

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Energy and Digital Infrastructure to which was referred  
3 House Bill No. 527 entitled “An act relating to extending the sunset of 30  
4 V.S.A. § 248a” respectfully reports that it has considered the same and  
5 recommends that the bill be amended by striking out all after the enacting  
6 clause and inserting in lieu thereof the following:

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

8 § 248a. CERTIFICATE OF PUBLIC GOOD FOR COMMUNICATIONS

9 FACILITIES

10 \* \* \*

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

14 \* \* \*

15 Sec. 2. PUBLIC UTILITY COMMISSION RECOMMENDATIONS;

16 INCREASED PARTICIPATION

17 (a) The Public Utility Commission shall recommend changes to 30 V.S.A.  
18 § 248a to increase transparency, efficiency, fairness, and the ability of  
19 individuals and municipalities to participate in the telecommunications siting  
20 process. The Commission shall hold at least two workshops on the issue and  
21 shall invite, at a minimum, the following: the telecommunications service

1       providers that have used the section 248a process; the Vermont League of  
2       Cities and Towns; the regional planning commissions; Vermonters for a Clean  
3       Environment; the Department of Public Service; the Department of Public  
4       Safety; the Agency of Natural Resources; and any other relevant stakeholders.

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

6           (1) the advance notice process, including the content of the notice; the  
7       length of the notice period; distribution requirements; prepetition hearings and  
8       site visits at the municipal or regional planning level; prepetition supplements  
9       and amendments; recommendations from municipal entities and regional  
10       planning commissions; whether municipalities should be required to hold a  
11       public hearing on an application and whether the Department of Public Service  
12       should be required to attend; and the effect of failure to file a petition within  
13       180 days following the advance notice date;

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

18           (3) procedures for contested case proceedings following a  
19       Commission’s “significant issue” determination that include scheduling, site  
20       visits including visibility determinations, discovery, and motions;

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

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

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

10                  (7) streamlined administrative process for transfers of certificates of  
11                  public good issued under section 248a in whole or in part; and  
12                  (8) any other topics the Commission determines should be addressed  
13                  through rules or orders following consultation with stakeholders.

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

20                  Sec. 3. EFFECTIVE DATE

21                  This act shall take effect on passage.

1 (Committee vote: \_\_\_\_\_)

2 \_\_\_\_\_

3 Representative \_\_\_\_\_

4 FOR THE COMMITTEE