

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 24-0097-PET

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 410 Hunter Park Road in Manchester, Vermont	
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DEPARTMENT OF PUBLIC SERVICE COMMENTS

On January 12, 2024, Bell Atlantic Mobile Systems, LLC d/b/a Verizon Wireless and Vertex Towers LLC (together “Petitioner” or “Verizon”), filed an application with the Vermont Public Utility Commission (“Commission”), pursuant to 30 V.S.A. § 248a, for approval to construct a telecommunications tower (“Project”) on a plot of land located at 410 Hunter Park Road in Manchester, Vermont (“Facility”). The Facility will consist of a 140’ monopole tower with an equipment shelter on the ground inside a fenced compound with associated equipment and appurtenances. The Commission deemed the Petition administratively complete on January 24, 2024. The Facility will be located on a plot owned by Northshire Civic Center.

Based on the application, supporting testimony, and accompanying exhibits, the Petitioner proposes the following:

1. Construction of a 140’ monopole tower;
2. Construction of a 12’ by 20’ equipment platform with an ice canopy;
3. Placement of an emergency generator in the 12’ x 20’ platform inside the fenced compound with either diesel stored underneath the generator, or a propane tank situated on top of a 11’ x 4’ concrete pad within the compound;
4. Creation of a 50’ x 50’ fenced compound;

5. Installation of six (6) antennas measuring 72” x 11.9” with the highest antenna extending to 140’;
6. Installation of three (3) MMUs at 135’ above ground level;
7. Installation of six (6) remote radio head units placed behind antennas;
8. Installation of one (1) OVP distribution box measuring approximately 25.8” x 15.9” and mounted at 135’ above ground level; and
9. Installation of ancillary improvements, equipment, and appurtenances necessary to the completion of the Project.

The Vermont Department of Public Service (the “Department”) has reviewed the Petitioner’s application and concludes that the Project qualifies as limited size and scope under 30 V.S.A. § 248a(b)(4)(A). The new telecommunications facility, including ancillary improvements, does not exceed 140’ in height. The Project will permanently disturb less than 10,000 square feet of earth and will comply with the requirements of the *Low Risk Handbook for Erosion Prevention and Sediment Control*. The Petitioner submitted information explaining why colocation is not an option for the proposed telecommunications equipment. Petitioner also submitted maps showing existing cell towers and estimating the additional coverage capacity from the Project to demonstrate the need for a new tower rather than colocation. The Department has reached out to the Petitioner regarding the possibility of colocation on either of two Equinox Mountain towers.

Five members of the public submitted comments opposing the project. The Town of Manchester Selectboard filed a comment on January 24, 2024, recommending that the Commission deny the petition for failure to comply with the town plan, citing to Manchester’s Land Use Ordinance, which: prohibits telecommunications towers entirely and construction

taller than 130' within the Project's district; requires colocation on existing facilities wherever possible; and recommends locating telecommunication towers away from public view along main streets wherever possible. "Unless there is good cause to find otherwise" recommendations regarding municipals plans from municipal legislative bodies are owed substantial deference.¹ Such recommendations may be based on duly adopted municipal ordinances or bylaws.²

The Department requests that the Commission grant Petitioner the opportunity to: (1) further explain its inability to collocate on either of the Mount Equinox towers, or other nearby towers, and respond to the Manchester Selectboard's assertion that "Petitioner's application does not meet the standard set forth in Section 7.1.9 [of Manchester's land use ordinance]"³; and (2) detail any reasoning supporting good cause to overcome the substantial deference owed to Manchester's recommendation.

DATED at Montpelier, Vermont this 23rd day of February 2024.

VERMONT DEPARTMENT OF PUBLIC SERVICE

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¹ 30 V.S.A § 248a(c)(2).

² *Id.*

³ *See generally* 30 V.S.A. § 248a(c)(3) [which details the statutory standard petitioners must meet to show a proposed facility cannot be collocated at an existing facility].