

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

CASE NO. 24-3345-PET

PETITION OF BELL ATLANTIC MOBILE SYSTEMS, LLC
AND VERTEX TOWERS, LLC REQUESTING A CERTIFICATE
OF PUBLIC GOOD, PURSUANT TO 30 V.S.A. SECTION
248a, AUTHORIZING THE INSTALLATION OF WIRELESS
TELECOMMUNICATIONS EQUIPMENT AT 410 HUNTER PARK
ROAD IN MANCHESTER, VERMONT --

April 11, 2025
9:30 a.m.

Via videoconference

Scheduling Conference held before the
Vermont Public Utility Commission, via videoconference, on
April 11, 2025, beginning at 9:30 a.m.

P R E S E N T

HEARING OFFICER: Gregg C. Faber, Utilities Analyst

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1 HEARING OFFICER FABER: Good morning.
2 This is a scheduling conference in Case No.
3 24-3345-PET, petition of Verizon Wireless and Vertex
4 Towers requesting a CPG authorizing construction of a
5 telecom facility in Manchester, Vermont.

6 My name is Gregg Faber. I'm a hearing
7 officer with the Vermont Public Utility Commission.
8 Let's start by taking appearances. We can start with
9 you, Mr. Swain.

10 MR. SWAIN: Hi everyone. Michael Swain
11 here for the Department of Public Service.

12 HEARING OFFICER FABER: Thank you. Ms.
13 Bent.

14 MS. BENT: Good morning. Merrill Bent
15 for the Town of Manchester. It says Bennington.
16 That's the wrong town.

17 HEARING OFFICER FABER: Oh, yeah.
18 Okay. Gotcha. And there is a few other people on
19 here, but I'm assuming they are just watching. And
20 then you, Mr. Hayes.

21 MR. HAYES: Yes. Cooper Hayes here on
22 behalf of Bell Atlantic.

23 HEARING OFFICER FABER: Okay. Thank
24 you.

25 MS. BENT: I fixed my name.

1 HEARING OFFICER FABER: Oh, yeah.

2 There you go. Nice. Okay.

3 So I have a -- oh, so let me just go
4 through this web-based hearing stuff. Parties have
5 agreed to conduct this proceeding remotely. I'll
6 remind you you should keep your -- you know, I'm not
7 going to mute anybody's microphone, so keep yourself
8 on mute unless you're speaking. Whenever you do
9 begin speak, identify yourself for the record so the
10 court reporter knows who you are.

11 If you have a technical issue, just
12 contact the clerk of the court.

13 So I see that we have a stipulated
14 schedule. Seems like everyone's on board with that.
15 Just raise your hand if you're not on board.

16 (No response)

17 HEARING OFFICER FABER: Okay. Good.
18 So it's a little sparse, folks. I've got to say that
19 it's very -- it's a sparse schedule. I don't see --
20 I don't see these types of schedules often. So it
21 says parties shall have until July 15 of this year to
22 conduct discovery.

23 What is the -- is that the deadline for
24 responses to discovery or what is that? What does
25 that mean? Mr. Hayes, maybe you can elucidate me.

1 MR. HAYES: Looks like Merrill wanted
2 to jump in there, and I won't stop her.

3 MS. BENT: From my perspective, I think
4 that was just the date by which all discovery would
5 be complete.

6 HEARING OFFICER FABER: Okay.

7 MS. BENT: But if you are interested,
8 it sounds like perhaps you're interested in having a
9 more detailed schedule with stating, you know, the
10 request for written discovery will be this date and
11 the responses will be this date. And we could build
12 it out a little bit more.

13 But I think from, at least from the
14 Town's perspective, we have good communication with
15 the other parties, and I think we are kind of on the
16 same page about the fact that there is not going to
17 be a lot of discovery. So --

18 HEARING OFFICER FABER: Okay.

19 MS. BENT: From our perspective, happy
20 to create more detail if it's helpful. I don't
21 anticipate a lot of consternation among the parties
22 in terms of figuring out schedules and figuring out
23 what our respective needs are.

24 HEARING OFFICER FABER: Okay. So I'm
25 going to say that July 15 is the deadline for all

1 parties to respond to discovery; is that correct?

2 MS. BENT: That would be fine. I think
3 that what I would be a little bit more comfortable
4 with perhaps is response deadlines to be by rule.
5 But that the July 15 date is the time frame for
6 everybody to be completely done with whatever
7 discovery they want to do. And I think that --

8 HEARING OFFICER FABER: Well --

9 MS. BENT: It sounded like the -- you
10 look puzzled.

11 HEARING OFFICER FABER: Yeah, I am. So
12 usually what we have is a start date for discovery.

13 MS. BENT: Sure.

14 HEARING OFFICER FABER: You know, each
15 -- so, you know, non-petitioners do discovery. They
16 submit and file discovery on X date. Petitioner
17 responds by X date. Petitioner turns around. There
18 is discovery. Non-petitioner's response. I would
19 like to see something like that.

20 MS. BENT: Okay.

21 HEARING OFFICER FABER: Because this is
22 just a little loose. I understand you guys are
23 working well together, I don't want to spoil that. I
24 think that's great. But there is just not enough
25 detail here for me in case a dispute does arise.

1 MS. BENT: Yeah.

2 HEARING OFFICER FABER: I really don't
3 have much of a framework here to say, yeah, you were
4 supposed to file that by this date.

5 MS. BENT: That's fine. I mean I can
6 do -- I can build it out. I can help the other
7 parties build it out to something that's more in line
8 with what we typically do in other proceedings.

9 HEARING OFFICER FABER: Right. And the
10 Department should have a good template for that type
11 of schedule. And again, it doesn't have to be more
12 detailed than it is, but I would like dates for
13 things --

14 MS. BENT: Okay.

15 HEARING OFFICER FABER: -- when
16 something starts and when something ends.

17 MS. BENT: Okay.

18 HEARING OFFICER FABER: As far as the,
19 you know, submitting unavailable dates, that doesn't
20 work for me either. Just give me an approximate
21 week, and then as that date gets closer for the
22 evidentiary hearing, as that date gets closer, folks
23 can certainly say: Look, I'm on vacation that week.
24 Can we move it? Can we move it to a certain day in
25 that week?

1 So just give me something I could put
2 in a schedule knowing that it can be changed later.
3 Because this is not going to be until October,
4 November, December of, you know, later in the year.
5 So just give me an approximate -- give me like the
6 week of November 1. You know, something like that.
7 It doesn't have to be terribly specific, but just
8 give me a week of.

9 That makes it a little bit easier for
10 the court reporter, for the clerk, and gives a little
11 bit of certainty as to when this thing is going to
12 conclude. So does that make sense -- like could you
13 -- can parties submit that within a week? Is that
14 good enough or --

15 MS. BENT: Yeah. I mean as long as we
16 all recognize that by giving you a whole week it
17 could be, you know, a whole week of possibility.
18 With so many people if you schedule something, who
19 knows if it's going to be -- if we are going to have
20 to request a change.

21 HEARING OFFICER FABER: I imagine with
22 only these limited number -- with this limited number
23 of parties, one day would be sufficient.

24 MS. BENT: Yeah.

25 HEARING OFFICER FABER: Given my

1 experience with many cases like this, typically does
2 not go past a day even when you have several parties.

3 MS. BENT: That's not what I mean. I
4 just mean if we are giving a week range without
5 giving unavailable dates, that it might require some
6 jockeying around.

7 HEARING OFFICER FABER: Oh, yeah.

8 MS. BENT: Yeah. Okay.

9 HEARING OFFICER FABER: And definitely
10 there will be flexibility on our part to change that
11 week, to change the days. But just give me some sort
12 of -- even if it's a two-week period. You know, just
13 something, something sort of specific.

14 So how much time do you need to send in
15 an amended stipulated schedule?

16 MS. BENT: A week is fine with me. I
17 don't know how --

18 HEARING OFFICER FABER: So by next
19 Friday.

20 MS. BENT: Sure.

21 HEARING OFFICER FABER: Okay. So I'll
22 look for that next Friday. And then the next step
23 will be for me to issue a scheduling order, basically
24 taking that schedule, putting it on a piece of paper,
25 making it official. And I'll send that out, you

1 know, through the electronic system to all the
2 parties. And then we will start.

3 MS. BENT: Great.

4 HEARING OFFICER FABER: Everybody good
5 with that?

6 MS. BENT: Yes. Sorry. I'm just
7 writing that.

8 HEARING OFFICER FABER: Seeing no
9 objections, anything else we need to speak about
10 today? Yeah, Mr. Hayes.

11 MR. HAYES: Just briefly want to put on
12 the record here that of course we are participating
13 and furthering this timeline in the hope that this
14 brings about a resolution here. I just have to say
15 it's tough to be in a position, the Petitioner, and
16 have this application be pending as long as it has
17 been. So we are hoping that we are all working
18 towards a productive resolution, and that certainly
19 the more expeditious of a timeline we can
20 accommodate, obviously subject to everyone else's
21 availability, that is what we, as the Petitioner, are
22 looking for. Just want to put that out there.

23 HEARING OFFICER FABER: Yup. Yup.
24 Understandable. Anything else we need to discuss
25 today?

(No response)

HEARING OFFICER FABER: All right.

Thank you folks. We are adjourned.

(Whereupon, the proceeding was
adjourned at 9:40 a.m.)

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C E R T I F I C A T E

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2
3 I, Kim U. Sears, do hereby certify that I
4 recorded by stenographic means the Scheduling Conference
5 re: Case No. 24-3345-PET, via videoconference, on April
6 11, 2025, beginning at 9:30 a.m.

7 I further certify that the foregoing
8 testimony was taken by me stenographically and thereafter
9 reduced to typewriting and the foregoing 11 pages are a
10 transcript of the stenograph notes taken by me of the
11 evidence and the proceedings to the best of my ability.

12 I further certify that I am not related to
13 any of the parties thereto or their counsel, and I am in
14 no way interested in the outcome of said cause.

15 Dated at Williston, Vermont, this 15th day
16 of April, 2025.

17
18
19  Kim U. Sears
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