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7 Sec. 2. RULEMAKING

8 On or before January 15, 2028, the Chair of the Public Utility Commission shall file final
9 proposed rules with the Secretary of State and Legislative Committee on Administrative Rules
10 for the certificate of public good process under 30 V.S.A. § 248a. The rules shall seek to
11 improve transparency and public participation, efficiency, and fairness in the siting process and
12 shall address the following topics:

13 (1) public hearings the advance notice process, including but not limited to (i) content of the
14 notice; (ii) distribution requirements; (iii) pre-petition hearings and site visits at the municipal
15 and/or regional planning level (including participation by the Department); (iv) pre-petition
16 supplements and amendments; (v) recommendations from municipal entities and/or regional
17 planning commissions; and (vi) effect of failure to file a petition within 180 days of the advance
18 notice date;

19 (2) petition submission requirements based on project categories, including but not limited
20 to: (i) towers; (ii) tower replacements and extensions; (iii) small cell facilities on utility poles;
21 (iv) new antenna collocations / eligible facilities requests; and (v) de minimis modifications site
22 visits;

23 (3) procedures for the post-petition comment period, including consideration of comments,
24 motions to intervene, and requests for hearings, as well as for issuing a significant issue
25 determination during the review period in 30 V.S.A. Section 248a(f); balloon tests;

26 (4) procedures for contested case proceedings following a Commission’s “significant issue”
27 determination that include scheduling, site visits (including visibility determinations), discovery,
28 and motions;

29 (5) ~~motion practice~~ conduct of evidentiary hearings, including allowing for public
30 participation, and streamlining the post-hearing briefing process to comply with the applicable
31 review periods under 30 V.S.A. § 248a(f);

32 (6) ~~setbacks~~ evidentiary burdens for Section 248a criteria, including rebuttable presumptions
33 of compliance from agency determinations;

34 (7) ~~the scope of standing and the process for municipal entities and regional planning~~
35 commissions to provide recommendations requirements for supplements and amendments to a
36 pending petition, with express standards for substantial and non-substantial changes;

37 (8) ~~the process for public participation in evidentiary hearings~~ streamlined administrative
38 process for transfers of certificates of public good issued under Section 248a in whole or in part;
39 and

40 (9) any other ~~issues~~ topics the Commission ~~wants to consider~~ determines should be addressed
41 through rules following consultation with stakeholders.

42 To the extent that the Commission determines that one or more of the foregoing topics are more
43 expeditiously addressed through an order pursuant to 30 V.S.A. 248a(l), it may do so, provided
44 that it explain its reasoning as part of the final proposed rules under this Section.