



1            (1) \$650,000.00 from an increase in the USF charge to a flat two  
2 percent;

3            (2) \$500,000.00 from application of the USF charge to prepaid wireless  
4 telecommunications service providers; and

5            (3) \$300,000.00 in operational savings from the transfer and  
6 consolidation of State telecommunications functions.

7            \* \* \* USF; Connectivity Fund; Prepaid Wireless; Rate of Charge \* \* \*

8            Sec. 2. 30 V.S.A. § 7511 is amended to read:

9            § 7511. DISTRIBUTION GENERALLY

10           (a) As directed by the ~~public service board~~, Public Service Board funds  
11 collected by the fiscal agent, and interest accruing thereon, shall be distributed  
12 as follows:

13           (1) ~~To~~ to pay costs payable to the fiscal agent under its contract with the  
14 ~~public service board~~. Board;

15           (2) ~~To~~ to support the Vermont telecommunications relay service in the  
16 manner provided by section 7512 of this title;

17           (3) ~~To~~ to support the Vermont ~~lifeline~~ Lifeline program in the manner  
18 provided by section 7513 of this title;

19           (4) ~~To~~ to support ~~enhanced-911~~ Enhanced-911 services in the manner  
20 provided by section 7514 of this title; and

1            (5) ~~To reduce the cost to customers of basic telecommunications service~~  
2 ~~in high-cost areas, in the manner provided by section 7515 of this title to~~  
3 support the Connectivity Fund established in section 7516 of this chapter.

4            (b) If insufficient funds exist to support all of the purposes contained in  
5 subsection (a) of this section, the ~~public service board~~ Board shall conduct an  
6 expedited proceeding to allocate the available funds, giving priority in the  
7 order listed in subsection (a).

8            Sec. 3. 30 V.S.A. § 7516 is added to read:

9            § 7516. CONNECTIVITY FUND

10            (a) There is created a Connectivity Fund for the purpose of providing  
11 access to Internet service that is capable of speeds of at least 4 Mbps download  
12 and 1 Mbps upload to every E-911 business and residential location in  
13 Vermont, beginning with locations not served as of December 31, 2013  
14 according to the minimum technical service characteristic objectives applicable  
15 at that time. Any new services funded in whole or in part by monies in this  
16 Fund shall be capable of being continuously upgraded to reflect the best  
17 available, most economically feasible service capabilities.

18            (b) The fiscal agent shall determine annually, on or before September 1, the  
19 amount of funds available to the Connectivity Fund. The Department of Public  
20 Service shall publish annually a list of census blocks eligible for funding based  
21 on the Department's most recent broadband mapping data. The Department

1      annually shall solicit proposals from service providers, the Vermont  
2      Telecommunications Authority, and the Division for Connectivity to deploy  
3      broadband to eligible census blocks. The Department shall give priority to  
4      proposals that reflect the lowest cost of providing services to unserved  
5      locations; however, the Department also shall consider:

6            (1) the proposed data transfer rates and other data transmission  
7      characteristics of services that would be available to consumers;

8            (2) the price to consumers of services;

9            (3) the proposed cost to consumers of any new construction, equipment  
10      installation service, or facility required to obtain service;

11           (4) whether the proposal would use the best available technology that is  
12      economically feasible;

13           (5) the availability of service of comparable quality and speed; and

14           (6) the objectives of the State’s Telecommunications Plan.

15      Sec. 4. 30 V.S.A. § 7521 is amended to read:

16      § 7521. CHARGE IMPOSED; WHOLESAL EXEMPTION

17           (a) A universal service charge is imposed on all retail telecommunications  
18      service provided to a Vermont address. Where the location of a service and the  
19      location receiving the bill differ, the location of the service shall be used to  
20      determine whether the charge applies. The charge is imposed on the person  
21      purchasing the service, but shall be collected by the telecommunications

1 provider. Each telecommunications service provider shall include in its tariffs  
2 filed at the ~~public service board~~ Public Service Board a description of its  
3 billing procedures for the universal service fund charge.

4 (b) The universal service charge shall not apply to wholesale transactions  
5 between telecommunications service providers where the service is a  
6 component part of a service provided to an end user. This exemption includes,  
7 ~~but is not limited to,~~ network access charges and interconnection charges paid  
8 to a local exchange carrier.

9 (c) In the case of mobile telecommunications service, the universal service  
10 charge is imposed when the customer's place of primary use is in Vermont.  
11 The terms "customer," "place of primary use," and "mobile  
12 telecommunications service" have the meanings given in 4 U.S.C. § 124. All  
13 provisions of 32 V.S.A. § 9782 shall apply to the imposition of the universal  
14 service charge under this section.

15 (d)(1) Notwithstanding any other provision of law to the contrary, in the  
16 case of prepaid wireless telecommunications services, the universal service  
17 charge shall be imposed on the provider in the manner determined by the  
18 Public Service Board pursuant to subdivision (3) of this section.

19 (2) For purposes of this subsection, "prepaid wireless  
20 telecommunications service" means a telecommunications service as defined

1     in section 203(5) of this title that a consumer pays for in advance and that is  
2     sold in predetermined units or dollars that decline with use.

3             (3) The Public Service Board shall establish a formula to ensure the  
4     universal service charge imposed on prepaid wireless telecommunications  
5     service providers reflects two percent of retail prepaid wireless  
6     telecommunications service in Vermont beginning on September 1, 2014.

7     Sec. 5. 30 V.S.A. § 7523 is amended to read:

8     § 7523. RATE ADJUSTED ANNUALLY OF CHARGE

9             ~~(a) Annually, after considering the probable expenditures for programs~~  
10     ~~funded pursuant to this chapter, the probable service revenues of the industry~~  
11     ~~and seeking recommendations from the department, the public service board~~  
12     ~~shall establish a rate of charge to apply during the 12 months beginning on the~~  
13     ~~following September 1. However, the rate so established shall not at any time~~  
14     ~~exceed two percent of retail telecommunications service. The board's decision~~  
15     ~~shall be entered and announced each year before July 15. However, if the~~  
16     ~~general assembly does not enact an authorization amount for E-911 before~~  
17     ~~July 15, the board may defer decision until 30 days after the E-911~~  
18     ~~authorization is established, and the existing charge rate shall remain in effect~~  
19     ~~until the board establishes a new rate~~ Beginning on July 1, 2014, the annual  
20     rate of charge shall be two percent of retail telecommunications service.

1           (b) Universal service charges imposed and collected by the fiscal agent  
2 under this subchapter shall not be transferred to any other fund or used to  
3 support the cost of any activity other than in the manner authorized by section  
4 7511 of this title.

5           Sec. 6. 30 V.S.A. § 7524 is amended to read:

6           § 7524. PAYMENT TO FISCAL AGENT

7           (a) Telecommunications service providers shall pay to the fiscal agent all  
8 universal service charge receipts collected from customers. A report in a form  
9 approved by ~~the public service board~~ Public Service Board shall be included  
10 with each payment.

11           (b) Payments shall be made monthly, by the 15th day of the month, and  
12 shall be based upon amounts collected in the preceding month. If the amount  
13 is small, the ~~board~~ Board may allow payment to be made less frequently, and  
14 may permit payment on an accrual basis.

15           (c) Telecommunications service providers shall maintain records adequate  
16 to demonstrate compliance with the requirements of this chapter. The ~~board~~  
17 Board or the fiscal agent may examine those records in a reasonable manner.

18           (d) When a payment is due under this section by a telecommunications  
19 service provider who has provided customer credits under the ~~lifeline~~ Lifeline  
20 program, the amount due may be reduced by the amount of credit granted.

1            (e) The fiscal agent shall examine the records of telecommunications  
2            service providers to determine whether their receipts reflect application of the  
3            universal service charge on all assessable telecommunications services under  
4            this chapter, including the federal subscriber line charge, directory assistance,  
5            enhanced services unless they are billed as separate line items, and toll-related  
6            services.

7            \*\*\* State Telecommunications Plan; Division for Connectivity; VTA \*\*\*

8            **Sec. 7. 30 V.S.A. § 202c is amended to read:**

9            § 202C. STATE TELECOMMUNICATIONS; POLICY AND PLANNING

10           (a) The General Assembly finds that advances in telecommunications  
11           technology and changes in federal regulatory policy are rapidly reshaping  
12           telecommunications services, thereby ~~promising~~ **presenting** the people and  
13           businesses of the State **with the opportunities for improved** communication  
14           and access to information, while creating new challenges for maintaining a  
15           robust, modern telecommunications network in Vermont.

16           (b) Therefore, to direct the benefits of improved telecommunications  
17           technology to all Vermonters, it is the purpose of this section and section 202d  
18           of this title to:

19           (1) Strengthen the State’s role in telecommunications planning.

20           (2) Support the universal availability of appropriate infrastructure and  
21           affordable services for transmitting voice and high-speed data.



1           (3) Support the availability of modern mobile wireless  
2           telecommunications services along the State’s travel corridors and in the  
3           State’s communities.

4           (4) Provide for high-quality, reliable telecommunications services for  
5           Vermont businesses and residents.

6           (5) Provide the benefits of future advances in telecommunications  
7           technologies to Vermont residents and businesses.

8           (6) Support competitive choice for consumers among  
9           telecommunications service providers and promote open access among  
10          competitive service providers on nondiscriminatory terms to networks over  
11          which broadband and telecommunications services are delivered.

12          (7) Support, ~~to the extent practical and cost-effective,~~ the application of  
13          telecommunications technology to maintain and improve governmental and  
14          public services, public safety, and the economic development of the State.

15          (8) Support deployment of broadband infrastructure that:

16               (A) Uses the best commercially available technology.

17               (B) Does not negatively affect the ability of Vermont to take  
18          advantage of future improvements in broadband technology or result in  
19          widespread installation of technology that becomes outmoded within a short  
20          period after installation.

1 (9) In the deployment of broadband infrastructure, encourage the use of  
2 existing facilities, such as existing utility poles and corridors and other  
3 structures, in preference to the construction of new facilities or the replacement  
4 of existing structures with taller structures.

5 (10) Support measures designed to ensure that by the end of the year  
6 2024 every E-911 business and residential location in Vermont has  
7 infrastructure capable of delivering Internet access with service that has a  
8 minimum **download** speed of 100 Mbps **and is symmetrical.**

9 **Sec. 8. 30 V.S.A. § 202d is amended to read:**

10 § 202D. TELECOMMUNICATIONS PLAN

11 (a) The ~~department of public service~~ Department of Public Service shall  
12 constitute the responsible planning agency of the ~~state~~ State for the purpose of  
13 obtaining for all consumers in the ~~state~~ State stable and predictable rates and a  
14 technologically advanced telecommunications network serving all service  
15 areas in the ~~state~~ State. The ~~department of public service~~ Department shall be  
16 responsible for the provision of plans for meeting emerging trends related to  
17 telecommunications technology, markets, financing, and competition.

18 (b) The ~~department of public service~~ Department shall prepare a  
19 ~~telecommunications plan~~ Telecommunications Plan for the ~~state~~ State. The  
20 ~~department of innovation and information~~ Department of Innovation and  
21 Information, the **Division for Connectivity** and the agency of commerce and

1      ~~community development~~ Agency of Commerce and Community Development  
2      shall assist the ~~department of public service~~ Department of Public Service in  
3      preparing the ~~plan~~ Plan. The ~~plan~~ Plan shall be for a ~~seven-year~~ **ten-year**  
4      period and shall serve as a basis for ~~state~~ State telecommunications policy.

5      Prior to preparing the ~~plan~~ Plan, the ~~department of public service~~ Department  
6      shall prepare:

7            (1) an overview, looking ~~seven~~ **ten years** ahead, of future requirements  
8      for telecommunications services, considering services needed for economic  
9      development, technological advances, and other trends and factors which, as  
10     determined by the ~~department of public service~~ Department of Public Service,  
11     will significantly affect ~~state~~ State telecommunications policy and programs;

12           (2) a survey of Vermont residents and businesses, conducted in  
13     cooperation with the ~~agency of commerce and community development~~  
14     Agency of Commerce and Community Development and the Division for  
15     **Connectivity**, to determine what telecommunications services are needed now  
16     and in the succeeding ~~seven~~ ten years;

17           (3) an assessment of the current state of telecommunications  
18     infrastructure;

19           (4) an assessment, conducted in cooperation with the ~~department of~~  
20     ~~innovation and information~~ Department of Innovation and Information and the  
21     **Division for Connectivity**, of the current ~~state~~ State telecommunications

1      system and evaluation of alternative proposals for upgrading the system to  
2      provide the best available and affordable technology for use by government;  
3      and

4            (5) an assessment of the state of telecommunications networks and  
5      services in Vermont relative to other states, including price comparisons for  
6      key services and comparisons of the state of technology deployment.

7            (c) In developing the ~~plan~~ Plan, the ~~department~~ Department shall take into  
8      account the policies and goals of section 202c of this title.

9            (d) In establishing plans, public hearings shall be held and the ~~department~~  
10     ~~of public service~~ Department shall consult with members of the public,  
11     representatives of telecommunications utilities, other providers, and other  
12     interested ~~state~~ State agencies, particularly the ~~agency of commerce and~~  
13     ~~community development~~ Agency of Commerce and Community Development,  
14     **the Division for Connectivity**, and the ~~department of innovation and~~  
15     ~~information~~ Department of Innovation and Information, whose views shall be  
16     considered in preparation of the ~~plan~~ Plan. To the extent necessary, the  
17     ~~department of public service~~ Department shall include in the ~~plan~~ Plan surveys  
18     to determine existing, needed, and desirable plant improvements and  
19     extensions, access and coordination between telecommunications providers,  
20     methods of operations, and any change that will produce better service or  
21     reduce costs. To this end, the ~~department of public service~~ Department may

1        require the submission of data by each company subject to supervision by the  
2        ~~public service board~~ Public Service Board.

3            (e) Before adopting a ~~plan~~ Plan, the ~~department~~ Department shall conduct  
4        public hearings on a final draft and shall consider the testimony presented at  
5        such hearings in preparing the final ~~plan~~ Plan. At least one hearing shall be  
6        held jointly with ~~committees~~ Committees of the ~~general assembly~~ General  
7        Assembly designated by the ~~general assembly~~ General Assembly for this  
8        purpose. The ~~plan~~ Plan shall be adopted by ~~September 1, 2004~~ September 1,  
9        2014.

10           (f) The ~~department~~ Department, from time to time, but in no event less than  
11        every three years, institute proceedings to review a ~~plan~~ Plan and make  
12        revisions, where necessary. The three-year major review shall be made  
13        according to the procedures established in this section for initial adoption of  
14        the ~~plan~~ Plan. For good cause or upon request by a ~~joint resolution~~ Joint  
15        Resolution passed by the ~~general assembly~~ General Assembly, an interim  
16        review and revision of any section of the ~~plan~~ Plan may be made after  
17        conducting public hearings on the interim revision. At least one hearing shall  
18        be held jointly with ~~committees~~ Committees of the ~~general assembly~~ General  
19        Assembly designated by the ~~general assembly~~ General Assembly for this  
20        purpose.

1            (g) The Department shall review and update the minimum technical  
2            service characteristic objectives not less than every three years beginning  
3            in 2017. In the event such review is conducted separately from an update  
4            of the Plan, the Department shall issue revised minimum technical service  
5            characteristic objectives as an amendment to the Plan.

6            Sec. 9. 3 V.S.A. § 2225 is added to read:

7            § 2225. DIVISION FOR CONNECTIVITY

8            (a) Creation. The Division for Connectivity is created within the Agency  
9            of Administration as the successor in interest to and the continuation of the  
10           Vermont Telecommunications Authority. A Director for Connectivity shall be  
11           appointed by the Secretary of Administration. The Division shall receive  
12           administrative support from the Agency.

13           (b) Purposes. The purposes of the Division are to promote:

14           (1) access to affordable broadband service to all residences and  
15           businesses in all regions of the State, to be achieved in a manner that is  
16           consistent with the State Telecommunications Plan;

17           (2) universal availability of mobile telecommunication services,  
18           including voice and high-speed data along roadways, and near universal  
19           availability statewide;

20           (3) investment in telecommunications infrastructure in the State that  
21           creates or completes the network for service providers to create last-mile

1      connection to the home or business and supports the best available and  
2      economically feasible service capabilities;

3            (4) the continuous upgrading of telecommunications and broadband  
4      infrastructure in all areas of the State is to reflect the rapid evolution in the  
5      capabilities of available mobile telecommunications and broadband  
6      technologies, and in the capabilities of mobile telecommunications and  
7      broadband services needed by persons, businesses, and institutions in the  
8      State; and

9            (5) the most efficient use of both public and private resources through  
10     State policies by encouraging the development of open access  
11     telecommunications infrastructure that can be shared by multiple service  
12     providers.

13            (c) Duties. To achieve its purposes, the Division shall:

14            (1) provide resources to local, regional, public, and private entities in the  
15     form of grants, technical assistance, coordination, and other incentives;

16            (2) prioritize the use of existing buildings and structures, historic or  
17     otherwise, as sites for visually-neutral placement of mobile  
18     telecommunications and wireless broadband antenna facilities; and

19            (3) inventory and assess the potential to use federal radio frequency  
20     licenses held by instrumentalities of the State to enable broadband service in  
21     unserved areas of the State; take steps to promote the use of those licensed

1      radio frequencies for that purpose; and recommend to the General Assembly  
2      any further legislative measures with respect to ownership, management, and  
3      use of these licenses as would promote the general good of the State.

4            (4) coordinate telecommunications initiatives among Executive Branch  
5      agencies, departments, and offices.

6            (5) from information reasonably available after public notice to and  
7      written requests made of mobile telecommunications and broadband service  
8      providers, develop and maintain an inventory of locations at which mobile  
9      telecommunications and broadband services are not available within the State,  
10     develop and maintain an inventory of infrastructure that is available or  
11     reasonably likely to be available to support the provision of services to  
12     unserved areas, and develop and maintain an inventory of infrastructure  
13     necessary for the provision of these services to the unserved areas;

14            (6) identify the types and locations of infrastructure and services needed  
15     to carry out the purposes stated in subsection (b) of this section;

16            (7) formulate an action plan that conforms with the State  
17     Telecommunications Plan and carries out the purposes stated in subsection (b)  
18     of this section;

19            (8) coordinate the agencies of the State to make public resources  
20     available to support the extension of mobile telecommunications and  
21     broadband infrastructure and services to all unserved areas;



1            (9) support and facilitate initiatives to extend the availability of mobile  
2            telecommunications and broadband services, and promote development of the  
3            infrastructure that enables the provision of these services; and

4            (10) through the Department of Innovation and Information, aggregate  
5            and broker access at reduced prices to services and facilities required to  
6            provide wireless telecommunications and broadband services; and waive or  
7            reduce State fees for access to State-owned rights-of-way in exchange for  
8            comparable value to the State, unless payment for use is otherwise required by  
9            federal law.

10           (11) receive all technical and administrative assistance as deemed  
11           necessary by the Director for Connectivity.

12           (d)(1) Deployment. The Director may request voluntary disclosure of  
13           information regarding deployment of broadband, telecommunications  
14           facilities, or advanced metering infrastructure that is not publicly funded. Such  
15           information may include data identifying projected coverage areas, projected  
16           average speed of service, service type, and the anticipated date of completion  
17           in addition to identifying the location and routes of proposed cables, wires, and  
18           telecommunications facilities.

19           (2) The Director may enter into a nondisclosure agreement with respect  
20           to any voluntary disclosures under this subsection and the information  
21           disclosed pursuant thereto shall remain confidential. Alternatively, entities that

1     voluntarily provide information requested under this subsection may select a  
2     third party to be the recipient of such information. The third party may  
3     aggregate information provided by the entities, but shall not disclose the  
4     information it has received to any person, including the Director. The third  
5     party shall only disclose the aggregated information to the Director. The  
6     Director may publicly disclose aggregated information based upon the  
7     information provided under this subsection. The confidentiality requirements  
8     of this subsection shall not affect whether information provided to any agency  
9     of the State or a political subdivision of the State pursuant to other laws is or is  
10    not subject to disclosure.

11        (e) Minimum technical service characteristics. **The Division only shall**  
12        **promote the expansion of broadband services that offer actual speeds that**  
13        **meet or exceed the minimum technical service characteristic objectives**  
14        **contained in the State’s Telecommunications Plan.**

15        (f) Annual Report. Notwithstanding 2 V.S.A. § 20(d), on or before  
16        January 15 of each year, the Director shall submit a report of its activities for  
17        the preceding fiscal year to the General Assembly. Each report shall include  
18        an operating and financial statement covering the Division’s operations during  
19        the year, including a summary of all grant awards and contracts and  
20        agreements entered into by the Division, as well as the action plan required

1     under subdivision (c)(7) of this section. In addition, the report shall include a  
2     map and narrative description of each of the following:

3             (1) the areas served and the areas not served by wireless  
4     communications service, as identified by the Department of Public Service,  
5     and cost estimates for providing such service to unserved areas;

6             (2) the areas served and the areas not served by broadband that has a  
7     download speed of at least 0.768 Mbps and an upload speed of at least 0.2  
8     Mbps, as identified by the Department of Public Service, and cost estimates  
9     for providing such service to unserved areas;

10            (3) the areas served and the areas not served by broadband that has a  
11     combined download and upload speed of at least 5 Mbps, as identified by the  
12     Department of Public Service, and the costs for providing such service to  
13     unserved areas; and

14            (4) the areas served and the areas not served by broadband that has  
15     a download speed of at least 100 Mbps and is symmetrical, as identified by  
16     the Department of Public Service, and the costs for providing such service  
17     to unserved areas.

18     Sec. 10. REPEAL

19            3 V.S.A. § 2222b (Secretary of Administration responsible for coordination  
20     and planning); 3 V.S.A. § 2222c (Secretary of Administration to prepare  
21     deployment report); 30 V.S.A. § 8077 (minimum technical service

1     characteristics); and 30 V.S.A. § 8079 (broadband infrastructure investment)  
2     are repealed.

3     Sec. 11. CREATION OF POSITIONS; TRANSFER OF VACANT  
4                 POSITIONS; REEMPLOYMENT RIGHTS

5             (a) The following exempt positions are created within the Division for  
6     Connectivity: one full-time Director and up to six additional full-time  
7     employees as deemed necessary by the Secretary of Administration.

8             (b) The positions created under subsection (a) of this section shall only be  
9     filled to the extent there are existing vacant positions in the Executive Branch  
10    available to be transferred and converted to the new positions in the Division  
11    for Connectivity, as determined by the Secretary of Administration and the  
12    Commissioner of Human Resources, so that the total number of authorized  
13    positions in the State shall not be increased by this act.

14            (c) All full-time personnel of the Vermont Telecommunications Authority  
15    employed by the Authority on the day immediately preceding the effective date  
16    of this act, who do not obtain a position in the Division for Connectivity  
17    pursuant to subsection (a) of this section, shall be entitled to the same  
18    reemployment or recall rights available to non-management State employees  
19    under the existing collective bargaining agreement entered into between the  
20    State and the Vermont State Employees' Association.

21     Sec. 12. TRANSITIONAL PROVISIONS

1        (a) Personnel. The Secretary of Administration shall determine where the  
2        offices of the Division for Connectivity shall be housed.

3        (b) Assets and liabilities. The assets and liabilities of the Vermont  
4        Telecommunications Authority (VTA) shall become the assets and liabilities of  
5        the Agency of Administration.

6        (c) Legal and contractual obligations. The Executive Director of the VTA,  
7        in consultation with the Secretary of Administration, shall identify all grants  
8        and contracts of the VTA and create a plan to redesignate the Agency of  
9        Administration as the responsible entity. The plan shall ensure that all existing  
10        grantors, grantees, and contractors are notified of the redesignation.

11                \* \* \* Conduit Standards; Public Highways \* \* \*

12        Sec. 13. 3 V.S.A. § 2226 is added to read:

13        § 2226. PUBLIC HIGHWAYS; CONDUIT STANDARDS

14        (a) Intent. The intent of this section is to provide for the construction of  
15        infrastructure sufficient to allow telecommunications service providers seeking  
16        to deploy communication lines in the future to do so by pulling the lines  
17        through the conduit and appurtenances installed pursuant to this section. This  
18        section is intended to require those constructing public highways, including  
19        State, municipal, and private developers, to provide and install such conduit  
20        and appurtenances as may be necessary to accommodate future

1      telecommunications needs within public highways and rights-of-way without  
2      further excavation or disturbance.

3            (b) Rules; standards. On or before January 1, 2015, the Secretary of  
4      Administration, in consultation with the Commissioner of Public Service, the  
5      Secretary of Transportation, and the Vermont League of Cities and Towns,  
6      shall adopt rules requiring the installation of conduit and such vaults and other  
7      appurtenances as may be necessary to accommodate installation and  
8      connection of telecommunications lines within the conduit during highway  
9      construction projects. The rules shall specify construction standards with due  
10     consideration given to existing and anticipated technologies and industry  
11     standards. The standards shall specify the minimum diameter of the conduit  
12     and interducts to meet the requirements of this section. All conduit and  
13     appurtenances installed by private parties under this section shall be conveyed  
14     and dedicated to the State or the municipality, as the case may be, with the  
15     dedication and conveyance of the public highway or right-of-way. Any and all  
16     installation costs shall be the responsibility of the party constructing the public  
17     highway.

18            \* \* \* Extension of 248a; Automatic Party Status \* \* \*

19      Sec. 14. 30 V.S.A. § 248a is amended to read:

20      § 248a. CERTIFICATE OF PUBLIC GOOD FOR COMMUNICATIONS

21            FACILITIES

1 (a) Certificate. Notwithstanding any other provision of law, if the applicant  
2 seeks approval for the construction or installation of telecommunications  
3 facilities that are to be interconnected with other telecommunications facilities  
4 proposed or already in existence, the applicant may obtain a certificate of  
5 public good issued by the Public Service Board under this section, which the  
6 Board may grant if it finds that the facilities will promote the general good of  
7 the State consistent with ~~subsection 202c(b) of this title~~ the State  
8 Telecommunications Plan. A single application may seek approval of one or  
9 more telecommunications facilities. An application under this section shall  
10 include a copy of each other State and local permit, certificate, or approval that  
11 has been issued for the facility under a statute, ordinance, or bylaw pertaining  
12 to the environment or land use.

13 \* \* \*

14 (i) Sunset of Board authority. Effective July 1, ~~2014~~ 2016, no new  
15 applications for certificates of public good under this section may be  
16 considered by the Board.

17 \* \* \*

18 (m) Municipal bodies; participation. The legislative body and the planning  
19 commission for the municipality in which a telecommunications facility is  
20 located shall have the right to appear and participate on any application under  
21 this section seeking a certificate of public good for the facility.

1 Sec. 15. 10 V.S.A. § 1264(j) is amended to read:

2 (j) Notwithstanding any other provision of law, if an application to  
3 discharge stormwater runoff pertains to a telecommunications facility as  
4 defined in 30 V.S.A. § 248a and is filed before July 1, ~~2014~~ 2016 and the  
5 discharge will be to a water that is not principally impaired by stormwater  
6 runoff:

7 (1) The Secretary shall issue a decision on the application within 40  
8 days of the date the Secretary determines the application to be complete, if the  
9 application seeks authorization under a general permit.

10 (2) The Secretary shall issue a decision on the application within 60  
11 days of the date the Secretary determines the application to be complete, if the  
12 application seeks or requires authorization under an individual permit.

13 Sec. 16. 10 V.S.A. § 8506 is amended to read:

14 § 8506. RENEWABLE ENERGY PLANT; TELECOMMUNICATIONS  
15 FACILITY; APPEALS

16 (a) Within 30 days of the date of the act or decision, any person aggrieved  
17 by an act or decision of the ~~secretary~~ Secretary, under the provisions of law  
18 listed in section 8503 of this title, or any party by right may appeal to the  
19 ~~public service board~~ Public Service Board if the act or decision concerns a  
20 renewable energy plant for which a certificate of public good is required under  
21 30 V.S.A. § 248 or a telecommunications facility for which the applicant has



1 applied or has served notice under 30 V.S.A. § 248a(e) that it will apply for  
2 approval under 30 V.S.A. § 248a. This section shall not apply to a facility that  
3 is subject to section 1004 (dams before the Federal Energy Regulatory  
4 Commission) or 1006 (certification of hydroelectric projects) or chapter 43  
5 (dams) of this title. This section shall not apply to an appeal of an act or  
6 decision of the ~~secretary~~ Secretary regarding a telecommunications facility  
7 made on or after July 1, ~~2014~~ 2016.

8 \* \* \*

9 Sec. 17. 2011 Acts and Resolves No. 53, Sec. 14d is amended to read:

10 Sec. 14d. PROSPECTIVE REPEALS; EXEMPTIONS FROM  
11 MUNICIPAL BYLAWS AND ORDINANCES

12 Effective July 1, ~~2014~~ 2016:

13 (1) 24 V.S.A. § 4413(h) (limitations on municipal bylaws) shall be  
14 repealed; and

15 (2) 24 V.S.A. § 2291(19) (municipal ordinances; wireless  
16 telecommunications facilities) is amended to read:

17 \* \* \*

18 Sec. 18. 3 V.S.A. § 2809 is amended to read:

19 § 2809. REIMBURSEMENT OF AGENCY COSTS

20 (a)(1) The Secretary may require an applicant for a permit, license,  
21 certification, or order issued under a program that the Secretary enforces under

1      10 V.S.A. § 8003(a) to pay for the cost of research, scientific, programmatic,  
2      or engineering expertise provided by the Agency of Natural Resources,  
3      provided:

4            (A) ~~the~~ The Secretary does not have such expertise or services and  
5      such expertise is required for the processing of the application for the permit,  
6      license, certification, or order; ~~or,~~

7            (B) ~~the~~ The Secretary does have such expertise but has made a  
8      determination that it is beyond the ~~agency's~~ Agency's internal capacity to  
9      effectively utilize that expertise to process the application for the permit,  
10     license, certification, or order. In addition, the Secretary shall determine that  
11     such expertise is required for the processing of the application for the permit,  
12     license, certification, or order.

13            (2) The Secretary may require an applicant under 10 V.S.A. chapter 151  
14     to pay for the time of Agency of Natural Resources personnel providing  
15     research, scientific, or engineering services or for the cost of expert witnesses  
16     when ~~agency~~ Agency personnel or expert witnesses are required for the  
17     processing of the permit application.

18            (3) In addition to the authority set forth under 10 V.S.A. chapters 59 and  
19     159 and § section 1283, the Secretary may require a person who caused the  
20     ~~agency~~ Agency to incur expenditures or a person in violation of a permit,  
21     license, certification, or order issued by the Secretary to pay for the time of

1 ~~agency~~ Agency personnel or the cost of other research, scientific, or  
2 engineering services incurred by the ~~agency~~ Agency in response to a threat to  
3 public health or the environment presented by an emergency or exigent  
4 circumstance.

5 \* \* \*

6 (g) Concerning an application for a permit to discharge stormwater runoff  
7 from a telecommunications facility as defined in 30 V.S.A. § 248a that is filed  
8 before July 1, ~~2014~~ 2016:

9 (1) Under subdivision (a)(1) of this section, the ~~agency~~ Agency shall not  
10 require an applicant to pay more than \$10,000.00 with respect to a facility.

11 (2) The provisions of subsection (c) (mandatory meeting) of this section  
12 shall not apply.

13 \* \* \* Administration Report; E-911; Vermont Communications  
14 Board; VCGI; FirstNet \* \* \*

15 Sec. 19. ADMINISTRATION REPORT; TRANSFERS AND  
16 CONSOLIDATION

17 (a) On January 1, 2015, the Secretary of Administration shall submit a  
18 report to the General Assembly proposing a plan for transferring the  
19 responsibilities and powers of the Enhanced 911 Board, including necessary  
20 positions, to the Division for Connectivity, the Department of Public Service,  
21 or the Department of Public Safety, as he or she deems appropriate. The plan

1      shall include budgetary recommendations and shall strive to achieve annual  
2      operational savings of at least \$300,000.00, as well as enhanced coordination  
3      and efficiency, and reductions in operational redundancies. The report shall  
4      include draft legislation implementing the Secretary’s plan. In addition, the  
5      report shall include a draft recommendation for transferring  
6      telecommunications-related positions, responsibilities, and resources of the  
7      Vermont Center for Geographic Information to the Department of Public  
8      Service.

9            (b) As part of the report required in subsection (a) of this section, the  
10      Secretary shall also make findings and recommendations regarding the status  
11      of the Vermont Communications Board, Department of Public Safety, and the  
12      **Vermont Public Safety Broadband Network Commission (Vermont**  
13      **FirstNet)**. If not prohibited by federal law, the Secretary shall propose draft  
14      legislation creating an advisory board within the Division for Connectivity or  
15      the Department of Public Safety comprised of 15 members appointed by the  
16      Governor to assume functions of the current Enhanced 911 Board, the  
17      Vermont Communications Board, the Vermont Public Safety Broadband  
18      Network Commission (FirstNet), and relevant telecommunications-related  
19      aspects of the Vermont Center for Geographic Information Board of Directors,  
20      as the Secretary deems appropriate. Upon establishment of the new advisory

1      board and not later than July 1, 2015, the E-911 Board and the Vermont  
2      Communications Board shall cease to exist.

3                              **\*\*\* DPS Deployment Report \*\*\***

4      Sec. 20. DEPARTMENT OF PUBLIC SERVICE; DEPLOYMENT REPORT

5              On July 15, 2015, the Commissioner of Public Service shall submit to the  
6      General Assembly a report, including maps, indicating the service type and  
7      average speed of service of mobile telecommunications and broadband  
8      services available within the State by census block as of June 30, 2015.

9                              **\*\*\* VTA; Dormant Status \*\*\***

10      Sec. 21. 30 V.S.A. § 8060a is added to read:

11      § 8060a. PERIOD OF DORMANCY

12              Beginning on July 1, 2015, the Division for Connectivity established under  
13      3 V.S.A. § 2225 shall become the successor in interest to and the continuation  
14      of the Vermont Telecommunications Authority. The Authority shall cease all  
15      operations and shall not resume its duties as specified under this chapter or  
16      under any other Vermont law unless directed to do so by enactment of the  
17      General Assembly.

18                              **\*\*\* Telecommunications; CPGs; Annual Renewals;**

19    **Retransmission Fees \*\*\***

20      Sec. 22. 30 V.S.A. § 231 is amended to read:

1 § 231. CERTIFICATE OF PUBLIC GOOD; ABANDONMENT OF  
2 SERVICE; HEARING

3 (a) A person, partnership, unincorporated association, or previously  
4 incorporated association, which desires to own or operate a business over  
5 which the ~~public service board~~ Public Service Board has jurisdiction under the  
6 provisions of this chapter shall first petition the ~~board~~ Board to determine  
7 whether the operation of such business will promote the general good of the  
8 ~~state~~, State and conforms with the State Telecommunications Plan, if  
9 applicable, and shall at that time file a copy of any such petition with the  
10 ~~department~~ Department. The ~~department~~ Department, within 12 days, shall  
11 review the petition and file a recommendation regarding the petition in the  
12 same manner as is set forth in subsection 225(b) of this title. Such  
13 recommendation shall set forth reasons why the petition shall be accepted  
14 without hearing or shall request that a hearing on the petition be scheduled. If  
15 the ~~department~~ Department requests a hearing on the petition, or, if the ~~board~~  
16 Board deems a hearing necessary, it shall appoint a time and place in the  
17 county where the proposed corporation is to have its principal office for  
18 hearing the petition, and shall make an order for the publication of the  
19 substance thereof and the time and place of hearing two weeks successively in  
20 a newspaper of general circulation in the county to be served by the petitioner,  
21 the last publication to be at least seven days before the day appointed for the

1 hearing. The ~~director for public advocacy~~ Director for Public Advocacy shall  
2 represent the public at such hearing. If the ~~board~~ Board finds that the operation  
3 of such business will promote the general good of the ~~state~~, State and will  
4 conform with the State Telecommunications Plan, if applicable, it shall give  
5 such person, partnership, unincorporated association or previously  
6 incorporated association a certificate of public good specifying the business  
7 and territory to be served by such petitioners. For good cause, after  
8 opportunity for hearing, the ~~board~~ Board may amend or revoke any certificate  
9 awarded under the provisions of this section. If any such certificate is revoked,  
10 the person, partnership, unincorporated association, or previously incorporated  
11 association shall no longer have authority to conduct any business which is  
12 subject to the jurisdiction of the ~~board~~ Board whether or not regulation  
13 thereunder has been reduced or suspended, under section 226a or 227a of  
14 this title.

15 (b) A company subject to the general supervision of the ~~public service~~  
16 ~~board~~ Public Service Board under section 203 of this title may not abandon or  
17 curtail any service subject to the jurisdiction of the ~~board~~ Board or abandon all  
18 or any part of its facilities if it would in doing so effect the abandonment,  
19 curtailment or impairment of the service, without first obtaining approval of  
20 the ~~public service board~~ Board, after notice and opportunity for hearing, and  
21 upon finding by the ~~board~~ Board that the abandonment or curtailment is

1 consistent with the public interest and the State Telecommunications Plan, if  
2 applicable; provided, however, this section shall not apply to disconnection of  
3 service pursuant to valid tariffs or to rules adopted under section 209(b) and (c)  
4 of this title.

5 Sec. 23. 30 V.S.A. § 504 is amended to read:

6 § 504. CERTIFICATES OF PUBLIC GOOD

7 (a) Certificates of public good granted under this chapter shall be for a  
8 period of 11 years.

9 (b) Issuance of a certificate shall be after opportunity for hearing and  
10 findings by the ~~board~~ Board that the applicant has complied or will comply  
11 with requirements adopted by the ~~board~~ Board to ensure that the system  
12 provides:

13 (1) designation of adequate channel capacity and appropriate facilities  
14 for public, educational, or governmental use;

15 (2) adequate and technically sound facilities and equipment, and signal  
16 quality;

17 (3) a reasonably broad range of public, educational, and governmental  
18 programming;

19 (4) the prohibition of discrimination among customers of basic  
20 service; ~~and~~



1           (5) basic service in a competitive market, and if a competitive market  
2 does not exist, that the system provides basic service at reasonable rates  
3 determined in accordance with section 218 of this title; and

4           (6) service that conforms with the relevant provisions of the State  
5 Telecommunications Plan.

6           (c) In addition to the requirements set forth in subsection (b) of this section,  
7 the ~~board~~ Board shall ~~insure~~ ensure that the system provides or utilizes:

8           (1) a reasonable quality of service for basic, premium or otherwise,  
9 having regard to available technology, subscriber interest, and cost;

10           (2) construction, including installation, which conforms to all applicable  
11 ~~state~~ State and federal laws and regulations and the National Electric Safety  
12 Code;

13           (3) a competent staff sufficient to provide adequate and prompt service  
14 and to respond quickly and comprehensively to customer and ~~department~~  
15 Department complaints and problems;

16           (4) unless waived by the ~~board~~ Board, an office which shall be open  
17 during usual business hours, have a listed toll-free telephone so that complaints  
18 and requests for repairs or adjustments may be received; and

19           (5) reasonable rules and policies for line extensions, disconnections,  
20 customer deposits, and billing practices.

1 (d) A certificate granted to a company shall represent nonexclusive  
2 authority of that company to build and operate a cable television system to  
3 serve customers only within specified geographical boundaries. Extension of  
4 service beyond those boundaries may be made pursuant to the criteria in  
5 ~~section 504 of this title~~ this section, and the procedures in section 231 of  
6 this title.

7 **(e) Subdivision (b)(6) of this section (regarding conformity with the**  
8 **State Telecommunications Plan) shall apply only to certificates that expire**  
9 **or new applications that are filed after the year 2014.**

10 Sec. 24. 30 V.S.A. § 518 is added to read:

11 **§ 518. DISCLOSURE OF RETRANSMISSION FEES**

12 A retransmission agreement entered into between a commercial  
13 broadcasting station and a cable company pursuant to 47 U.S.C. § 325 shall not  
14 include terms prohibiting the company from disclosing to its subscribers any  
15 fees incurred for program content retransmitted on the cable network under the  
16 retransmission agreement.

17 \* \* \* Statutory Revision Authority \* \* \*

18 Sec. 25. LEGISLATIVE COUNCIL STATUTORY REVISION

19 AUTHORITY; LEGISLATIVE INTENT

1           (a) The staff of the Office of the Legislative Council in its statutory  
2           revision capacity is authorized and directed to amend the Vermont Statutes  
3           Annotated as follows:

4                     (1) deleting all references to “by the end of the year 2013” in 30 V.S.A.  
5           chapter 91; and

6                     (2) during the interim of the 2015 biennium of the General  
7           Assembly, in 30 V.S.A. § 227e, replacing every instance of the words  
8           “Secretary of Administration” and “Secretary” with the words “Director  
9           for Connectivity” and “Director,” respectively.

10           (b) Any duties and responsibilities that arise by reference to the  
11           Division for Connectivity in the Vermont Statutes Annotated shall not be  
12           operative until the Division is established pursuant to 3 V.S.A. § 2225.

13                                     \* \* \* Effective Dates \* \* \*

14           Sec. 26. EFFECTIVE DATES

15                     This act shall take effect on passage, except that Secs. 9, 10, and 11  
16           (regarding the Division for Connectivity) shall take effect on July 1, 2015.

17

18           and that after passage the title of the bill be amended to read: “An act relating  
19           to Vermont telecommunications policy”

20

21

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

2

\_\_\_\_\_

3

Senator \_\_\_\_\_

4

FOR THE COMMITTEE