

STATE OF VERMONT  
PUBLIC UTILITY COMMISSION

Case No. 21 - \_\_\_\_\_ - PET

**De Minimis Application** of Bell Atlantic Mobile Systems, )  
LLC d/b/a Verizon Wireless, for a Certificate of Public Good,) )  
pursuant to 30 V.S.A. § 248a, authorizing the co-location )  
of telecommunications equipment on an existing silo )  
in East Montpelier, Vermont )

Order entered:

**I. INTRODUCTION**

In this Order, the Vermont Public Utility Commission ("Commission") approves the application filed by Bell Atlantic Mobile Systems, LLC, d/b/a Verizon ("Applicant"), pursuant to 30 V.S.A. § 248a, and the Commission's Amended Procedures Order ("Procedures Order"),<sup>1</sup> and grants the Applicant a certificate of public good ("CPG") authorizing co-location of wireless telecommunications equipment on an existing silo in the Town of East Montpelier, Vermont (the "Project").

**II. BACKGROUND**

This case involves a petition and prefiled testimony filed by the Applicant on February 4, 2021, requesting that the Commission issue a CPG, pursuant to 30 V.S.A. § 248a, authorizing co-location of wireless telecommunications equipment on an existing silo in the Town of East Montpelier, Vermont. The Applicant is seeking approval for the project as *de minimis* modifications to an existing support structure, pursuant to §248a(b)(2).

On \_\_\_\_\_, 2021, the Department of Public Service (the "Department") filed a letter with the Commission recommending that the Commission issue an order approving the petition without additional hearings or investigation.

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<sup>1</sup> Amended Order implementing standards and procedures for issuance of a certificate of public good for communications facilities pursuant to 30 V.S.A. 248a; Order issued September 21, 2018.

No statutory party has objected to the classification of the Project as *de minimis* and no other comments regarding the petition have been filed with the Commission.

The Commission has determined that the petition and prefiled testimony have effectively addressed the applicable substantive criteria of 30 V.S.A. § 248a. Consequently, we find that the procedure authorized by § 248a is sufficient to satisfy the public interest, and no hearings are required.

### **III. FINDINGS**

Based upon the application and its accompanying documents, the Commission makes the following findings in this matter:

1. Verizon proposes to co-locate wireless telecommunications equipment on an existing Harvestore farm silo (“Silo”) at 141 Lyle Haven Road in East Montpelier. Verizon’s ground-mounted equipment will be housed on an equipment platform (“Platform”) located between the north and south wings of the barn (“Barn”) to which the Silo is attached. As shown on Sheet C-2 of the permit plans attached as Exhibit LH-1, the Platform will be located within the footprint of the Barn. Verizon has received the Silo owner’s permission to file this application. Verizon refers to this project as “Montpelier East”, and its location is described as follows:

- Montpelier East is located on the Silo at the farm located at 141 Lyle Haven Road in East Montpelier. The coordinates of Montpelier East are latitude 44°15’37.94” North and longitude 72°29’25.91” West.

2. Verizon proposes to mount a total of nine (9) panel antennas (“Antennas”), nine (9) Remote Radio Heads (“RRHs”) and one (1) OVP Distribution Box (“Distribution Box”), with supporting equipment and cabling, on the exterior of the 90.9’ above ground level (“AGL”) Silo. The Antennas and RRHs will be mounted in three (3) sectors of three (3) each. The centerline of the Antennas, RRHs and Distribution Box will be approximately 83’ AGL, and the Antennas will extend to approximately 86’ AGL, which is below the top of the Silo. The RRHs and Distribution Box will be mounted beside the Antennas. See Exhibit LH-1, Sheet C-3. The aggregate visible surface area of that equipment is 53.69 square feet as detailed in the chart on Sheet C-6 of Exhibit LH-1. Full and accurate specifications of the proposed Antennas, RRHs and Distribution Box are detailed in Exhibit MM-1.

3. Verizon has obtained a structural analysis showing the capability of the Silo to hold Verizon's equipment. Exhibit LH-2.

4. Verizon proposes to locate its telecommunications equipment on the 9' by 15' elevated Platform located between the north and south wings of the Barn. As shown on Sheet C-2 of Exhibit LH-1, the Platform will be located within the footprint of the Barn. The Platform will be covered by a canopy. The Platform will also house a 20 KW diesel-fueled emergency generator ("Generator").

5. Co-axial, fiber, electric, and hybrid fiber cables from the Antennas will be routed through a cable tray on the exterior of the Silo to the ground. From that point, those cables will run underground to the equipment on the Platform. From that equipment, these cables will again run underground to the nearest utility pole.

6. The Project does not increase the height of the Silo. The topmost point of the Antennas will be 4.9' below the top of the Silo. The Antennas, RRHs and Distribution Box will not extend horizontally more than 10' from the Silo. Verizon will place its Platform between the two wings of the Barn within the footprint of the Barn. The Project does not increase the width of the support structure or the facility by more than 10'.

7. The aggregate visible surface area of the faces of the Antennas, RRHs and Distribution Box will be 53.69 square feet.

8. The Project will result in 135 square feet of additional impervious surface area.

#### **IV. DISCUSSION and CONCLUSION**

Pursuant to 30 V.S.A § 248a(b)(2), the Amended Procedures Order defines a *de minimis* modification as:

the addition, modification, or replacement of telecommunications equipment, antennas, or ancillary improvements on a telecommunications facility or existing support structure..., or the reconstruction of such facility or support structure, provided:

(a) the height and width of the facility or support structure, excluding equipment, antennas or ancillary improvements, are not increased;

(b) the total amount of impervious surface, including access roads, surrounding the facility or support structure is not increased by more than 300 square feet;

(c) the addition, modification, or replacement of an antenna or any other equipment on a facility or support structure does not extend vertically more than 10 feet above the facility or support structure and does not extend horizontally more than 10 feet from the facility or support structure;

(d) the additional equipment, antennas, or ancillary improvements on the support structure, excluding cabling, does not increase the aggregate surface area of the faces of the equipment, antennas, or ancillary improvements on the support structure by more than 75 feet.

Pursuant to the Procedures Order at Section II:

For the purpose of this definition, where the proposed ancillary improvements will be installed on, within, or at the base of a building, the ancillary improvements may be excluded from the aggregate surface area calculation in subsection (d) provided that: (1) the ancillary improvements comply with the limitations in subsection (c) measured from the outer walls of the building (for width) and the highest existing element of the building (for height); (2) the aggregate surface area of the antennas and equipment other than ancillary improvements does not exceed 75 square feet; and (3) any other additions, modifications, or replacements associated with the facility otherwise comply with subsections (a) and (b).

Further, pursuant to § 248a(k) and Section VIII of the Procedures Order, regarding *de minimis* modifications:

**If no objections to the classification of the project are timely filed with the Commission, a CPG shall be issued without further proceedings.**

The proposed Project will consist of the co-location of telecommunications equipment on and in a silo and within the footprint of a barn that will not, excluding equipment, antennas and ancillary improvements, increase the height or width of the support structure or the facility, and will result in only 135 square feet of additional impervious surface area. The aggregate visible surface area of the faces of the Antennas, RRHs and Distribution Box to be installed on the Silo is 53.69 square feet. No Antenna, RRH or Distribution Box will extend vertically more than 10' from the top of the Silo. No Antenna, RRH or Distribution Box will extend more than 10' horizontally from the Silo. Therefore, the Project qualifies as a "*de minimis* modification" to an existing facility pursuant to 30 V.S.A. § 248a(b)(2). Further, no objections to the classification of the Project as a *de minimis* modification have been filed with the Commission.

Based upon all of the above evidence, the public interest is satisfied by the procedures authorized in 30 V.S.A. § 248a and the proposed Project will promote the general good of the State.

**V. ORDER**

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Utility Commission of the State of Vermont that:

1. The co-location of wireless telecommunications facilities at the location specified in the above findings, by Bell Atlantic Mobile Systems, LLC, d/b/a Verizon (“Verizon”), in accordance with the evidence and plans submitted in this proceeding, will promote the general good of the State of Vermont in accordance with 30 V.S.A. §248a(a) and a certificate of public good to that effect shall be issued in this matter.

2. As a condition of this Order, the Petitioners shall comply with all terms and conditions set out in the CPG issued in conjunction with this Order.

*Signatures on next page*

Dated at Montpelier, Vermont, this \_\_\_ day of \_\_\_\_\_, 2021.

_____	)	PUBLIC UTILITY COMMISSION OF VERMONT
_____	)	
_____	)	
_____	)	

OFFICE OF THE CLERK

FILED: \_\_\_\_\_

ATTEST: \_\_\_\_\_

Clerk of the Commission

*NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Commission (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: puc.clerk@vermont.gov)*

*Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Commission within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Commission or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Commission within ten days of the date of this decision and order.*

**STATE OF VERMONT  
PUBLIC UTILITY COMMISSION**

Case No. 20 - \_\_\_\_\_ - PET

**De Minimis Application** of Bell Atlantic Mobile Systems, )  
LLC d/b/a Verizon Wireless, for a Certificate of Public Good,) )  
pursuant to 30 V.S.A. § 248a, authorizing the co-location )  
of telecommunications equipment on an existing silo )  
in East Montpelier, Vermont )

Order entered:

**CERTIFICATE OF PUBLIC GOOD ISSUED  
PURSUANT TO 30 V.S.A. SECTION 248a**

IT IS HEREBY CERTIFIED that the Vermont Public Utility Commission ("Commission") this day found and adjudged that the proposed installation of telecommunications equipment ("Project") by Bell Atlantic Mobile Systems, LLC and Cellco Partnership, each d/b/a Verizon, on an existing silo and within the footprint of a barn located at 141 Lyle Haven Road in East Montpelier, Vermont will promote the general good of the State, subject to the following conditions:

1. Operation and maintenance of the Project shall be in accordance with the plans and evidence submitted in this proceeding. Any material or substantial change in the Project is prohibited without prior Commission approval. Failure to obtain advance approval from the Commission for a material deviation or substantial change from the approved plans may result in the assessment of a pursuant to 30 V.S.A. §§ 30 and 247.
2. The Project shall comply with all applicable existing and future statutory requirements and Commission Rules and Orders.
3. The Certificate of Public Good shall not be transferred without approval of the Commission.

*Signatures on next page*

Dated at Montpelier, Vermont, this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_) )  
\_\_\_\_\_) ) PUBLIC UTILITY  
\_\_\_\_\_) )  
\_\_\_\_\_) ) COMMISSION  
\_\_\_\_\_) )  
\_\_\_\_\_) ) OF VERMONT  
\_\_\_\_\_) )

OFFICE OF THE CLERK

FILED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Clerk of the Commission

*NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Commission (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: [puc.clerk@vermont.gov](mailto:puc.clerk@vermont.gov))*