DRM Downs Rachlin Martin PLLC
Business Sense · Legal Ingenuity

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December 30, 2020

To: Parties Entitled to Notice Pursuant to 30 V.S.A. § 248a(e) and Procedures Order

Re: AT&T: Wireless Communications Facility at 45 Fisher Road, Fairfax, Vermont 05444
AT&T Site Name: Fairfax (Fisher Road, VT1055)
60-DAY ADVANCE NOTICE

Dear Recipient:

New Cingular Wireless PCS, LLC d/b/a AT&T ("AT&T") proposes to construct and install a new communications support structure and wireless communications facility (as described below, the "Facility" or "Project") on property located at 45 Fisher Road, Fairfax, Vermont (the "Property" or "Site"), on land owned by Vermont Transco, LLC ("VELCO"). The Project will be adjacent to the existing VELCO electric transmission substation that is located on the same Property. Downs Rachlin Martin PLLC ("DRM") represents AT&T in connection with the Project. Pursuant to 30 V.S.A. § 248a, this letter is intended to provide 60 days advance notice that AT&T intends to submit to the Vermont Public Utility Commission ("PUC") a petition for approval to construct the Facility at the Site.

This advance notice is supported with several exhibits found at the following Project website: https://drm.com/news/fairfax-vt-fisherrd-att-telecom.

Exhibit A to this notice is a statement that itemizes the rights and opportunities available to municipal representatives and planning officials pursuant to 30 V.S.A. §§ 248a(c)(2), (e)(2), (m), (n), (o), and (p). This notice is being filed electronically with the PUC via its ePUC system to distribute to the Vermont Agency of Natural Resources, the Vermont Department of Public Service, the Vermont Division for Historic Preservation, and the Vermont Agency of Transportation. Exhibit B is a letter of authorization from VELCO authorizing AT&T to proceed with the permitting process.

In addition to the above-mentioned provisions, Section 3 of Act 125 of 2020 provides that a municipal legislative body or a planning commission may request a 30-day extension to the original notice period for a total 90-day advance notice period, provided that the notice is filed during the state of emergency due to the COVID-19 pandemic.

AT&T's petition will be 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"). The Procedures Order, as well as more information concerning review of communications projects under 30 V.S.A. § 248a, is available at the PUC's office in Montpelier and on its website: http://puc.vermont.gov/.

I. Background re: FirstNet

The Project is primarily being undertaken for improvement of AT&T service for its customers and for subscribers to the federal First Responder Network Authority ("FirstNet"). FirstNet is a federal agency with responsibility for creating and optimizing the NPSBN—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 the NPSBN 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, all of which was highlighted by the 9/11 Commission's Report.

AT&T is now using $25 million in federal funds, together with its own funds, to achieve the goals of a public-private partnership. AT&T will construct the NPSBN using FirstNet's Band 14 high-quality spectrum, together with AT&T's own wireless network. The Band 14 signal covers large geographic areas with less infrastructure to better support rural communities, while providing improved in-building coverage in more urban areas as compared to higher-MHz spectrum. Through a combination of new and existing wireless facilities, AT&T will provide prioritized, preemptive wireless services for first responders across Vermont, New England and nationwide, while also improving LTE coverage for AT&T customers.

The Project at 45 Fisher Road will allow AT&T to improve its coverage and capacity along VT Route 104 and VT Route 15 in Fairfax, as well as parts of Cambridge and Westford, while also supporting AT&T's deployment of the NPSBN for public safety. Propagation maps showing existing outdoor (-108 dbM) AT&T coverage in Fairfax, Cambridge, and Westford before and after the proposed Project is installed are included as Exhibit C with this Advance Notice. The new site in Fairfax is shown on the maps as VT1055SD. Other existing sites along VT Route 108 in Cambridge (VTL06475, VTL06434, and VTL06474), as well as a new collocated facility proposed for Junction Hill in Cambridge (VT6313SA), are also shown on the maps.

II. Project Description

The proposed Facility at the Property will generally consist of the following components:

A. A 180' above ground level ("AGL") self-support stealth monopine communications tower (capped with a 7' tree crown for a total height of 185' AGL), with a matte brown paint for the pole and faux branches beginning at approximately 100' (the "Tower");

B. Six (6) panel antennas (2 per sector), each measuring approximately 96" x 21", all to be installed at a centerline height of 176' AGL, with nine (9) remote radio head units ("RRUs") and two (2) surge arrestors to be installed behind the panel antennas;

C. A walk-in operating equipment cabinet measuring 6' x 6', mounted on a 8' 6" x 8' 6" concrete pad (the "WIC");

D. A 20-kilowatt diesel emergency backup generator with self-contained diesel fuel source to be located on a 5' x 4' concrete pad near the WIC (the "Generator");

E. A 50' x 50' fenced compound with a 10'-wide double swing access gate to enclose the Tower, WIC, and Generator, while providing space for future wireless telecommunications installations (the "Compound");

F. A 630' long by 12' wide extension of the existing access drive from the end of Fisher Road circling the existing substation to the Compound; (the "Access Road");

G. Utilities (power and telephone lines) running underground from an existing utility pole on the Property situated west of the Compound; and

H. Ancillary improvements consisting of an ice bridge, a GPS antenna, a utility backboard, and other equipment and appurtenances located within and around the Compound, all to be used in connection with operation of the Facility.

Each feature of the Facility is described and depicted in more detail on the Site Plan attached as Exhibit D. The Facility is being designed to allow for co-location by additional wireless carriers in the future. The Project is expected to result in 11,700 square feet of permanent earth disturbance in total, and 22,000 square feet of clearing. Given the height of the Tower associated with the Project, the Project does not qualify as a project of limited size and scope for purposes of Section 248a. 30 V.S.A. §248a(b)(4)(A).

III. Process for Review of Communications Facilities under 30 V.S.A. § 248a

Pursuant to 30 V.S.A. § 248a, the PUC may grant a certificate of public good for construction or installation of one or more telecommunications facilities that are to be interconnected with other telecommunications facilities proposed or already in existence if, after review of the project, the PUC finds that the facilities will promote the general good of the state consistent with the policies aimed at providing improved telecommunications technology to all Vermonters articulated by 30 V.S.A. § 202c(b).

Among the criteria considered by the PUC in evaluating each facility under 30 V.S.A. § 248a is whether the project is consistent with the recommendations of selectboards, municipal planning commissions and regional planning commissions. In turn, those recommendations can be based on municipal / regional plans, as well as telecommunications provisions in local zoning bylaws or a stand-alone ordinance. 30 V.S.A. § 248a(c)(2). Based on a review of the relevant municipal and regional planning documents, the Facility is consistent with the applicable substantive criteria.

A. Fairfax Town Plan.

The 2018-2026 Fairfax Town Plan (the "Town Plan") identifies the importance of "[i]mproving the broadband and cellular coverage in the Town, and makes it a priority to "[i]nvestigate and promote viable options for expanding communications infrastructure (broadband internet access and cellular service. Town Plan at 9 & 30. The Town also recognizes the importance of reliable telecommunications services as an important economic development tools and lists as a key objective Town Plan at 20. An excerpt from the Town Plan is shown below:

Fairfax Town Plan 2018-2026

Telephone & Cellular Services

There is only one local telephone provider, Fairpoint, and multiple providers for long-distance service. Cellular service has improved in recent years but dead areas still exist in areas of town.

Fairfax Today:	Fairfax Tomorrow:
Non-cellular service is acceptable and meets the needs of current customers.	Non-cellular service can meet the needs of new customers.
Cellular service is spotty in Town and additional infrastructure is needed to ensure town-wide coverage	Cellular service providers can meet the needs of new customers however, as noted with existing conditions; additional infrastructure is needed to expand service.

The AT&T Project is thus consistent with the Town Plan insofar as expanding wireless broadband service into unserved areas of the Town where service is poor, both for AT&T customers as well as first responders subscribing to FirstNet. The Facility will eliminate service interruptions along Vermont. Route 104, while also allowing for collocation by at least three additional commercial carriers, which will help ensure competition in wireless service for the greater community, achieving the goal set forth above.

B. Fairfax Development Regulations

The Town of Fairfax Development Regulations, effective September 5, 2011, last amended September 19, 2016 (the "Regulations"), allow wireless telecommunications facilities as a conditional use in all zoning districts. Regulations tbl 2.2. New or expanded telecommunications facilities are normally subject to conditional use review under Regulations § 3.1, as well as the standards applicable to wireless telecommunications facilities set forth in Regulations § 6.9. As discussed below, the Project is in general compliance with the substantive requirements of the Regulations.

1. Section 3.1(D): Conditional Use Review Standards

CAPACITY OF COMMUNITY FACILITIES (criterion 1). The Project will not cause an unreasonable burden on the Town's ability to provide municipal or governmental services, including educational services. The Project will not utilize water, sewer or solid waste disposal facilities, and will not affect demands on recreational or school facilities. Police, fire protection and ambulance services are currently available in this area for the VELCO substation, and will not be unreasonably burdened by the Facility. Moreover, FirstNet service improvements in the area will benefit local first responders.

CHARACTER OF THE AREA (criterion 2). The Project will not have an undue adverse effect on the character of the area. The Facility is an appropriate low-impact use within the Conservation District, and is in character with the existing substation located on the Property, particularly as compared with other locations. AT&T's proposed Tower features a stealth monopine design intended to blend with forests on the Property, and take advantage of the hillside backdrop, all to be confirmed in the upcoming balloon test

(please see part IV below). AT&T is not proposing to employ any lighting for the Tower that would disturb the nighttime skies.

HEALTH, SAFETY, & WELFARE (criterion 3). The Project will not create a nuisance or hazard that is detrimental to the public. The Compound will be surrounded by an 8'-tall chain link fence in order to deter unauthorized entry and provide a security barrier. The AT&T Facility will not generate undue noise. The only noise associated with the Facility will be Generator "start tests" that will take place roughly once a week for a half hour. The Generator would otherwise only run during a prolonged outage. In addition, the Facility will comply with FCC standards regarding radiofrequency emissions. The Facility will be marked with proper warnings on the Compound fence indicating the presence of such emissions. AT&T proposes to install only such signage as is required pursuant to Federal Communications Commission ("FCC") guidelines. Finally, the Tower will be designed to support the Project and meet the designed 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.

RENEWABLE ENERGY RESOURCES (criterion 4). The Project will have no effect on renewable energy resources.

ADJOINING PROPERTIES (criterion 5). The Project will not prevent the reasonable use of adjacent properties, as residences in the area have been built adjacent to the substation, and the use of the Property in connection with the Project will be consistent with uses at the VELCO substation today. In addition, the Facility will not result in significant increases in traffic, or generate substantial amounts of noise or other impacts.

TRAFFIC (criterion 6). The Facility will not have an undue adverse effect on traffic and roads in the vicinity. The Project is expected to only generate a slight increase in traffic during construction. Post-construction traffic will have a negligible impact on roadways in the area. The AT&T Facility will be unmanned and will not generally require more than one to two monthly visits by maintenance personnel.

GENERAL & SPECIFIC USE STANDARDS (criterion 7). The Project is consistent with the applicable General Provisions outlined in Articles 5, 6 and 7, including the construction standards applicable to telecommunications facilities under Regulations § 6.9. The Project also complies with the planning and design standards set forth in Article 7.

The lower portions of the Facility will be screened from adjoining properties. 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.

The Project also complies with the relevant performance standards in Regulations § 5.6. The only noise associated with the site will be Generator "start tests" described above. The only lighting at the Facility will be on the Shelter behind the fence, designed to activate only upon entry into the Compound. The Project will not generate any wastes streams or pose any undue hazard to other property owners. Finally. The Project will operate within the safety limits for radiofrequency emissions, as established by the FCC Guidelines.

SCALE AND CHARACTER (criterion 8). The Project is compatible with the existing scale and character of the area. The Facility is an appropriate low-impact use on a Property already used for utility purposes, and does not require municipal and sewer infrastructure. Existing uses, infrastructure, and development on the Property will help minimize the visual disruption to the area.

STRIP DEVELOPMENT (criterion 9). The Project does not increase the appearance of strip development on roads, as the Project is located behind existing forested areas on the property.

2. Construction Standards (§ 6.9):

SPECULATION (criterion 1). The Facility is not being built on speculation, as AT&T is a licensed wireless communications service provider.

HEIGHT OF TOWER (criterion 2). The Tower, including the crown, will be 185' tall, while the nearest tree has been determined to be approximately 75' tall. Consequently, the Facility extends more than 20' above the treeline. Nevertheless, additional height is permissible under the Regulations where necessary to provide adequate coverage or to allow for co-location of facilities. AT&T submits that the proposed elevation is necessary to provide adequate capacity and coverage for users in Fairfax, Cambridge and Westford, while also facilitating co-location of up to three additional wireless carriers in the area.

SETBACK DISTANCES (criterion 3). The Tower will be setback approximately 137' from the nearest property boundary. In addition, the Tower will be designed to Vermont Building Code standards to avoid a collapse.

LIGHTING (criterion 4). AT&T is not proposing to employ any lighting for the Tower, and no lighting is required for the Tower. The only lighting proposed at the Facility will be on the AT&T Shelter behind the fence, consisting of a single, downward-tilted, motion-activated light, designed to activate only upon entry into the Compound.

REMOVAL (criteria 5, 10, and 11). AT&T is obligated under its operative agreements to remove the Facility should it be abandoned or cease to operate.

RADIOFREQUENCY EMISSIONS (criterion 6). The AT&T Facility will comply with FCC standards regarding radiofrequency emissions.

SIGNAGE (criterion 7). AT&T proposes to install only such signage as is required under FCC guidelines.

CO-LOCATION (criteria 8 and 9). The Facility cannot reasonably be co-located on an existing tower since AT&T had been unable to identify any existing or approved permanent towers in the area of sufficient height to allow AT&T to achieve its coverage objectives in this general area. In addition, no alternative structure such as a water tank, high-rise building, silo, or other non-tower structure has been identified in the area that could achieve comparable coverage to the proposed Project. The proposed Facility will provide an opportunity for future co-location by at least three additional carriers, eliminating the need for additional towers in this area in the future.

3. Section 6.9(F): Additional Conditional Use Criteria

SCENIC VIEWS (criterion 1). The Project will not unreasonably interfere with the view from any parks, scenic vistas, historic districts, or view corridors. To assess the visual effect of the Tower, AT&T has created a viewshed analysis attached as Exhibit E showing the areas where the balloon is projected to be visible. As described below, AT&T plans to conduct a balloon test to produce Photographic Simulations that will be made available for review by the public.

Although there are no locally or state designated scenic roads in the Town of Fairfax, the Facility will be visible from some sections of Route 104, which the Town Plan recognizes as having certain scenic qualities along the Lamoille River. Plan at 35. The location of the Facility is set back from Route 104, which will help minimize the visual disruption to the area. Deploying the stealth monopine design will also help mitigate the aesthetic impact of the Facility. The Facility is not located in the Fairfax Village Historic District.

AESTHETICS (criterion 4). The viewshed maps enclosed as Exhibit E, when coupled with the photographic simulations described below, are expected to demonstrate that the aesthetic effects will not be unduly adverse. AT&T has attempted to locate the Facility in an area that both ensures coverage along roadways and in areas of population concentration (i.e., in-building coverage), while also keeping in mind the need to avoid unreasonable interference with significant public views identified in the Town Plan. Existing uses, infrastructure, and development on the Property and in the area help minimize the aesthetic effect of the Project from surrounding area, while vegetation and topography will reduce the Facility's impact from certain vantage points outside the half to three-quarter mile area. AT&T will consider additional mitigation if warranted once the balloon test is complete. The Facility will not generate undue noise, for the reasons explained above.

C. Northwest Regional Plan.

The Plan for the Northwest Region 2015-2023 adopted July 29, 2015 (amended June 28, 2017) (the "Regional Plan"), 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 if 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.

The Project will advance the Regional Plan's goals by increasing access to high quality wireless telecommunications in Fairfax and its neighboring communities. By collocating the Project adjacent to the existing VELCO substation, it is more appropriate to the existing character of the area than any other identified location. Use of the stealth monopine design further mitigates aesthetic impacts.

The Project will directly advance these goals by improving public access to reliable, high quality broadband service without adversely impacting the County's scenic and environmental qualities. The Project will also promote the general good of the state, consistent with 30 V.S.A. § 202c(b), insofar as the

Project will improve AT&T's wireless service and capacity in Fairfax, while making available the FirstNet network to the area's first responders.

IV. Notice of Scheduled Balloon Test

To assess the visual effects of the Project, AT&T has scheduled a balloon test at the site of the proposed Site on **Tuesday, January 5, 2021 from 9:00am–1:00pm**, with a backup date of Wednesday, January 6, 2021 at the same times. The balloon will be flown to a height of 180' feet and will be photographed from public areas in Town, which will then be used to generate photographic simulations of the Facility from various vantage points within two miles of the Site, based on the publicly-accessible areas of visibility on the viewshed analysis shown in Exhibit E. These photographic simulations will be available for viewing during the 60-day advance notice period, and prior to submission of the certificate of public good petition.

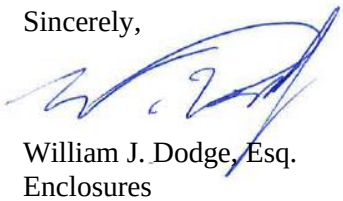
Due to the variable weather conditions in Vermont that can affect the balloon test, the exact date of the test will need to be verified by AT&T's consultant. Please visit the Project website—https://drm.com/news/fairfax-vt-fisherrd-att-telecom—for up-to-date details regarding the test and to review the visual materials once prepared, or check with municipal/regional planners for additional information.

V. Opportunity to Comment; Contact for More Information

As a recipient of this notice, you or your organization will be notified when the petition is filed with the PUC, which will be at least 60 to 90 days, and no longer than 180 days, from the date the PUC receives this notice. During the advance notice period, should you have any questions relating to the Project, please direct all inquiries and/or comments to Jeffrey DelliColli at (603) 560-5020 or email to jdellicolli@clinellc.com . I can be reached at the telephone number and/or email provided in the letterhead above.

Once AT&T's petition has been accepted for filing by with the PUC, any interested person may submit comments and/or seek to intervene in the proceeding within 30 days of the receipt of the notification that the petition has been filed, as further outlined in the links to the PUC siting guidance referenced on Exhibit A. Thank you in advance for your attention to this important project.

Sincerely,



William J. Dodge, Esq.
Enclosures

cc: Service List
Jennille Smith and Jeff DelliColli, Centerline Communications (via electronic mail)

MUNICIPAL AND REGIONAL REPRESENTATIVES / OFFICIALS

Via Email Fairfax Selectboard Attn: Steve Cormier, Chair c/o Amy Sears, Admin Assistant to Selectboard 12 Buck Hollow Road Fairfax VT, 05454 Email: sbchair@fairfax-vt.gov sboffice@fairfax-vt.gov	***Via Email*** Fairfax Planning Commission c/o Amber Soter, Zoning Administrator 12 Buck Hollow Road Fairfax VT, 05454 Email: zoning@fairfax-vt.gov
Via Email Northwest Regional Planning Commission Attn: Catherine Dimitruk, Executive Director 75 Fairfield Street St. Albans, VT 05478 Email: CDimitruk@nrpcvt.com	

LANDOWNER AND ADJOINING LANDOWNERS (*VIA U.S. MAIL ONLY*)

Site SPAN: 210-068-10003 ***Email Only*** Parcel ID: FS0045 Vermont Transco LLC c/o Ben Campbell, Airosmith 366 Pinnacle Ridge Road Rutland, VT 05701 Email: ben@airosmithdevelopment.com	SPAN: 210-068-10009 (across road) Parcel ID: AN0025 Robert J Anderson 25 Anderson Road Cambridge, VT 05444
SPAN: 210-068-10008 (across road) Parcel ID: AN0021 Jodi Raymond & Jason Tilton 21 Anderson Road Cambridge, VT, 05444	SPAN: 210-068-10662 Parcel ID: MA0112 Russell R. & Karen Bushey 112 Main Street Cambridge, VT 05444
SPAN: 210-068-10425 Parcel ID: FS0010 a & b James Anderson Life Estate Jeremy & Cynthia Anderson 10 Fisher Road Cambridge, VT 05444	SPAN: 210-068-11650 Parcel ID: FS0022 Jeremy & Cynthia Anderson 22 Fisher Road Cambridge, VT 05444

SPAN: 210-068-10426 Parcel ID: FS0036 Robert L. & Jane M. Fisher Revocable Trust 36 Fisher Road Cambridge, VT 05444	SPAN: 210-068-10004 Parcel ID: AI0035 Charles J Platt & Bonny F Downing 35 Allen Irish Road Cambridge, VT 05444
SPAN: 210-068-10006 Parcel ID: AI0057 Roger P. & Melissa A. Fisher 57 Allen Irish Road Cambridge, VT 05444	
Westford SPAN: 720-229-10709 Map ID: 03AI002 Michel Bechard & Phyliss A. Scott PO Box 136 Fairfax, VT 05454	

STATE OFFICIALS

Vermont Public Utility Commission (***via ePUC***)	Vermont Agency of Transportation (***via ePUC***)
Vermont Agency of Natural Resources (***via ePUC***)	Vermont Division for Historic Preservation (***via ePUC***)
Vermont Department of Public Service (***via ePUC***)	