

OUTLINE OF TESTIMONY CONCERNING S.301  
(REPEAL OF SUNSET ON 30 V.S.A. §248a)  
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On Behalf of AT&T

1. Section 248a allows telecommunications providers to seek approval for wireless telecommunications facilities from the Public Utilities Commission.
2. Section 248a was enacted in 2007 with a July 1, 2010 “sunset” (automatic repeal). Since then, the legislature has extended the sunset date four times.<sup>1</sup> The current sunset date is July 1, 2020. S.301 would repeal the sunset.
3. Since section 248a’s enactment the PUC has issued hundreds of CPGs for wireless telecommunications projects.<sup>2</sup> The overwhelming majority of those projects have been free from controversy.
4. As is the case with utility projects reviewed under section 248, by virtue of section 248a wireless telecommunications facilities are not reviewed under local zoning or Act 250.
5. However, in reviewing a section 248a application for a new cell site the PUC must give “substantial deference” to a municipality’s town plan and zoning regulations.
6. In addition, under section 248a an applicant:
  - a. is obligated, if asked, to meet with a Selectboard and/or Planning Commission during the 60-day pre-file period,<sup>3</sup> with the Department also being required to be present,
  - b. a Selectboard and/or Planning Commission’s has an automatic right to appear and participate in 248a cases,
  - c. the PUC is obligated to consider and address a Selectboard and/or Planning Commission’s comments and recommendations, and

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<sup>1</sup> The original July 1, 2010 sunset date was extended by Act 54 of 2009 until July 1, 2011. It was then extended to July 1, 2014 by Act 53 of 2011, to July 1, 2017 by Act 190 of 2014, and until July 1, 2020 by Act 32 of 2017.

<sup>2</sup> See accompany document entitled “248a Structure Statistics.”

<sup>3</sup> Under section 248a an applicant proposing a new cell tower must provide a draft of its application to the relevant municipal Selectboard and Planning Commission, the relevant regional planning commission, the relevant state agencies and adjoining landowners at least 60 days prior to submitting its application to the PUC.

- d. a Selectboard or Planning Commission has the right to ask the Department to retain an expert.
7. In order to grant a Certificate of Public Good the PUC must find that the proposed cell site will not have an undue adverse effect on aesthetics, historic sites, air quality, water quality, the natural environment, scenic roads and byways (specifically including I-89 / I-91), and the public health and safety. In considering these issues the PUC is to consider the relevant Act 250 criteria.
8. Section 248a requires an applicant to explore all reasonably possible opportunities to co-locate its equipment on an existing support structure.
9. Section 248a has greatly facilitated AT&T's ability to invest in upgrading and expanding its cell phone networks in Vermont. From when the company purchased Unicef's Vermont assets in 2009 until January 2020 AT&T has constructed 52 new "macro" cell sites and 8 small cell sites. It hopes to construct 18 new "macro" sites in 2020. In addition, during this time period the company has made hundreds of equipment upgrades at its Vermont sites as the technology has evolved from 2G to 4G.
10. AT&T still has much work to do—its network needs to both expand geographically and be continuously upgraded. It is time to remove the sunset and make section 248a permanent.