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Sec. 2. RULEMAKING

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

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

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

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

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

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

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

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

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

and

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

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