) An application under this section shall include a copy of each other
11 State and local permit, certificate, or approval that has been issued for the
12 facility under a statute, ordinance, or bylaw pertaining to the environment or
13 land use.

14 * * *

15 Sec. 2. PURPOSE OF SEC. 1

16 (a) 30 V.S.A. § 248a provides an option (the Section 248a option) under
17 which an applicant may obtain from the Public Utility Commission a
18 certificate of public good for a telecommunications facility in lieu of obtaining
19 a permit under 10 V.S.A. chapter 151 (Act 250) and, if applicable, local land
20 use bylaws adopted under 24 V.S.A. chapter 117 and local ordinances adopted
21 under 24 V.S.A. § 2291 or by municipal charter.

1 (b) The purpose of Sec. 1 of this act is to allow the Section 248a option to
2 remain for an Internet service provider only if it obtains a certificate of net
3 neutrality compliance under 3 V.S.A. § 348. In the absence of such
4 certification, the provider may still seek approval for a telecommunications
5 facility under Act 250 and, if applicable, local bylaw or ordinance.

6 Sec. 3. 30 V.S.A. § 248a(i) is amended to read:

7 (i) ~~Sunset of Commission authority. Effective on July 1, 2020, no new~~
8 ~~applications for certificates of public good under this section may be~~
9 ~~considered by the Commission. [Repealed.]~~

10 Sec. 4. EFFECTIVE DATE

11 This act shall take effect on passage.