

STANDARDS AND PROCEDURES IMPLEMENTING 30 V.S.A. § 248(N)

I. Purpose and Applicability: The purpose of these standards and procedures is to implement 30 V.S.A. § 248(n). These standards and procedures are applicable to the proposed placement of wireless communications facilities on an electric transmission or generation facility located in Vermont, including a net-metered system. Those projects for which these procedures are applicable are exempt from Vermont Public Utility Commission (“Commission”) Rule 5.400.

II. Definitions: “Wireless communications facilities” include antennae, related equipment, and equipment shelters.

“Small facilities” means wireless communications facilities that have antenna faces of less than 8 square feet in the aggregate on their largest faces, and antennae and mast supports that do not extend more than 12 feet above the top of the generation or transmission structure and do not involve earth disturbance.

III. Filing Requirements:

A. For small facilities: An applicant seeking a certificate of public good pursuant to 30 V.S.A. § 248(n) must file proposed findings of fact and a proposed certificate of public good with its petition. The petition must also be accompanied by prefiled testimony describing the project and addressing all of the applicable criteria as specified below. The prefiled testimony of each witness must be accompanied by a signed affidavit or declaration attesting that all statements are true and accurate to the best of the witness’s knowledge and belief, and that the witness is subject to sanctions for contempt and perjury if any statements are false.¹ The petition may request approval for one or more projects. The project description must include a physical description (including dimensions) of all proposed facilities, the type of generation or transmission facility on which the small facility is to be attached, and identification of the proposed location of the installation (such as map coordinates and/or street address).

The applicant must serve the petition and accompanying material filed with the Commission on:

1. the Vermont Department of Public Service using ePUC, the Commission’s electronic filing system,² and
2. the owner of the transmission or generation facility by first-class mail, personal delivery, or any other means authorized by the person entitled to service.

B. For all other wireless communications facilities: In addition to the requirements for small facilities, the petition must include a description of the proposed location of each wireless facility that is the subject of the petition. The petition must also include a map showing the location of the proposed wireless installation, the structure number or other unique identification of the transmission or generation facility to which the wireless facilities would be attached, a photograph of that transmission or generation facility, and a photograph or other image that is representative of the wireless facilities to be installed.

¹ See Commission Rule 2.213(C)(5).

² See Commission Rule 2.204(B)(3).

The applicant must serve the petition and accompanying material filed with the Commission on the following entities:

1. the Vermont Department of Public Service,
2. the Vermont Agency of Natural Resources,
3. the owner of the transmission or generation facility,
4. the planning commission and the municipal legislative body for the town in which the system is to be installed, and
5. the adjoining landowners.

The applicant must serve the filing on the entities listed in III.B.3 through 5 by first-class mail, personal delivery, or any other means authorized by the person entitled to service. Pursuant to Commission Rule 2.204(B)(3), service of the advance submission on the entities listed in III.B.1 and 2 must occur through ePUC.

IV. Conditional Waiver of 30 V.S.A. § 248(b) Criteria: Pursuant to 30 V.S.A. § 248(n)(1)(A), which provides that the Commission may waive the requirements of 30 V.S.A. § 248(b) that are not applicable to wireless communications systems, the Commission conditionally waives the following criteria:

A. For wireless communications system installations that involve earth disturbance:

- (i) All criteria under 30 V.S.A. § 248(b) are waived except for 30 V.S.A. § 248(b)(1) (orderly development), (3) (system stability and reliability), (4) (economic benefit), (5) (environmental considerations) and (8) outstanding resource waters).
- a. With respect to 30 V.S.A. § 248(b)(5), all criteria and subcriteria are waived, except for 10 V.S.A. § 6086(a)1(B) (waste disposal), 1(D) (floodways), 1(E) (streams), 1(F) (shorelines), 1(G) (wetlands), 4 (soil erosion), and 8 (aesthetics, historic sites, natural areas), including 8(A) (necessary wildlife habitat).

B. For wireless communications system installations that do not involve any earth disturbance (i.e., all wireless facilities would be located on the transmission or generation structure, and no wireless facilities would be located on the ground):

- (i) All criteria under 30 V.S.A. § 248(b) are waived except for 30 V.S.A. § 248(b)(1) (orderly development), (3) (system stability and reliability), (4) (economic benefit), and (5) (environmental considerations).
- (ii) With respect to 30 V.S.A. § 248(b)(5), all criteria and subcriteria are waived, except for 10 V.S.A. § 6086(a)(8) (only aesthetics and historic sites).

C. For small facilities, all criteria under 30 V.S.A. § 248(b) are waived.

(1) **Submission of Comments and Requests for Hearing:** If any person wishes to submit comments or motions to intervene to the Commission concerning a petition filed pursuant to 30

V.S.A. § 248(n) or request a hearing, such correspondence is due at the Commission within 30 calendar days of the date that the petition is filed with the Commission and served on all required recipients. All motions to intervene and requests for hearing must be filed using ePUC unless the filing is accompanied by a request for a waiver under Commission Rule 2.107 to allow for paper filings.³ Public comments that do not include requests for a hearing or motions to intervene may be filed using ePUC, by email to puc.clerk@vermont.gov, or in paper.

V. Issuance of Decision: If the Commission does not issue a final decision or identify a significant issue regarding a completed petition within 60 days of its filing pursuant to these procedures, the petition is deemed approved by operation of law. The 60-day period shall start when either a petition is initially filed as complete, or when the Commission receives the requested information after notifying the applicant that the petition was incomplete.

VI. Conformance with National Electrical Safety Code: All installations of wireless communications facilities on transmission or generation structures must be performed in accordance with the most recent version of the National Electrical Safety Code.

³ If a motion to intervene or request for hearing is filed in paper along with a request for a waiver of the requirement to use ePUC, the filer must mail copies of the entire filing to all parties in the case. Filers can obtain a list of names and addresses of the parties in the case by contacting Commission administrative staff at 802-828-2358 or puc.clerk@vermont.gov.