

Section 248a Sunset, 2026

Testimony on H.527 to Senate Finance Committee



Annette Smith, Executive Director, Vermonters for a Clean Environment, April 2, 2026

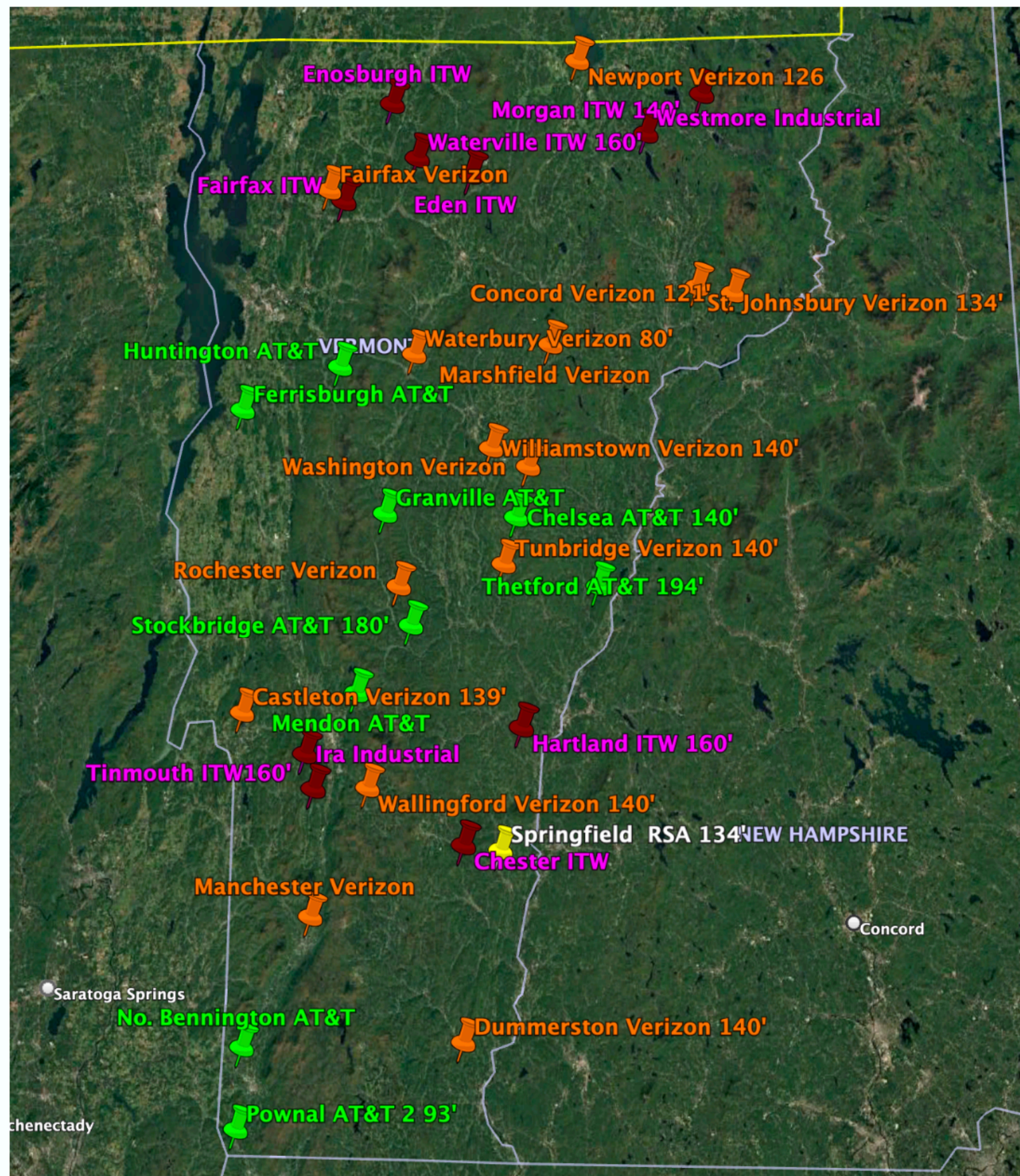
“I believe there are issues with the siting process. I am very concerned that Vermonters who this currently affects are not able to be heard. I am not convinced that the current process will be enhanced by our recommendations in the bill. Revisiting the current statute to me is the answer and that is why I voted no.”

— *Rep. Michael Southworth explaining his vote*
House Energy & Digital Infrastructure Committee, February 10, 2026

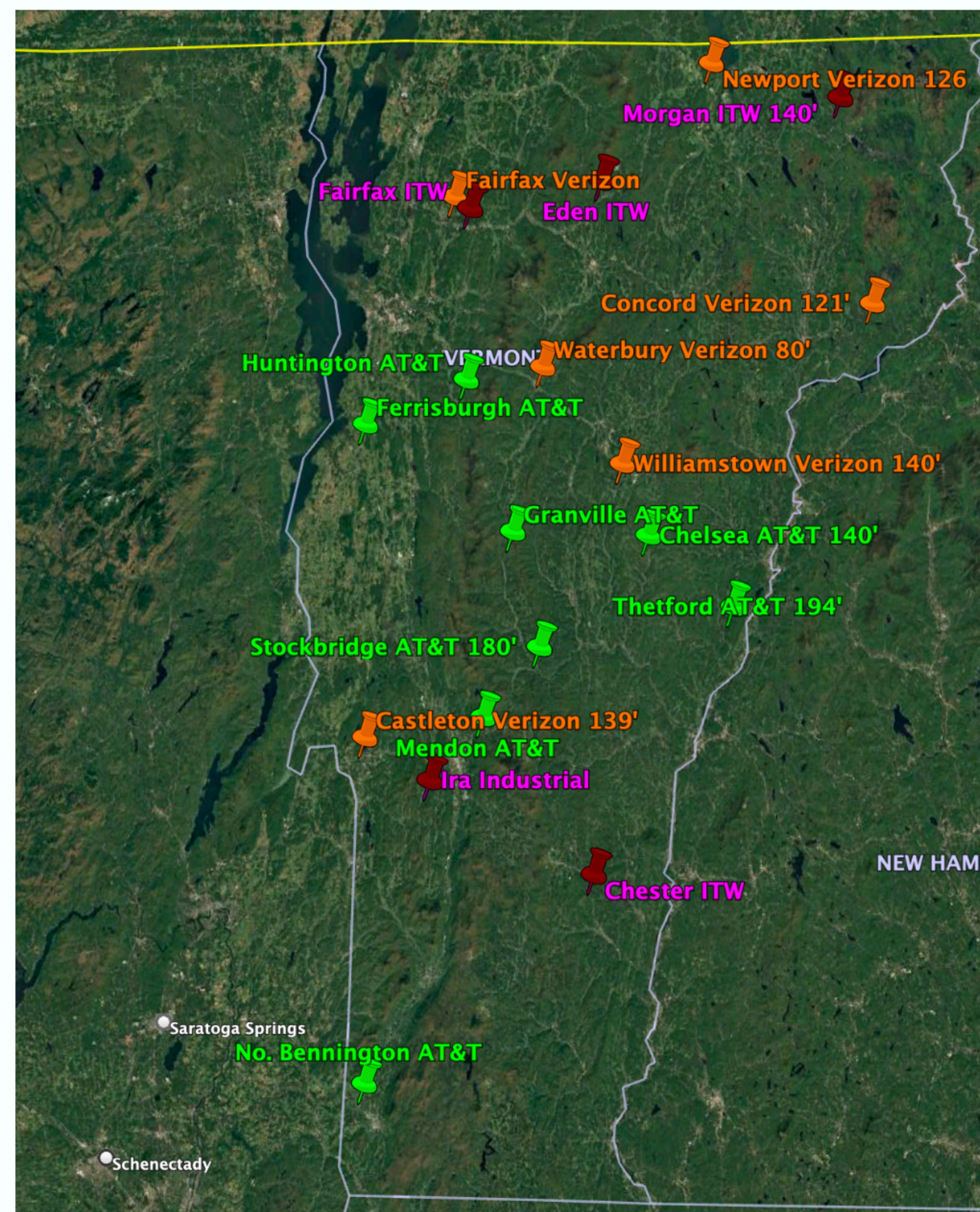
NEW PROBLEMS WITH Section 248a REVEALED BECAUSE:

MORE TOWERS CLOSER TO HOMES AND VILLAGES, MORE TOWNS OPPOSED

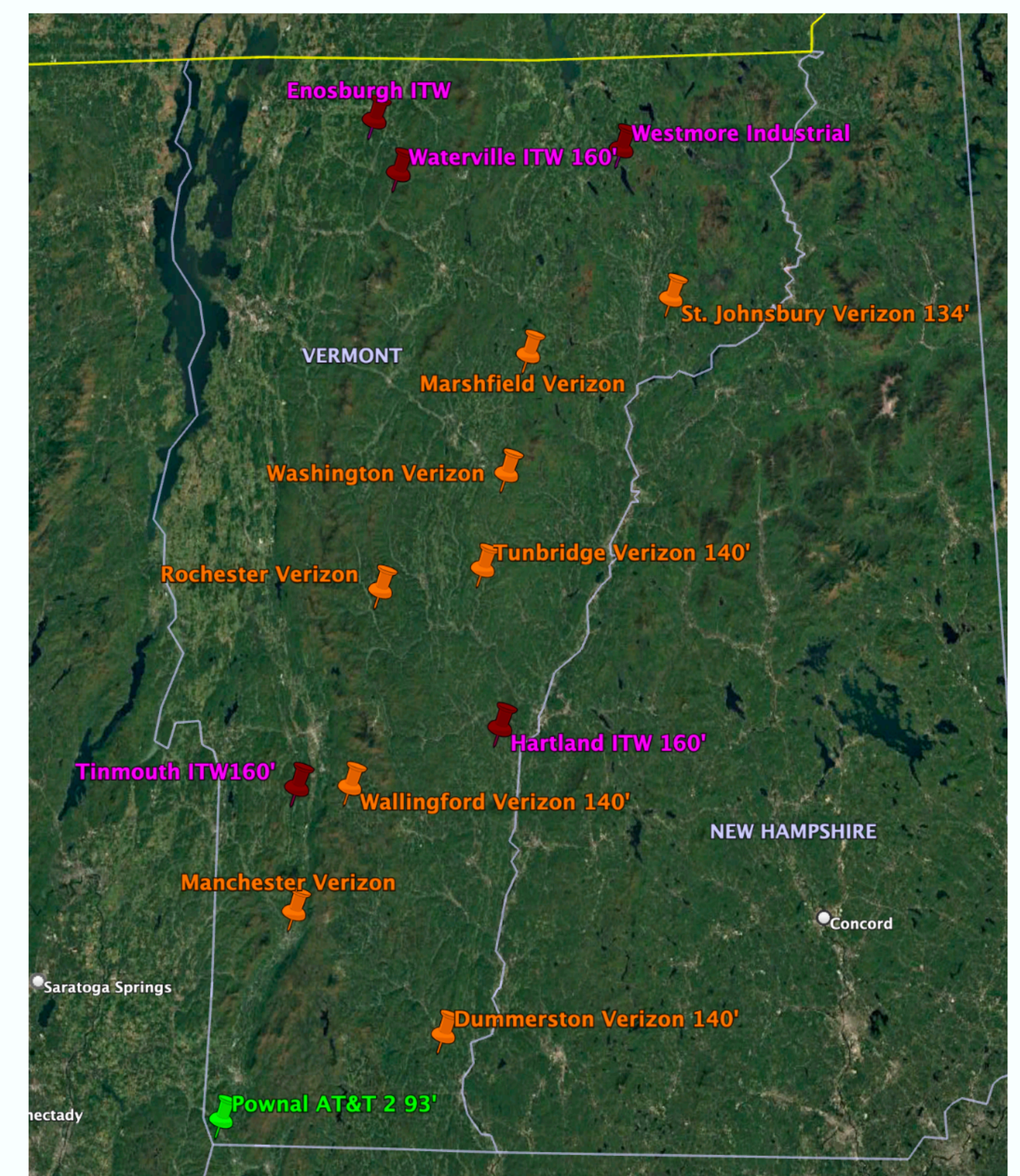
Towers Applied for, Approved, Built or Denied in the last few years



Recent Tower Applications



Recent Tower Approvals



Towers in Process

**The Possible Health Consequences from Exposure to the Radio Frequency Fields Produced
by Wireless Technologies, Including Cellular Telephones and FCC Regulated Transmitters
2020 Report to the Legislature**

**In Accordance with Act 79 (2019), Section 24, An act relating to broadband deployment
throughout Vermont.**

Submitted to: Senate Committees on Health and Welfare and on Finance
House Committees on Health Care and on Energy and Technology

Submitted by: Mark Levine, Commissioner
Vermont Department of Health

Prepared by: Lori Cragin, Environmental Health Division Director
Vermont Department of Health

Report Date: January 1, 2020

“This reinforces
efforts in public
health to
minimize the dose
to RFR, especially
to children.”

p. 10

<https://legislature.vermont.gov/Documents/2026/Workgroups/House%20Energy%20and%20Digital/Bills/H.527/Witness%20Testimony/H.527-Mark%20Levine-Vermont%20Department%20of%20Health%20Radio%20Frequency%20Report-1-22-2026.pdf>

Exposure limits to radiofrequency EMF do not account for cancer risk or reproductive toxicity assessed from data in experimental animals

Research | [Open access](#) | Published: 14 March 2026

Conclusions

For the general public, current regulatory limits to RF-EMF are 15- to 900-fold higher than our estimates of exposure levels associated with cancer risk of 1×10^{-5} (depending on the duration of daily exposure), and 8- to 24-fold higher than levels that are protective of male reproductive health. Thus, we strongly recommend an independent re-evaluation of RF-EMF exposure limits, integrating scientific data accumulated over the past 30 years and applying rigorous health-protective methodologies.

<https://link.springer.com/article/10.1186/s12940-026-01288-6>

REPORT TO THE VERMONT LEGISLATURE

Recommendations Regarding Revisions to 30 V.S.A. § 248a Pursuant to Act 25

**Submitted by the Vermont Public Utility Commission to the Senate Committee on
Finance and the House Committee on Energy and Technology**

October 1, 2020

[https://legislature.vermont.gov/assets/
Legislative-Reports/Act-25-Legislative-
Report-10-1-20-v3.pdf](https://legislature.vermont.gov/assets/Legislative-Reports/Act-25-Legislative-Report-10-1-20-v3.pdf)

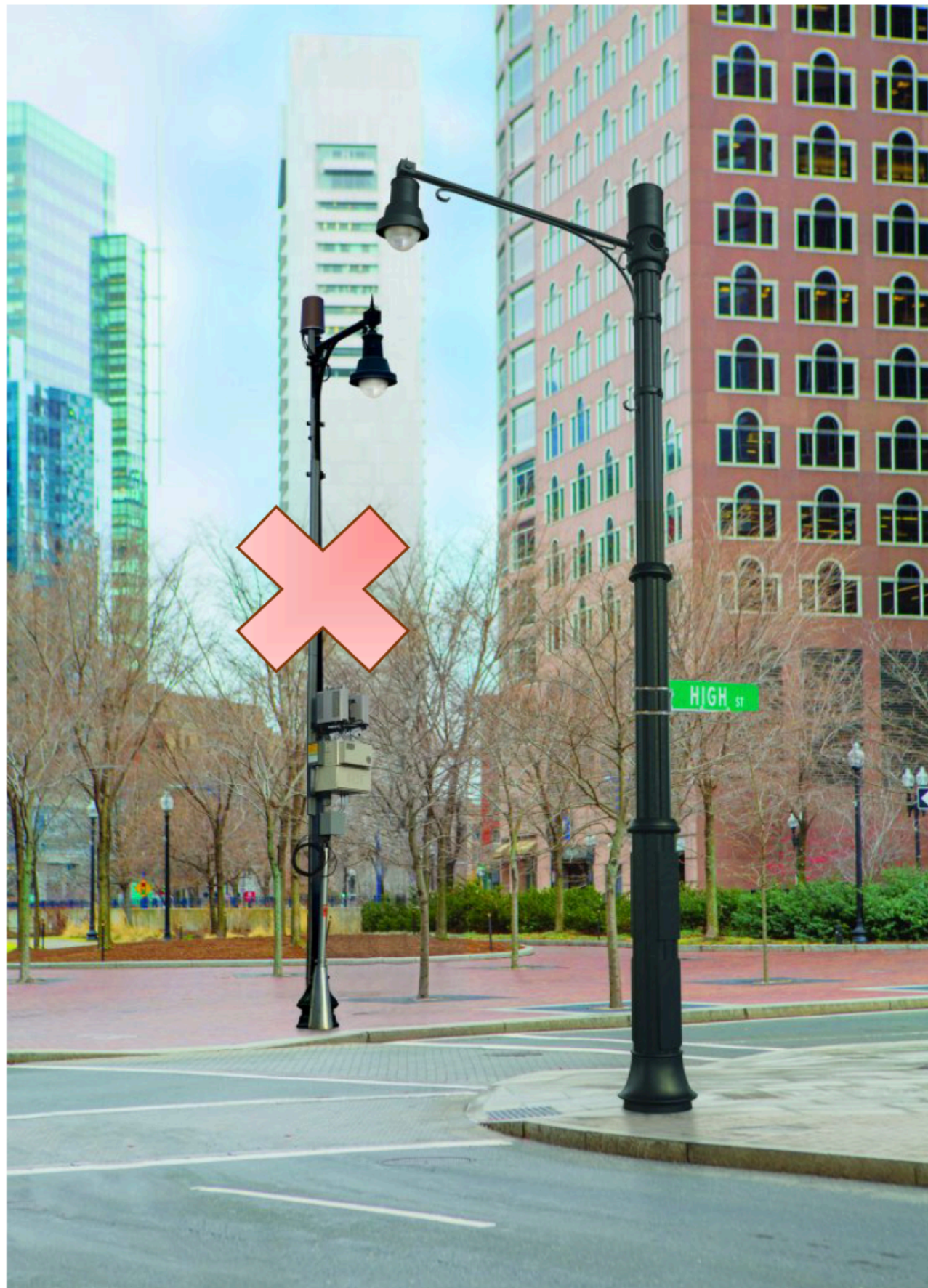
“The Commission’s charge from the Legislature in this report, pursuant to Act 25, is to recommend changes to § 248a in response to the deployment of new wireless technologies in Vermont. Based on the evidence received in this proceeding there are currently no new wireless technologies being deployed in the state, and there are unlikely to be any deployed in the near future. Accordingly, the Commission does not recommend any changes to § 248a at this time.”

Massachusetts, 2019

Town of Burlington Small Wireless Facility

and similar structures

Design Rules and Regulations



The Planning Board approved Town of Burlington Small Wireless Facility and similar structures Design Rules and Regulations at their meeting of April 4, 2019.

1. Background

Public spaces and streetscapes enhance the quality of life for our residents and visitors, and ensures that the Town has the foundation to become a more walkable and sustainable city. It also serves as the city's civic, cultural, and physical framework of the character of Burlington.

To address the growing demand for wireless technology across the United States, cellular providers propose to increase the capacity of their networks by deploying small cell infrastructure (Small Cell), a new lower-powered antenna technology, to reduce data traffic load on roof mounted equipment and larger cell towers. This new technology requires infrastructure to be installed in closer proximity to the users on the ground. Small Cell infrastructure consists of antennas and related power equipment that transmits wireless signals to improve reliable data streaming.

Small Cell Antennas Erected on Poles – Outside of All Regulatory Processes



Rochester, mini-cell on pole
in residential neighborhood



Granville, antenna on pole
in residential neighborhood



Marlboro, antenna
on pole next to school

**Report to
The Vermont Legislature**

**ACT 20: 2023 Report on the Process of Siting Telecommunications Facilities
Under 30 V.S.A. § 248a.**

In Accordance with Act 20 of 2023, Section 2

Submitted to: Senate Committee on Finance
House Committee on Environment and Energy

Submitted by: June E. Tierney, Commissioner
Vermont Department of Public Service

Prepared by: Hunter Thompson, Director of Telecommunications and Connectivity
Vermont Department of Public Service

Report Date: January 12, 2024

<https://legislature.vermont.gov/Documents/2026/Workgroups/House%20Energy%20and%20Digital/Digital%20Infrastructure/W-Hunter%20Thompson-2023%20Report%20on%20the%20Process%20of%20Siting%20Telecommunications%20Facilities%20248a%20Report-1-14-2026.pdf>

“On or before January 15, 2024, the Commissioner of Public Service in consultation with the Public Utility Commission shall report to the Senate Committee on Finance and the House Committee on Environment and Energy on the process of siting telecommunications facilities under 30 V.S.A. § 248a. The report shall address how to make the process easier to participate in for municipalities and individuals, how to encourage municipal participation, and recommend any necessary updates to 30 V.S.A. § 248a. The Commissioner shall hear from the Vermont League of Cities and Towns, the utilities, and any other interested parties.”

PUC Section 248a Towers – Contested Cases — 12 cases **2022-2026**

Enosburgh ITW 2022 -- <https://epuc.vermont.gov/?q=node/64/169720/FV-ALLOTDOX-PTL>

Denial by PUC, Appealed to Federal District Court and 2nd Circuit Court of Appeals, Affirmed

Ira ITW 2022 -- <https://epuc.vermont.gov/?q=node/64/170391>

Tower constructed, no antennas placed

Granville AT&T 2023 -- <https://epuc.vermont.gov/?q=node/64/194612/FV-BDIssued-PTL>

CPG issued in 2024

*Westmore ITW 2024 -- <https://epuc.vermont.gov/?q=node/64/198631/FV-PFEXAFF-PTL> — 665 days

On appeal to Vermont Supreme Court

CURRENT ACTIVE CONTESTED CASES BEFORE THE PUC

*Manchester Verizon 2024 -- <https://epuc.vermont.gov/?q=node/64/201813/FV-Schedule-Portal> — 517 days

Pownal AT&T 2025 -- <https://epuc.vermont.gov/?q=node/64/203166/FV-Schedule-Portal> — 423 days

Marshfield Verizon 2025 -- <https://epuc.vermont.gov/?q=node/64/205750/FV-Schedule-Portal> — 247 days

*Tinmouth ITW 2025 -- <https://epuc.vermont.gov/?q=node/64/206018/FV-Schedule-Portal> — 237 days

*Rochester Verizon 2025 -- <https://epuc.vermont.gov/?q=node/64/208511/FV-PFEXAFF-PTL> — 129 days

*Manchester Village AT&T 2025 -- <https://epuc.vermont.gov/?q=node/64/208663/FV-PFEXAFF-PTL> — 119 days

Waterville ITW 2026 — <https://epuc.vermont.gov/?q=node/64/208993/FV-Schedule-Portal> — 83 days

Enosburgh ITW 2026 -- <https://epuc.vermont.gov/?q=node/64/210048/FV-PFEXAFF-PTL> — 6 days

*Towns Recommend Denial

Problems with Recommendations, Comments and Public Comments

The PUC has not developed rules for implementing Section 248a. The PUC has a [procedures document](#) that does not explain the details of the process and the difference between comments, recommendations, and public comment.

- The PUC uses “comments” interchangeably with “recommendations”.
- Because there is no specific menu item in ePUC for “recommendations”, towns and RPCs file “recommendations” as “public comment”.
- The PUC requires “comments” to be submitted by Day 30.
- The PUC has not established a deadline for submitting “recommendations.”

This issue is being litigated in the ITW Westmore Tower [appeal](#) before the Vermont Supreme Court.

Problems with Section 248a Advance Notice

Requires Municipal Select Board and/or Planning Commission to initiate actions.

Town boards do not understand their roles, or that they must take the initiative.

- Invite applicant to attend a public meeting
- Invite Department of Public Service to attend and consider comments and information
- Request Department of Public Service to retain an expert to review the applicant's colocation assessment and to conduct further independent analysis, as necessary.

Not stated in statute, but necessary and *not understood by town boards*:

- Begin review of compliance with municipal plan and bylaw/ordinance because once the Petition is filed, 30 days is not enough time for most towns to convene, deliberate, take public input, and develop a recommendation.

Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
DEPARTMENT OF ENERGY RESOURCES

SMALL CLEAN ENERGY INFRASTRUCTURE FACILITY SITING &
PERMITTING (225 CMR 29.00)

DRAFT GUIDELINE

Guideline on Pre-filing Stakeholder Engagement

Effective Date: March xx, 2026

2. Pre-Filing Requirements

The Applicant must complete all pre-filing requirements not more than 60 days before submitting an Application to the Local Government Representative.

Pre-filing requirements consist of the following:

- Executing stakeholder engagement that is appropriate for the scope of the project
- Meeting with municipal staff or board representatives;
- Hosting a public-facing Pre-filing Information Session on the proposed SCIEF;
- Notifying Abutters and Local Stakeholders about the Pre-filing Information Session;
- Posting notices about the Pre-filing Information Session at not less than two public buildings; and
- Advertising the Pre-filing Information Session on at least two multimedia outlets.

<https://www.mass.gov/doc/draft-guidelines-for-pre-filing-stakeholder-engagement/download>

Problems with ADVANCE NOTICE – municipal and regional activity

- Towns and the public do not understand the Advance Notice phase
- Public Comments in Advance Notice are directed to Applicant
- PUC does not pay any attention to Advance Notice phase
- Citizens have to ask boards to put proposed towers on agenda
- Town board members say “it’s up to the PUC, nothing we can do.”
- Leasing landowners sometimes serve on Select Boards or are friends/family members of tower leasing landowner, so towns stay silent.
- Leasing landowners sometimes bully and intimidate neighbors or local board members, so towns stay silent.

Problems with PETITION – 30 day period after complete

- Public comments to the PUC, people have to do it all over again
- Who can intervene?
- [Notice of Intervention form](#) or [Motion to Intervene form](#)?
- Which box to use on the Motion to Intervene form
- What to put on the Motion to Intervene form
- How to request a hearing. It's a public hearing, right? No.
- No site visit. No public hearing. No balloon test required.
- Intervenors must learn PUC [Section 248a Procedures](#), PUC [Rules of Practice](#), how to use [ePUC](#), and all [Petition documents](#)
- What is a Petition?
- Towns & RPCs must submit recommendations by Day 30
- Do zoning by-laws/ordinances apply?

Problems with PUC Section 248a Process after Day 30

- Applicant opposes everyone who moves to intervene
- DPS supports limited intervention
- Neighbors get standing only on aesthetics, possibly town plan. PUC added “societal benefit” & overrule undue adverse aesthetic effect
- Towns get standing on all issues including coverage and environment
- Neighbors must group together and have one person represent them
- Potential for motion practice and over-litigation by skilled attorneys
- Scheduling Hearing preceded by emails between lawyers who sometimes do not include neighbor intervenors
- Applicants demand abbreviated, unrealistic schedule
- Neighbors and towns present realistic schedule
- Hearing officer decides, sometimes choosing applicants

Problems with PUC Process after Scheduling Hearing

- “Non-petitioning parties” (who’s that?) serve discovery on applicant
- What is discovery?
- Applicant responds to discovery objecting to almost everything
- Depositions might take place, requires lawyers
- “Non-petitioning parties” file pre-filed testimony. What’s that?
- Applicant serves discovery on intervenors and state agencies
- ANR enters into MOU and does not participate
- DPS supports almost all towers
- Unless RPC or town recommends denial, neighbor participation is a waste of time, effort and money
- Evidentiary hearing, entirely cross-examination based on testimony

Problems with PUC process after Evidentiary Hearing

- Parties submit Brief (what's a Brief?)
- Parties submit Reply Brief (what's that?)
- Hearing Officer issues Proposal for Decision to approve or deny
- Parties submit comments on Proposal for Decision
- Parties may request oral argument before the full PUC
- Oral argument for one hour (what is oral argument?)
- PUC issues decision
- If PUC decision is to deny, applicant will appeal
- If PUC decision is to approve, neighbors/towns must raise \$20,000 or more to fund a lawyer for appeal

Suggestions for Changes to Statute: Advance Notice, Recommendations and Good Cause

Advance Notice Process. Within one week of mailing the advance notice, petitioner shall contact the town by telephone and email and schedule a meeting. The Department of Public Service shall contact the town to arrange to appear at a meeting. DPS shall inform the town that upon request the Department of Public Service may perform a colocation study. Notice of meeting shall be posted at public buildings and in media outlets.

Recommendations, Responses to Recommendations, Good Cause. Recommendations to deny or approve a tower shall be determined as to whether good cause has been shown to overrule the rebuttable presumption. Such determination shall occur prior to a scheduling hearing to be held only if further process is necessary.

Suggestions for Changes to Statute: Update ePUC and PUC Section 248a Procedures guidance document

ePUC Recommendation Menu Item. The PUC shall create a menu item in ePUC for recommendations from municipal legislative bodies, planning commissions and regional planning commissions in Section 248a cases.

Procedures. The PUC shall create a definition and procedure for the filing of municipal and regional recommendations in Section 248a cases, noting the distinction between “comment”, “public comment”, and “recommendation.”

Suggestions for Changes to Statute: Add Definitions to Section 248a:

Public comments are submitted to the Public Utility Commission by anyone at anytime. (PUC uses these to understand issues)

Comments must be submitted within 30 days after the petition is deemed complete. Comments must demonstrate that the petition raises substantiative issues under the statutory criteria and requires an evidentiary hearing.

Recommendations. Recommendations of municipal legislative bodies, municipal planning commissions and regional planning commissions shall be submitted within 90 days after the petition is deemed complete. Responses to recommendations shall be filed within 30 days of recommendation submission and must show good cause as to why the recommendation shall not receive rebuttable presumption.

Suggestions for changes to public participation process

If Recommendation does not result in Final Decision.

- If the Town or RPC has not filed a recommendation resulting in a rebuttable presumption or good cause has been shown to overcome a recommendation's rebuttable presumption, the PUC shall schedule a site visit, balloon test and public hearing in the town where the tower is proposed, prior to motions to intervene.
- In lieu of discovery, parties shall exchange: list of witnesses, summary of the testimony to be provided, expert reports.
- An evidentiary hearing with direct testimony will be held.
- The PUC Hearing Officer may request further information from parties.
- Parties submit proposed Findings of Fact and Conclusions of Law.
- Proposal for Decision, Comments on Proposal for Decision, Oral Argument and Final Decision.

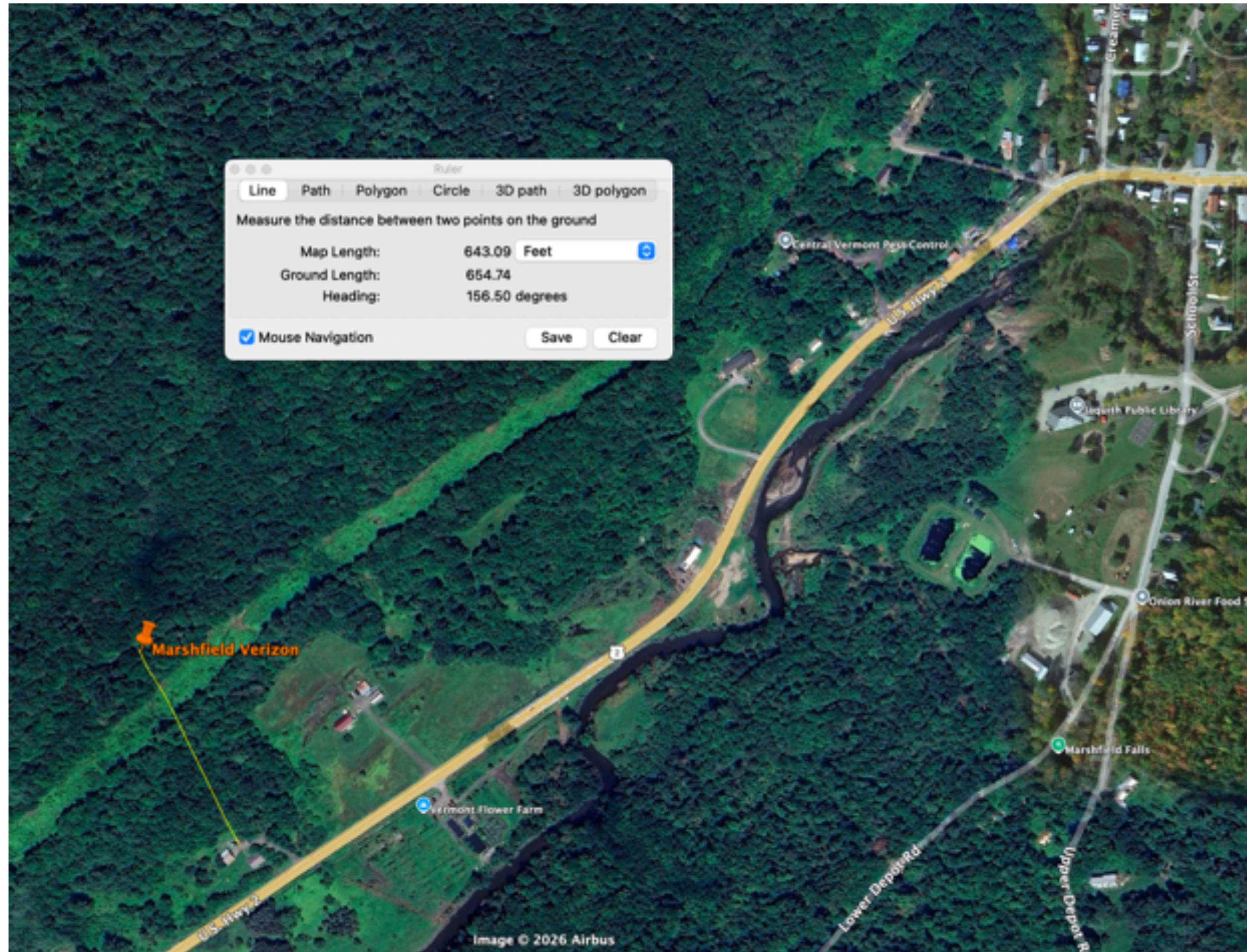
Suggestion for changes to siting towers and antennas

- Sunset Section 248a
- Site Towers and Antennas through Act 250
- Add Section 248a Substantial Deference language regarding town plan and telecommunications by-laws and ordinance to Act 250
- Regulate Small cell antennas through Act 250 with additional state statute or municipal bylaws/ordinances
- No Municipal permit required

Tinmouth ITW Tower, 467 feet from nearest residence



Marshfield Verizon Tower. 643 feet from nearest (non-leasing landowner) residence



Pownal AT&T Tower, 750 feet from nearest residence

