HOUSE . . . . . No. 3678

By Mr. Atsalis of Barnstable, a petition (subject to Joint Rule 12) of Demetrius J. Atsalis for legislation to prohibit the development of wind electric generation facilities detrimental to the operation of structures used for the transmission of radio or telecommunications. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act to protect the broadcasting industry and promote renewable energy.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to save and create jobs, provide economic relief to the people of the Commonwealth of Massachusetts, and increase renewable electricity generation, and conserve and protect the natural resources of the Commonwealth of Massachusetts, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. This Act shall be entitled the "The Broadcasting Industry Protection Act", and shall be construed in a manner to achieve its public purpose, which is to ensure that renewable energy generation facilities do not interfere with transmissions from a telecommunications or radio structure.

SECTION 2. Notwithstanding any general or special law, rule, or regulation to the contrary, by December 31, 2011, the department of public utilities shall conduct a public hearing and perform a study to evaluate the economic consequences to the broadcasting industry of the transmission obstruction and interference created by the development of a wind turbine within 2000 feet of a radio or telecommunications structure. The department of public utilities shall develop and issue, by Marsh first of 2012, a report which shall detail the level of interference caused by a wind turbine within 2000 feet of a radio or telecommunications structure. The department may include in such report recommendations to address any identified electronic interfere issues caused by a wind turbine. The department is hereby authorized and directed to promulgate rules and regulations necessary to carry out the provisions of this section. The department is hereby further authorized and directed to determine whether any rules and

16 regulations shall be promulgated with regard energy facility siting board approvals in order to
17 carry out the provisions of this section

18 SECTION 3. Notwithstanding any general or special law, rule or regulation to the
19 contrary, beginning January 1, 2012, local permits for the development of a wind electric
20 generation facility shall not be issued in the Commonwealth without an affirmation of the permit
21 applicant that said wind electric generation facility does not interfere or cause electric
22 interference upon a radio or telecommunications structure.