

1 S.301 DPS proposed amendment

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

3 § 248a. CERTIFICATE OF PUBLIC GOOD FOR COMMUNICATIONS
4 FACILITIES

5 * * *

6 (q)(1) Emergency waiver. Notwithstanding any other provisions of this
7 section, the Commission may waive, for a specified and limited time, the
8 prohibitions contained in this section upon site preparation for or construction
9 of a telecommunications facility necessary for maintaining or improving access
10 to telecommunications services during an emergency situation, pending full
11 review under this section.

12 (2) A person seeking a waiver under this subsection shall file a petition
13 with the Commission and shall provide copies to the Department of Public
14 Service and the Agency of Natural Resources. The Commission may require
15 that additional notice be provided to those listed in subsection (e) of this
16 section. Upon receipt of the petition, the Commission shall conduct an
17 expedited preliminary hearing.

18 (3) An order granting a waiver may include terms, conditions, and
19 safeguards to mitigate significant adverse impacts, including the posting of a
20 bond or other security, as the Commission deems proper, based on the scope
21 and duration of the requested waiver.

- 1 (4) A waiver shall be granted only when the Commission finds that:
- 2 (A) good cause exists due to an emergency situation;
- 3 (B) the waiver is necessary to maintain or provide access to wireless
4 telecommunications services;
- 5 (C) procedures will be followed to minimize significant adverse
6 impacts under the criteria specified in subdivision (c)(1) of this section; and
- 7 (D) taking into account any terms, conditions, and safeguards that the
8 Commission may require, the waiver will promote the general good of the
9 State.
- 10 (5) Upon the expiration of a waiver, if a certificate of public good has
11 not been issued under this section, the Commission shall require the removal,
12 relocation, or alteration of the facilities subject to the waiver, as it finds will
13 best promote the general good of the State.