

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Petition of New Cingular Wireless PCS, LLC)
d/b/a AT&T pursuant to 30 V.S.A. § 248a for a)
Certificate of Public Good to install a) Case No. 20-____-PET
telecommunications facility at Grand Isle,)
Vermont)

**PROJECT NARRATIVE:
248A REGULAR PROJECT (NEW TOWER)**

I. Introduction

By this Petition, New Cingular Wireless PCS, LLC d/b/a AT&T (“AT&T”) seeks approval from the Vermont Public Utility Commission (the “PUC”) to install a new telecommunications facility located at 10 Island Circle, Grand Isle, Vermont (the “Property” or “Site”), on property owned by the Grand Isle Sheriff’s Department (“GISD”).

An overview of the characteristics of the Site where the Project is located is as follows:

| | |
|--------------------------------|--|
| Proposed Tower Location | 10 Island Circle, Grand Isle, VT, Grand Isle County |
| SPAN | 255-081-10537 |
| Zoning District | Commercial / Light Industrial |
| Latitude | 44° 42’ 15.81” |
| Longitude | -73° 18’ 05.75” |
| Closest State/Fed Hwy | U.S. Route 2 |
| Access Route | From Island Drive past rear of GISD Headquarters |
| Construction Access | Temporary access from U.S. Route 2 over Town of Grand Isle “stump dump” property to the north of Site. |
| Tower Owner | AT&T or its assignee |
| Tower Height / Type | 180’ AGL monopole self-support (brown) |
| Earth Disturbance | Temporary: ±5,771 sq. ft.; Permanent: ±2,500 sq. ft. |
| New Impervious Surface | Temporary: ±2,200 sq. ft.; Permanent 0 sq. ft. |
| Vegetative Removal | ±58.6 sq. ft. |
| Prior Act 250 Permit | 6G0563 (for the industrial park subdivision) |

This petition is filed pursuant to the PUC’s “Sixth Amended Order implementing standards and procedures for issuance of a certificate of public good for communications facilities pursuant to 30 V.S.A. § 248a,” dated September 21, 2018 (the “Procedures Order”).

II. Project Description and 248a Categorization

The proposed facility on the Property will generally consist of the following components (the “Facility” or “Project”):

1. A self-supporting monopole telecommunications tower measuring 180’ aboveground level (“AGL”), painted dark brown (the “Tower”);
2. Six (6) panel antennas, three (3) measuring approximately 96” x 21” and three (3) measuring approximately 96” x 20.7”, all mounted on the Tower at a centerline height of 176’ aboveground level, and painted dark brown to match the Tower;
3. Eighteen (18) remote radio head units (“RRUs”) and nine (9) surge arrestors, mounted behind the panel antennas around the Tower at roughly 176’ AGL;
4. A 6’ 6” x 6’ 6” walk in cabinet situated on an 8’ x 8’ concrete pad for housing AT&T’s antenna operating equipment (the “WIC”);
5. A 20kW diesel emergency backup generator with self-contained diesel fuel source mounted on a 4’ x 6’ concrete pad to be located to the south of the WIC (the “Generator”);
6. A 50’ x 50’ communications site gravel compound to enclose the Tower, the WIC, the Generator, and other appurtenances within an 8’ high fence with privacy slats, to be accessed by a 12’ wide access gate (the “Compound”);
7. A 12’ wide temporary gravel access road extending approximately 180’ from U.S. Route 2 off of the Town-owned “stump dump” parcel to the north of the Site, and leading to the Compound on the Property boundary (the “Temporary Access Road”);
8. Utilities (power and telephone) running from an existing utility pole on the Property underground to a new meter bank inside the Compound; and
9. An ice bridge, GPS antenna, and other equipment and appurtenances located within the Compound, to be used in connection with the operation of the Facility.

Site Plans depicting each feature of the Facility, and providing vertical profiles and surrounding tree heights, are attached as Exhibit AT&T 5C and 5C-1. Equipment Specifications for the antennas and RRUs are provided as Exhibit AT&T 5D. Viewshed maps with photo log keys and photographic simulations showing the dark brown color of the Tower are attached as Exhibit AT&T 5E.

As reflected in the Memorandum of Lease enclosed as Exhibit AT&T 5F, AT&T has entered into a Lease Agreement with GISD authorizing AT&T to proceed with the permit approval process. AT&T has also entered into a License Agreement with the Town of Grand Isle authorizing use of the “stump dump” parcel for the Temporary Access Road, attached as Exhibit AT&T 5G.

As shown on Sheet No. A01 of the Site Plans (Exhibit AT&T 5C), construction of the Facility will involve permanent earth disturbance of 2,500 square feet (i.e., 0.057 acres). The Project will not require a stormwater construction permit from the Agency of Natural Resources, and the construction plan is designed to meet the requirements of the Department of Environmental Conservation *Low Risk Handbook for Erosion Prevention and Sediment Control*.

This proceeding is subject to the general authority and limitations of the Telecommunications Act of 1996, 47 U.S.C. § 332(c)(7)(B)(i)-(v), and the corresponding regulations promulgated by the Federal Communications Commission (“FCC”), as it involves a decision by the State of Vermont regarding the placement, construction, and modification of a personal wireless service facility. AT&T hereby preserves its rights under the Telecommunications Act to the extent necessary to proceed with the Project.

III. Project Objective and Public Good (30 V.S.A. § 248a(a) and 202c(b))

In 2017, AT&T was awarded a contract to buildout in Vermont the nationwide, interoperable network for first responders featuring uninterrupted data / voice access during emergencies. The First Responder Network Authority (“FirstNet”) is a federal agency with a mandate to create a nationwide, interoperable public safety broadband network for first responders. First responders across the country currently rely on more than 10,000 separate radio networks which often times do not interoperate with one another. By deploying a nationwide broadband public safety network built specifically to meet the communications needs of first responders, the FirstNet network will provide a solution to the decades-long interoperability and communications challenges first responders have experienced, and which was highlighted by the 9/11 Commission’s final report.

FirstNet selected AT&T to build, manage and operate the National Public Safety Broadband Network (“NPSBN”) using FirstNet’s Band 14 spectrum (Call Sign WQQE234, 20 MHz of the 700 MHz spectrum) together with AT&T’s own wireless network. Using a combination of new and existing wireless facilities, AT&T provides prioritized, preemptive wireless services for first responders across Vermont, New England and nationwide, while also improving 4G LTE coverage for AT&T customers. AT&T works closely with local, state, and federal first responders in designing the FirstNet network and selecting each new site.

The Project will promote the public good through direct improvement of public safety capabilities in this area. Specifically, this area of U.S. Route 2 in the north / northeastern section of Grand Isle was identified by the Vermont Public Safety Broadband Commission in working with FirstNet to identify areas where state and local first responders have no reliable wireless coverage.¹ AT&T’s selection of the proposed Project is in furtherance of ensuring that these and other gaps in wireless coverage are eliminated as part of implementing FirstNet interoperability in Vermont. Beyond its importance for FirstNet, the Project will expand and improve AT&T’s wireless service coverage in Grand Isle and the Champlain Islands, and feature sufficient space for future collocation on the Tower, all consistent with 30 V.S.A. § 202c(b).

¹ More information concerning the Vermont Public Safety Broadband Commission and its involvement with FirstNet can be found on the Department of Public Safety’s Radio Technology Services website: <https://rts.vermont.gov/firstnet-vermont>.

A radiofrequency report prepared by independent consultants C Squared Systems, LLC containing propagation maps to depict AT&T's existing coverage in Grand Isle from adjacent sites (see Exhibit 1 in the report), and showing the effect of installing the proposed Project, are attached as Exhibit AT&T 5H. The propagation maps in the report focus on a combination of primarily in-building coverage (Exhibits 3 and 4), as well as outdoor / road-based coverage (Exhibits 5 and 6).

As described in the report, the net effect the Project from an outdoor coverage perspective will be to cover approximately 5.0 miles of U.S. Route 2, 2.0 miles of East Shore Street, 2.3 miles of Reynolds Road, and additional mileage along VT Route 314. The Facility will also provide wireless coverage at a 700 MHz frequency to approximately 1,000 residents in the area, while covering commercial businesses with roughly 170 employees. Exhibit AT&T 5H at 5-6. Thus beyond FirstNet capabilities for first responders, the Site will have significant benefits for wireless consumers in the area.

IV. Environmental Siting Criteria (30 V.S.A. § 248a(c)(1))

The Project will not have an undue adverse effect on aesthetics, historic sites, air and water purity, the natural environment, the public health and safety, or the public's use and enjoyment of the I-91 or I-89 corridors or other scenic roads and byways, pursuant to 30 V.S.A. § 248a(c)(1), as informed by the Procedures Order. AT&T has considered the criteria set forth in 10 V.S.A. §§ 6086(a)(1) through (8) and 9(K), and submits that its Project to construct and operate the Facility complies with each of these criteria, as discussed more fully below.

A. Undue Water Pollution (10 V.S.A. §6086(a)(1))

The Facility will not have an undue adverse effect on water purity. The Project will not involve the use of water for commercial or industrial manufacturing or processing. Any water that is needed in connection with cleanup following construction activities will be brought in from sources off of the Property, and will be *de minimis*. The Project will not involve the discharge of waste or process water into ground water or wells.

B. Undue Air Pollution / Noise (10 V.S.A. §6086(a)(1))

The Facility will not have an undue adverse impact on air purity. The 20kW generator will be used only in the case of a prolonged outage (i.e., after exhaustion of the 8-hour battery backup), and will otherwise be run for roughly one-half hour each week during daylight hours. The HVAC equipment within the WIC is equipped with noise reduction kits that reduce the noise to between 58 dBA and 65.7 dBA at a range of 5 feet, with sound trailing off at distances outside of the compound (i.e., approximately the noise level produced by a conventional electric fan). The total noise from the HVA equipment is expected to be within the World Health Organization guidelines for nighttime noise levels at the nearest property boundaries.

C. Reduction in Quality of Headwaters (10 V.S.A. §6086(a)(1)(A))

As there are no headwaters in the vicinity of the Project (as confirmed by the Wetland/Waters Delineation report prepared by VHB ecologist Mitchell Jackman, enclosed as Exhibit AT&T 5I), this criterion is not applicable.

D. Waste Disposal (10 V.S.A. §6086(a)(1)(B))

The Project will involve no disposal of solid waste or other wastes.

E. Water Conservation (10 V.S.A. §6086(a)(1)(C))

The Project involves no use of any municipal or private on-site water supply and thus the criterion is not applicable. Any water used for post-construction cleanup will be brought from off site.

F. Floodways (10 V.S.A. §6086(a)(1)(D))

As confirmed based on a desktop review by CBRE, Inc. Telecom Advisory Services as part of AT&T's responsibilities pursuant to the National Environmental Policy Act of 1970 ("NEPA"), the Project will not be located in a FEMA Flood Zone. See Exhibit AT&T 5J.

G. Streams (10 V.S.A. §6086(a)(1)(E))

The Project will not be located within the vicinity of any streams, and requires no stream crossing permit from ANR. See Exhibit AT&T 5I (VHB Report).

H. Shorelines (10 V.S.A. §6086(a)(1)(F))

The Project is not located near a shoreline, and thus the criterion is inapplicable. See Exhibit AT&T 5I (VHB Report).

I. Wetlands (10 V.S.A. §6086(a)(1)(G))

A Class 2 wetland (2019-1-1) is shown on Page C01 of the site plans (Exhibit AT&T 5C) as situated on the eastern side of the Property, and a buffer extending to roughly 27' of the proposed Compound. Based on the VHB Report enclosed as Exhibit AT&T 5I, the Project will not be located within a wetland or wetland buffer; however, the field survey completed by VHB was done outside of the growing season. In an abundance of caution based on discussions with the Agency of Natural Resources ("ANR"), and as reflected in Notes 20-22 on the site plan drawings (Page C01), the delineation will be reconfirmed at the commencement of growing season for review by ANR. In the event that the Project footprint will impact the wetland buffer, and save for allowed uses, AT&T will apply for any required wetland permits. AT&T will also flag the wetland buffer in advance of construction to avoid impacts to the buffer. These same notes are included in the proposed conditions accompanying the draft certificate of public good.

J. Water Supply (10 V.S.A. §6086(a)(2) and (3))

The Project involves no use of any water supply and thus neither criteria are applicable to the Project. Any water used for post-construction cleanup will be brought from off site.

K. Soil Erosion / Soil Water Retention Capacity (10 V.S.A. §6086(a)(4))

For construction and post-construction activities, AT&T’s personnel will comply with Vermont standards and specifications for erosion prevention and sediment control as set forth in the Department of Environmental Conservation *Low Risk Site Handbook for Erosion Prevention and Sediment Control* to ensure that any soil erosion associated with the Project is minimized through periodic inspections of the work in progress and that disturbed areas are properly stabilized upon completion. Any disturbed soils on the Property will be re-used on the Property post-construction, rather than being removed.

L. Traffic Impacts (10 V.S.A. §6086(a)(5))

Pursuant to the License Agreement attached as Exhibit AT&T 5G, construction traffic associated with the Project shall take place from the existing driveway off of U.S. Route 2 where the Town of Grand Isle “stump dump” property is located. The period of most intense construction will occur over a one-to-two month period. AT&T agrees to adhere to the PUC’s standard conditions confining construction to occur only between 7:00am and 7:00pm on weekdays, and between 8:00 am to 5:00pm on Saturdays, while prohibiting construction activities on Sundays and state / federal holidays. The License Agreement for the Access Road expires within a year (unless extended due to delays), after which time AT&T will either leave the Access Road in place or remove it, consistent with the Town’s preferences.

Following installation of the Facility, trips will occur on a scale of approximately one visit every one to two months, and will take place from Island Circle Drive around the rear of the GISD headquarters. Given the overall volume of traffic on U.S. Route 2, construction and maintenance of the Facility will contribute only marginally to overall volume of traffic in the area.

M. Educational Services (10 V.S.A. §6086(a)(6))

The Project will have no effect on educational services in Grand Isle, as it will not result in any new students being added to the rolls. Consequently, the criterion is not applicable.

N. Municipal or Governmental Services (10 V.S.A. §6086(a)(7))

The Project will not adversely affect municipal or governmental services. Rather, the Project will enhance the ability of subscribing first responders in the area—including the GISD—to use priority data service on handheld devices to respond and intercommunicate among other first responders during regular and emergency situations, particularly through subscriptions to FirstNet. The Project also provides an economic benefit to the Town (through the license fee) and GISD (through monthly rent). As demonstrated from the Town’s minutes (Exhibit AT&T 5O) and recommendation letter (Exhibit AT&T 5P), the Town is supportive of the Project.

O. Aesthetics (10 V.S.A. §6086(a)(8), 30 V.S.A. §248a(c)(1))

The Project will not have an undue adverse effect on the scenic or natural beauty of the area or aesthetics. The two-pronged approach set forth in *Quechee Lakes* for addressing aesthetic effects is settled law and applies in reviewing this 248a application. *Petition of New Cingular Wireless PC, LLC (Weston)*, Docket No. 7729, Order of 6/6/11 at 10. First, the PUC must determine

whether the proposed Project will have an adverse effect. If the Project is found to have an adverse effect, the PUC then looks to whether the effect is undue based upon the answer to three questions:

(1) does the project violate a clear, written community standard intended to preserve the aesthetics or scenic, natural beauty of the area; (2) does the project offend the sensibilities of the average person; and (3) has the applicant failed to take generally available mitigating steps that a reasonable person would take to improve the harmony of the proposed project with its surroundings.

In re Rinkers, Inc., 2011 VT 78, ¶ 9 (citing *Eastview at Middlebury*, 2009 VT 98, ¶ 20). An assessment of whether a particular project will have an undue adverse effect “is significantly informed by the overall societal benefits of the project.” *Petition of SBA Towers III, Inc., and New Cingular Wireless PCS, LLC*, Docket 7721, Order of 4/20/11 at 8 n.4 (“Consider, for example, the benefits of an increase in wireless telecommunications services or other societal benefits.”).

As demonstrated by the Photographic Simulations prepared by Virtual Site Simulations, LLC and provided as Exhibit AT&T 5E, developed following a duly-warned balloon test, the Project will have an effect on the overall appearance of the area; however, this effect will not be undue for the reasons set forth below.

(a) Written Community Standard.

The Project does not violate any written community standard of the Town of Grand Isle Town Plan or the Northwest Regional Plan, for the reasons set forth in the discussion contained in Part VI, below. The Grand Isle Zoning Bylaws dated March 20, 2017 (“Bylaws”) contain certain aesthetic provisions in Appendix D, Section I, including a requirement that any project extending more than 20 feet above the average tree elevation be necessary to provide wireless telecommunications service capacity or coverage, or to facilitate collocation. Although the height of the Tower will project well above the 45’ surrounding tree canopy, the additional height is needed to both achieve the propagation objectives for FirstNet to reach the northernmost portion of U.S. Route 2 and surrounding neighborhoods near the Grand Isle / North Hero Causeway. The Tower will also have sufficient space for at least three (3) additional commercial carriers, while still accommodating other public safety antennas for GISD and other organizations.

(b) Shocking and Offensive.

The Project will not be shocking and offensive to the average person. No lighting or marking of the Tower is proposed. Moreover, the Photographic Simulations and the Viewshed Maps, provided as Exhibit AT&T 5E (Photographic Simulations), demonstrate that the Facility will be visible principally at the GISD Headquarters and on the corner of U.S. Route 2 and Allen Road (see photo locations 1-4), but with substantially reduced or no visibility in the dense residential areas along East Shore Road and Champlain Boulevard due to existing trees on conservation areas east of the Property (as shown in locations 6, 9, 10, 12, 14, 15, 18 and 19).

(c) Mitigation.

AT&T took steps to mitigate any adverse effects the Project might have on the surrounding area by locating it in an area that provides coverage along U.S. Route 2, while staying out of more dense residential areas near Lover's Lane (towards the northern portion of the island) or the East Shore Drive / Champlain Boulevard areas along the eastern coast. *See Exhibit AT&T 5E* (Photographic Simulations). The combination of topography, vegetation and location/orientation of surrounding roads and buildings, together with conserved forests, effectively avoid the eye being drawn towards the Tower from many locations for more than intermittent views.

AT&T and GISD also proposed the brown color of the Tower and appurtenances to blend better with other existing utility infrastructure (i.e., distribution poles) along U.S. Route 2, as well as the surrounding trees in "leaf off" conditions, and to avoid issues with glare that can sometimes be associated with galvanized grey steel.

AT&T investigated whether the Tower's height could be reduced to 140' (consistent with the "limited size and scope" definition in 248a(b)(4)(A)(i)). Ultimately, AT&T's radiofrequency engineers concluded that a reduction in height would compromise coverage on the northern / northeastern areas of Grand Isle, while all but eliminating any reasonable prospect of collocation by other carriers (due to where other predominant coverage already exists in the Champlain Islands). Moreover, as reflected in the Memorandum of Understanding between the Town, AT&T, and GISD (attached as Exhibit AT&T 5N), the Site represents a compromise between AT&T's preferred technical location closer to the Lover's Lane neighborhood, and the Town's objective to find a less objectionable, less residential area for a tower to provide coverage, while also securing broader public benefits than is the case with a tower on private land.

AT&T's steps to mitigate the visual impact of the Project must be balanced against the competing demands of providing coverage within the area where the Facility will be located, and accommodating the needs of future co-locators where possible. As stated, the Facility is designed to accommodate up to at least three additional commercial carriers, as well as public safety antenna equipment, which is expected to attenuate the likelihood of a proliferation of towers in this area. *See Exhibit AT&T 5C* (Site Plans).

P. Historic Sites (10 V.S.A. §6086(a)(8))

The Project will not have an undue adverse impact on any historic sites. Based on a preliminary review of the area conducted by CBRE, Inc. Telecom Advisory Services, no historic properties or historic districts were identified within a ½-mile area of potential effect for the proposed Project. *See Exhibit AT&T 5J*.

Q. Necessary Wildlife Habitat and Endangered Species (10 V.S.A. §6086(a)(8)(A))

As set forth in the preliminary NEPA Screening Report, Exhibit AT&T 5J, CBRE identified the Project site of having the potential to affect one threatened / endangered species: the northern long-eared bat. CBRE has submitted the determination to the Vermont Fish and Wildlife Department ("VFWD") for review, but has not yet heard back. We expect that, as is typical with

most 248a new tower projects, VFWD will determine that because the Project's proposed clearing is less than 1% of the forest cover within 1 mile of the Project site, the Project falls below the clearing threshold for mitigation of impacts to potential summer habitat for this species. AT&T will ensure that a similar determination holds for the Site as part of its NEPA compliance.

R. Development Affecting Public Investments 10 V.S.A. §6086(a)(9)(K)

The Facility will be situated on public property owned by the GISD. AT&T will be paying rental income to GISD for use of the public property, and will accommodate other commercial and public safety collocators. The Town will be paid a license fee for use of the stump dump parcel for the Access Road. Accordingly, the Project will have a positive impact on public investments.

Moreover, insofar as AT&T and the federal government has made a substantial investment in the implementation of FirstNet, the introduction of FirstNet service for first responders, together with the corresponding improvements for commercial service in the area, will improve the overall safety and reliability of telecommunications in this area of the State.

S. Public Health and Safety (30 V.S.A. §248a(c)(1))

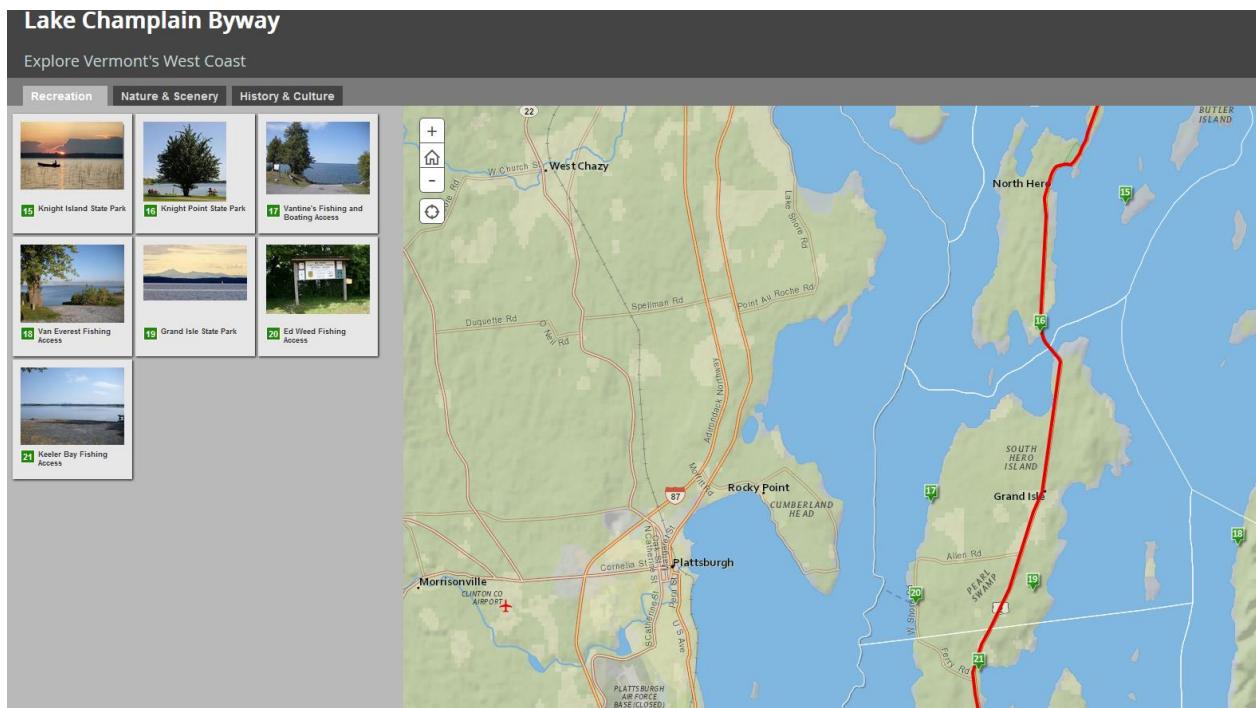
The Project will not have an undue adverse impact on public health and safety. The Tower will be designed to meet the structural criteria as set forth in the Electronics Industry Alliance / Telecommunications Industry Association Standard 222-G applicable to towers and other antenna support structures for all classes of communications service. The Tower is thus capable of supporting the Antennas as well as future collocators.

The Town of Grand Isle Zoning Bylaws contains a provision requiring that "the minimum distance from the base of any tower to any property line is not less than 100% of the total elevation of the tower, including antenna or equipment." Zoning Bylaws, Appendix D, §I(3). See Exhibit AT&T 5M, p. 82. The Tower will not be compliant with the setback in terms of distance from properties to the north and east, as well as U.S. Route 2. However, the Tower will be designed with a break point to collapse upon itself, thereby avoiding any likelihood of danger posed to the GISD headquarters or the travelling public in the unlikely event of a tower collapse. The properties to the north and west are wooded areas with no noted public access. No residential properties are located within 180' of the Tower; moreover, apart from residences along Allen Road and U.S. Route 2, the greatest concentration of residences are situated roughly a 1/2 mile east of the site on Champlain Boulevard and East Shore Road, separated from the proposed Project by woodlands.

Beyond structural considerations, the Facility will also comply with FCC standards regarding radiofrequency emissions, as demonstrated by the Radio Frequency Safety Survey Report Prediction ("MPE") attached at Exhibit AT&T 5L. The Report assumes a "worst case scenario" for radiofrequency emissions, using maximum power for all antennas. The Report shows that the Project's maximum emissions will not exceed 0.02% of the maximum permissible exposure limit for General Population and Uncontrolled Access.

T. Public's Use and Enjoyment of Scenic Highways, Roads or Byways

The Project will not have an undue adverse effect on the public's use and enjoyment of the I-89 or I-91 scenic corridors, as it is not situated within range of either highway. Most of U.S. Route 2 through Grand Isle has been designated as part of the Lake Champlain Scenic Byway pursuant to 19 V.S.A. § 25. AT&T recognizes that the scenic elements of a designated byway such as U.S. Route 2 serves a vital public function. Nevertheless, the National Scenic Byways Program is designed to ultimately address “a three-way tension [that] exists on many Vermont roads between the resident, the business user, and the tourist.”² The program encourages development in byway communities to produce economic benefits in addition to aesthetic ones. The Program does not preclude any development on properties alongside the roadway – private or public – but rather is intended to promote economic growth and development in a balanced manner.³ It is critical for both public safety and economic development that motorists and other visitors enjoying the Byway have reliable wireless service and access to e-911 if the economic development component of the Program is to be met.⁴



The Interactive Lake Champlain Map on the Byway's website marks several points along Route 2 in Grand Isle as scenic, as shown on the adjacent map, including Knight Point State Park, Vantine's Fishing and Boating Access, Van Everest Fishing Access, Grand Isle State Park, Ed Weed Fishing Area, and Keeler Bay Fishing Area. All of these locations are included among the

² See Byways Program Manual at 3 (See http://www.vermont-byways.us/sites/byways/files/pdf/organizers_info/BywayProgramManual.pdf).

³ Byway Manual at 9; see also 19 V.S.A. § 2505.

⁴ As a concrete example, one of the items offered on the Lake Champlain Byway website is a “Mobile Story App for Android & iPhone (free)”. See <https://lakechamplainbyway.com/news/>. This app – designed to improve the user's appreciation of the scenic and economic elements of the byway — cannot be reliably accessed by AT&T users or those roaming on the AT&T network from U.S. Route 2 absent the proposed service improvements achieved through the Project.

photo locations investigated as part of the balloon test conducted on January 9, 2020 and included with Exhibit AT&T 5E—see locations 22-26. In all cases, AT&T confirmed absence of visibility of the Tower from any of the identified locations.

Moreover, the Project will improve the use and enjoyment of local roads and U.S. Route 2 by providing first responders in Grand Isle County with access to the FirstNet network, which provides uninterrupted data / voice access during emergencies. As previously stated, the location was identified by the Vermont Public Safety Broadband Network as a critical area to provide service for first responders due to the relatively high volume traffic along the highway, particularly during summer months. The Project will also improve AT&T wireless coverage in the area, as shown on the propagation maps included with Exhibit AT&T 5H.

VI. Municipal Impacts: Town Plan and Compliance, 30 V.S.A. § 248a(c)(2)

a. Town Plan

The Town Plan for the Town of Grand Isle, Vermont, adopted on February 6, 2017 (the “Town Plan”) (Exhibit AT&T 5M), recognizes that “[a]ccess to high speed Internet and cellular phone service are important not only to the quality of life for residents of Grand Isle, but for economic development as well.” Town Plan at 27. The Town Plan sets goals of achieving full broadband access Town-wide, with a choice of cost-effective providers, and to achieve uninterrupted cell phone service throughout Town. *Id.* The Town also recognizes the importance of reliable telecommunications services as an important economic development tool and lists as a key objective to “[s]upport the maintenance of and/or upgrade to reliable telecommunications services that attract commercial development, such as broadband internet and cell phone service. *Id.* at 71.

The AT&T Project is consistent with the Town Plan insofar as expanding wireless broadband service into unserved areas of the Town, both for AT&T customers as well as FirstNet subscribers. The Facility will eliminate service interruptions along U.S. Route 2, while also allowing for collocation by at least three additional commercial carriers, which will help ensure competition in wireless service for the greater community.

b. Memorandum of Understanding and Municipal Recommendation

A major consideration for the location and design of the Project concerns the MOU entered into between the Town, AT&T, and GISD, included as Exhibit AT&T 5N. Consistent with the MOU, AT&T conducted an extensive investigation, and determined that the GISD Property will fulfill its coverage objectives for providing improved service in the area. Pursuant to the MOU, AT&T agreed to withdraw its advance notice for a 140’ facility at 41 Lover’s Lane in Grand Isle, subject to various conditions, including successful completion by AT&T of its environmental and title-based due diligence, reaching agreement with Sheriff Ray Allen of GISD as to a suitable location on the Property, entering into a lease agreement with GISD, and securing a recommendation from the Town of Grand Isle Selectboard.

The Town’s recommendation is set forth in Exhibit AT&T 5P. Although the recommendation contains various conditions, each of those have since been fulfilled, including:

1. Site plan drawings with natural resource details to avoid wetlands (see Exhibit AT&T 5C);
2. Design of the tower to collapse onto itself to address the setback from U.S. Route 2 (see discussion in Section IV(S), above));
3. Confirmation of absence of impacts on scenic points along the Lake Champlain Scenic Byway (see discussion in Section IV(T), above); and
4. Confirmation that additional height above 140' is needed for adequate coverage and capacity, as well as collocation potential (see discussion in Section IV(O)(c), above).

AT&T has also withdrawn its advance notice in Case 19-3273-AN, and has no plans to proceed with any tower development in the vicinity of Lover's Lane.

VII. Regional Impacts: Regional Plan and Recommendation, 30 V.S.A. § 248a(c)(2)

a. Regional Plan

The Northwest Regional Plan 2015-2023, adopted July 29, 2015 (amended June 28, 2017) (the "Regional Plan") (Exhibit AT&T 5P), sets forth a goal to "[d]evelop and maintain a high-quality, affordable telecommunication infrastructure that provides the most efficient and effective as well as least obtrusive system possible." Regional Plan at 31 & 35. The Regional Plan identifies a goal stating that "[c]onsolidation of new telecommunications facilities on existing sites is preferred over the development of new sites, [with new] telecommunications equipment and towers [to] be sited in the least obstructive and least ecologically sensitive areas possible." Regional Plan at 35. The Regional Plan policies seek to ensure that telecommunications infrastructure fits within the character of the area. *Id.* The Regional Plan also includes a subchapter focusing on disaster resilience, which "is the ability of a community to respond and adapt to natural and human-caused disasters." Regional Plan at 99.

b. Recommendation

In response to a letter from the Senior Planner related to Case 19-3273-AN, AT&T responded to several concerns raised by the Northwest Regional Planning Commission in Section D of its Advance Notice (enclosed with the Certification of Compliance), including but not limited to a review of the sensitive areas along the Lake Champlain Scenic Byway.

In response to AT&T's submittals during the Advance Notice period, the Northwest Regional Planning Commission issued a letter dated February 18, 2020, enclosed as Exhibit AT&T 5R, determining that project conforms with the Regional Plan and does not have a substantial regional impact.

VIII. Reasonability of Co-location (30 V.S.A. § 248a(c)(3))

AT&T's proposed Facility cannot be co-located on or at an existing telecommunications facility. AT&T has identified no existing facilities in the area that would facilitate co-location and allow the company to meet its coverage objectives—namely, providing service along U.S. Route 2 as

well as to users on secondary roads in the area, as well as portions of Lake Champlain and other water bodies. *See Exhibit AT&T 5H.* In total, over 20 other locations – both existing structures and “new build” sites — were evaluated in the process of evaluating the best means to address wireless service improvements in the area.

IX. Compliance with Existing Permits (30 V.S.A. § 248a(d))

There are no existing telecommunications-related permits encumbering the Property; however, the Property is subject to Act 250 LUP 6G0563 pertaining to the industrial park subdivision. Though most of the conditions are not pertinent to a tower project, AT&T has sought to conform the color of the Tower and Antennas as closely as possible to other colors (i.e., earth tone colors) consistent with Condition 12, to avoid any lighting, and to use the slats on the Compound fence to screen the compound from public view.

X. Compliance with Notice Requirements

A list of the names and addresses of all adjoining property owners is included with the Petition at Tab 3, and the locations of their properties are shown on the Site Plan (Exhibit AT&T 5C), and including to account for use of the Town-owned “stump dump” parcel to the north of the Property. As described in the “Certification of Advance Notice” included as Tab 2, AT&T has complied with the advance notice requirements under Section 248a and the Procedures Order. A copy of the Advance Notice is being included behind Tab 2.