

1 H.527

2 Introduced by Representative Sibia of Dover

3 Referred to Committee on

4 Date:

5 Subject: Public service; telecommunications; land use; siting

6 Statement of purpose of bill as introduced: This bill proposes to extend by the
7 sunset of 30 V.S.A. § 248a for new siting applications by three years.

8 An act relating to extending the sunset of 30 V.S.A. § 248a

9 It is hereby enacted by the General Assembly of the State of Vermont:

10 ~~Sec. 1. 30 V.S.A. § 248a(i) is amended to read:~~

11 (i) Sunset of Commission authority. Effective on July 1, 2026 2029, no
12 new applications for certificates of public good under this section may be
13 considered by the Commission.

14 Sec. 2. EFFECTIVE DATE

15 ~~This act shall take effect on July 1, 2026.~~

Sec. 1. 30 V.S.A. § 248a is amended to read:

§ 248a. CERTIFICATE OF PUBLIC GOOD FOR COMMUNICATIONS

FACILITIES

~~(i) Sunset of Commission authority: Effective on July 1, 2026-2030, no new applications for certificates of public good under this section may be considered by the Commission.~~

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~~Sec. 2. PUBLIC UTILITY COMMISSION RECOMMENDATIONS;~~

~~INCREASED PARTICIPATION~~

~~(a) The Public Utility Commission shall recommend changes to 30 V.S.A. § 248a to increase transparency, efficiency, fairness, and the ability of individuals and municipalities to participate in the telecommunications siting process. The Commission shall hold at least two workshops on the issue and shall invite, at a minimum, the following: the telecommunications service providers that have used the section 248a process; the Vermont League of Cities and Towns; the regional planning commissions; Vermonters for a Clean Environment; the Department of Public Service; the Department of Public Safety; the Agency of Natural Resources; and any other relevant stakeholders.~~

~~(b) The workshops shall address the following topics and procedures:~~

~~(1) the advance notice process, including the content of the notice; the length of the notice period; distribution requirements; prepetition hearings and site visits at the municipal or regional planning level; prepetition supplements and amendments; recommendations from municipal entities and regional planning commissions, whether municipalities should be required to hold a~~

~~public hearing on an application and whether the Department of Public Service should be required to attend; and the effect of failure to file a petition within 180 days following the advance notice date;~~

~~(2) procedures for the postpetition comment period, including consideration of comments, motions to intervene, and requests for hearings, as well as for issuing a significant issue determination during the review period pursuant to 30 V.S.A. § 248a(f);~~

~~(3) procedures for contested case proceedings following a Commission's significant issue determination that include scheduling, site visits including visibility determinations, discovery, and motions;~~

~~(4) conduct of evidentiary hearings, including allowing for public participation, and streamlining the posthearing briefing process to comply with the applicable review periods under 30 V.S.A. § 248a(f);~~

~~(5) evidentiary burdens for section 248a criteria, including rebuttable presumptions of compliance from agency determinations, how and when municipalities are given substantial deference, and if other parties, such as adjoining neighbors, should be given substantial deference;~~

~~(6) requirements for supplements and amendments to a pending petition, with express standards for substantial and nonsubstantial changes;~~

~~(7) streamlined administrative process for transfers of certificates of public good issued under section 248a in whole or in part, and~~

~~(8) any other topics the Commission determines should be addressed through rules or orders following consultation with stakeholders.~~

~~(c) On or before December 15, 2027, the Commission shall submit an overview of the process it conducted, the recommendations it has, and a description of any changes the Commission made to the section 248a process after the consultations with stakeholders to the House Committee on Energy and Digital Infrastructure and the Senate Committee on Natural Resources and Energy.~~

Sec. 3. EFFECTIVE DATE

~~This act shall take effect on passage.~~

Sec. 1. 30 V.S.A. § 248a is amended to read:

§ 248a. CERTIFICATE OF PUBLIC GOOD FOR COMMUNICATIONS

FACILITIES

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(e) Notice. No less than 60 days prior to filing an application for a certificate of public good under this section, the applicant shall serve written notice of an application to be filed with the Commission pursuant to this section to the legislative bodies and municipal and regional planning commissions in the communities in which the applicant proposes to construct or install facilities; the Secretary of Natural Resources; the Secretary of Transportation; the Division for Historic Preservation; the Commissioner of

Public Service and its Director for Public Advocacy; the Land Use Review Board if the application concerns a telecommunications facility for which a permit previously has been issued under 10 V.S.A. chapter 151; and the landowners of record of property adjoining the project sites. In addition, at least one copy of each application shall be filed with each of these municipal and regional planning commissions. The notices to the legislative body and planning commission of the municipality shall attach a statement that itemizes the rights and opportunities available to those bodies under subdivisions (c)(2) and (e)(2) of this section and under subsections (m), (n), and (o) of this section and informs them of the guide published under subsection (p) of this section and how to obtain a copy of that guide.

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(2) ~~On the request of~~ For any application other than a de minimis modification, as defined in subdivision (b)(2) of this section or a facility of limited size and scope, as defined in subdivision (b)(4) of this section, the municipal legislative body or the planning commission, shall hold and the applicant shall attend a duly warned public meeting with the municipal legislative body or planning commission, or both, within the 60-day notice period before filing an application for a certificate of public good. The Department of Public Service shall attend the public meeting ~~on the request of the municipality~~. The Department shall consider the comments made and

information obtained at the meeting in making recommendations to the Commission on the application and in determining whether to retain additional personnel under subsection (o) of this section.

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(i) Sunset of Commission authority. Effective on July 1, ~~2026~~ 2029, no new applications for certificates of public good under this section may be considered by the Commission.

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Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.