



**Testimony of
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**In Opposition to
Vermont H 657**

**Before the
Vermont Senate Committee on Finance**

April 11, 2024

Chair, Vice-Chair and members of the committee, on behalf of CTIA®, the trade association for the wireless communications industry, I am testifying in opposition to H. 657 related to communications taxes and fees.

At a time of exploding consumer demand for wireless services, our industry is working hard to deploy and upgrade infrastructure and create jobs and economic growth for Vermont communities. Success in these efforts depends on a tax, fee and regulatory framework that welcomes investment. This predictability fuels economic growth in Vermont, where our industry supports nearly 7,000 jobs and generates \$500 million in state GDP growth. Unfortunately, the regulatory policies included in H. 657 will slow deployment and put economic growth at risk.

Our members recognize the important role that state government plays in overseeing State-owned rights-of-way (ROW) in Vermont. However, we have serious concerns that the data collection processes included in Section 13 of this bill related to providing “a detailed inventory of all property in the State-owned right-of-way” is redundant with already existing state government processes required under Vermont state law. Additionally, the manner in which Section 13 prescribes this data collection is unworkable and unnecessarily burdensome.

First, Section 13(e) is redundant and unnecessary given existing policy described in § 30 V.S.A. 227b. Under current state law, the Secretary of Administration is designated as the exclusive licensing and leasing agent for wireless facilities on all state property, including state land,



structures and roads and property under the jurisdiction of VTrans. Based on section 227b(a)(1), the Secretary of Administration should already have all the leasing and licensing information necessary for any kind of information collection. Additionally, for any provider whose small cell sites are permitted pursuant to Vermont's Section 248a, the Department as well as the Public Utilities Commission already has this locational and equipment-based information. Those agencies should be able to compile the information using ePUC without imposing a new and entirely separate regulatory process on wireless carriers.

Second, the bill requires that "All other communications property shall be subject to a fair, reasonable, and nondiscriminatory fee schedule established by the Secretary of Transportation." However, it is unclear the extent to which VTrans has expertise in assessing communications property. For example, the definition of "communications property" in the bill is so broad as to encompass components and parts beyond the physical location within any one portion of the ROW. We are concerned about whether VTrans will have the level of understanding of communications property needed to undertake this data collection. At minimum, this type of effort would be better situated within or in close collaboration with the Department of Public Service (DPS).

Third and relatedly, the inventory collection requirement to be housed within VTrans, which includes developing a form, keeping track of equipment and routine auditing, seems unusually burdensome and better achieved by the Department of Public Service. DPS already has a means of collecting and keeping this information confidential, specifically through its annual report process at the PUC where our members provide exchange information. Finally, while the bill includes a Public Records Act exemption, it would make more sense to memorialize this protection in the Public Records Act itself.

Given existing Vermont law, the highly complex nature of wireless infrastructure and already existing data collection processes, we strongly oppose this data collection effort as currently drafted. For these reasons, CTIA opposes H. 657.