Dear Representative,
As a reminder, comments on 30 VSA 248a were already sent to the legislature in a report published by the Department of Public Service. Here are two.

1.

"The predicate to a process that is transparent, fair, and responsive to the needs of the community is believing in science. The legislature has shown no regard for facts and no curiosity for evidence. Without such a regard there can be little common ground, little hope of rational thought intruding on convenient fiction.

This ground has been trod. Only by willful ignorance could the legislature and the PUC possibly have escaped this knowledge. There should be little new to discover because the facts are before them and have been for some time, but only if they choose to see them. And that is the crux of this issue. Only by choosing to believe that a toxicologist has something to contribute to this discussion, can the fiction of harmlessness be understood. But if they cannot hold in any regard the work of a toxicologist, they will never believe a research scientist. If they cannot believe these highly trained and independent scientists, they will never believe an entomologist, an epidemiologist, a dendrologist, or a pediatrician. Do you go to a lawyer when your child is sick?

Do you consult an electrical engineer when faced with a public health crisis? And yet, who does the legislature choose to believe? Industry lawyers and engineers dismiss that which they have no expertise in. They have the legislators in their thrall, and the PUC is the industry's unquestioning, wholly compliant agent. When the 9th Circuit Federal Court of Appeals finds that the FCC safety rulemaking is "arbitrary and capricious" and without any basis in fact, do our legislators think that perhaps, just perhaps, there is a real issue of public health underlying the justices' concern?

When our legislature ignores those that carry that message of concern, could it be that there may be an inconvenient truth obscured by an industry with everything to lose if the legislature's curiosity was awakened? The industry knows full well the danger of that curiosity. How could they not when no insurance company anywhere on the globe will underwrite carriers against human harm. Consider that policies for earthquake, tornado, flood, and fire can be had, but not for the public health crisis that the industry is promulgating. Do you seriously hold the opinion that the insurance industry are kooks on the fringe hawking conspiracy theories about harmless cell service? The insurance industry believes in science, and they know the facts. And how can the legislature not?

In stupendous irony, the PUC issues Certificates of Public Good. Sadly, I fear money trumps facts. Hoping that the legislature will seriously investigate this issue is a fool's conviction. How difficult would it be to read the State of New Hampshire's report on this issue, adopt it, and move on? All the work is done. A reasoned

balance between the dangers of cell tower radiation and its value has been struck. No, this ground has been trod, and attempts at surveys and compromise and public outreach are thinly disguised avoidance, political pablum. **If one is not honest with themselves, facts and evidence will remain insignificant annoyances that no amount of reasoned discourse will contravene."**

2.

1. Certificates of Public Good issued for wireless communications facilities should come with the following disclaimer: "Given the absence of any rigorous, long-term independent studies of this technology, this certification does not warrant, insure, guarantee, or otherwise affirm that this facility is without negative public health and environmental consequences. Gestating fetuses, infants, and children may be particularly vulnerable. Safe exposure levels promulgated by the Federal Government may be without validity." Each of these three statements is true and beyond dispute. The State of Vermont is not powerless, and its position of subservience is intolerable.
2. The Federal Delegation of the State should vigorously oppose HR 4141 and HR 3557 both of which further erode the powers of states to control their fates, to protect their history, to limit damages to their citizens and to their natural environment. The State of Vermont is not powerless, and its position of subservience is intolerable.
3. The FCC has been successfully sued by a small non-profit organization over its baseless rulemaking. The Attorney General of the State of Vermont should sue the FCC to ensure that evidence-based maximum safe levels of radiation are forthcoming, requesting an injunction against any new radiation emitting facilities until safe levels are known. The State of Vermont is not powerless, and its position of subservience is intolerable.
4. The Department of Public Service should understand the public health consequences of its actions. A committee of independent experts should be formed to evaluate the current state of knowledge concerning these consequences and should publish their findings. The State of Vermont is not powerless, and its position of ignorance is intolerable.
5. The classifications in 248a of project scales are without logic. They should be eliminated. All applications should be treated not for the convenience of the applicant, but for the people who must bear every hour of every day for a time indeterminate the radiation being emitted by wireless communications facilities. [This returns us to 30 VSA 202c. The Department of Public Service should not be the handmaiden of the telecommunication carriers but be an advocate for safe communications for all of Vermont's citizens.] All applications should be subject to the same processes and durations as the largest projects are currently. Under what conceivable logic is doubling the radiation from a cell tower a de minimus undertaking that doesn't require the same notification, review, and durations as the original application?

6. The primary regulatory authority over cell towers facilities is the State. The primary regulatory authority over the land that the cell tower sits upon is the local government. Reassessment of land values due to the income from property owners leasing their land to carriers should be formalized. The PUC should add to their procedures the identification of these property owners to the local land value assessors, ensuring fair taxation. Income disclosures should be mandated.

7. Since federal law would likely prevent carriers from this requirement, property owners leasing their land to carriers should be mandated to demonstrate commercial liability insurance for claims from potential negative public health consequences of the technology being located on their land.

8. Since federal law would likely prevent carriers from this requirement, property owners leasing their land to carriers should be required to pay a surety to have the cell tower and associated facilities removed in the case of termination of service.

9. Carriers should be mandated to pay the Department of Public Service to verify their propagation maps and adequate coverage determinations. Failure to institute this basic check is a serious abrogation of your mandate.

10. Visual impact modeling undertaken by carriers in their applications should be more realistic and model the tower installations in a season without leaves on deciduous trees, if any, without the trees currently within the tower facility's enclosure, and at the height and configuration of the tower once colocation is maximized.

11. Establish the required distance of 500 meters from a cell tower or canister antennas to a place of human habitation or vocation. Where this distance is unattainable, the carrier shall provide radiation mitigation measures to all property owners requesting them within the area circumscribed by 500 meters. "