

Addendum to Testimony

Iishana Artra, PhD - EMF Safety for Vermont
April 29, 2019

Further connection to 5G in Bill H.513 as well as in other Vermont proceedings.

Dear Chair Cummings and Senators,

This addendum updates my request to the Committee for Bill H.513.

My original testimony provided the fact that the FCC 5G Acceleration Order matched language in Bill H.513 Section 19(a)(1). I am now adding the fact that the FCC 5G Acceleration Order has a second document and that document matches Section 19(a)(2).

Bill H.513 Section 19(a)(1) asks the PUC to revise 3.700 such that “one-touch-make-ready pole attachments policy” would be added.

- **“One-Touch-Make-Ready”** is the FCC’s strategy for rapid 5G deployment.
<https://www.fcc.gov/document/fcc-speeds-access-utility-poles-promote-broadband-5g-deployment-0>

Bill H.513 Section 19(a)(2) asks that the PUC add to 3.700 “measures to minimize delays and costs”.

- “Minimizing delays and cost” refers to the FCC’s strategy of **shot clocks and capped fees** for rapid 5G deployment.
<https://www.fcc.gov/document/fcc-facilitates-wireless-infrastructure-deployment-5g>

This is my updated request for Bill H.513:

1. Replace “Broadband” references in the bill with “FTTP” (Fiber to The Premises)
2. Add a section that places a stay on attachment of 5G antennas to poles and towers until proven safe and reliable, including 4G antennas that can be upgraded to 5G via software.
3. Amend Section 19 to facilitate fiber optic only.
4. Amend Section 19 (a)(1) by removing it as “one-touch-make-ready” is an FCC 5G policy as described in this addendum and my original testimony .
5. Amend Section 19 (a)(2) by removing it as this refers to the FCC’s shot clock and cost control 5G policy as described in this addendum.

You can see the details of this connection between Bill H.513 Section 19 and the FCC Acceleration Order in these following few pages.

Additionally, this addendum shows that the Bill is coordinated with PUC Case#19-0252 and the VT Telecommunications Plan Final Draft, which also directly relate to 5G. They each would revise the Pole Attachment Rule, 3.700 in ways that match FCC 5G policy.

While reviewing the following facts, I remind the Committee that Vermont is exempt from certain FCC regulations concerning pole attachments. We are a certified state, which means we set our own fees, terms, and conditions for pole attachments.

The FCC explicitly states that we are exempt from the 5G Acceleration Act wherein it sets forth policy that facilitates the rapid deployment of 5G pole attachments¹. That fact is laid out in my original testimony.

The image below shows how Bill H.513 Section 19, PUC Case#19-0252, and the 2018 Telecommunications Plan each directly promote 5G in Vermont.

¹ Paragraph 5 <https://www.fcc.gov/document/fcc-speeds-access-utility-poles-promote-broadband-5g-deployment-0>

Vermont's Current 5G Proposals

<p>Bill H.513 Proposes Change to Rule 3.700 https://legislature.vermont.gov/bill/status/2020/H.513</p>	<p>PUC Case #19-0252-RULE - Proposes Change to Rule 3.700, 3.708(k) https://puc.vermont.gov/event/puc-case-number-19-0252-rule-workshop-re-request-rule-3708-rulemaking</p>
<p>4 Sec. 19. POLE ATTACHMENTS; PUBLIC UTILITY CO 5 RULES 6 (a) The Public Utility Commission shall revise Rule 3.1 7 the following: 8 (1) one-touch make-ready policies for pole attachme 9 (2) measures designed to minimize delays and costs 10 and reasonable rates and the rapid resolution of disputes;</p>	<p>(K) One-Touch Make-ready Option. For at may elect to proceed with the process d attachment process described in paragra</p>
<p>HOW THE ABOVE IMAGES REVEAL 5G</p> <p>Underlined words are what the Bill proposes to have added. “One-Touch-Make-Ready” and “Minimizing delays and costs” refer to the FCC Order for rapid deployment of 5G called, “Accelerating Wireless/Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment.”</p> <ul style="list-style-type: none">“One-Touch-Make-Ready” is the FCC’s strategy for rapid 5G deployment. https://www.fcc.gov/document/fcc-speeds-access-utility-poles-promote-broadband-5g-deployment-0“Minimizing delays and cost” refers to the FCC’s strategy of shot clocks and capped fees for rapid 5G deployment. https://www.fcc.gov/document/fcc-facilitates-wireless-infrastructure-deployment-5g <p>VT 2018 Telecommunications Plan https://publicservice.vermont.gov/content/2018-vt-telecommunications-plan</p> <p>5G is strongly proposed on pages x, xiv, xix, 12). For example,</p> <p>5G should come to rural Vermont and the state should take efforts to improve its reach into rural areas. (p.xiv) 5G...should be encouraged through regulatory reforms of 30 V.S.A. § 248a (to) include an expedited process for permitting facilities on utility poles along travel corridors. (p.xix)</p>	

Bill H.513, Section 19 Pole Attachments; Public Utility Commission Rules

While we strongly agree with the intent of Bill H.513, to bring broadband service to all Vermonters, Section 19 is problematic from a public health perspective.

Bill H.513, Section 19 directs the Public Utility Commission to institute the FCC's one-stop-make-ready process as well as points toward the shot clock and capped fees of the FCC 5G "promotion" order that are of serious concern nationwide as this report describes. Section 19 is shown below.

4 Sec. 19. POLE ATTACHMENTS; PUBLIC UTILITY COMMISSION

5 RULES

6 (a) The Public Utility Commission shall revise Rule 3.700 to implement

7 the following:

8 (1) one-touch make-ready policies for pole attachments;

9 (2) measures designed to minimize delays and costs and promote fair

10 and reasonable rates and the rapid resolution of disputes;

Section 19(a)(1)

Vermont Bill H.513 adds "**one-touch-make-ready**" to Section 19(a)(1), which is the same process that the FCC adopts in the August 3, 2018 FCC Order. The FCC webpage for downloading the order is titled, FCC Speeds Access to Utility Poles to Promote Broadband, **5G Deployment**. The FCC order "reforms the federal framework governing pole attachments by adopting a one-touch make ready process; addresses state and local regulatory barriers to deployment".

<https://www.fcc.gov/document/fcc-speeds-access-utility-poles-promote-broadband-5g-deployment-0>

Please refer to the "Description" section of the image below.

The screenshot shows the official FCC website. At the top, there's a search bar with a lock icon and a URL: <https://www.fcc.gov/document/fcc-speeds-access-utility-poles-promote-broadband-5g-deployment-0>. Below the search bar are several navigation links: 'About the FCC', 'Proceedings & Actions', 'Licensing & Databases', 'Reports & Research', 'News & Events', and a partially visible 'F' link. On the left, the FCC logo is displayed with the text 'Federal Communications Commission'. To the right of the logo are two categories: 'Browse by CATEGORY' and 'Browse by BUREAUS & OFFICES'. A search bar labeled 'Search' is located on the far right.

Home / EDOCS / Commission Documents /

FCC Speeds Access to Utility Poles to Promote Broadband, 5G Deployment

Full Title: Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment

Document Type(s): Report and Order, Declaratory Ruling

Bureau(s): Wireline Competition, Wireless Telecommunications

Description:

Reforms the federal framework governing pole attachments by adopting a one-touch make ready process; addresses state and local regulatory barriers to deployment

DA/FCC #: FCC-18-111

Docket/RM: 17-79, 17-84

FCC Record Citation: 33 FCC Rcd 7705 (12)

FCC Record: [FCC-18-111A2_Rcd.pdf](#)

Document Dates

Released On: Aug 3, 2018

Adopted On: Aug 2, 2018

Issued On: Aug 3, 2018

The FCC Order explains,

“Pole access...is essential to the race for **5G** because mobile and fixed wireless providers are increasingly deploying innovative small cells on poles and because these wireless services depend on wireline backhaul. Indeed, an estimated 100,000 to 150,000 **small cells** will be constructed by the end of 2018, and these numbers are projected to reach 455,000 by 2020 and 800,000 by 2026”. (paragraph 1)

This same FCC Order that streamlines 5G states that “one-touch-make-ready” is the key, and this is exactly what shows up in Vermont’s Bill H513, Section 19.

“Consistent with the recommendations of the Broadband Deployment Advisory Committee (BDAC), we fundamentally shift the framework for the vast majority of attachments governed by federal law by adopting a new pole attachment process that includes “**one-touch make-ready**” (OTMR).” (paragraph 2)

Section 19(a)(2)

Vermont Bill H.513 adds “measures designed to minimize delays and costs” to Section 19(a)(2), these are the same priorities that the FCC adopts in the September 27, 2018. The FCC order “removes barriers to wireless infrastructure deployment by clarifying scope of Sections 253 and 332 and establishing **shot clocks** for small wireless facilities”. The order also **caps fees**. The FCC webpage for downloading the order is titled, FCC Facilitates Wireless Infrastructure Deployment for 5G. Cities and counties are suing the FCC over these regulations²

<https://www.fcc.gov/document/fcc-facilitates-wireless-infrastructure-deployment-5g>

Please refer to the “Description” section of the image below.

The screenshot shows the FCC website's header with links for About the FCC, Proceedings & Actions, Licensing & Databases, Reports & Research, News & Events, and For Consumers. Below the header, a breadcrumb trail shows Home / EDOCS / Commission Documents /. The main title is "FCC Facilitates Wireless Infrastructure Deployment for 5G". To the left of the title, document details are listed: Full Title: Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment; Document Type(s): Declaratory Ruling, Report and Order; Bureau(s): Wireline Competition, Wireless Telecommunications. A "Description" section notes that FCC removes barriers to wireless infrastructure deployment by clarifying scope of Sections 253 and 332 and establishing shot clocks for small wireless facilities. Under "DA/FCC #", it lists FCC-18-133A1, Docket/RM: 17-79, 17-84, FCC Record Citation: 33 FCC Rcd 9088 (14), and FCC Record: FCC-18-133A1_Rcd.pdf. To the right, a sidebar titled "Document Dates" shows Release On: Sep 27, 2018, Adopted On: Sep 26, 2018, and Issued On: Sep 27, 2018. A "Tags" section lists Antenna - Antennas and Towers - Base station - Cell site - Collocation - Communications Infrastructure - Distributed Antenna System (DAS) - Facility Siting - Infrastructure - Small Cell - Wireless Services.

Files

- Declaratory Ruling: [Word](#) [PDF](#) [Txt](#)

²

<https://news.bloomberg.com/tech-and-telecom-law/challenge-to-fccs-5g-network-order-moves-to-ninth-circuit-2>

PUC Case#19-0252 Petition of Vermont Department of Public Service for rulemaking to amend Public Utility Commission Rule 3.708 of Pole Attachments Rule 3.700

In case there is any lingering question about the role of Section 19 in the 5G roll out for Vermont, I offer this observation. Section 19 (4) directs the PUC to “any other revisions deemed relevant by the Commission”. Currently, the PUC is responding to a DPS petition that, as CTIA, a trade association representing the wireless communications industry points out in its Reply Comment,

“The wireless industry is in the midst of deploying advanced wireless technologies, including 5G networks, and improvements to the Commission’s pole attachment rules **will** promote these wireless deployments”.³

Vermont’s exempt certified⁴ status is known by CTIA and they promote the idea of Vermont falling in line with the FCC. They advise the PUC,

“It is wise for the Commission to examine its rules and processes to ensure they are well-aligned with those applicable in federally-regulated states”⁵.

In other words, Bill H.513 Section 19 and the CTIA support Vermont coming to heel under a regulations regime to which we are not bound and that is not grounded in safety standards.

The Telecommunications Plan 2018 Final Draft

The 2018 Vermont Telecommunications Plan Final Draft strongly proposes 5G (pages x, xiv, xix, 12). For example,

The common refrain on **5G** is that “it’s not coming to rural America.” **5G** should come to rural Vermont and the state should take efforts to improve its reach into rural areas. First, the State should adopt changes to Section 248a that distinguish between macro- and micro-cell sites and provide a streamlined permitting process for small cell and distributed antenna systems. Such changes will be needed to address the issue of unpermitted wireless facilities within the right-of-way. (p. xiv)

³ April 19, 2019 Reply Comments of CTIA. Petition of Vermont Department of Public Service for rulemaking to amend Public Utility Commission Rule 3.708

⁴ <https://www.fcc.gov/document/states-have-certified-they-regulate-pole-attachments>

⁵ March 8, 2019 Comments of CTIA. Petition of Vermont Department of Public Service for rulemaking to amend Public Utility Commission Rule 3.708

5G small cell and DAS networks should be encouraged through regulatory reforms of 30 V.S.A. § 248a. Such reforms should include an **expedited** process for permitting facilities on utility poles along travel corridors. (p.xix)

The final public hearing (in Montpelier) has not been rescheduled since its weather-related cancellation December 21, 2018 - over 5 months ago, yet public comments closed on February 1, 2019. An image from the The Department of Public Service webpage is shown below. This image was made on April 26, 2019.

- Friday December 21st, at 1 p.m. at the Vermont State House, Room 11, 115 State Street, Montpelier, VT
 - This meeting has been postponed. This listing will be updated when the meeting has been rescheduled.

PUBLIC COMMENTS

Comments may be submitted to the Department to by email to psd.telecom@vermont.gov or by mail to the Public Service Department, 112 State St. Montpelier, VT 05620. Please note that the comment deadline has been extended. **Comments are now due by February 1, 2019.**

Thank you for taking the time to review this addendum.

Sincerely,

Iishana Artra, PhD
EMF Safety for Vermont