

Dear House Energy & Digital Infrastructure Committee members,

The problems with Section 248a are real and ongoing and in need of immediate attention.

— On Monday, June 8 at 1 pm, the PUC is hearing oral argument about a Verizon tower proposed for Manchester, Vermont that violates the town plan and telecom by-laws, which the town opposes and recommends denial. Yet, the Town is spending money on the attorney to make legal filings, prepare for and participate in oral argument that also require the time and expense of state agencies. (See below)

— Case age 571 days.

— On Thursday, June 18 at 9:45 am, the Vermont Supreme Court is hearing oral argument about ITW's tower proposed for Westmore next to Lake Willoughby which the Town opposes, but due to lack of clear rules and procedures the Town's recommendation to deny the tower was not given substantial deference and citizens are having to raise and spend money for an attorney to appeal the PUC's approval. (See below) — Case age 719 days.

Still to come are the Town of Tinmouth — Case age 291 days — and Rochester's — Case age 183 days — recommendation to deny ITW and Verizon towers, which will be plowing through the tortured PUC process eventually leading to appeals, as the telecom companies have plenty of money to litigate in every venue. The above cases will not be over until they go to Federal court and the 2nd Circuit Court of Appeals, based on recent experience. The Pownal family being thrown in the volcano is fighting AT&T's poorly sited proposed tower and that, too, will be in litigation for as long as it takes for finality. — Case age 471 days.

Towers proposed for Washington, Dummerston, Wallingford, Essex, and Enosburgh are in early stages.

The system is not working. Please assure that it does not continue for another three years when citizens and towns will have to come back to Vermont's legislature pleading for a change. A one-year sunset of Section 248a is the best hope at this stage of the legislative session. Open up the statute and fix it by a year from now. Or let Section 248a sunset and use the unquestionably better public process in Act 250, eliminate municipal permitting and let Act 250 take telecom bylaws/ordinances into consideration.

This situation can be improved, but only if caring people take action. I know you care. Thank you.

Annette