



**Testimony of
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CTIA**

**In Support of
Vermont H 110**

**In Opposition to
Vermont H 70**

**Before the
Vermont House Committee on Environment and Energy**

March 14, 2023

Chair, Vice-Chair and members of the committee, on behalf of CTIA[®], the trade association for the wireless communications industry, I am testifying in support of House Bill 110 and in opposition to House Bill 70 related to siting of telecommunications facilities.

Improved connectivity and access to wireless products and services are important issues for Vermonters. Demand on mobile networks continues to skyrocket. U.S. wireless carrier networks are supporting more data traffic today than they did from 2010 through 2017 combined.¹ In fact, the 11.2 trillion megabytes' (MBs) increase in data use since last year alone is 1.5 trillion MBs more than consumers used in all of 2015. This growth requires that wireless networks be updated to meet the existing demand for wireless services. This also directly impacts the state's economy – the [Boston Consulting Group \(BCG\)](#) estimates that over the next decade, 5G will contribute \$1.6 billion and create over 4,000 jobs in Vermont.²

Vermont has a workable framework for the deployment of wireless facilities via *30 V.S.A. § 248a*. Effective investment and deployment of wireless infrastructure relies on regulatory clarity for

¹ CTIA 2022 Annual Survey Highlights, available at: <https://www.ctia.org/news/2022-annual-survey-highlights>, last accessed Jan. 25, 2023.

² Boston Consulting Group Report, "5G Promises Massive Job and GDP Growth in the US," <https://www.ctia.org/the-wireless-industry/the-5g-economy/map/states/Vermont/overall>, February 2, 2021.



both communities and applicants, given that our members develop their budgets 18 to 24 months in advance. This predictability and balance keeps the door open to deploy and upgrade infrastructure, improve network reliability and drive economic growth. *Section 248a* in its current form achieves that clarity and balance and should remain in place.

For these reasons, CTIA strongly supports H.110, which would extend the current “Sunset of Commission authority” for *Section 248a* from 2023 to 2026. Vermont’s current statute protects the role and process of the Public Utility Commission for issuing a “certificate of public good” and its ability to weigh potential community impacts while preserving the ability for the efficient siting of wireless infrastructure.

Given the exploding demand for more wireless services in Vermont, we deeply appreciate the state’s commitment to establishing a common-sense framework for wireless infrastructure deployment. *Section 248a* in its current form benefits the state’s economy by ensuring Vermonters have better access to wireless services. We strongly support any efforts to preserving it.

However, CTIA strongly opposes H.70 because it would impose costly and burdensome new regulatory obligations that in some cases would be unlawful. CTIA is concerned that these amendments would discourage investment in expanding and upgrading wireless service in Vermont. CTIA is particularly concerned with the following elements of H. 70:

- *Section 248a* currently recognizes that some modifications to existing wireless facilities do not warrant the full review that new facilities receive, and thus excludes what it terms “de minimis modifications” from that review, such as increases in the structure’s height by no more than 10 feet. Instead, H.70 would bar *any* height increases from qualifying as a *de minimis* modification. This language is incongruent with Federal Communications Commission (FCC) rules that require localities to grant applications for modifications where there is a slight increase to the structure’s height, which can be 10 percent of the structure’s height or up to 20 feet depending on the facility’s location (47 CFR § 1.6100). Forcing such a minor change in a structure to go through full review could deter providers from making service improvements, who often seek minimal height increases to improve service coverage.



- H. 70 would require applicants to demonstrate that “there is no practical alternative” to the proposed site. *Section 248a* already requires the applicant to submit a sizable amount of information to enable the state to determine whether to approve the proposed facility.
- H. 70 would lengthen from 60 to 80 days the advance notice that an applicant must give to multiple state agencies and local planning commissions and other governmental bodies. Federal law, however, requires states and localities to act within specified time periods, which are range from 60 to 90 days for modifications or and 90 to 150 days for new facilities.³ Given the new language would use up 80 of those days before the application is filed, the state and local reviews could not as a practical matter be completed for most new or modified facilities. Moreover, 60 days is ample time for state and local agencies to be aware of the planned application; there is no basis to make that timeframe even longer.
- Finally, H. 70 would require the applicant to present “propagation studies” and other additional materials to support a new or modified facility. The purpose of this provision is unclear given that state and localities are not wireless engineering experts, and federal law does not authorize state and localities to second-guess a wireless providers’ determination as to how to design its network.⁴

In addition to the significant legal problems associated with these proposed amendments, they would add substantial costs and delays on wireless providers and impose new burdens on state and local agencies as well. Those impacts risk impeding investment in upgraded wireless infrastructure.

For the reasons outlined herein, we respectfully support H. 110 and oppose H. 70.

³ *Implementation of State and Local Governments’ Obligation to Approve Certain Wireless Facility Modification Requests under Section 6409(a) of the Spectrum Act of 2012*, 35 FCC Rcd 5977 (2020).

⁴ *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, 33 FCC Rcd 9088, 9102, *aff’d in part sub nom. City of Portland v. U.S.*, 969 F.3d 1020 (9th Cir. 2020).