

Hello Chair James and House Energy Committee members.

Vermonters for a Clean Environment has reviewed ATT telecom lawyer Will Dodge's language recommendations for rulemaking at the PUC regarding Section 248a.

Can you please post this as written testimony.

Overall we are happy with the majority of Dodge's language, however we have offered several changes to ensure that several corrections are made and that public process and due process are not bypassed. As Dodge is a representative of the telecom industry, VCE is working to ensure that the goal of rulemaking to provide access and participation by the public as well as addressing several issues that continually surface are included in the rulemaking.

1. In particular setbacks should be included in the rulemaking as their own item. Attorney Dodge has stated that these are covered in town's bylaws and ordinances but the majority of the time it is not. Many towns have gutted these or not updated them because they do not know they have substantial deference. Also many towns do not have zoning. Setbacks continually trigger contested cases due to close proximity to homes. It will be critical to ensure the PUC rulemaking includes this topic for discussion between stakeholders. Vermonters have opted to move and leave because of the PUC process and the lack of setbacks, setbacks are often an issue

2. Recommendations would ideally have an immediate statute change. Municipal recommendations need a specific and clear process for submission at the PUC. This is resulting in numerous problems for intervenors, industry and the PUC. Currently the westmore/lake willoughby tower case is being litigated at the Supreme Court due to this issue of lack of process regarding recommendations. This is also an issue in Manchester and Tinmouth. Town after town will have this issue if it's not immediately corrected in statute. This wastes time, money and resources for all parties. Rulemaking will likely take 1-2 years. This could be easily fixed in statute to immediately rectify the problem.

I will be able to share some language for consideration on this recommendation issue.

Thank you so much for your time. Please let me know if I can help in any way.
Very gratefully
Alison Despathy