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H.96

Introduced by Representatives Sibia of Dover, Young of Greensboro, Conlon
of Cornwall, Conquest of Newbury, Gannon of Wilmington,
Gregoire of Fairfield, Haas of Rochester, Jickling of Randolph,
McFaun of Barre Town, Pajala of Londonderry, Quimby of
Concord, and Yantachka of Charlotte

Referred to Committee on

Date:

Subject: Telecommunications; 248a siting; underserved areas; sunset repeal

Statement of purpose of bill as introduced: This bill proposes to require
applicants for a certificate of public good under 30 V.S.A. § 248a to
demonstrate that the proposed facility will provide broadband Internet access
service at speeds that meet or exceed 4 Mbps download and 1 Mbps upload to
all service locations in one or more census blocks where at least 50 percent of
the service locations in each census block only have access to Internet service
with speeds that are less than 4 Mbps download and 1 Mbps upload. It also
proposes to extend the statutory sunset of 30 V.S.A. § 248a to July 1, 2022.

An act relating to telecommunications facility siting and bringing Internet
service to unserved areas

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 Sec. 1. 30 V.S.A. § 248a(c) is amended to read:

3 (c) Findings. Before the Public Utility Commission issues a certificate of
4 public good under this section, it shall find that:

5 * * *

6 (4) If the proposed facility is intended to be used for the provision of
7 broadband Internet access service, as defined in 3 V.S.A. § 348(d)(1), the
8 facility will provide such service at speeds that meet or exceed 4 Mbps
9 download and 1 Mbps upload to all service locations in one or more census
10 blocks where at least 50 percent of the service locations in each census block
11 only have access to Internet service with speeds that are less than 4 Mbps
12 download and 1 Mbps upload.

13 Sec. 2. PURPOSE OF SEC. 1

14 (a) 30 V.S.A. § 248a provides an option (the Section 248a option) under
15 which an applicant may obtain from the Public Utility Commission a
16 certificate of public good for a telecommunications facility in lieu of obtaining
17 a permit under 10 V.S.A. chapter 151 (Act 250) and, if applicable, local land
18 use bylaws adopted under 24 V.S.A. chapter 117 and local ordinances adopted
19 under 24 V.S.A. § 2291 or by municipal charter.

20 (b) The purpose of Sec. 1 of this act is to allow the Section 248a option to
21 remain for an Internet service provider only if its proposed facility will provide

1 service at speeds that meet or exceed 4 Mbps download and 1 Mbps upload to
2 all service locations in one or more census blocks where at least 50 percent of
3 the service locations in each census block only have access to Internet service
4 with speeds that are less than 4 Mbps download and 1 Mbps upload. If the
5 service would not meet this threshold, the provider may still seek approval for
6 a telecommunications facility under Act 250 and, if applicable, local bylaw or
7 ordinance.

8 Sec. 3. 30 V.S.A. § 248a(i) is amended to read:

9 (i) Sunset of Commission authority. Effective on ~~July 1, 2020~~ July 1,
10 2022, no new applications for certificates of public good under this section
11 may be considered by the Commission.

12 Sec. 4. EFFECTIVE DATE

13 This act shall take effect on passage.