

STATE OF VERMONT  
PUBLIC UTILITY COMMISSION

Case No. 21-0820-PET

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Petition of Bell Atlantic Mobile Systems, LLC requesting a certificate of public good, pursuant to 30 V.S.A. § 248a, authorizing the installation of wireless telecommunications equipment at 141 Lyle Haven Road, East Montpelier, Vermont	
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Order entered: 03/19/2021

**ORDER GRANTING CERTIFICATE OF PUBLIC GOOD**

**I. INTRODUCTION**

In this Order, the Vermont Public Utility Commission (“Commission”) approves the application filed on February 4, 2021, by Bell Atlantic Mobile Systems of Allentown, Inc. and Cellco Partnership, each d/b/a Verizon Wireless (the “Petitioners”), pursuant to 30 V.S.A. § 248a and the Commission’s Amended Standards and Procedures Order (“Procedures Order”),<sup>1</sup> and grants the Petitioners a certificate of public good (“CPG”) authorizing modifications to an existing structure in East Montpelier, Vermont (the proposed “Project”).

**II. BACKGROUND**

This case involves a petition and prefiled testimony filed on February 4, 2021, requesting that the Commission issue a CPG approving *de minimis* modifications to the existing structure, pursuant to 30 V.S.A. § 248a(b)(2). Pursuant to § 248a(k), notice of the Project was provided to the host property owner, the Vermont Department of Public Service (“Department”), and the legislative body of the host municipality.

On March 8, 2021, the Department filed comments on the Project. The Department recommends that the Commission approve the petition without further hearings or investigation.

No other comments on the application were received by the Commission.

No party has requested an evidentiary hearing or objected to the prefiled testimony and exhibits. The Commission has determined that the petition and prefiled testimony have

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<sup>1</sup> *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*, Order issued September 21, 2018.

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. Accordingly, the following prefiled testimony and exhibits are admitted as if presented at a hearing: affidavit and prefiled testimony of Louis Hodgetts and exhibits 1-3; and the affidavit and prefiled testimony of Maria Montrose and exh. 1.

### **III. FINDINGS**

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

1. The Project involves modifications to an existing barn and attached silo at 141 Lyle Haven Road in East Montpelier, Vermont. Hodgetts pf. at 1-2.
2. The Project involves the installation of nine panel antennas, of varying sizes, at a centerline height of 83' on the existing 94' silo. The Project also involves the installation of a 9' by 15' elevated platform with equipment cabinet and generator, and operating and associated ancillary equipment. The platform will not extend from the barn structure. Hodgetts pf. at 2-3; exh. LH-1.
3. The antennas and equipment will not extend above the structure and will extend a maximum of approximately 2' horizontally from the structure. The net increase in aggregate surface area of the faces of the antennas and equipment to be attached to the structure is approximately 54 square feet. Hodgetts pf. at 5; exh. LH-1.
4. The Project, excluding equipment, antennas, or ancillary improvements, does not increase the height or width of the existing structure. The Project will increase the amount of impervious surface at the site by 135 square feet. Findings No. 2 and 3, above, and Hodgetts pf. at 5.

### **IV. DISCUSSION AND CONCLUSION**

Pursuant to 30 V.S.A. § 248a(b)(2), *de minimis* modification means:

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 square feet.

Pursuant to the Procedures Order at Section II:

For purposes 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 modifications to an existing structure that, excluding equipment, antennas, or ancillary improvements, will not increase the height or width of the structure, and will create less than 300 square feet of impervious surfaces surrounding the structure. The net increase in aggregate surface area of the faces of the antennas attached to the existing structure will not exceed 75 square feet, and the antennas will not extend vertically or horizontally from the structure by more than 10 feet. Therefore, the Project qualifies as “*de minimis* modifications” to an existing structure pursuant to § 248a(b)(2). Further, no objection to the classification of the Project as *de minimis* modifications has 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 modifications to the structure at the location specified in the above findings, by Bell Atlantic Mobile Systems of Allentown, Inc. and Cellco Partnership, each d/b/a Verizon Wireless, 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.



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