

Updating Section 248a

Inconsistent Regulation under Current Section 248a



1.



2.

Two historic churches in Brattleboro

1. One permitted for new Verizon antennas in steeple under Regular, Limited Scope & Size – notification to adjoining, historic review
2. The other permitted for new Verizon antennas in steeple under De minimus – no notification to adjoining, no historic review

(a) Certificate

Add granting municipalities the authority to site small cell installations.

(b) Definitions

Add definition of Small Cell installation – “Small Cell installation” means small radio equipment and antennas that can be placed on structures such as streetlights, the sides of buildings, or poles. *(from CTIA info)*

Categories – change from 2 to 3

- (b)(4)(A)(i) Regular – a new telecommunications facility, including towers and poles
- (b)(4)(A)(ii) Limited Size and Scope – additions, modification, replacement at a lawfully constructed telecommunications facility to existing structures, including increases in RF
- (b)(2) De minimis – changes to previously-permitted telecommunications facility, no increase in RF

(c) Findings

(3)(C) addresses colocation for small cell networks by different providers, or potential for monopoly service if inadequate room for all provider services

(e) Notice

All categories except De minimis require notification to adjoiners.

Small cell installations requires notification to all property owners within 500 feet

(h) Alternatives to Public Utility Commission Permitting

Municipalities may permit siting small cell installations.

(i) Process for municipalities to approve siting of small cell installations

Municipalities may restrict small cell installations to

- not permit a cell antenna in residential neighborhoods
- not permit a cell antenna immediately adjacent to (the front yard of) a residential dwelling.
- have at least a certain distance (500 feet is good, 250 feet might be adequate in most cases) between a cell antenna and the nearest home.

(o) Retention; experts.

...for the purpose of post-construction monitoring for compliance with FCC RF emission standards.

Annually?

On request of municipal legislative body, planning commission, and/or adjoiner?

Act 250

Eliminate option of going through Act 250 – close loophole

Repealing Sunset of Section 248a

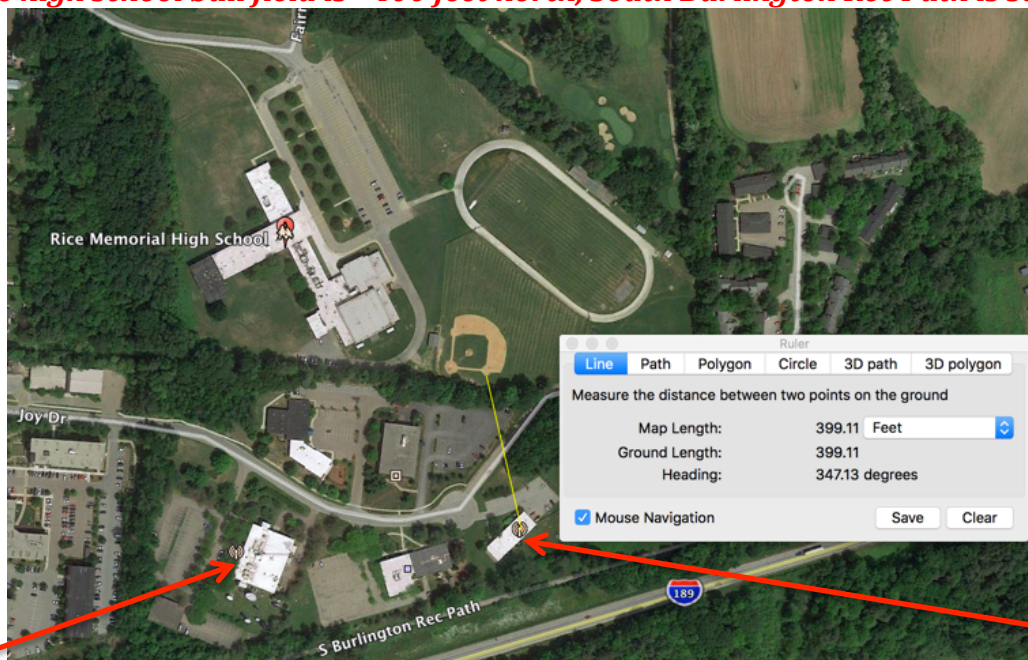
VCE does not support Section 248a as written. VCE supports repealing the sunset of Section 248a if recommended changes are made.

Small Cell Installation outside residence in Burlington



example of small cell siting that might have been better if PUC or municipality reviewed possible alternatives

Two antenna facilities next to Rice Memorial H.S. in S. Burlington The high school ball field is ~400 feet north, South Burlington Rec Path is south

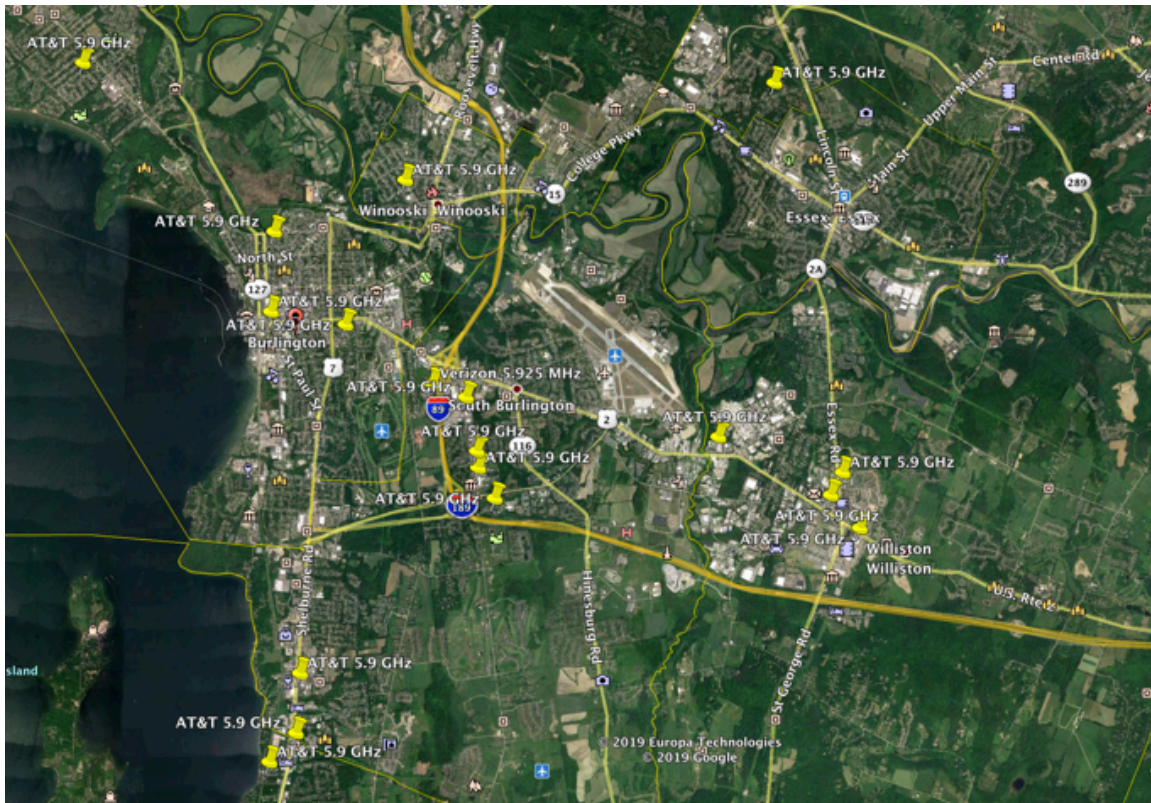


example of sites where post-construction FCC emissions compliance monitoring would be appropriate

Chittenden County New Mid-band 5G
Mostly AT&T pole-attached canister antennas up to 5.9 GHz
approved by the PUC in 2018 and 2019

Project narratives for these locations contain this language:

“The Project also allows AT&T to prepare for implementation of newer technologies—including 5G capabilities, "smart cities" and new developments in the Internet of Things ("IoT").”



*example of small cell build-out underway in Chittenden County
 where municipalities would benefit from ability to site small cells to address orderly
 development and reduce aesthetic and property value impacts*

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