

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

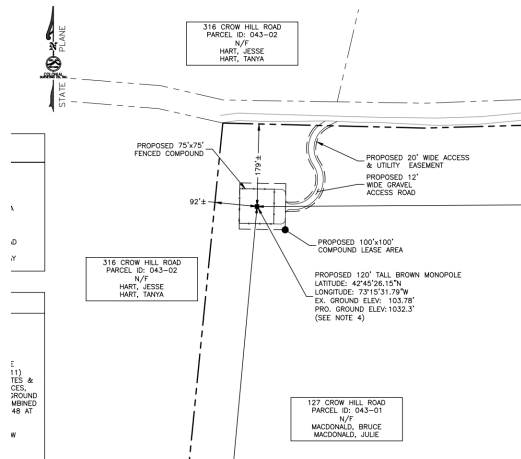
Case No. 25-0257-PET

Petition of Rising Tide Towers II, LLC
pursuant to 30 VSA §248a requesting a
Certificate of Public Good for an installation
of a wireless telecommunications facility in
Pownal, Vermont

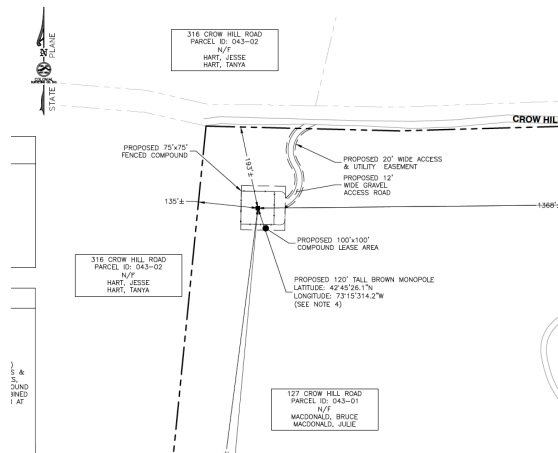
INTERVENORS' MOTION
FOR ORDER to PETITIONER TO CONDUCT BALLOON FLOAT

Intervenors Tanya and Jesse Hart hereby Move that this Commission ORDER the Petitioner to conduct a Balloon Float at the newly proposed location of their tower, with ample notice to Intervenors and all parties, and of ample duration to allow observation and photographing of same. Intervenors also are filing, contemporaneously with this motion, a Motion to Amend Schedule to request a site visit, for the same reasons recounted herein.

In support of this Motion, the Harts state that on April 23, 2025, Petitioner filed a Motion for Leave to Amend Petition. In that Motion, Petitioner represented that “there is no change to the proposed facility’s location on the subject property.” *Petitioner’s Motion for Leave to Amend Petition, p. 2*. Petitioner submitted an *Attachment 1* to their Motion, which indicated the location of the proposed tower as indicated in this screenshot from that attachment:



Petitioner’s revised site plans, RTT-TR-17, filed May 22, 2025, however, show that Petitioner has indeed moved the location of the tower, as evident in this screenshot from this filing:



The distances from both adjacent property boundaries have changed by about 20’ or more from each property boundary. According to the topographical rendering found at RTT-TR-17 Sheet C-1, this places the base of the tower about 20’ *higher* in elevation than its prior location. That rendering is consistent with our personal knowledge and observation of the site.

This is not a typical telecommunications tower case where observers will see the tower

from some distance at an elevated height. The proposed site is in a steep, narrow little valley, with land rising sharply on both sides. Intervenors' home is on the rise opposite the tower site, at near distance; the top of the tower, bristling with antennae, will be directly outside, in full view at level height, of Intervenors' windows, front yard, and patio.

Petitioners represented to this Commission that they were not changing the location of the tower in their amendment. They then changed the location. With their "amendment" filing they also added the testimony and exhibits of two witnesses who had not filed testimony and exhibits in their original filing. In short, the "amendment" significantly changed both the Project and Petitioner's evidence from what it had been prior to the scheduling conference.

A balloon float, together with the site visit requested contemporaneously with this motion, are necessary for the Intervenors, the PUC and all interested parties to appropriately assess the impacts of this revised petition.

Dated at Pownal, Vermont this 30th day of May, 2025.

/s/ Jesse Hart
Jesse Hart

/s/ Tanya Hart
Tanya Hart