

January 21, 2026

Attn: House Energy and Digital Infrastructure Committee Members
Senate Finance Committee Members

The 248a process is confusing. As such, it should either be sunsetted or completely overhauled in a way that makes it clearer and easier for citizens and towns to understand the steps and actions required for full participation in the process.

248a - Advance Notice

The average Vermont citizen doesn't understand the purpose of the Advance Notice phase. Who is supposed to receive the notice and why? What are these recipients and the general public supposed to do with that information? When are they supposed to do anything – 30 days, 60 days, or 180 days? What happens if there's no action by the town or residents within the correct time frame? To whom should town leaders or residents address any questions or comments – the applicant, PUC, various state entities, or anyone else?

The lack of a clear, easily understood process gives the telecom applicant the advantage. Some unethical applicants take advantage of this confusion to bully towns. The bullying comes in the form of the applicants' representatives and/or the applicants' attorneys.

In the recent case of Vertex/Verizon's application in Rochester, the Vertex representative literally told the town "Your town has no say" and "Your town rules and zoning don't matter" and that he was only there as a courtesy but didn't have to be. He said it all with such authority and condescension that some of our community, including the Select Board and Planning Commission thought it was true. Only when community members brought in outside guidance to the town leaders was the reality made clearer that the town and residents do actually have a say. Not only do they have a say, but "substantial deference" is supposed to be given to the recommendations of the town's plan.

The next Rochester hurdle was the timing and to whom to address any comments. The town knew the proposal violated the town plan in many respects, but what were they supposed to do with that information? The leadership groups were unsure as to what the next steps should be. Some thought they were supposed to wait until the applicant submitted the petition in the next phase, some thought the town was required to work with the state and any applicants to build a cellular network, some didn't know they could pose questions and have the applicant respond, some didn't know they could ask state agencies such as DPS or ANR to participate. Some in the community wanted to ask Verizon (the cellular provider) about co-locating on the existing AT&T structure but Vertex (the builder) appeared as the primary applicant so no one was certain if the questions would be directed to Verizon.

248a - Petition/Application

The next phase is equally confounding. If the public managed to find the ePUC site and participate in the Public Comments during the Advance Notice phase, the case would disappear once that phase concluded. That's because a new case number is created which means anything previously entered into the Advance Notice case would need to be re-entered for the Petition phase - which is not clearly understood.

Adding to that confusion is the same list of questions and new ones including what is an intervenor, who can be one, and then how it's done. Then, there is the timing of deadlines, intended audience for the comments, and the administrative law ordeal of the schedule, discovery, motions, evidentiary hearing, briefs, proposal for decision, and oral arguments. None of this information is easily accessible or simple to understand for average people while giant corporations have deep pockets and industry attorneys intimately familiar with the process.

Health and Environmental Issues

In addition to the confusing 248a process, there are serious concerns with not being able to address health and environmental worries. The FCC is out of compliance with a 2021 federal court order requiring them to review safety data. Technology has advanced enormously since the 1990s, but the FCC never updated their guidance. That means states such as Vermont and the agencies such as the PUC are relying on outdated and uncompliant information. That translates into a gag order for actual health and environmental issues that should be discussed.

Along the same health issue line, Vermont has not addressed small cells. These have no regulatory oversight and are built close to houses and schools. Combine that with the concern that the FCC isn't compliant with a federal court order to re-examine health issues, and that translates to endangering the health of Vermont citizens.

Conclusion

The 248a process is confusing and doesn't promote fairness for Vermont citizens. As Lincoln said in his Gettysburg Address, the government should be "... of the people, by the people, for the people" Please be the kind of government who supports the people of Vermont. Sunset the 248a process or ensure that it's completely revamped into a process that works for the people of Vermont.

Sincerely,

Lori Church