

To: House Committee on Energy and Digital Infrastructure, Rep. Katherine James, Chair

Rep. James,

I am writing to provide input to your committee's discussions surrounding 30 VSA Section 248a and what action the legislature should take when this act sunsets in 2026. I regret having missed your deadline by several days and request, if possible, that my comments become part of the public record.

My family and I own properties on Willoughby Lake, where five generations have gathered for 80 summers. I/we have deep roots here. I know that you have received a number of comments regarding a certificate of public good recently issued by the PUC to Industrial Tower and Wireless (ITW) for a proposed communications tower at the northwest corner of the lake (160 Frog Hollow Lane, Westmore). While the guidelines require the PUC give "substantial deference" to a municipality, I am extremely concerned about a process that - at least in this case - minimized the opportunity for community input to this decision.

During my 20+ years as a resident of South Carolina, a community organization I led for a number of years represented our island as intervenors in several utility rate cases. In South Carolina, the rules and regulations governing how citizens and citizen/government organizations participate in these decisions are often onerous. Our organization spent tens of thousands of dollars in support of these interventions, hiring attorneys and experts to speak for us - despite homegrown expertise we had on our core team. The process did not give us a voice unless we employed "hired guns" at great expense to speak in our stead.

In the case of the ITW communications tower certificate of public good, concerns from our town Selectboard and Planning Commission were ignored and a thoughtfully developed Town Plan and Communications Ordinance were discounted. (I can attest to the care with which these

documents were developed as I provided input to both.) Willoughby Lake's status as a National Natural Landmark, the only lake so designated in the state, was apparently not a consideration, despite required consideration for scenic corridors and scenic roads. Appeals by citizen intervenors had no impact on the PUC's decision.

As this committee debates what to do when 30 VSA 248a sunsets this year, I hope you will consider how Vermont differs from many other more densely populated and industrialized states. Our state depends on tourism to survive and our tourism depends on protection of unparalleled natural resources - the beauty of our landscape, the purity of our lakes, and the exceptional quality of other recreational amenities. Independent farmers, entrepreneurs, and other talented individuals power our state - people without the collective resources to do battle with utility companies or consortiums from "off" who come to Vermont to plunder and profit from our resources. Our town plans and our ordinances should be enough to give us voice, to represent us in these decisions.

I urge this committee to give the people a voice, a real voice in this process. Please, let 30 VSA 248a expire. Require those whose actions may serve us but destroy the very resources which are our collective identity conform to municipal zoning and Act 250.

Respectfully,

Diane Z. Lehder
61 Foster's Grove South
Westmore (Orleans), VT 05860