

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Energy and Technology to which was referred Senate  
3 Bill No. 301 entitled “An act relating to miscellaneous telecommunications  
4 changes” respectfully reports that it has considered the same and recommends  
5 that the House propose to the Senate that the bill be amended by striking out all  
6 after the enacting clause and inserting in lieu thereof the following:

7 Sec. 1. 30 V.S.A. § 248a is amended to read:

8 § 248a. CERTIFICATE OF PUBLIC GOOD FOR COMMUNICATIONS  
9 FACILITIES

10 \* \* \*

11 (i) Sunset of Commission authority. Effective on July 1, ~~2020~~ 2023, no  
12 new applications for certificates of public good under this section may be  
13 considered by the Commission.

14 \* \* \*

15 (q)(1) Emergency waiver. Notwithstanding any other provisions of this  
16 section, when the Governor has declared a state of emergency pursuant to 20  
17 V.S.A. § 9 and for 180 days after the declared state of emergency ends, the  
18 Commission may waive, for a specified and limited time, the prohibitions  
19 contained in this section upon site preparation for or construction of a  
20 temporary telecommunications facility necessary for maintaining or improving  
21 access to telecommunications services. Waivers issued under this subsection

1 shall be valid for a period not to exceed the duration of the declared emergency  
2 plus 180 days.

3 (2) A person seeking a waiver under this subsection shall file a petition  
4 with the Commission and shall provide copies to the Department of Public  
5 Service and the Agency of Natural Resources. The Commission shall require  
6 that additional notice be provided to those listed in subsection (e) of this  
7 section and any affected communications union districts. Upon receipt of the  
8 petition, the Commission shall conduct an expedited preliminary hearing.

9 (3) An order granting a waiver may include terms, conditions, and  
10 safeguards to mitigate significant adverse impacts, including the posting of a  
11 bond or other security, as the Commission deems proper, based on the scope  
12 and duration of the requested waiver.

13 (4) A waiver shall be granted only when the Commission finds that:

14 (A) good cause exists due to an emergency situation;

15 (B) the waiver is necessary to maintain or provide access to wireless  
16 telecommunications services;

17 (C) procedures will be followed to minimize significant adverse  
18 impacts under the criteria specified in subdivision (c)(1) of this section; and

19 (D) taking into account any terms, conditions, and safeguards that the  
20 Commission may require, the waiver will promote the general good of the  
21 State.



1 declared state of emergency under 20 V.S.A. chapter 1 due to COVID-19,  
2 except those for de minimis modifications.

3 Sec. 4. 2019 Acts and Resolves No. 79, Sec. 25 is amended to read:

4 Sec. 25. OUTAGES AFFECTING E-911 SERVICE; REPORTING;  
5 RULE; E-911 BOARD

6 The E-911 Board shall adopt a rule establishing protocols for the E-911  
7 Board to obtain or be apprised of, in a timely manner, system outages  
8 applicable to wireless service providers, providers of facilities-based, fixed  
9 voice service that is not line-powered and to electric companies for the purpose  
10 of enabling the E-911 Board to assess 911 service availability during such  
11 outages. An outage for purposes of this section includes any loss of E-911  
12 calling capacity, ~~whether caused by lack of function of the telecommunications~~  
13 ~~subscriber's backup power equipment, lack of function within a~~  
14 ~~telecommunications provider's system~~ network failure, or an outage in the  
15 electric power system. The rule shall incorporate threshold criteria for outage  
16 reporting that reflect the sparsely populated rural nature of Vermont. The E-  
17 911 Board shall file a final proposed rule with the Secretary of State and with  
18 the Legislative Committee on Administrative Rules pursuant to 3 V.S.A. § 841  
19 on or before ~~February 1, 2020~~ September 30, 2020.

20 Sec. 5. EFFECTIVE DATE

21 This act shall take effect on passage.

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(Committee vote: \_\_\_\_\_)

\_\_\_\_\_

Representative \_\_\_\_\_

FOR THE COMMITTEE