

From: Randy Brock
Sent: Thursday, April 25, 2019 2:32 PM
To: Faith Brown <FBrown@leg.state.vt.us>
Subject: FW: H.513

Please distribute this to members of Senate Finance.

From: Annette Smith <vce@vermontel.net>
Sent: Thursday, April 25, 2019 11:22 AM
To: Randy Brock <RBrock@leg.state.vt.us>
Subject: Re: H.513

Sen. Brock, you may forward this to the Senate Finance Committee if you wish. Annette

From: Annette Smith <vce@vermontel.net>
Sent: Wednesday, April 24, 2019 10:07 AM
To: randy@randybrock.com; Randy Brock <RBrock@leg.state.vt.us>
Subject: H.513

Dear Sen.Brock,

H.513 is coming before Senate Finance again Thursday afternoon. I was in the statehouse last Thursday for a program put on by the very credible group from Brattleboro. Ilishana Artra is a member of that group and will be testifying on Thursday. The Brattleboro group put on an excellent educational forum (video [here](#), I am the first speaker).

This bill is rather surreal. Or rather, the discussion in the statehouse is puzzling. It passed out of the House with only two dissenting votes. Last Thursday in the cafeteria I was summoned by Rep. Laura Sibilia to talk to her. It is "her" bill. She is adamant it is only about fiber optic, and has nothing to do with small cell pole attachments. She said she read my testimony to Senate Finance. I asked her if she read what CTIA filed, which I had submitted (and which I quoted in my testimony). She said no. I asked her if she had CTIA or anyone from the wireless industry testify on the bill in House E&T. Answer was no. Still, she is adamant that the bill is only about fiber. Rep. Sandy Haas also spoke to a constituent later in the day saying "the bill is only about fiber" and she insists that 5G is not coming to Vermont.

I uploaded all the filings so far in the PUC's Rule 3.700 update to this link, which will expire in a week or two. Comments were filed on March 8 and Reply Comments were filed on April 19. The only comments that reference 5G specifically are CTIA's, both their comments and reply comments, and VCE's. You can download them all here.

<https://we.tl/t-5il52WsEVK>

There is absolutely no question that this "one-touch, make-ready" update to Rule 3.700 is critically important to the wireless industry to enable 5G coming to rural areas of Vermont. President Trump held a press conference two weeks ago announcing \$20 billion to deploy 5G in rural areas.

Yesterday someone sent me the response, below, from VPIRG after they reached out. Might as well have been written by the industry. The person who wrote this is testifying on Thursday in Senate Finance, so I thought you might appreciate a preview. What I do not appreciate is anyone accusing me or others of providing “inaccurate” information or “mischaracterizing” anything. Any claims that the bill as written is just about fiber and not about 5G deployment are either intended to muddy the waters or intentionally ignorant. In any case, the industry itself put in writing how important the Rule 3.700 update is to enabling 5G deployment.

Someone sent me this video this morning

<https://www.youtube.com/watch?v=2wAlJI2sS-8>

The opening part talks about the national effort to overcome local and state jurisdiction over pole attachments. Vermont is not alone in taking on this issue. I left the statehouse last Thursday wondering if legislators have been bamboozled by the industry or are they just not that smart and honestly believe that broadband = fiber optic, which it doesn't.

Wishing you well.

Annette

VPIRG response to contact from concerned citizen:

Thanks for getting in touch. There's been some mischaracterization of H.513 (the broadband bill) circulating out there, so we're happy to provide our thinking on the bill and on some of the points you've raised generally.

First starting on the issue of potential 5G health risks and cellular health risks more broadly: VPIRG has not taken a specific stance on this. Unfortunately, it seems at this point that the science around the issue is unclear at best. This recent article does a good job of laying out why this is so murky: https://motherboard.vice.com/en_us/article/pa8bpbk/5g-wireless-rekindles-fight-over-cellular-health-risks

The Centers for Disease Control state that, ““There is no scientific evidence that provides a definite answer to [whether cell phones pose health risks.]” And while there have been some recent rodent studies demonstrating increased cancer risks associated with long-term exposures to radio frequency radiation, those studies were somewhat inconsistent. That said, while we don't have a formal position on this, we would welcome more research on potential impacts so that future policy decisions on this can be guided by the best science available. This, it seems, is the position of many other environmental and public health organizations – that is to say: we need more information. And even more broadly speaking, the construction of any wireless technology, should of course be done with environmental, ecological and health concerns in mind. I think this recent piece by the Natural Resources Defense Council outlines some of the missteps by the FCC in recent years with regard to this: <https://www.nrdc.org/experts/sharon-buccino/5g-and-fcc-10-reasons-why-you-should-care>

On the specific issue of H.513 itself – VPIRG has been supportive of this bill. However – our support has nothing to do with anything pertaining to the expansion of wireless coverage. We support expanding affordable high-speed internet access to all Vermonters. We think this is best achieved through expanding community owned fiber networks. And in fact, in Vermont, we've seen that wireless coverage is a poor substitute for wired internet directly to the home: <https://www.vpr.org/post/built-federal-funding-vtels-broadband-wireless-service-failed-fully-deliver#stream/0>

So we support H.513 because we believe that it will allow communities to do what the giant telecoms aren't: build fiber solutions that serve every Vermonter.

I'll note that H.513's characterization as a 5G bill is something we've seen recently, and it isn't really accurate. The bill doesn't really deal with wireless technology in a meaningful way – and it doesn't deal with cell tower siting at all. I've been in pretty much all the committee hearings on this bill and that is not what has been contemplated by the legislature. It's true that the bill is geared toward broadband expansion broadly and it does not prohibit any specific technologies from potentially receiving funding or support. But this is to ensure that it leaves as many options for expanding access to Vermonters as possible. VPIRG does support raising the speed requirements for state funding in the bill to 100/100mbps – this would essentially mean only funding for fiber is supported. Similarly we support the pole attachment reforms contained in the bill, because they're designed to make it easier for community fiber networks to string fiber to the poles, not because of anything pertaining to cellular technology.

While it's certainly possible that wireless providers will look for opportunities to more rapidly deploy small cell technology and eventually 5G technology – they're going to do that with or without H.513. Put another way: H.513 is not a bill designed to promote 5g expansion. I've seen nobody testify in support of the bill for that purpose. And stopping this bill will not likely do anything to prevent wireless providers from pursuing 5G – it will only serve to slow Vermont communities from expanding other broadband options – particularly fiber.

Anyway – I know there's a lot there, but I hope that helps.

All the best,
Zach Tomanelli
Communications & Technology Director, VPIRG