

Given that the most likely action that the legislature will take is to maintain the flawed 248a process, the following nine straightforward suggestions are made to improve the procedures:

1. Because the Vermont Department of Health concludes that until more research is completed on wireless telecommunications radiation they cannot affirm that the radiation emitted is not without negative public health consequences, 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.”

2. Because the FCC has not complied with court-ordered evidence-based determinations of the safe levels of wireless telecommunications radiation, the Attorney General of the State of Vermont should pursue an injunction against any new radiation emitting facilities until the FCC obeys the law and safe levels are known. [Court orders are not idle recommendations; they are mandatory commands.]

3. 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. 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?

4. 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.

5. 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.

6. 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.

7. 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 the Department of Public Service's mandate. All carrier submittals should be signed by an officer of the company under pain of perjury.

8. 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 proposed enclosure, and at the height and configuration of the tower once collocation is maximized.

9. Until the FCC complies with the court-ordered evidence-based determinations of the safe levels of wireless telecommunications radiation, 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.

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