

To the House Committee on Environment and Energy:

The following is a comment about the de minimus rules that currently apply to existing telecom towers. Those rules allow new antennas to be added to an approved tower, so long as they extend only minimally above or outside the existing “footprint” of the tower. I support the change that H. 70 proposes, which no longer allows de minimus status to apply to new antennas that extend above the height of an already approved tower. But even with that change, I believe the rules allow – and even encourage – telecom companies to use deception to gain approval of applications that the public objects to on aesthetic grounds.

Here's an example of how this works. About a decade ago, a new telecom tower was proposed for scenic Bridgman Hill in Hardwick. The tower would have three antennas for the applicant's pager service, and two small antennas that the applicant “generously” offered to the local fire and police departments. An artist's rendering of the tower's appearance was provided as an exhibit, showing the five antennas. Despite strenuous objections from the public on aesthetic grounds, the application was approved.

Since then, de minimus approval has allowed at least 34 more antennas to be added to the tower without any public hearings. The result is that the tower today is far more visually offensive than the artist's rendering of the proposed tower, and far uglier than what was approved. Given that the public's objections to the tower were based on aesthetic considerations, the company's actions amounted to a classic “bait-and-switch”: they portrayed a small number of antennas on the tower in the hope of gaining approval, then loaded the tower with as many antennas as possible afterwards.

A telling moment occurred during one of the initial hearings, when a member of the public asked why the pager antennas stuck out so far from the tower. The response was something about making sure that the signals didn't interfere with one another. I'm convinced that the reason had nothing to do with “interference”, but was intended to make it as easy as possible for new antennas to be rubber-stamped under the de minimus rules.

As a more recent example, I've attached a “visual simulation” provided by Industrial Tower and Wireless in support of their proposed Enosburg tower. The simulation shows two barely visible towers at the top. Nowhere does it show the additional antennas that the company hopes to lease to cell carriers, nor any other antennas that will likely stud the tower. This is simply dishonest.

I suggest that in order for de minimus rules to apply, the applicant must depict the tower as it is likely to appear at full build-out. I realize that applicants may not know precisely which antennas will eventually be added to a tower, but a reasonable guess would be far more honest – and useful to decision makers – than the pretense that no new antennas will ever be added.

To sum up, the de minimus rules encourage telecom companies to engage in unethical behavior, especially in cases where aesthetic objections have been raised. The legislature should make changes to prevent this from continuing.

Thank you.

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