

REMOVAL OF “SUNSET” ON 30 V.S.A. §248a

Charles Storrow, Leonine Public Affairs, on behalf of AT&T

- Section 248a allows telecommunications providers to seek approval for their proposed facilities from the Public Utilities Commission in lieu of having to go through Act 250 and, if applicable, local zoning.
- Section 248a was originally enacted in 2007 with a three year sunset (July 1, 2010). Since then the sunset has been extended four times [Act 54 (2009) until 07/01/2011), Act 53 (2011) until 07/01/2014, Act 190 (2014) until July 1, 2017, and Act 32 of 2017 until July 1, 2020].
- Section 248a has been used extensively by wireless telecommunications providers. Between 2010 and 2016 the Public Service Commission issued 566 Certificates of Public Good under section 248a. Of that amount approximately 200 CPGs have been for new towers, while approximately 360 have been for small (“de minimis”) projects involving the upgrading of equipment at existing sites.
- 248a has greatly facilitated AT&T’s ability to invest in upgrading and expanding its cell phone networks in Vermont. Since the company purchased Unicef’s Vermont assets in 2009 it has constructed approximately 60 new cell sites and performed numerous technology upgrades to its cell sites. Of the 566 section 248a CPGs issued during 2010-2016 AT&T obtained more of them—184—than any other telecom provider.
- AT&T’s need to expand and upgrade its network in Vermont will be an ongoing effort for the foreseeable future. This is especially the case considering AT&T’s selection by the federally created First Responder Network Authority (“FirstNet”) to create a national, broadband based public safety network and the state of Vermont’s decision to “opt in” to having AT&T being the FirstNet provider in Vermont. AT&T is planning on constructing 30 new “FirstNet” cell sites over the next four years, in addition to a number of “business as usual” cell sites.